

Table of Contents

2024 Regular Session

Volume I

Chapters 1 - 152

CHAPTER 1 (HB 161, Branscum and others)	1
CHAPTER 2 (SB 5, Williams and others)	1
CHAPTER 3 (HB 18, Dotson and others)	2
CHAPTER 4 (HB 220, Neighbors and others)	3
CHAPTER 5 (SB 81, Wise)	6
CHAPTER 6 (HB 281, Meredith and others)	10
CHAPTER 7 (SB 143, Howell and others)	31
CHAPTER 8 (HB 2, Miles and others)	32
CHAPTER 9 (HB 446, Callaway and others)	32
CHAPTER 10 (SB 155, Westerfield)	37
CHAPTER 11 (HB 274, Bentley and others)	117
CHAPTER 12 (HB 159, Flannery and others)	121
CHAPTER 13 (HB 280, Pollock)	121
CHAPTER 14 (HB 357, Lewis and others)	125
CHAPTER 15 (HB 207, Dietz and others)	127
CHAPTER 16 (SB 158, Girdler)	132
CHAPTER 17 (SB 46, Elkins and Douglas)	135
CHAPTER 18 (SB 145, Adams and others)	136
CHAPTER 19 (SB 229, Wilson and others)	138
CHAPTER 20 (SB 194, Adams)	141
CHAPTER 21 (SB 174, Carpenter and others)	142
CHAPTER 22 (SB 164, Funke Frommeyer)	147
CHAPTER 23 (SB 162, Mills and others)	147
CHAPTER 24 (SB 125, Wheeler and others)	151
CHAPTER 25 (SB 14, Thomas and others)	154
CHAPTER 26 (SB 18, Deneen and Wilson)	157
CHAPTER 27 (SB 29, Storm and others)	158
CHAPTER 28 (HJR 56, Petrie and others)	164
CHAPTER 29 (SJR 140, Carroll)	167
CHAPTER 30 (HB 361, Clines and others)	168
CHAPTER 31 (HB 371, Williams and others)	172
CHAPTER 32 (HB 378, Gentry and others)	173
CHAPTER 33 (HB 401, Pollock)	173

CHAPTER 34 (HB 443, Rudy and others)	180
CHAPTER 35 (HB 447, Callaway and others)	180
CHAPTER 36 (HB 475, Imes and Chester-Burton)	185
CHAPTER 37 (HB 476, Elliott)	187
CHAPTER 38 (HB 495, Dixon)	188
CHAPTER 39 (HB 512, Koch and others)	194
CHAPTER 40 (HB 621, Heath and others)	196
CHAPTER 41 (SB 1, Stivers and Funke Frommeyer)	196
CHAPTER 42 (SB 139, McDaniel and Deneen)	198
CHAPTER 43 (HB 87, Blanton and others)	201
CHAPTER 44 (HB 293, Moser and others)	203
CHAPTER 45 (HB 375, Bridges)	205
CHAPTER 46 (HB 439, Koch and others)	207
CHAPTER 47 (HB 470, Duvall and others)	223
CHAPTER 48 (HB 492, Lockett and Fleming)	224
CHAPTER 49 (HB 528, Hart)	227
CHAPTER 50 (HB 554, Meredith)	229
CHAPTER 51 (SB 11, Schickel and others)	234
CHAPTER 52 (SB 45, Yates and others)	236
CHAPTER 53 (SB 255, Adams and Neal)	238
CHAPTER 54 (HB 17, Williams and Fister)	240
CHAPTER 55 (HB 99, Johnson)	240
CHAPTER 56 (HB 482, Dietz and others)	322
CHAPTER 57 (HB 493, Bratcher and Neighbors)	323
CHAPTER 58 (HB 635, Meade and Moser)	324
CHAPTER 59 (HB 715, Dietz and others)	329
CHAPTER 60 (HB 583, Lawrence and others)	331
CHAPTER 61 (HB 3, Miles and others)	331
CHAPTER 62 (HB 206, Dietz)	337
CHAPTER 63 (HB 551, Herron and others)	343
CHAPTER 64 (HB 602, Riley and others)	344
CHAPTER 65 (HB 695, Jackson and others)	357
CHAPTER 66 (HB 22, Pratt)	359
CHAPTER 67 (SB 319, Harper Angel and others)	360
CHAPTER 68 (SB 71, Wheeler and Higdon)	369
CHAPTER 69 (SB 111, Westerfield and Thomas)	378
CHAPTER 70 (SB 140, Wheeler)	387
CHAPTER 71 (SJR 175, Thayer and others)	387
CHAPTER 72 (HB 15, Branscum and others)	389
CHAPTER 73 (HB 30, Meredith and others)	400

CHAPTER 74 (HB 31, Frazier Gordon and others)	401
CHAPTER 75 (HB 52, Frazier Gordon and others)	402
CHAPTER 76 (HB 88, Meredith and others)	409
CHAPTER 77 (HB 130, McPherson and others)	415
CHAPTER 78 (HB 137, Bratcher and others)	419
CHAPTER 79 (HB 167, Dixon)	419
CHAPTER 80 (HB 194, Moser and others)	422
CHAPTER 81 (HB 258, Witten and others)	424
CHAPTER 82 (HB 267, Bray and Petrie)	425
CHAPTER 83 (SB 17, Deneen and Yates)	427
CHAPTER 84 (SB 240, Armstrong and Thomas)	430
CHAPTER 85 (SB 151, Adams and others)	430
CHAPTER 86 (HB 456, Heavrin)	432
CHAPTER 87 (HB 491, Williams and others)	434
CHAPTER 88 (HB 561, Heavrin and others)	438
CHAPTER 89 (HB 505, Moser)	442
CHAPTER 90 (SB 280, Wheeler)	448
CHAPTER 91 (HB 29, Lewis and others)	451
CHAPTER 92 (HB 43, Hodgson and others)	453
CHAPTER 93 (HB 56, Fleming and others)	454
CHAPTER 94 (HB 57, Freeland and others)	472
CHAPTER 95 (HB 68, Banta and Elliott)	481
CHAPTER 96 (HB 100, Witten and others)	486
CHAPTER 97 (HB 115, Moser and others)	487
CHAPTER 98 (HB 166, Nemes and others)	495
CHAPTER 99 (HB 179, Heavrin and others)	496
CHAPTER 100 (HB 200, Bratcher and Wesley)	508
CHAPTER 101 (HB 248, Timoney and others)	530
CHAPTER 102 (HB 256, Pollock)	531
CHAPTER 103 (HB 833, Meade and others)	534
CHAPTER 104 (SB 188, Wise and others)	538
CHAPTER 105 (SJR 149, Smith and others)	554
CHAPTER 106 (HB 278, Lockett and others)	555
CHAPTER 107 (HB 595, Johnson and Bratcher)	566
CHAPTER 108 (HB 782, Lewis)	596
CHAPTER 109 (SB 127, Storm and others)	599
CHAPTER 110 (SB 50, West and others)	605
CHAPTER 111 (HB 11, Raymer and others)	609
CHAPTER 112 (SB 376, Elkins)	614
CHAPTER 113 (HB 478, Dixon and others)	641
CHAPTER 114 (SB 215, Carpenter and others)	641

CHAPTER 115 (SB 58, Boswell)	642
CHAPTER 116 (HB 109, Jackson and others)	645
CHAPTER 117 (HB 386, Duvall and others)	646
CHAPTER 118 (HB 825, Tipton and others)	648
CHAPTER 119 (SB 128, Givens and others)	649
CHAPTER 120 (HB 186, Meredith and Petrie)	651
CHAPTER 121 (SB 70, Wheeler and others)	656
CHAPTER 122 (HB 535, Duvall and others)	657
CHAPTER 123 (SB 199, Higdon)	658
CHAPTER 124 (SB 265, Deneen and West)	689
CHAPTER 125 (HB 477, Neighbors and others)	703
CHAPTER 126 (HB 727, Meredith)	703
CHAPTER 127 (HB 619, Wilson and others)	710
CHAPTER 128 (HB 533, Neighbors and others)	711
CHAPTER 129 (HB 498, Pollock)	712
CHAPTER 130 (HB 488, Meredith)	728
CHAPTER 131 (HB 471, Freeland and others)	730
CHAPTER 132 (HB 462, Bratcher and others)	731
CHAPTER 133 (HB 453, Johnson and others)	735
CHAPTER 134 (HB 444, Bratcher and Lewis)	737
CHAPTER 135 (HB 436, Dietz and Moser)	740
CHAPTER 136 (HB 418, Pollock and others)	741
CHAPTER 137 (HB 397, Koch and Bratcher)	744
CHAPTER 138 (HB 385, Moser and others)	744
CHAPTER 139 (HB 377, Banta and others)	748
CHAPTER 140 (HB 335, Massaroni and Rudy)	751
CHAPTER 141 (HB 333, Meade and others)	754
CHAPTER 142 (HB 323, Frazier Gordon and others)	755
CHAPTER 143 (HB 277, Nemes)	758
CHAPTER 144 (HB 271, Wilson and others)	771
CHAPTER 145 (HB 135, Bauman)	787
CHAPTER 146 (HJR 91, Petrie and others)	787
CHAPTER 147 (HJR 92, Petrie and others)	1025
CHAPTER 148 (HB 264, Petrie and others)	1082
CHAPTER 149 (HB 142, Hart and others)	1087
CHAPTER 150 (HB 472, Freeland and Chester-Burton)	1089
CHAPTER 151 (HB 712, Fleming and others)	1090
CHAPTER 152 (HB 726, Meredith)	1102

Volume II
Chapters 153 - 225

CHAPTER 153 (HB 266, Petrie and others)	1149
CHAPTER 154 (HB 752, Petrie and Fugate)	1443
CHAPTER 155 (HB 534, Duvall)	1443
CHAPTER 156 (HB 53, Hodgson and others)	1444
CHAPTER 157 (HB 320, Elliott)	1449
CHAPTER 158 (HB 596, Dixon and others)	1451
CHAPTER 159 (HB 586, Hale and Dotson)	1456
CHAPTER 160 (SB 20, Deneen and others)	1478
CHAPTER 161 (HB 553, Koch and others)	1479
CHAPTER 162 (HB 592, Smith and Blanton)	1482
CHAPTER 163 (HB 611, Bauman and others)	1484
CHAPTER 164 (HB 174, Raymer and others)	1488
CHAPTER 165 (SB 2, Wise and others)	1494
CHAPTER 166 (HB 8, Petrie and others)	1520
CHAPTER 167 (SB 16, Schickel and others)	1610
CHAPTER 168 (SB 65, West and Deneen)	1612
CHAPTER 169 (SB 198, Carroll)	1613
CHAPTER 170 (SB 259, Harper Angel)	1617
CHAPTER 171 (SB 299, Thayer)	1619
CHAPTER 172 (SB 349, Mills and others)	1748
CHAPTER 173 (HB 1, Petrie and others)	1756
CHAPTER 174 (HB 5, Bauman and others)	1769
CHAPTER 175 (HB 6, Petrie and others)	1804
CHAPTER 176 (HB 7, Bray and others)	1945
CHAPTER 177 (HB 44, Hodgson and others)	1961
CHAPTER 178 (HB 136, Bauman and others)	1963
CHAPTER 179 (HB 263, Petrie and others)	1966
CHAPTER 180 (HB 265, Petrie and others)	1968
CHAPTER 181 (HB 388, Nemes and others)	1978
CHAPTER 182 (HB 403, Meade)	1994
CHAPTER 183 (HB 513, Hale and others)	2027
CHAPTER 184 (HB 517, Meade)	2028
CHAPTER 185 (HB 563, Bray and others)	2037
CHAPTER 186 (HB 581, Upchurch and others)	2043
CHAPTER 187 (HB 622, Rudy and others)	2043
CHAPTER 188 (HB 723, Heath and others)	2044
CHAPTER 189 (HB 804, Flannery)	2082
CHAPTER 190 (HCR 81, Fleming and others)	2084

CHAPTER 191 (HB 13, Bowling and others)	2087
CHAPTER 192 (SJR 132, Stivers)	2093
CHAPTER 193 (HB 469, Fugate)	2094
CHAPTER 194 (SB 285, Wise)	2095
CHAPTER 195 (HB 829, Nemes and others)	2096
CHAPTER 196 (SB 191, Givens and others)	2166
CHAPTER 197 (SB 118, Meredith)	2171
CHAPTER 198 (SB 107, Higdon)	2171
CHAPTER 199 (SJR 170, Givens and others)	2196
CHAPTER 200 (HB 122, Flannery and Heavrin)	2197
CHAPTER 201 (SB 297, Storm)	2209
CHAPTER 202 (HB 272, Tate and others)	2209
CHAPTER 203 (SB 167, Tichenor and others)	2214
CHAPTER 204 (SB 249, Tichenor)	2224
CHAPTER 205 (HB 657, Bridges and McPherson)	2225
CHAPTER 206 (HB 40, McCool)	2225
CHAPTER 207 (SB 74, Funke Frommeyer and others)	2228
CHAPTER 208 (HB 169, Palumbo and others)	2251
CHAPTER 209 (HB 300, Clines and Williams)	2254
CHAPTER 210 (HB 499, McCool and others)	2257
CHAPTER 211 (HB 214, Hart and others)	2261
CHAPTER 212 (HB 779, Bridges)	2262
CHAPTER 213 (HB 190, Sharp)	2265
CHAPTER 214 (HB 354, Johnson)	2268
CHAPTER 215 (HB 449, Riley and others)	2278
CHAPTER 216 (SJR 179, Stivers)	2280
CHAPTER 217 (HB 484, Frazier Gordon and others)	2281
CHAPTER 218 (HB 459, Moser and others)	2283
CHAPTER 219 (HB 244, Dietz and others)	2294
CHAPTER 220 (SJR 58, Westerfield and Carroll)	2325
CHAPTER 221 (HB 387, Truett and others)	2329
CHAPTER 222 (HB 162, Tipton)	2330
CHAPTER 223 (SB 91, Higdon and others)	2342
CHAPTER 224 (HB 580, Decker and others)	2355
CHAPTER 225 (HB 147, Fleming)	2378

CHAPTER 1**(HB 161)**

AN ACT relating to elections and declaring an emergency.

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

➔Section 1. Notwithstanding KRS 118.125 or any other provision of law to the contrary, any candidate who has filed nomination papers for elected office on or before January 5, 2024, and whose precinct name or number has changed since November 8, 2023, following reapportionment and precinct establishment, shall not be disqualified under any action filed under KRS 118.176 or other statute, based solely on precinct name or number designation.

➔Section 2. Section 1 of this Act shall be retroactive to November 8, 2023.

➔Section 3. Whereas it is critically important to protect ballot access and the reliability of the electoral process following the change of certain precinct names or numbers since November 8, 2023, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor January 18, 2024.

CHAPTER 2**(SB 5)**

AN ACT relating to hunting and fishing licenses and declaring an emergency.

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

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

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

have the same privilege. Upon destruction of any wildlife by the above-specified individuals, the act shall be reported to a conservation officer within twenty-four (24) hours of the kill. Individuals wishing to transport the carcass from the property upon which it was killed shall contact personnel of the department to request a disposal tag or other authorization. Inedible parts from wildlife taken under the authorization of this section shall not be utilized for any purpose and shall be destroyed or left afield. The department shall promulgate administrative regulations establishing procedures for the designee appointment process, including request and approval deadlines.

- (8) If a reciprocal agreement is entered into by the commissioner, with the approval of the commission, and promulgated as an administrative regulation by the department and similar action is taken by the appropriate authority in Missouri, Tennessee, Virginia, West Virginia, Indiana, Ohio, or Illinois, persons holding a resident or nonresident fishing or a resident or nonresident hunting license issued in these states shall be permitted to perform the acts authorized by the license upon certain contiguous waters and land areas adjacent to the common boundaries of the above-mentioned states and the State of Kentucky. A resident of the State of Kentucky shall purchase a proper Kentucky license to conform with the reciprocal agreement.
- (9) Any member of the Kentucky Army or Air National Guard, active duty or Reserve Component, in any branch in the United States Armed Forces that is based in the Commonwealth of Kentucky, shall have the right to take fish or hunt on any military property belonging to the Commonwealth without procuring any sport hunting or sport fishing license.
- (10) A person not otherwise exempted from hunter safety education or from procuring any sport hunting or sport fishing license shall be exempt from the department-sanctioned live-fire exercise component of the hunter education course requirement if he or she:
 - (a) Is a current member of the Armed Forces of the United States;
 - (b) Has served in the Armed Forces of the United States and was discharged or released therefrom under conditions other than dishonorable; or
 - (c) Is a peace officer certified pursuant to KRS 15.380 to 15.404.

➔Section 2. Whereas it is critical to the wildlife management goals of the Commonwealth that farmland sport hunting and sport fishing license exemptions not be limited by the size of the farmland, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor February 29, 2024.

CHAPTER 3

(HB 18)

AN ACT relating to the rights of property owners and declaring an emergency.

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

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

A city, county, charter county government, urban-county government, consolidated local government, or unified local government shall not adopt or enforce an ordinance or regulation that prohibits any owner, lessee, sublessee, assignee, managing agent, or other person having the authority to lease, sublease, or rent a housing accommodation from refusing to lease or rent the housing accommodation to any person when the person's lawful source of income to pay rent includes funding from a federal housing assistance program.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

- (a) *"Emergency response" means a response by any first responder to a reported incident that is of such an emergent nature that jeopardizes or could jeopardize personal safety or result in the destruction of property;*

- (b) *"Emergency response fee" means any charge or fee, other than a membership charge or subscriber fee levied under KRS Chapter 273, imposed by a fire department, whether paid or volunteer, ambulance provider, law enforcement agency, or other organization to cover the costs associated with an emergency response, including but not limited to costs incurred for labor, materials, supplies or equipment used or provided in the response; and*
- (c) *"First responder" means fire, police, and emergency medical personnel.*
- (2) *No local government, special district, or other provider of any emergency response service shall submit any demand for payment or require an owner of property occupied by an individual other than the owner to pay any emergency response fee that arises out of the actions of another over which the owner has no control.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 383 IS CREATED TO READ AS FOLLOWS:

A city, county, charter county government, urban-county government, consolidated local government, or unified local government shall not adopt or enforce any ordinance relating to landlord or tenant laws that is in conflict with any law of this Commonwealth.

➔Section 4. Whereas it is important to ensure that the rights of property owners are respected, an emergency is declared to exist and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Veto Overridden March 6, 2024.

CHAPTER 4

(HB 220)

AN ACT relating to step therapy protocols.

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

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

- (1) As used in this section and KRS 304.17A-1631, unless the context requires otherwise:
 - (a) "Clinical practice guidelines" means a systematically developed statement to assist decision making by health care providers and patients about appropriate healthcare for specific clinical circumstances and conditions;
 - (b) "Clinical review criteria" means the written screening procedures, decision abstracts, clinical protocols, and clinical practice guidelines used by the insurer, health plan, pharmacy benefit manager, or private review agent to determine the medical necessity and appropriateness of health care services;
 - (c) "Health plan":
 - 1. Means any state-regulated policy, certificate, contract, or plan that offers or provides coverage in this state, by direct payment, reimbursement, or otherwise, for prescription drugs pursuant to a step therapy protocol, regardless of whether the protocol is described as a step therapy protocol; and
 - 2. Shall include but not be limited to a health benefit plan;
 - (d) "Pharmacy benefit manager" has the same meaning as in KRS 304.9-020;
 - (e) "Private review agent" has the same meaning as in KRS 304.17A-600;
 - (f) "Step therapy exception" means a determination that a step therapy protocol should be overridden in favor of immediate coverage of the health care provider's selected prescription drug; and
 - (g) "Step therapy protocol" means a protocol, policy, or program that establishes the specific sequence in which prescription drugs that are for a specified medical condition and medically appropriate for a particular insured are covered by an insurer or health plan.

- (2) (a) Except as provided in paragraph (b) of this subsection, clinical review criteria developed by an insurer, health plan, pharmacy benefit manager, or private review agent to establish a step therapy protocol shall be based on clinical practice guidelines that:
1. Recommend that prescription drugs be taken in the specific sequence required by the step therapy protocol;
 2. Are developed and endorsed by a multidisciplinary panel of experts that manages conflicts of interest among the members of the writing and review groups by:
 - a. Requiring members to:
 - i. Disclose any potential conflict of interests with entities, including insurers, health plans, and pharmaceutical manufacturers; and
 - ii. Recuse himself or herself from voting if the member has a conflict of interest;
 - b. Using a methodologist to work with writing groups to provide objectivity in data analysis and ranking of evidence through the preparation of evidence tables and facilitating consensus; and
 - c. Offering opportunities for public review and comments;
 3. Are based on high quality studies, research, and medical practice;
 4. Are created by an explicit and transparent process that:
 - a. Minimizes biases and conflicts of interest;
 - b. Explains the relationship between treatment options and outcomes;
 - c. Rates the quality of the evidence supporting recommendations; and
 - d. Considers relevant patient subgroups and preferences; and
 5. Are continually updated through a review of new evidence, research, and newly developed treatments.
- (b) In the absence of clinical practice guidelines that meet the requirements of paragraph (a) of this subsection, an insurer, health plan, pharmacy benefit manager, or private review agent may use peer-reviewed publications to establish step therapy protocols.
- (c) When establishing clinical review criteria for a step therapy protocol, an insurer, health plan, pharmacy benefit manager, or private review agent shall take into account the needs of atypical patient populations and diagnoses.
- (d) 1. An insurer, health plan, pharmacy benefit manager, or private review agent shall, upon written request, provide all specific written clinical review criteria relating to a particular condition or disease, including clinical review criteria relating to a step therapy exception determination.
2. The clinical review criteria and other clinical information shall be made available:
- a. On the insurer's, health plan's, pharmacy benefit manager's, or private review agent's ~~website~~~~Web site~~; and
 - b. To a health care professional on behalf of an insured upon written request.
- (e) Nothing in this subsection shall be construed to require an insurer, health plan, pharmacy benefit manager, or private review agent to establish a new entity to develop clinical review criteria used for step therapy protocols.
- (3) (a) When coverage of a prescription drug for the treatment of any medical condition is restricted for use by an insurer, health plan, private review agent, or a pharmacy benefit manager by a step therapy protocol, the insured and prescribing provider shall have access to a clear, readily accessible, and convenient process to request a step therapy exception.
- (b) An insurer, health plan, private review agent, or pharmacy benefit manager:
1. May use its existing medical exceptions process to satisfy the requirements of paragraph (a) of this subsection;

2. Shall make the step therapy protocol easily accessible on its ~~website~~[Web site]; and
 3. Shall, upon request, disclose all rules and criteria related to the step therapy protocol to all prescribing providers, including the specific information and documentation that must be submitted by a prescribing provider or insured to be considered a complete request for a step therapy exception.
- (4) (a) A step therapy exception request, or an internal appeal under KRS 304.17A-617 of a step therapy exception request denial, shall be granted by the insurer, health plan, private review agent, or the pharmacy benefit manager within forty-eight (48) hours if:
1. All necessary information to perform the step therapy exception review, or make the appeal determination, has been provided; and
 2. One (1) of the following apply:
 - a. The required prescription drug is:
 - i. Contraindicated or will likely cause an adverse reaction by physical or mental harm to the insured; or
 - ii. Expected to be ineffective based on the known clinical characteristics of the insured and the prescription drug regimen;
 - b. Based on clinical appropriateness, the required prescription drug is not in the best interest of the insured because the insured's use of the required prescription drug is expected to:
 - i. Cause a significant barrier to the insured's adherence to or compliance with the insured's plan of care;
 - ii. Worsen a comorbid condition of the insured; or
 - iii. Decrease the insured's ability to achieve or maintain reasonable functional ability in performing daily activities;
 - c. The insured has tried the required prescription drug while under the insured's current or a previous health plan, or another prescription drug in the same pharmacologic class or with the same mechanism of action, and the prescription drug was discontinued due to lack of efficacy or effectiveness, diminished effect, or an adverse event; or
 - d. The insured is stable on the prescription drug selected by the insured's health care provider for the medical condition under consideration while under a current or previous health plan.
- (b) If a request for a step therapy exception, or an internal appeal under KRS 304.17A-617 of a step therapy exception request denial, is incomplete or additional clinically relevant information is required, the insurer, health plan, pharmacy benefit manager, or private review agent shall notify the prescribing provider within forty-eight (48) hours of submission of the request or appeal:
1. That the request or appeal is incomplete; and
 2. What additional or clinically relevant information is required in order to approve or deny the step therapy exception.
- (5) If a step therapy exception request determination, notification under subsection (4)(b) of this section, or internal appeal determination under KRS 304.17A-617 of a step therapy exception request denial by an insurer, health plan, pharmacy benefit manager, or private review agent is not received by the prescribing provider within the time period specified in subsection (4) of this section, the step therapy exception request or internal appeal shall be deemed granted.
- (6) An insured or a provider may:
- (a) Initiate an internal appeal under KRS 304.17A-617 upon the denial of a step therapy exception request under this section; and
 - (b) Request an external review under KRS 304.17A-623 upon the denial of an internal appeal under paragraph (a) of this subsection.
- (7) An insurer, health plan, pharmacy benefit manager, or private review agent shall:

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

unless the requirement meets any of the criteria set forth in subsection (4)(a)2. of this section pursuant to a step therapy exception request submitted under subsection (4) of this section; ~~1. —~~
 - (b) ~~2. —~~ An insurer, health plan, pharmacy benefit manager, or private review agent from requiring a pharmacist to effect substitutions of prescription drugs consistent with KRS 217.814 to 217.896 and 304.17A-535; or
 - (c) ~~4. —~~ A health care provider from prescribing a prescription drug that is determined to be medically appropriate.

➔Section 2. The General Assembly finds that increased access to biosimilar medicines has the potential to significantly reduce prescription drug costs. Biosimilar medicines are approved according to the same United States Food and Drug Administration standards of pharmaceutical quality, safety, and efficacy as their reference medications. Therefore, it is the intent of this Act to eliminate barriers impeding access to biosimilar medicines and the savings they can provide.

Signed by Governor March 14, 2024.

CHAPTER 5

(SB 81)

AN ACT relating to higher education finance and declaring an emergency.

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

➔Section 1. KRS 164.746 is amended to read as follows:

- (1) The authority shall be governed, all of its powers shall be exercised, and its duties and functions shall be performed by a board of directors.
- (a) ~~Subject to paragraph (b) of this subsection,~~ Voting members of the board shall consist of **ten (10)** ~~1. —~~ ~~Seven (7)~~ members who shall be appointed from the general public residing in the Commonwealth of Kentucky by the Governor from nominees submitted by the Governor's Postsecondary Education Nominating Committee under KRS 164.005; ~~and~~

- ~~2. Eight (8) members of the board of directors of the Kentucky Higher Education Student Loan Corporation appointed by the Governor pursuant to KRS 164A.050(3)(a)1., who shall serve terms of office on the authority board of directors coextensive with their respective terms of office on the Kentucky Higher Education Student Loan Corporation board of directors.~~
- (b) ~~[Upon resignation or expiration of the term of an appointed member of the board of the authority or the Kentucky Higher Education Student Loan Corporation, that member's position shall be abolished to reduce the combined number of appointed members of the boards of the authority and the Kentucky Higher Education Student Loan Corporation to ten (10) members.~~
- ~~(e)~~ In addition, the president of the Council on Postsecondary Education, the president of the Association of Independent Kentucky Colleges and Universities, the State Treasurer, the commissioner of education, and the secretary of the Finance and Administration Cabinet, or their designees who shall be another official of the same cabinet or agency, shall serve as voting ex officio members.
- ~~(c)~~~~(d)~~ The term of office of appointed members shall be four (4) years. Each member shall serve for the term for which he *or she* is appointed and ~~[, except as provided in paragraph (b) of this subsection,]~~ shall serve until his *or her* successor is appointed.
- (2) ~~[Subject to paragraph (b) of subsection (1) of this section,]~~ Appointments to fill vacancies on the board shall be made in the same manner as regular appointments. The person appointed shall hold the position for the unexpired portion of the term only.
- (3) The board shall elect from its voting membership a chair, chair-elect, and secretary-treasurer who shall each serve for a term of one (1) year. At the conclusion of the chair's term of office, the chair-elect shall become the chair for the succeeding year and the board shall elect from its voting membership a new chair-elect.
- (4) Board members, except officers or employees of the state, shall receive compensation for their services, in the amount of one hundred dollars (\$100) per day, and may be reimbursed for actual and necessary expenses incurred in the performance of their duties under KRS 164.740 to 164.785.
- (5) The board shall provide for the holding of regular meetings and special meetings.
- (a) A majority of the voting members shall constitute a quorum for the transaction of any business, special meetings shall be called by the chair in accordance with KRS 61.823, and either the chair or the chair-elect shall be present for the transaction of any business.
- (b) In lieu of personal attendance by members of the board ~~[of directors]~~ at the same location, the board ~~[of directors]~~ may conduct meetings by teleconference or other available technological means suitable for conducting its business. Meetings of the board shall be open and accessible to the public in accordance with KRS 61.805 to 61.850, and any alternate method of conducting a meeting in lieu of personal attendance shall ensure public access.
- (6) The board shall adopt bylaws and policies governing its internal affairs and the conduct of its business, and shall adopt administrative regulations pursuant to KRS Chapter 13A, not inconsistent with law, in connection with the administration of the authority's programs and the performance of its functions and duties.
- (7) The board may:
- (a) Appoint such officers and employees as necessary and may fix their compensation, and shall prescribe their duties notwithstanding personnel limits established by KRS 18A.010 or the biennial budget and its related documents; and
- (b) Adopt the provisions of KRS 45A.345 to 45A.460, pursuant to KRS 45A.343.

➔ Section 2. KRS 164A.050 is amended to read as follows:

- (1) There is hereby created and established an independent de jure municipal corporation and political subdivision of the Commonwealth of Kentucky which shall be a body corporate and politic to be known and identified as the Kentucky Higher Education Student Loan Corporation.
- (2) The Kentucky Higher Education Student Loan Corporation is created and established as an independent de jure municipal corporation and political subdivision of the Commonwealth of Kentucky to perform essential governmental and public functions and purposes in improving and otherwise promoting the educational opportunities of the citizens and inhabitants of the Commonwealth of Kentucky and other qualified students by a program of financing, making, and purchasing of student loans.

- (3) (a) ~~{Subject to paragraph (b) of this subsection,}~~ The corporation shall be governed by a board of directors consisting of:
1. ~~{Eight (8) voting members chosen from the general public residing in the Commonwealth of Kentucky; and~~
 2. ~~—~~ **Ten (10)** ~~{Seven (7)}~~ voting members of the board of directors of the Kentucky Higher Education Assistance Authority appointed by the Governor pursuant to KRS 164.746(1)(a) ~~{—}~~, who shall serve terms of office on the corporation board ~~{of directors}~~ coextensive with their respective terms of office on the Kentucky Higher Education Assistance Authority board ~~{of directors}~~; ~~and~~ ~~{—}~~
2. ~~{(b)}~~ **The secretary of the Finance and Administration Cabinet, or a designee who shall be another official of the same cabinet, who shall serve as an ex officio voting member** ~~{Upon resignation or expiration of the term of an appointed member of the board of the corporation and the Kentucky Higher Education Assistance Authority, that member's position shall be abolished to reduce the combined number of appointed members of the boards of the corporation and the Kentucky Higher Education Assistance Authority to ten (10) members}.~~
- ~~{(b)}~~ ~~{(c)}~~ ~~{In addition,}~~ The president of the Council on Postsecondary Education, ~~{the secretary of the Finance and Administration Cabinet,}~~ the president of the Association of Independent Kentucky Colleges and Universities, the State Treasurer, and the commissioner of education, or their designees who shall be another official of the same cabinet or agency, shall serve as ex officio **nonvoting advisors to the board** ~~{voting members}~~.
- (4) The Governor shall appoint directors according to subsection (3)(a)1. of this section from nominees submitted by the Governor's **Postsecondary** ~~{Higher}~~ Education Nominating Committee under KRS 164.005 to take office and to exercise all powers thereof immediately. The terms shall be staggered and shall be for a period of four (4) years each. Each director shall serve for the appointed term and ~~{, except as provided in subsection (3)(b) of this section,}~~ shall serve until a successor has been appointed and has duly qualified.
 - (5) ~~{Except as provided in subsection (3)(b) of this section,}~~ In the event of a vacancy, the Governor may appoint a replacement director from nominees submitted by the Governor's **Postsecondary** ~~{Higher}~~ Education Nominating Committee under KRS 164.005 who shall hold office during the remainder of the term so vacated.
 - (6) The Governor may remove any director from the general public in case of incompetency, neglect of duties, gross immorality, or malfeasance in office; and may thereupon declare such office vacant and may appoint a person to fill such vacancy as provided in other cases of vacancy.
 - (7) The board shall elect from its voting membership a chair, chair-elect, and secretary-treasurer. The executive director of the Kentucky Higher Education Assistance Authority shall serve as executive director of the corporation.
 - (8) The executive director shall administer, manage, and direct the affairs and business of the corporation, subject to the policies, control, and direction of the board ~~{of directors}~~ of the corporation. The secretary-treasurer of the corporation shall keep a record of the proceedings of the corporation and shall be custodian of all books, documents, and papers filed with the corporation, the minute book or journal of the corporation, and its official seal. The secretary-treasurer may copy all minutes and other records and documents of the corporation and give certificates under the official seal of the corporation to the effect that such copies are true copies and all persons dealing with the corporation may rely upon such certificates.
 - (9) A majority of the board ~~{of directors}~~ of the corporation shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes notwithstanding the existence of any vacancies ~~on~~ ~~{in respect of}~~ the board ~~{of directors}~~.
 - (10) Official actions may be taken by the corporation at meetings duly called by the chair upon three (3) days' written notice to each director or upon the concurrence of at least a majority of the directors. In lieu of personal attendance by members of the board ~~{of directors}~~ at the same location, the board ~~{of directors}~~ may conduct meetings by teleconference or other available technological means suitable for conducting its business. Meetings of the board shall be open and accessible to the public in accordance with KRS 61.805 to 61.850, and any alternate method of conducting a meeting in lieu of personal attendance shall ensure public access.

- (11) Directors, except officers or employees of the state, shall receive one hundred dollars (\$100) compensation per day for their services and shall be entitled to payment of any reasonable and necessary expense actually incurred in discharging their duties under this chapter.
- (12) Recognizing that the corporation and the Kentucky Higher Education Assistance Authority are governed by *the same board members appointed by the Governor*~~{identical boards of directors}~~ and managed by a common executive director and otherwise share staff functions, the two (2) organizations shall provide technical, clerical, and administrative assistance to each other and for the Asset Resolution Corporation, the Kentucky Educational Savings Plan Trust, and the Commonwealth postsecondary education prepaid tuition trust fund, together with necessary office space and personnel, and shall assist each other in all ways by the performance of any and all actions which may be useful or beneficial in the performance of their public functions.
- (13) The corporation shall enter into contracts with the Kentucky Higher Education Assistance Authority, the Asset Resolution Corporation, the Kentucky Educational Savings Plan Trust, and the Commonwealth postsecondary education prepaid tuition trust fund as may be proper and appropriate in respect to services which may include but not be limited to the servicing and collection of student loans or to facilitate the common administration, operation, and management of the contracting entities.

➔Section 3. KRS 164A.055 is amended to read as follows:

- (1) As used in this section:
- (a) "Board" means the board of directors of the Asset Resolution Corporation; and
 - (b) "Corporation" means the Asset Resolution Corporation created in this section.
- (2) There is hereby created and established an independent de jure municipal corporation and political subdivision of the Commonwealth to be known as Asset Resolution Corporation for the purpose of promoting higher educational opportunities for the citizens of the Commonwealth by providing debt resolution services for student loan obligations and any other student *loan or student* service- or education-related activity to the extent such activity is not limited or prohibited by statute or other governing authority.
- (3) The corporation ~~{shall be attached to the Kentucky Higher Education Student Loan Corporation for administrative and reporting purposes and }~~shall be governed, managed, and administered as a separate and distinct instrumentality of the Commonwealth in accordance with this section.
- (4) ~~{The Kentucky Higher Education Student Loan Corporation and its facilities shall be used and employed in the administration of the corporation, including but not limited to the keeping of records and the employment of staff to assist in the performance of the designated activities of the corporation.}~~
- ~~(5) }~~The board shall have the power and authority to:
- (a) Sue and be sued;
 - (b) Promulgate administrative regulations and adopt procedures to implement this section;
 - (c) Make and enter into contracts necessary for the administration of the corporation;
 - (d) Adopt a corporate seal and change and amend it from time to time;
 - (e) Make, execute, and effectuate any and all agreements or other documents with the United States Department of Education, this Commonwealth, any federal or state agency, or any person, corporation, association, partnership, or other organization or entity and perform other acts necessary or appropriate for the effectuation of its rights and duties pursuant to this section;
 - (f) ~~{Delegate to the Kentucky Higher Education Student Loan Corporation general supervision and direction over the administrative function of the corporation and its employees in carrying out the policies, programs, administrative regulations, and directives of the board;}~~
 - ~~(g) }~~Carry out the duties and obligations of the corporation pursuant to this section, and to have any and all other powers as may be reasonably necessary for the effectuation of the purposes of the corporation;
 - ~~(g) {(h)}~~ Adopt bylaws for the conduct of its business, including the designation of directors, and prescribe rules, regulations, and policies in connection with the performance of its functions and duties;
 - ~~(h) {(i)}~~ Employ consultants, attorneys, counselors, and such employees as may be required in the judgment of the corporation and to fix and pay their compensation and benefits;

- (i)~~(4)~~ Provide any service to schools or students related to student education loans, including but not limited to the areas of financial awareness, counseling, default aversion or prevention, servicing, and collecting; and
- (j)~~(4)~~ Provide support services for postsecondary education and workforce development training and programs to students, families, schools, and training centers.
- (5)~~(6)~~ Board members, except officers or employees of the state, shall receive compensation for their services in the amount of one hundred dollars (\$100) per day for attendance at each board meeting and shall be entitled to payment of any reasonable and necessary expenses actually incurred in discharging their duties under this section.

➔Section 4. Whereas maintaining efficient management of the state's financial aid activities is a critical financial issue for the state, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor March 14, 2024.

CHAPTER 6

(HB 281)

AN ACT relating to the Kentucky Horse Racing Commission.

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

➔Section 1. KRS 12.020 (Effective between July 1, 2024, and July 1, 2025) is amended to read as follows:

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

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

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

- (7) Auditor of Public Accounts.
 - (a) Commonwealth Office of the Ombudsman.
- II. Program cabinets headed by appointed officers:
 - (1) Justice and Public Safety Cabinet:
 - (a) Department of Kentucky State Police.
 - 1. Office of Administrative Services.
 - a. Division of Operational Support.
 - b. Division of Management Services.
 - 2. Office of Operations.
 - a. Division of West Troops.
 - b. Division of East Troops.
 - c. Division of Special Enforcement.
 - d. Division of Commercial Vehicle Enforcement.
 - 3. Office of Technical Services.
 - a. Division of Forensic Sciences.
 - b. Division of Electronic Services.
 - c. Division of Records Management.
 - (b) Department of Criminal Justice Training.
 - (c) Department of Corrections.
 - (d) Department of Juvenile Justice.
 - (e) Office of the Secretary.
 - (f) Office of Drug Control Policy.
 - (g) Office of Legal Services.
 - (h) Office of the Kentucky State Medical Examiner.
 - (i) Parole Board.
 - (j) Kentucky State Corrections Commission.
 - (k) Office of Legislative and Intergovernmental Services.
 - (l) Office of Human Resource Management.
 - 1. Division of Human Resource Administration.
 - 2. Division of Employee Management.
 - (m) Department of Public Advocacy.
 - (n) Office of Communications.
 - 1. Information Technology Services Division.
 - (o) Office of Financial Management Services.
 - 1. Division of Financial Management.
 - (p) Grants Management Division.
 - (2) Energy and Environment Cabinet:
 - (a) Office of the Secretary.
 - 1. Office of Legislative and Intergovernmental Affairs.

2. Office of Legal Services.
 - a. Legal Division I.
 - b. Legal Division II.
 3. Office of Administrative Hearings.
 4. Office of Communication.
 5. Mine Safety Review Commission.
 6. Office of Kentucky Nature Preserves.
 7. Kentucky Public Service Commission.
- (b) Department for Environmental Protection.
1. Office of the Commissioner.
 2. Division for Air Quality.
 3. Division of Water.
 4. Division of Environmental Program Support.
 5. Division of Waste Management.
 6. Division of Enforcement.
 7. Division of Compliance Assistance.
- (c) Department for Natural Resources.
1. Office of the Commissioner.
 2. Division of Mine Permits.
 3. Division of Mine Reclamation and Enforcement.
 4. Division of Abandoned Mine Lands.
 5. Division of Oil and Gas.
 6. Division of Mine Safety.
 7. Division of Forestry.
 8. Division of Conservation.
 9. Office of the Reclamation Guaranty Fund.
- (d) Office of Energy Policy.
1. Division of Energy Assistance.
- (e) Office of Administrative Services.
1. Division of Human Resources Management.
 2. Division of Financial Management.
 3. Division of Information Services.
- (3) Public Protection Cabinet.
- (a) Office of the Secretary.
1. Office of Communications and Public Outreach.
 2. Office of Legal Services.
 - a. Insurance Legal Division.
 - b. Charitable Gaming Legal Division.
 - c. Alcoholic Beverage Control Legal Division.

- d. Housing, Buildings and Construction Legal Division.
- e. Financial Institutions Legal Division.
- f. Professional Licensing Legal Division.
- 3. Office of Administrative Hearings.
- 4. Office of Administrative Services.
 - a. Division of Human Resources.
 - b. Division of Fiscal Responsibility.
- (b) Office of Claims and Appeals.
 - 1. Board of Tax Appeals.
 - 2. Board of Claims.
 - 3. Crime Victims Compensation Board.
- (c) Kentucky Boxing and Wrestling Commission.
- (d) Kentucky Horse Racing Commission.
 - 1. Office of Executive Director.
 - a. Division of Pari-mutuel Wagering~~[and Compliance]~~.
 - b. Division of Stewards.
 - c. Division of Licensing.
 - d. Division of Enforcement.
 - e. Division of Incentives and Development.
 - f. Division of Veterinary Services.
 - g. *Division of Compliance.***
 - h. *Division of Sports Wagering.***
- (e) Department of Alcoholic Beverage Control.
 - 1. Division of Distilled Spirits.
 - 2. Division of Malt Beverages.
 - 3. Division of Enforcement.
- (f) Department of Charitable Gaming.
 - 1. Division of Licensing and Compliance.
 - 2. Division of Enforcement.
- (g) Department of Financial Institutions.
 - 1. Division of Depository Institutions.
 - 2. Division of Non-Depository Institutions.
 - 3. Division of Securities.
- (h) Department of Housing, Buildings and Construction.
 - 1. Division of Fire Prevention.
 - 2. Division of Plumbing.
 - 3. Division of Heating, Ventilation, and Air Conditioning.
 - 4. Division of Building Code Enforcement.
- (i) Department of Insurance.

ACTS OF THE GENERAL ASSEMBLY

1. Division of Health and Life Insurance and Managed Care.
 2. Division of Property and Casualty Insurance.
 3. Division of Administrative Services.
 4. Division of Financial Standards and Examination.
 5. Division of Licensing.
 6. Division of Insurance Fraud Investigation.
 7. Division of Consumer Protection.
- (j) Department of Professional Licensing.
1. Real Estate Authority.
- (4) Transportation Cabinet:
- (a) Department of Highways.
 1. Office of Project Development.
 2. Office of Project Delivery and Preservation.
 3. Office of Highway Safety.
 4. Highway District Offices One through Twelve.
 - (b) Department of Vehicle Regulation.
 - (c) Department of Aviation.
 - (d) Department of Rural and Municipal Aid.
 1. Office of Local Programs.
 2. Office of Rural and Secondary Roads.
 - (e) Office of the Secretary.
 1. Office of Public Affairs.
 2. Office for Civil Rights and Small Business Development.
 3. Office of Budget and Fiscal Management.
 4. Office of Inspector General.
 5. Secretary's Office of Safety.
 - (f) Office of Support Services.
 - (g) Office of Transportation Delivery.
 - (h) Office of Audits.
 - (i) Office of Human Resource Management.
 - (j) Office of Information Technology.
 - (k) Office of Legal Services.
- (5) Cabinet for Economic Development:
- (a) Office of the Secretary.
 1. Office of Legal Services.
 2. Department for Business and Community Development.
 - a. Development and Retention Division – West Kentucky.
 - b. Development, Retention, and Administrative Division – Central and East Kentucky.

- c. Community and Workforce Development Division.
 - 3. Department for Financial Services.
 - a. Kentucky Economic Development Finance Authority.
 - b. Finance and Personnel Division.
 - c. IT and Resource Management Division.
 - d. Compliance Division.
 - e. Program Administration Division.
 - f. Bluegrass State Skills Corporation.
 - 4. Office of Strategy and Public Affairs.
 - a. Marketing and Communications Division.
 - b. Research and Strategy Division.
 - 5. Office of Entrepreneurship and Innovation.
 - a. Commission on Small Business Innovation and Advocacy.
- (6) Cabinet for Health and Family Services:
 - (a) Office of the Secretary.
 - 1. Office of Public Affairs.
 - 2. Office of Legal Services.
 - 3. Office of Inspector General.
 - 4. Office of Human Resource Management.
 - 5. Office of Finance and Budget.
 - 6. Office of Legislative and Regulatory Affairs.
 - 7. Office of Administrative Services.
 - 8. Office of Application Technology Services.
 - 9. Office of Data Analytics.
 - (b) Department for Public Health.
 - (c) Department for Medicaid Services.
 - (d) Department for Behavioral Health, Developmental and Intellectual Disabilities.
 - (e) Department for Aging and Independent Living.
 - (f) Department for Community Based Services.
 - (g) Department for Income Support.
 - (h) Department for Family Resource Centers and Volunteer Services.
- (7) Finance and Administration Cabinet:
 - (a) Office of the Secretary.
 - (b) Office of the Inspector General.
 - (c) Office of Legislative and Intergovernmental Affairs.
 - (d) Office of General Counsel.
 - (e) Office of the Controller.
 - (f) Office of Administrative Services.
 - (g) Office of Policy and Audit.

- (h) Department for Facilities and Support Services.
 - (i) Department of Revenue.
 - (j) Commonwealth Office of Technology.
 - (k) State Property and Buildings Commission.
 - (l) Office of Equal Employment Opportunity and Contract Compliance.
 - (m) Kentucky Employees Retirement Systems.
 - (n) Commonwealth Credit Union.
 - (o) State Investment Commission.
 - (p) Kentucky Housing Corporation.
 - (q) Kentucky Local Correctional Facilities Construction Authority.
 - (r) Kentucky Turnpike Authority.
 - (s) Historic Properties Advisory Commission.
 - (t) Kentucky Higher Education Assistance Authority.
 - (u) Kentucky River Authority.
 - (v) Kentucky Teachers' Retirement System Board of Trustees.
 - (w) Executive Branch Ethics Commission.
 - (x) Office of Fleet Management.
- (8) Tourism, Arts and Heritage Cabinet:
- (a) Kentucky Department of Tourism.
 - 1. Division of Tourism Services.
 - 2. Division of Marketing and Administration.
 - 3. Division of Communications and Promotions.
 - (b) Kentucky Department of Parks.
 - 1. Division of Information Technology.
 - 2. Division of Human Resources.
 - 3. Division of Financial Operations.
 - 4. Division of Purchasing.
 - 5. Division of Facilities.
 - 6. Division of Park Operations.
 - 7. Division of Sales, Marketing, and Customer Service.
 - 8. Division of Engagement.
 - 9. Division of Food Services.
 - 10. Division of Rangers.
 - (c) Department of Fish and Wildlife Resources.
 - 1. Division of Law Enforcement.
 - 2. Division of Administrative Services.
 - 3. Division of Engineering, Infrastructure, and Technology.
 - 4. Division of Fisheries.
 - 5. Division of Information and Education.

6. Division of Wildlife.
7. Division of Marketing.
- (d) Kentucky Horse Park.
 1. Division of Support Services.
 2. Division of Buildings and Grounds.
 3. Division of Operational Services.
- (e) Kentucky State Fair Board.
 1. Office of Administrative and Information Technology Services.
 2. Office of Human Resources and Access Control.
 3. Division of Expositions.
 4. Division of Kentucky Exposition Center Operations.
 5. Division of Kentucky International Convention Center.
 6. Division of Public Relations and Media.
 7. Division of Venue Services.
 8. Division of Personnel Management and Staff Development.
 9. Division of Sales.
 10. Division of Security and Traffic Control.
 11. Division of Information Technology.
 12. Division of the Louisville Arena.
 13. Division of Fiscal and Contract Management.
 14. Division of Access Control.
- (f) Office of the Secretary.
 1. Office of Finance.
 2. Office of Government Relations and Administration.
- (g) Office of Legal Affairs.
- (h) Office of Human Resources.
- (i) Office of Public Affairs and Constituent Services.
- (j) Office of Arts and Cultural Heritage.
- (k) Kentucky African-American Heritage Commission.
- (l) Kentucky Foundation for the Arts.
- (m) Kentucky Humanities Council.
- (n) Kentucky Heritage Council.
- (o) Kentucky Arts Council.
- (p) Kentucky Historical Society.
 1. Division of Museums.
 2. Division of Oral History and Educational Outreach.
 3. Division of Research and Publications.
 4. Division of Administration.
- (q) Kentucky Center for the Arts.

1. Division of Governor's School for the Arts.
 - (r) Kentucky Artisans Center at Berea.
 - (s) Northern Kentucky Convention Center.
 - (t) Eastern Kentucky Exposition Center.
- (9) Personnel Cabinet:
 - (a) Office of the Secretary.
 - (b) Department of Human Resources Administration.
 - (c) Office of Employee Relations.
 - (d) Kentucky Public Employees Deferred Compensation Authority.
 - (e) Office of Administrative Services.
 - (f) Office of Legal Services.
 - (g) Governmental Services Center.
 - (h) Department of Employee Insurance.
 - (i) Office of Diversity, Equality, and Training.
 - (j) Office of Public Affairs.
- (10) Education and Labor Cabinet:
 - (a) Office of the Secretary.
 1. Office of Legal Services.
 - a. Workplace Standards Legal Division.
 - b. Workers' Claims Legal Division.
 - c. Workforce Development Legal Division.
 2. Office of Administrative Services.
 - a. Division of Human Resources Management.
 - b. Division of Fiscal Management.
 - c. Division of Operations and Support Services.
 3. Office of Technology Services.
 - a. Division of Information Technology Services.
 4. Office of Policy and Audit.
 5. Office of Legislative Services.
 6. Office of Communications.
 7. Office of the Kentucky Center for Statistics.
 8. Board of the Kentucky Center for Statistics.
 9. Early Childhood Advisory Council.
 10. Governors' Scholars Program.
 11. Governor's School for Entrepreneurs Program.
 12. Foundation for Adult Education.
 - (b) Department of Education.
 1. Kentucky Board of Education.
 2. Kentucky Technical Education Personnel Board.

3. Education Professional Standards Board.
- (c) Board of Directors for the Center for School Safety.
- (d) Department for Libraries and Archives.
- (e) Kentucky Environmental Education Council.
- (f) Kentucky Educational Television.
- (g) Kentucky Commission on the Deaf and Hard of Hearing.
- (h) Department of Workforce Development.
 1. Career Development Office.
 2. Office of Vocational Rehabilitation.
 - a. Division of Kentucky Business Enterprise.
 - b. Division of the Carl D. Perkins Vocational Training Center.
 - c. Division of Blind Services.
 - d. Division of Field Services.
 - e. Statewide Council for Vocational Rehabilitation.
 - f. Employment First Council.
 3. Office of Employer and Apprenticeship Services.
 - a. Division of Apprenticeship.
 4. Kentucky Apprenticeship Council.
 5. Division of Technical Assistance.
 6. Office of Adult Education.
 7. Office of the Kentucky Workforce Innovation Board.
- (i) Department of Workplace Standards.
 1. Division of Occupational Safety and Health Compliance.
 2. Division of Occupational Safety and Health Education and Training.
 3. Division of Wages and Hours.
- (j) Office of Unemployment Insurance.
- (k) Kentucky Unemployment Insurance Commission.
- (l) Department of Workers' Claims.
 1. Division of Workers' Compensation Funds.
 2. Office of Administrative Law Judges.
 3. Division of Claims Processing.
 4. Division of Security and Compliance.
 5. Division of Specialist and Medical Services.
 6. Workers' Compensation Board.
- (m) Workers' Compensation Funding Commission.
- (n) Kentucky Occupational Safety and Health Standards Board.
- (o) State Labor Relations Board.
- (p) Employers' Mutual Insurance Authority.
- (q) Kentucky Occupational Safety and Health Review Commission.

- (r) Workers' Compensation Nominating Committee.
- (s) Office of Educational Programs.
- (t) Kentucky Workforce Innovation Board.
- (u) Kentucky Commission on Proprietary Education.
- (v) Kentucky Work Ready Skills Advisory Committee.
- (w) Kentucky Geographic Education Board.
- (x) Disability Determination Services Program.

III. Other departments headed by appointed officers:

- (1) Council on Postsecondary Education.
- (2) Department of Military Affairs.
- (3) Department for Local Government.
- (4) Kentucky Commission on Human Rights.
- (5) Kentucky Commission on Women.
- (6) Department of Veterans' Affairs.
- (7) Kentucky Commission on Military Affairs.
- (8) Office of Minority Empowerment.
- (9) Governor's Council on Wellness and Physical Activity.
- (10) Kentucky Communications Network Authority.

➔Section 2. KRS 12.020 (Effective July 1, 2025) is amended to read as follows:

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

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

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

- (c) Kentucky Agricultural Finance Corporation.
- (7) Auditor of Public Accounts.
 - (a) Commonwealth Office of the Ombudsman.
- II. Program cabinets headed by appointed officers:
 - (1) Justice and Public Safety Cabinet:
 - (a) Department of Kentucky State Police.
 - 1. Office of Administrative Services.
 - a. Division of Operational Support.
 - b. Division of Management Services.
 - 2. Office of Operations.
 - a. Division of West Troops.
 - b. Division of East Troops.
 - c. Division of Special Enforcement.
 - d. Division of Commercial Vehicle Enforcement.
 - 3. Office of Technical Services.
 - a. Division of Forensic Sciences.
 - b. Division of Electronic Services.
 - c. Division of Records Management.
 - (b) Department of Criminal Justice Training.
 - (c) Department of Corrections.
 - (d) Department of Juvenile Justice.
 - (e) Office of the Secretary.
 - (f) Office of Drug Control Policy.
 - (g) Office of Legal Services.
 - (h) Office of the Kentucky State Medical Examiner.
 - (i) Parole Board.
 - (j) Kentucky State Corrections Commission.
 - (k) Office of Legislative and Intergovernmental Services.
 - (l) Office of Human Resource Management.
 - 1. Division of Human Resource Administration.
 - 2. Division of Employee Management.
 - (m) Department of Public Advocacy.
 - (n) Office of Communications.
 - 1. Information Technology Services Division.
 - (o) Office of Financial Management Services.
 - 1. Division of Financial Management.
 - (p) Grants Management Division.
 - (2) Energy and Environment Cabinet:
 - (a) Office of the Secretary.

ACTS OF THE GENERAL ASSEMBLY

1. Office of Legislative and Intergovernmental Affairs.
 2. Office of Legal Services.
 - a. Legal Division I.
 - b. Legal Division II.
 3. Office of Administrative Hearings.
 4. Office of Communication.
 5. Mine Safety Review Commission.
 6. Office of Kentucky Nature Preserves.
 7. Kentucky Public Service Commission.
- (b) Department for Environmental Protection.
1. Office of the Commissioner.
 2. Division for Air Quality.
 3. Division of Water.
 4. Division of Environmental Program Support.
 5. Division of Waste Management.
 6. Division of Enforcement.
 7. Division of Compliance Assistance.
- (c) Department for Natural Resources.
1. Office of the Commissioner.
 2. Division of Mine Permits.
 3. Division of Mine Reclamation and Enforcement.
 4. Division of Abandoned Mine Lands.
 5. Division of Oil and Gas.
 6. Division of Mine Safety.
 7. Division of Forestry.
 8. Division of Conservation.
 9. Office of the Reclamation Guaranty Fund.
- (d) Office of Energy Policy.
1. Division of Energy Assistance.
- (e) Office of Administrative Services.
1. Division of Human Resources Management.
 2. Division of Financial Management.
 3. Division of Information Services.
- (3) Public Protection Cabinet.
- (a) Office of the Secretary.
1. Office of Communications and Public Outreach.
 2. Office of Legal Services.
 - a. Insurance Legal Division.
 - b. Charitable Gaming Legal Division.

- c. Alcoholic Beverage Control Legal Division.
 - d. Housing, Buildings and Construction Legal Division.
 - e. Financial Institutions Legal Division.
 - f. Professional Licensing Legal Division.
 - 3. Office of Administrative Hearings.
 - 4. Office of Administrative Services.
 - a. Division of Human Resources.
 - b. Division of Fiscal Responsibility.
- (b) Office of Claims and Appeals.
 - 1. Board of Tax Appeals.
 - 2. Board of Claims.
 - 3. Crime Victims Compensation Board.
- (c) Kentucky Boxing and Wrestling Commission.
- (d) Kentucky Horse Racing Commission.
 - 1. Office of Executive Director.
 - a. Division of Pari-mutuel Wagering~~[and Compliance]~~.
 - b. Division of Stewards.
 - c. Division of Licensing.
 - d. Division of Enforcement.
 - e. Division of Incentives and Development.
 - f. Division of Veterinary Services.
 - g. *Division of Compliance.***
 - h. *Division of Sports Wagering.***
- (e) Department of Alcoholic Beverage Control.
 - 1. Division of Distilled Spirits.
 - 2. Division of Malt Beverages.
 - 3. Division of Enforcement.
- (f) Department of Charitable Gaming.
 - 1. Division of Licensing and Compliance.
 - 2. Division of Enforcement.
- (g) Department of Financial Institutions.
 - 1. Division of Depository Institutions.
 - 2. Division of Non-Depository Institutions.
 - 3. Division of Securities.
- (h) Department of Housing, Buildings and Construction.
 - 1. Division of Fire Prevention.
 - 2. Division of Plumbing.
 - 3. Division of Heating, Ventilation, and Air Conditioning.
 - 4. Division of Building Code Enforcement.

- (i) Department of Insurance.
 - 1. Division of Health and Life Insurance and Managed Care.
 - 2. Division of Property and Casualty Insurance.
 - 3. Division of Administrative Services.
 - 4. Division of Financial Standards and Examination.
 - 5. Division of Licensing.
 - 6. Division of Insurance Fraud Investigation.
 - 7. Division of Consumer Protection.
- (j) Department of Professional Licensing.
 - 1. Real Estate Authority.
- (4) Transportation Cabinet:
 - (a) Department of Highways.
 - 1. Office of Project Development.
 - 2. Office of Project Delivery and Preservation.
 - 3. Office of Highway Safety.
 - 4. Highway District Offices One through Twelve.
 - (b) Department of Vehicle Regulation.
 - (c) Department of Aviation.
 - (d) Department of Rural and Municipal Aid.
 - 1. Office of Local Programs.
 - 2. Office of Rural and Secondary Roads.
 - (e) Office of the Secretary.
 - 1. Office of Public Affairs.
 - 2. Office for Civil Rights and Small Business Development.
 - 3. Office of Budget and Fiscal Management.
 - 4. Office of Inspector General.
 - 5. Secretary's Office of Safety.
 - (f) Office of Support Services.
 - (g) Office of Transportation Delivery.
 - (h) Office of Audits.
 - (i) Office of Human Resource Management.
 - (j) Office of Information Technology.
 - (k) Office of Legal Services.
- (5) Cabinet for Economic Development:
 - (a) Office of the Secretary.
 - 1. Office of Legal Services.
 - 2. Department for Business and Community Development.
 - a. Development and Retention Division – West Kentucky.
 - b. Development, Retention, and Administrative Division – Central and East

- Kentucky.
- c. Community and Workforce Development Division.
- 3. Department for Financial Services.
 - a. Kentucky Economic Development Finance Authority.
 - b. Finance and Personnel Division.
 - c. IT and Resource Management Division.
 - d. Compliance Division.
 - e. Program Administration Division.
 - f. Bluegrass State Skills Corporation.
- 4. Office of Strategy and Public Affairs.
 - a. Marketing and Communications Division.
 - b. Research and Strategy Division.
- 5. Office of Entrepreneurship and Innovation.
 - a. Commission on Small Business Innovation and Advocacy.
- (6) Cabinet for Health and Family Services:
 - (a) Office of the Secretary.
 - 1. Office of Public Affairs.
 - 2. Office of Legal Services.
 - 3. Office of Inspector General.
 - 4. Office of Human Resource Management.
 - 5. Office of Finance and Budget.
 - 6. Office of Legislative and Regulatory Affairs.
 - 7. Office of Administrative Services.
 - 8. Office of Application Technology Services.
 - 9. Office of Data Analytics.
 - (b) Department for Public Health.
 - (c) Department for Medicaid Services.
 - (d) Department for Behavioral Health, Developmental and Intellectual Disabilities.
 - (e) Department for Aging and Independent Living.
 - (f) Department for Community Based Services.
 - (g) Department for Family Resource Centers and Volunteer Services.
- (7) Finance and Administration Cabinet:
 - (a) Office of the Secretary.
 - (b) Office of the Inspector General.
 - (c) Office of Legislative and Intergovernmental Affairs.
 - (d) Office of General Counsel.
 - (e) Office of the Controller.
 - (f) Office of Administrative Services.
 - (g) Office of Policy and Audit.

- (h) Department for Facilities and Support Services.
 - (i) Department of Revenue.
 - (j) Commonwealth Office of Technology.
 - (k) State Property and Buildings Commission.
 - (l) Office of Equal Employment Opportunity and Contract Compliance.
 - (m) Kentucky Employees Retirement Systems.
 - (n) Commonwealth Credit Union.
 - (o) State Investment Commission.
 - (p) Kentucky Housing Corporation.
 - (q) Kentucky Local Correctional Facilities Construction Authority.
 - (r) Kentucky Turnpike Authority.
 - (s) Historic Properties Advisory Commission.
 - (t) Kentucky Higher Education Assistance Authority.
 - (u) Kentucky River Authority.
 - (v) Kentucky Teachers' Retirement System Board of Trustees.
 - (w) Executive Branch Ethics Commission.
 - (x) Office of Fleet Management.
- (8) Tourism, Arts and Heritage Cabinet:
- (a) Kentucky Department of Tourism.
 - 1. Division of Tourism Services.
 - 2. Division of Marketing and Administration.
 - 3. Division of Communications and Promotions.
 - (b) Kentucky Department of Parks.
 - 1. Division of Information Technology.
 - 2. Division of Human Resources.
 - 3. Division of Financial Operations.
 - 4. Division of Purchasing.
 - 5. Division of Facilities.
 - 6. Division of Park Operations.
 - 7. Division of Sales, Marketing, and Customer Service.
 - 8. Division of Engagement.
 - 9. Division of Food Services.
 - 10. Division of Rangers.
 - (c) Department of Fish and Wildlife Resources.
 - 1. Division of Law Enforcement.
 - 2. Division of Administrative Services.
 - 3. Division of Engineering, Infrastructure, and Technology.
 - 4. Division of Fisheries.
 - 5. Division of Information and Education.

6. Division of Wildlife.
7. Division of Marketing.
- (d) Kentucky Horse Park.
 1. Division of Support Services.
 2. Division of Buildings and Grounds.
 3. Division of Operational Services.
- (e) Kentucky State Fair Board.
 1. Office of Administrative and Information Technology Services.
 2. Office of Human Resources and Access Control.
 3. Division of Expositions.
 4. Division of Kentucky Exposition Center Operations.
 5. Division of Kentucky International Convention Center.
 6. Division of Public Relations and Media.
 7. Division of Venue Services.
 8. Division of Personnel Management and Staff Development.
 9. Division of Sales.
 10. Division of Security and Traffic Control.
 11. Division of Information Technology.
 12. Division of the Louisville Arena.
 13. Division of Fiscal and Contract Management.
 14. Division of Access Control.
- (f) Office of the Secretary.
 1. Office of Finance.
 2. Office of Government Relations and Administration.
- (g) Office of Legal Affairs.
- (h) Office of Human Resources.
- (i) Office of Public Affairs and Constituent Services.
- (j) Office of Arts and Cultural Heritage.
- (k) Kentucky African-American Heritage Commission.
- (l) Kentucky Foundation for the Arts.
- (m) Kentucky Humanities Council.
- (n) Kentucky Heritage Council.
- (o) Kentucky Arts Council.
- (p) Kentucky Historical Society.
 1. Division of Museums.
 2. Division of Oral History and Educational Outreach.
 3. Division of Research and Publications.
 4. Division of Administration.
- (q) Kentucky Center for the Arts.

1. Division of Governor's School for the Arts.
 - (r) Kentucky Artisans Center at Berea.
 - (s) Northern Kentucky Convention Center.
 - (t) Eastern Kentucky Exposition Center.
- (9) Personnel Cabinet:
 - (a) Office of the Secretary.
 - (b) Department of Human Resources Administration.
 - (c) Office of Employee Relations.
 - (d) Kentucky Public Employees Deferred Compensation Authority.
 - (e) Office of Administrative Services.
 - (f) Office of Legal Services.
 - (g) Governmental Services Center.
 - (h) Department of Employee Insurance.
 - (i) Office of Diversity, Equality, and Training.
 - (j) Office of Public Affairs.
- (10) Education and Labor Cabinet:
 - (a) Office of the Secretary.
 1. Office of Legal Services.
 - a. Workplace Standards Legal Division.
 - b. Workers' Claims Legal Division.
 - c. Workforce Development Legal Division.
 2. Office of Administrative Services.
 - a. Division of Human Resources Management.
 - b. Division of Fiscal Management.
 - c. Division of Operations and Support Services.
 3. Office of Technology Services.
 - a. Division of Information Technology Services.
 4. Office of Policy and Audit.
 5. Office of Legislative Services.
 6. Office of Communications.
 7. Office of the Kentucky Center for Statistics.
 8. Board of the Kentucky Center for Statistics.
 9. Early Childhood Advisory Council.
 10. Governors' Scholars Program.
 11. Governor's School for Entrepreneurs Program.
 12. Foundation for Adult Education.
 - (b) Department of Education.
 1. Kentucky Board of Education.
 2. Kentucky Technical Education Personnel Board.

3. Education Professional Standards Board.
- (c) Board of Directors for the Center for School Safety.
- (d) Department for Libraries and Archives.
- (e) Kentucky Environmental Education Council.
- (f) Kentucky Educational Television.
- (g) Kentucky Commission on the Deaf and Hard of Hearing.
- (h) Department of Workforce Development.
 1. Career Development Office.
 2. Office of Vocational Rehabilitation.
 - a. Division of Kentucky Business Enterprise.
 - b. Division of the Carl D. Perkins Vocational Training Center.
 - c. Division of Blind Services.
 - d. Division of Field Services.
 - e. Statewide Council for Vocational Rehabilitation.
 - f. Employment First Council.
 3. Office of Employer and Apprenticeship Services.
 - a. Division of Apprenticeship.
 4. Kentucky Apprenticeship Council.
 5. Division of Technical Assistance.
 6. Office of Adult Education.
 7. Office of the Kentucky Workforce Innovation Board.
- (i) Department of Workplace Standards.
 1. Division of Occupational Safety and Health Compliance.
 2. Division of Occupational Safety and Health Education and Training.
 3. Division of Wages and Hours.
- (j) Office of Unemployment Insurance.
- (k) Kentucky Unemployment Insurance Commission.
- (l) Department of Workers' Claims.
 1. Division of Workers' Compensation Funds.
 2. Office of Administrative Law Judges.
 3. Division of Claims Processing.
 4. Division of Security and Compliance.
 5. Division of Specialist and Medical Services.
 6. Workers' Compensation Board.
- (m) Workers' Compensation Funding Commission.
- (n) Kentucky Occupational Safety and Health Standards Board.
- (o) State Labor Relations Board.
- (p) Employers' Mutual Insurance Authority.
- (q) Kentucky Occupational Safety and Health Review Commission.

- (r) Workers' Compensation Nominating Committee.
- (s) Office of Educational Programs.
- (t) Kentucky Workforce Innovation Board.
- (u) Kentucky Commission on Proprietary Education.
- (v) Kentucky Work Ready Skills Advisory Committee.
- (w) Kentucky Geographic Education Board.
- (x) Disability Determination Services Program.

III. Other departments headed by appointed officers:

- (1) Council on Postsecondary Education.
- (2) Department of Military Affairs.
- (3) Department for Local Government.
- (4) Kentucky Commission on Human Rights.
- (5) Kentucky Commission on Women.
- (6) Department of Veterans' Affairs.
- (7) Kentucky Commission on Military Affairs.
- (8) Office of Minority Empowerment.
- (9) Governor's Council on Wellness and Physical Activity.
- (10) Kentucky Communications Network Authority.

➔Section 3. KRS 12.252 is amended to read as follows:

- (1) There is established within the Public Protection Cabinet a Department of Financial Institutions, a Department of Insurance, a Department of Housing, Buildings and Construction, a Department of Charitable Gaming, a Department of Professional Licensing, and a Department of Alcoholic Beverage Control. Each department shall be headed by a commissioner appointed by the Governor as required by KRS 12.040 and, where appropriate, by KRS 238.510, 241.015, and 304.2-020. Commissioners shall be directly responsible to the secretary and shall perform the functions, powers, and duties provided by law and prescribed by the secretary.
- (2) The secretary of the Public Protection Cabinet shall be appointed by the Governor in accordance with KRS 12.255. The Office of the Secretary shall contain the following entities:
 - (a) The Office of Communications and Public Outreach, which shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050;
 - (b) The Office of Legal Services, which shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050 and 12.210;
 - (c) The Office of Administrative Hearings, which shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050 and 12.210; and
 - (d) The Office of Administrative Services, which shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050.
- (3) There is established within the Public Protection Cabinet the Office of Claims and Appeals pursuant to KRS 49.010.
- (4) The Kentucky Horse Racing Commission is attached to the Public Protection Cabinet for administrative purposes only, ~~except as provided in KRS 131.330.~~
- (5) There is established within the Public Protection Cabinet the Kentucky Boxing and Wrestling Commission, which shall be headed by an executive director appointed by the secretary with the approval of the Governor as required by KRS 12.050. The executive director shall be directly responsible to the secretary and shall perform the functions, powers, and duties provided by law and prescribed by the secretary.

Signed by Governor March 21, 2024.

CHAPTER 7

(SB 143)

AN ACT proposing to amend Sections 145 and 155 of the Constitution of Kentucky relating to persons entitled to vote.

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

➔Section 1. Are you in favor of amending Sections 145 and 155 of the Constitution of Kentucky to prohibit persons who are not citizens of the United States from being allowed to vote in the Commonwealth of Kentucky, as stated below?

➔Section 2. It is proposed that Section 145 of the Constitution of Kentucky be amended to read as follows:

Every citizen of the United States of the age of eighteen years who has resided in the state one year, and in the county six months, and the precinct in which he *or she* offers to vote sixty days next preceding the election, shall be a voter in said precinct and not elsewhere. ***No person who is not a citizen of the United States shall be allowed to vote in this state.*** ~~but~~ The following persons ~~also~~ ~~are~~ ~~excepted~~ ~~and~~ shall not have the right to vote: ~~{-}~~

1. Persons convicted in any court of competent jurisdiction of treason, or felony, or bribery in an election, or of such high misdemeanor as the General Assembly may declare shall operate as an exclusion from the right of suffrage, but persons hereby excluded may be restored to their civil rights by executive pardon.

2. Persons who, at the time of the election, are in confinement under the judgment of a court for some penal offense.

3. Idiots and insane persons.

➔Section 3. It is proposed that Section 155 of the Constitution of Kentucky be amended to read as follows:

The provisions of Sections 145 to 154, inclusive, shall not apply to the election of school trustees and other common school district elections. Said elections shall be regulated by the General Assembly, except as otherwise provided in this Constitution. ***No person who is not a citizen of the United States shall be allowed to vote in said elections.***

➔Section 4. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution, KRS 118.415, and Sections 5 and 6 of this Act.

➔Section 5. Notwithstanding any provision of KRS 118.415 to the contrary, the Secretary of State shall cause the entirety of the question in Section 1 of this Act and the entirety of the proposed amendment to the Constitution of Kentucky contained in Sections 2 and 3 of this Act to be published at least one time in a newspaper of general circulation published in this state, and shall also cause to be published at the same time and in the same manner the fact that the amendment will be submitted to the voters for their acceptance or rejection at the next regular election at which members of the General Assembly are to be voted for. The publication required by this section and KRS 118.415 shall be made no later than the first Tuesday in August preceding the election at which the amendment is to be voted on.

➔Section 6. Notwithstanding any provision of KRS 118.415 to the contrary, the Secretary of State, not later than the second Monday after the second Tuesday in August preceding the next regular election at which members of the General Assembly are to be chosen in a year in which there is not an election for President and Vice President of the United States, or not later than the Thursday after the first Tuesday in September preceding a regular election in a year in which there is an election for President and Vice President of the United States, shall certify the entirety of the question in Section 1 of this Act and the entirety of the proposed amendment to the Constitution of Kentucky contained in Sections 2 and 3 of this Act to the county clerk of each county, and the county clerk shall have the entirety of the question and the amendment, as so certified, indicated on the ballots provided to the voters in paper or electronic form as applicable to the voting machines in use in each county or precinct.

Governor's signature not required.

CHAPTER 8**(HB 2)**

AN ACT proposing to create a new section of the Constitution of Kentucky relating to education funding.

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

➔Section 1. To give parents choices in educational opportunities for their children, are you in favor of enabling the General Assembly to provide financial support for the education costs of students in kindergarten through 12th grade who are outside the system of common (public) schools by amending the Constitution of Kentucky as stated below?

➔SECTION 2. IT IS PROPOSED THAT A NEW SECTION BE ADDED TO THE CONSTITUTION OF KENTUCKY TO READ AS FOLLOWS:

The General Assembly may provide financial support for the education of students outside the system of common schools. The General Assembly may exercise this authority by law, Sections 59, 60, 171, 183, 184, 186, and 189 of this Constitution notwithstanding.

➔Section 3. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution, KRS 118.415, and Sections 4 and 5 of this Act.

➔Section 4. Notwithstanding any language in KRS 118.415 to the contrary, the Secretary of State shall cause the entirety of the question in Section 1 of this Act and the entirety of the proposed amendment to the Constitution of Kentucky contained in Section 2 of this Act to be published at least one time in a newspaper of general circulation published in this state, and shall also cause to be published at the same time and in the same manner the fact that the amendment will be submitted to the voters for their acceptance or rejection at the next regular election at which members of the General Assembly are to be voted for. The publication required by this section and KRS 118.415 shall be made no later than the first Tuesday in August preceding the election at which the amendment is to be voted on.

➔Section 5. Notwithstanding any language in KRS 118.415 to the contrary, the Secretary of State, not later than the second Monday after the second Tuesday in August preceding the next regular election at which members of the General Assembly are to be chosen in a year in which there is not an election for President and Vice President of the United States, or not later than the Thursday after the first Tuesday in September preceding a regular election in a year in which there is an election for President and Vice President of the United States, shall certify the entirety of the question in Section 1 of this Act and the entirety of the proposed amendment to the Constitution of Kentucky contained in Section 2 of this Act to the county clerk of each county, and the county clerk shall have the entirety of the question and the amendment, as so certified, indicated on the ballots provided to the voters in paper or electronic form as applicable to the voting machines in use in each county or precinct.

Governor's signature not required.

CHAPTER 9**(HB 446)**

AN ACT relating to public school transportation.

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

➔Section 1. KRS 158.110 is amended to read as follows:

- (1) Boards of education may provide transportation from their general funds or otherwise for any pupil of any grade to the nearest school to the pupil's residence within the district if the pupil does not live within a reasonable walking distance to such nearest school of appropriate grade level. The local board may provide transportation by means of a board-operated transportation system, transit authorities organized and operating

pursuant to KRS Chapter 96A, local governmental mass transit systems, and individual contracted buses and vehicles.

- (2) When space is not available at the nearest school, boards of education may provide transportation from their general funds or otherwise for any pupil of any grade who does not live within a reasonable walking distance to the nearest school of appropriate grade level where space is available. Transportation may be provided by means pursuant to subsection (1) of this section.
- (3) Public elementary and secondary schools shall not change their present grade level structure without written permission from the Kentucky Board of Education.
- (4) The boards of education shall adopt *policies to ensure*~~[such rules and regulations as will insure]~~ the comfort, health, and safety of the *pupils*~~[children]~~ who are transported, consistent with the ~~[rules and]~~ regulations of the Kentucky Board of Education *regarding*~~[dealing with]~~ the transportation of pupils.
- (5) ***Boards of education shall adopt a transportation services policy based on the statewide transportation services policy guidelines. The transportation services policy shall contain the terms and conditions for use of transportation services for pupils who are transported and for their parents, legal guardians, or other persons exercising custodial control or supervision of the pupils who are transported, consistent with the requirements of Section 2 of this Act.***

➔Section 2. KRS 158.148 is amended to read as follows:

- (1) ~~[(a)]~~As used in this section:~~[(a)]~~
 - (a) **1.** "Bullying" means any unwanted verbal, physical, or social behavior among students that involves a real or perceived power imbalance and is repeated or has the potential to be repeated:
 - ~~a. [(1)]~~ That occurs on school premises, on school-sponsored transportation, or at a school-sponsored event; or
 - ~~b. [(2)]~~ That disrupts the education process; **and**~~[(a)]~~
 - ~~2. [(b)]~~ This definition shall not be interpreted to prohibit civil exchange of opinions or debate or cultural practices protected under the state or federal Constitution where the opinion expressed does not otherwise materially or substantially disrupt the education process; **and**~~[(a)]~~
 - (b) ***"Parent or guardian" means a parent, legal guardian, or other person exercising custodial control or supervision of a student.***
- (2) In cooperation with the Kentucky Education Association, the Kentucky School Boards Association, the Kentucky Association of School Administrators, the Kentucky Association of Professional Educators, the Kentucky Association of School Superintendents, the Parent-Teachers Association, the Kentucky Chamber of Commerce, the Farm Bureau, members of the Interim Joint Committee on Education, and other interested groups, and in collaboration with the Center for School Safety, the Department of Education shall develop or update as needed and distribute to all districts by August 31 of each even-numbered year~~[(beginning August 31, 2008)]~~:
 - (a) Statewide student discipline guidelines to ensure safe schools, including the definition of serious incident for the reporting purposes as identified in KRS 158.444;
 - (b) ***Statewide transportation services policy guidelines to ensure the safety of students, operators of vehicles, and other passengers using district-provided transportation.***
 - (c) Recommendations designed to improve the learning environment and school climate, parental and community involvement in the schools, and student achievement; and
 - ~~(d) [(c)]~~ ~~[(A)]~~Model ~~[policy]~~***policies*** to implement the provisions of this section and ***Section 1 of this Act***, KRS 158.156, 158.444, 525.070, and 525.080.
 - (3) The department shall obtain statewide data on major discipline problems and reasons why students drop out of school. In addition, the department, in collaboration with the Center for School Safety, shall identify successful strategies currently being used in programs in Kentucky and in other states and shall incorporate those strategies into the statewide ***student discipline*** guidelines, ***transportation services policy guidelines***, and the recommendations under subsection (2) of this section.
 - (4) Copies of the ***statewide student*** discipline guidelines ***and the transportation services policy guidelines*** shall be distributed to all school districts. The statewide ***student discipline*** guidelines shall contain broad principles

and legal requirements to guide local districts in *the development of* ~~developing~~ their own *code of acceptable behavior and discipline*; ~~code and school councils in~~ the selection of discipline and classroom management techniques *by school councils* under KRS 160.345; *the development of the district transportation services policy* ~~158.154~~; and ~~in~~ the development of the district-wide safety plan.

- (5) (a) Each local board of education shall *adopt* ~~be responsible for formulating~~ a code of acceptable behavior and discipline *based on the statewide student discipline guidelines that shall* ~~to~~ apply to the students in each school operated by the board. The code shall be updated no less frequently than every two (2) years, ~~with the first update being completed by November 30, 2008~~.
- (b) The superintendent, or designee, shall be responsible for overall implementation and supervision, and each school principal shall be responsible for administration and implementation within each school. Each school council shall select and implement the appropriate discipline and classroom management techniques necessary to carry out the code. The board shall establish a process for a two-way communication system for teachers and other employees to notify a principal, supervisor, or other administrator of an ~~existing~~ emergency.
- (c) The code shall prohibit bullying.
- (d) The code shall contain the *standard* ~~type~~ of behavior expected from each student, the consequences of failure to obey the standards, and the importance of the standards to the maintenance of a safe learning environment where orderly learning is possible and encouraged.
- (e) The code shall contain:
1. Procedures for identifying, documenting, and reporting incidents of bullying, incidents of violations of the code, and incidents for which reporting is required under KRS 158.156;
 2. Procedures for investigating and responding to a complaint or a report of bullying or a violation of the code, or of an incident for which reporting is required under KRS 158.156, including reporting incidents to the parents *or* ~~legal~~ guardians ~~or other persons exercising custodial control or supervision~~ of the students involved;
 3. A strategy or method of protecting ~~from retaliation~~ a complainant or person reporting:
 - a. An incident of bullying; ~~or~~
 - b. A violation of the code; ~~or~~
 - c. An incident for which reporting is required under KRS 158.156;

from retaliation;
 4. A process for informing students, parents *or* ~~legal~~ guardians ~~or other persons exercising custodial control or supervision~~, and school employees of the requirements of the code and the provisions of this section and KRS 158.156, 158.444, 525.070, and 525.080, including training for school employees; and
 5. Information regarding the consequences of bullying and violating the code and violations reportable under KRS 158.154, 158.156, or 158.444.
- (f) The principal of each school shall apply the code of *acceptable* behavior and discipline uniformly and fairly to each student at the school without partiality or discrimination.
- (g) A copy of the code of *acceptable* behavior and discipline adopted by the board of education shall be posted at each school. Guidance counselors shall be provided copies for discussion with students. The code shall be referenced in all school handbooks. All school employees and parents *or* ~~legal~~ guardians ~~or other persons exercising custodial control or supervision~~ shall be provided copies of the code.
- (6) (a) *Each local board of education shall adopt a transportation services policy to apply to students while on transportation provided for or by the district, and to their parents or guardians. The policy shall be updated no less frequently than every two (2) years, with the first update being completed by the first instructional day of the 2024-2025 school year.*
- (b) *The superintendent or designee shall be responsible for overall implementation and supervision. The board shall select and implement the appropriate discipline and transportation management techniques necessary to carry out the policy. The board shall establish a process for a two-way*

communication system for bus drivers and other employees, volunteers, or contractors to notify a supervisor, superintendent, or other administrator of an emergency.

- (c) *The policy shall contain the standard of behavior expected from each student while being transported by or for the district and the consequences of failure to obey the standards. The policy shall include:*
1. *Procedures for identifying, documenting, and reporting incidents of bullying, incidents of violations of the policy, and incidents for which reporting is required under KRS 158.156;*
 2. *Procedures for investigating and responding to a complaint or a report of bullying or a violation of the policy, or of an incident for which reporting is required under KRS 158.156, including reporting incidents to the parents or guardians of the students involved;*
 3. *A strategy or method of protecting a complainant or person reporting a violation of the policy from retaliation;*
 4. *When a student is alleged by an operator of transportation to have committed a violation of the policy that places the student or others at risk of physical harm or otherwise makes it unsafe for the driver to continue transporting students, and as permitted by state and federal law, a process that allows the operator of the vehicle to:*
 - a. *Refuse further transportation of the student at the time of the incident, upon notification of the emergency pursuant to paragraph (b) of this subsection, and transfer the student to:*
 - i. *An appropriate district official who has reported to the location of the vehicle;*
 - ii. *An appropriate district official located at a location designated in the transportation services policy or by an appropriate district official, including but not limited to a bus compound or transfer station;*
 - iii. *Law enforcement; or*
 - iv. *The student's parent or guardian; and*
 - b. *Upon filing and submitting a written report to the superintendent or designee, refuse future transportation of the student until an interim or final determination of disciplinary action by the superintendent or designee pursuant to local board policy;*
 5. *For alleged violations of the policy not covered by subparagraph 4. of this paragraph and submitted by the operator of the vehicle, a requirement that the superintendent or designee issue an interim or final determination of disciplinary action pursuant to local board policy within one (1) week of the report being submitted;*
 6. *A process allowing for the operator of a vehicle to:*
 - a. *File a written or electronic complaint or report of the misconduct, including a recommendation regarding revocation of the student's transportation privileges; and*
 - b. *Be heard during any disciplinary proceedings against a student relating, at least in part, to misconduct that occurred during the operator's transportation of the student;*
 7. *A requirement that any recommendation by the operator of a vehicle shall be considered by the superintendent or designee as a factor in the interim or final determination of disciplinary action on the complaint or report;*
 8. *A requirement that the operator of a vehicle, to the extent permitted by law, receive written notice from the superintendent or designee of the investigation, disciplinary action imposed, and reasoning in response to the reported misconduct; and*
 9. *A disciplinary structure that provides for:*
 - a. *Interventions or disciplinary consequences that reflect the severity of the violation; and*
 - b. *Increased intervention and consequences upon subsequent violations of the policy.*
- (d) *The policy shall contain the standard of behavior expected from parents or guardians of students being transported by or for the district while interacting with district transportation staff and the consequences of failure to follow the standards. The policy shall include:*

1. *Procedures for investigating and responding to a complaint or report made by an operator of transportation alleging parent or legal guardian misconduct;*
 2. *A requirement that the operator of a vehicle be provided an opportunity to be heard and to make a recommendation regarding future transportation of the student during any disciplinary proceedings relating, at least in part, to alleged misconduct by the student's parent or guardian and the impact upon a student's transportation privileges; and*
 3. *An intervention or consequences structure that provides for the placement of conditions upon or revocation of a student's transportation privileges based upon parent or guardian misconduct that provides for:*
 - a. *Interventions or consequences that reflect the severity of the parent or guardian's misconduct; and*
 - b. *Increased intervention and consequences upon subsequent violations of the policy.*
- (e) *The policy shall include references to relevant criminal violations based on potential misconduct covered by the policy, including but not limited to the following statements:*
1. *"KRS 511.020 makes it a Class B felony for a person, with the intent to commit a crime, knowingly entering or remaining unlawfully upon a school bus, and when in effecting entry or while upon the school bus or in the immediate flight therefrom, the person or another participant in the crime causes physical injury to another person or uses or threatens the use of a dangerous instrument against another person.";*
 2. *"KRS 508.078 makes it a Class C felony for a person to intentionally threaten to commit any act likely to result in death or serious physical injury to any employee of an elementary or secondary school, which includes a school bus driver.";*
 3. *"KRS 508.025 makes it a Class D felony for a person to recklessly, with a deadly weapon or dangerous instrument, or intentionally cause or attempt to cause physical injury to a school bus driver or other school employee acting in the course and scope of their employment.";*
 4. *"KRS 519.020 makes it a Class A misdemeanor for a person to obstruct governmental operations, which includes intentionally obstructing, impairing, or hindering the performance of a governmental function by using or threatening to use violence, force or physical interference.";* and
 5. *"KRS 525.070 makes it a Class B misdemeanor for a person, with intent to intimidate, harass, annoy, or alarm another person, to strike, shove, kick, or otherwise subject another to physical contact.".*
- (f) *The policy shall include a process for an operator of a vehicle, upon the reinstatement of a student's transportation privileges after an interim or final determination of disciplinary action, to elect to receive an alternate route assignment in lieu of transporting the student.*
- (g) *The superintendent or designee of each district shall apply the transportation services policy uniformly and fairly to each student without partiality or discrimination.*
- (h) *The superintendent or designee shall require every student in the district and at least one (1) parent or guardian of each student to acknowledge in writing the receipt, comprehension, and agreement of adherence to the transportation safety policy within seven (7) days of the student's first day of attendance during each school year. Failure to submit written acknowledgement by a student or their parent or guardian may be grounds for revocation of a student's transportation privileges until the acknowledgment is properly received.*
- (7) *Any action under this section related to students with disabilities shall be in compliance with applicable federal law.*
- ➔Section 3. KRS 158.445 is amended to read as follows:
- (1) Each local school shall ~~conduct~~^{begin} an assessment of school safety and student discipline ~~[during the 1998-1999 school year]~~ including a review of the following:
 - (a) Reports of school incidents relating to disruptive behaviors;
 - (b) The school's behavior and discipline codes for clarity and appropriate notice to students and parents;

- (c) The school's hierarchy of responses to discipline problems and actual disciplinary outcomes;
- (d) Training needs for instructional staff in classroom management, student learning styles, and other specialized training to enhance teachers' capacity to engage students and minimize disruptive behavior;
- (e) The array of school services to students at risk of academic failure, dropping out, or truancy;
- (f) The engagement of parents at the earliest stages of problem behavior;
- (g) Training needs for students in the development of core values and qualities of good character, anger reduction, conflict resolution, peer mediation, and other necessary skills;
- (h) Training needs of parents;
- (i) Existing school council policies relating to student discipline and student information;
- (j) The school's physical environment;
- (k) The school's student supervision plan;
- (l) Existing components of the school improvement plan or consolidated plan that focus on school safety and at-risk students, and the effectiveness of the components; and
- (m) Other data deemed relevant by the school council or school administration.

A school that does not complete an assessment process shall not be eligible for funds under the state school safety grant program ~~[in 1999-2000 and subsequent years]~~.

- (2) ~~[By May 15, 1999,]~~ Each local school district shall complete a district-level assessment of district-level data, resources, policies and procedures, and district-wide needs as identified from the individual school assessment process. The district shall engage local community agencies including law enforcement and the courts in the assessment process.
- (3) As a result of the district assessment and analysis of data, resources, and needs, each board of education shall adopt a plan for immediate and long-term strategies to address school safety and discipline. The development of the plan shall involve at least one (1) representative from each school in the district as well as representatives from the community as a whole, including representatives from the local juvenile delinquency prevention council if a council exists in that community. The process of planning shall be determined locally depending to a large extent on the size and characteristics of the district.
- (4) The district plan under subsection (3) of this section shall be the basis for any request for funds under the state school safety grant program ~~[for 1999-2000 and subsequent years]~~. The district plan shall include the local code of acceptable behavior and discipline *and the transportation services policy* as required under KRS 158.148 and a description of instructional placement options for threatening or violent students.

Signed by Governor March 22, 2024.

CHAPTER 10

(SB 155)

AN ACT relating to the Uniform Commercial Code.

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

➔ Section 1. KRS 355.1-201 is amended to read as follows:

- (1) Unless the context otherwise requires, words or phrases defined in this section, or in the additional definitions contained in other articles of *this chapter* ~~[the Uniform Commercial Code]~~ that apply to particular articles or parts thereof, have the meanings stated.
- (2) Subject to definitions contained in other articles of *this chapter* ~~[the Uniform Commercial Code]~~ that apply to particular articles or parts thereof:
 - (a) "Action," in the sense of a judicial proceeding, includes recoupment, counterclaim, set-off, suit in equity, and any other proceeding in which rights are determined;

- (b) "Aggrieved party" means a party entitled to pursue a remedy;
- (c) "Agreement," as distinguished from "contract," means the bargain of the parties in fact, as found in their language or inferred from other circumstances, including course of performance, course of dealing, or usage of trade as provided in KRS 355.1-303;
- (d) "Bank" means a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union, and trust company;
- (e) "Bearer" means a person in control of a negotiable electronic document of title or a person in possession of a negotiable instrument, a negotiable tangible document of title, or certificated security that is payable to bearer or indorsed in blank;
- (f)
 1. "Bill of lading" means a document of title evidencing the receipt of goods for shipment issued by a person engaged in the business of directly or indirectly transporting or forwarding goods.
 2. The term does not include a warehouse receipt;
- (g) "Branch" includes a separately incorporated foreign branch of a bank;
- (h) "Burden of establishing" a fact means the burden of persuading the trier of fact that the existence of the fact is more probable than its nonexistence;
- (i)
 1. "Buyer in ordinary course of business" means a person that buys goods in good faith, without knowledge that the sale violates the rights of another person in the goods, and in the ordinary course from a person, other than a pawnbroker, in the business of selling goods of that kind.
 2. A person buys goods in the ordinary course if the sale to the person comports with the usual or customary practices in the kind of business in which the seller is engaged or with the seller's own usual or customary practices.
 3. A person that sells oil, gas, or other minerals at the wellhead or minehead is a person in the business of selling goods of that kind.
 4. A buyer in ordinary course of business may buy for cash, by exchange of other property, or on secured or unsecured credit, and may acquire goods or documents of title under a preexisting contract for sale.
 5. Only a buyer that takes possession of the goods or has a right to recover the goods from the seller under Article 2 of this chapter may be a buyer in ordinary course of business.
 6. "Buyer in ordinary course of business" does not include a person that acquires goods in a transfer in bulk or as security for or in total or partial satisfaction of a money debt;
- (j)
 1. "Conspicuous," with reference to a term, means so written, displayed, or presented that, ***based on the totality of the circumstances***, a reasonable person against which it is to operate ought to have noticed it.
 2. Whether a term is "conspicuous" or not is a decision for the court~~[- Conspicuous terms include the following:~~
 - 1.~~— A heading in capitals equal to or greater in size than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same or lesser size; and~~
 - 2.~~— Language in the body of a record or display in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from surrounding text of the same size by symbols or other marks that call attention to the language];~~
- (k) "Consumer" means an individual who enters into a transaction primarily for personal, family, or household purposes;
- (l) "Contract," as distinguished from "agreement," means the total legal obligation that results from the parties' agreement as determined by ***this chapter***~~{the Uniform Commercial Code}~~ as supplemented by any other applicable laws;
- (m) "Creditor" includes a general creditor, a secured creditor, a lien creditor, and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity, and an executor or administrator of an insolvent debtor's or assignor's estate;

- (n) "Defendant" includes a person in the position of defendant in a counterclaim, cross-claim, or third-party claim;
- (o) "Delivery~~{+}~~":
1. With respect to an electronic document of title, means voluntary transfer of control; and
 2. With respect to an instrument, *a tangible* document of title, or *an authoritative tangible copy of a record evidencing* chattel paper, means voluntary transfer of possession;
- (p) 1. "Document of title" means a record that:
- a.~~{1-}~~ In the regular course of business or financing is treated as adequately evidencing that the person in possession or control of the record is entitled to receive, control, hold, and dispose of the record and the goods the record covers; and
 - b.~~{2-}~~ Purports to be issued by or addressed to a bailee and to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass.
2. The term includes a bill of lading, transport document, dock warrant, dock receipt, warehouse receipt, and order for delivery of goods.
 3. An electronic document of title is evidenced by a record consisting of information stored in an electronic medium.
 4. A tangible document of title is evidenced by a record consisting of information that is inscribed on a tangible medium;
- (q) "*Electronic*" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;
- (r) "Fault" means a default, breach, or wrongful act or omission;
- (s)~~{+}~~ "Fungible goods" means:
1. Goods of which any unit, by nature or usage of trade, is the equivalent of any other like unit; or
 2. Goods that by agreement are treated as equivalent;
- (t)~~{+}~~ "Genuine" means free of forgery or counterfeiting;
- (u)~~{+}~~ "Good faith," except as otherwise provided in Article 5 of this chapter, means honesty in fact and the observance of reasonable commercial standards of fair dealing;
- (v)~~{+}~~ "Holder" means:
1. The person in possession of a negotiable instrument that is payable either to bearer or to an identified person that is the person in possession;
 2. The person in possession of a *negotiable tangible* document of title if the goods are deliverable either to bearer or to the order of the person in possession; or
 3. ~~The~~**A** person in control, *other than pursuant to subsection (7) of Section 38 of this Act*, of a negotiable electronic document of title;
- (w)~~{+}~~ "Insolvency proceeding" includes an assignment for the benefit of creditors or other proceeding intended to liquidate or rehabilitate the estate of the person involved;
- (x)~~{+}~~ "Insolvent" means:
1. Having generally ceased to pay debts in the ordinary course of business other than as a result of bona fide dispute;
 2. Being unable to pay debts as they become due; or
 3. Being insolvent within the meaning of federal bankruptcy law;
- (y)~~{+}~~ 1. "Money" means a medium of exchange *that is* currently authorized or adopted by a domestic or foreign government.
2. The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two (2) or more countries.

3. *The term does not include an electronic record that is a medium of exchange recorded and transferable in a system that existed and operated for the medium of exchange before the medium of exchange was authorized or adopted by the government;*
- (z)~~(y)~~ "Organization" means a person other than an individual;
- (aa)~~(z)~~ "Party," as distinguished from "third party," means a person that has engaged in a transaction or made an agreement subject to *this chapter*~~the Uniform Commercial Code~~;
- (ab)~~(aa)~~ 1. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, ~~public corporation,~~ or any other legal or commercial entity.
2. *The term includes a protected series, however denominated, of an entity if the protected series is established under law other than this chapter that limits, or limits if conditions specified under the law are satisfied, the ability of a creditor of the entity or of any other protected series of the entity to satisfy a claim from assets of the protected series;*
- (ac)~~(ab)~~ "Present value" means the amount as of a date certain of one (1) or more sums payable in the future, discounted to the date certain by use of either an interest rate specified by the parties if that rate is not manifestly unreasonable at the time the transaction is entered into or, if an interest rate is not so specified, a commercially reasonable rate that takes into account the facts and circumstances at the time the transaction is entered into;
- (ad)~~(ae)~~ "Purchase" means taking by sale, lease, discount, negotiation, mortgage, pledge, lien, security interest, issue or reissue, gift, or any other voluntary transaction creating an interest in property;
- (ae)~~(ad)~~ "Purchaser" means a person that takes by purchase;
- (af)~~(ae)~~ "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;
- (ag)~~(af)~~ "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal;
- (ah)~~(ag)~~ "Representative" means a person empowered to act for another, including an agent, an officer of a corporation or association, and a trustee, executor, or administrator of an estate;
- (ai)~~(ah)~~ "Right" includes remedy;
- (aj)~~(ai)~~ 1. "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation.
2. *The term*~~["Security interest"]~~ includes any interest of a consignor and a buyer of accounts, chattel paper, a payment intangible, or a promissory note in a transaction that is subject to Article 9 of this chapter.
3. *The term*~~["Security interest"]~~ does not include the special property interest of a buyer of goods on identification of those goods to a contract for sale under KRS 355.2-401, but a buyer may also acquire a "security interest" by complying with Article 9 of this chapter.
4. Except as otherwise provided in KRS 355.2-505, the right of a seller or lessor of goods under Article 2 or 2A of this chapter to retain or acquire possession of the goods is not a "security interest," but a seller or lessor may also acquire a "security interest" by complying with Article 9 of this chapter.
5. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer under KRS 355.2-401 is limited in effect to a reservation of a "security interest."
6. Whether a transaction in the form of a lease creates a "security interest" is determined pursuant to KRS 355.1-203;
- (ak)~~(aj)~~ "Send," in connection with a~~writing,~~ record~~,~~ or *notification*~~, notice~~ means:
1. To deposit in the mail,~~or~~ deliver for transmission, *or transmit* by any other usual means of communication, with postage or cost of transmission provided for, *addressed*~~and properly addressed and, in the case of an instrument, to an address specified thereon or otherwise agreed, or if there be none~~ to any address reasonable under the circumstances; or

2. *To cause the record or notification to be received within the time it would have been received if properly sent under subparagraph 1. of this paragraph*~~[In any other way to cause to be received any record or notice within the time it would have arrived if properly sent];~~
- (al)~~(ak)~~ 1. "Sign~~Signed~~" means, with present intent to authenticate or adopt a record:
- a. Execute or adopt a tangible symbol; or
 - b. Attach to or logically associate with the record an electronic symbol, sound, or process.
2. "Signed," "signing," and "signature" have corresponding meanings~~[includes using any symbol executed or adopted with present intention to adopt or accept a writing];~~
- (am)~~(al)~~ "State" means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States;
- (an)~~(am)~~ "Surety" includes a guarantor or other secondary obligor;
- (ao)~~(an)~~ "Term" means a portion of an agreement that relates to a particular matter;
- (ap)~~(ao)~~ 1. "Unauthorized signature" means a signature made without actual, implied, or apparent authority.
2. The term includes a forgery;
- (aq)~~(ap)~~ "Warehouse receipt" means a document of title issued by a person engaged in the business of storing goods for hire; and
- (ar)~~(aq)~~ 1. "Writing" includes printing, typewriting, or any other intentional reduction to tangible form.
2. "Written" has a corresponding meaning.

➔Section 2. KRS 355.1-204 is amended to read as follows:

Except as otherwise provided in Articles 3, 4,~~and~~ 5, **and 12** of this chapter, a person gives value for rights if the person acquires them:

- (1) In return for a binding commitment to extend credit or for the extension of immediately available credit, whether or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection;
- (2) As security for, or in total or partial satisfaction of, a preexisting claim;
- (3) By accepting delivery under a preexisting contract for purchase; or
- (4) In return for any consideration sufficient to support a simple contract.

➔Section 3. KRS 355.1-301 is amended to read as follows:

- (1) This section applies to a transaction to the extent that it is governed by another article of **this chapter**~~the Uniform Commercial Code~~.
- (2) Except as otherwise provided in this section, when a transaction bears a reasonable relation to this state and also to another state or nation, the parties may agree that the law of either this state or such other state or nation shall govern their rights and duties.
- (3) In the absence of an agreement effective under subsection (2) of this section, the rights and obligations of the parties are determined by the law that would be selected by application of this state's conflict-of-laws principles.
- (4) To the extent that **this chapter**~~the Uniform Commercial Code~~ governs a transaction, if one (1) of the following provisions of **this chapter**~~the Uniform Commercial Code~~ specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law so specified:
 - (a) KRS 355.2-402;
 - (b) KRS 355.2A-105 and 355.2A-106;
 - (c) KRS 355.4-102;

- (d) KRS 355.4A-507;
- (e) KRS 355.5-116;
- (f) KRS 355.8-110;
- (g) KRS 355.9-301 to 355.9-307; *or*
- (h) *Section 100 of this Act.*

➔Section 4. KRS 355.1-306 is amended to read as follows:

A claim or right arising out of an alleged breach may be discharged in whole or in part without consideration by agreement of the aggrieved party in *a signed*~~an authenticated~~ record.

➔SECTION 5. KRS 355.2-102 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

- (1) *Unless the context otherwise requires, and except as provided in subsection (3) of this section, this article applies to transactions in goods and, in the case of a hybrid transaction, it applies to the extent provided in subsection (2) of this section.*
- (2) *In a hybrid transaction:*
 - (a) *If the sale-of-goods aspects do not predominate, only the provisions of this article which relate primarily to the sale-of-goods aspects of the transaction apply, and the provisions that relate primarily to the transaction as a whole do not apply; and*
 - (b) *If the sale-of-goods aspects predominate, this article applies to the transaction but does not preclude application in appropriate circumstances of other law to aspects of the transaction which do not relate to the sale of goods.*
- (3) *This article does not:*
 - (a) *Apply to a transaction that, even though in the form of an unconditional contract to sell or present sale, operates only to create a security interest; or*
 - (b) *Impair or repeal any statute regulating sales to consumers, farmers, or other specified classes of buyers.*

➔Section 6. KRS 355.2-106 is amended to read as follows:

- (1) In this article, unless the context otherwise requires:
 - (a) "Contract" and "agreement" are limited to those relating to the present or future sale of goods;~~;~~
 - (b) "Contract for sale" includes both a present sale of goods and a contract to sell goods at a future time;~~;~~
 - (c) A "sale" consists in the passing of title from the seller to the buyer for a price (KRS 355.2-401); ~~and~~
 - (d) A "present sale" means a sale which is accomplished by the making of the contract.
- (2) Goods or conduct, including any part of a performance, are "conforming" or conform to the contract when they are in accordance with the obligations under the contract.
- (3)
 - (a) "Termination" occurs when either party, pursuant to a power created by agreement or law, puts an end to the contract otherwise than for its breach.
 - (b) On "termination," all obligations which are still executory on both sides are discharged, but any right based on prior breach or performance survives.
- (4) "Cancellation" occurs when either party puts an end to the contract for breach by the other and its effect is the same as that of "termination," except that the canceling party also retains any remedy for breach of the whole contract or any unperformed balance.
- (5) *"Hybrid transaction" means a single transaction involving a sale of goods and:*
 - (a) *The provision of services;*
 - (b) *A lease of other goods; or*
 - (c) *A sale, lease, or license of property other than goods.*

➔Section 7. KRS 355.2-201 is amended to read as follows:

- (1) Except as otherwise provided in this section, a contract for the sale of goods for the price of **five hundred dollars** (\$500) or more is not enforceable by way of action or defense unless there is **a record**~~[some writing]~~ sufficient to indicate that a contract for sale has been made between the parties and signed by the party against whom enforcement is sought or by **the party's**~~[his]~~ authorized agent or broker. A **record**~~[writing]~~ is not insufficient because it omits or incorrectly states a term agreed upon, but the contract is not enforceable under this **subsection**~~[paragraph]~~ beyond the quantity of goods shown in **the record**~~[such writing]~~.
- (2) Between merchants, if within a reasonable time a **record**~~[writing]~~ in confirmation of the contract and sufficient against the sender is received and the party receiving it has reason to know its contents, it satisfies the requirements of subsection (1) **of this section** against **the**~~[such]~~ party unless~~[written]~~ notice **in a record** of objection to its contents is given within ten (10) days after it is received.
- (3) A contract which does not satisfy the requirements of subsection (1) **of this section** but which is valid in other respects is enforceable:
 - (a) If the goods are to be specially manufactured for the buyer and are not suitable for sale to others in the ordinary course of the seller's business and the seller, before notice of repudiation is received and under circumstances which reasonably indicate that the goods are for the buyer, has made either a substantial beginning of their manufacture or commitments for their procurement;~~[or]~~
 - (b) If the party against whom enforcement is sought admits in **that party's**~~[his]~~ pleading **or**~~[,]~~ testimony, or otherwise, in court that a contract for sale was made, but the contract is not enforceable under this provision beyond the quantity of goods admitted; or
 - (c) With respect to goods for which payment has been made and accepted or which have been received and accepted (KRS 355.2-606).

→Section 8. KRS 355.2-202 is amended to read as follows:

Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in a **record**~~[writing]~~ intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented:

- (1) By course of performance, course of dealing, or usage of trade (KRS 355.1-303); and
- (2) By evidence of consistent additional terms unless the court finds the **record**~~[writing]~~ to have been intended also as a complete and exclusive statement of the terms of the agreement.

→Section 9. KRS 355.2-203 is amended to read as follows:

The affixing of a seal to a **record**~~[writing]~~ evidencing a contract for sale or an offer to buy or sell goods does not constitute the **record**~~[writing]~~ a sealed instrument and the law with respect to sealed instruments does not apply to such a contract or offer.

→Section 10. KRS 355.2-205 is amended to read as follows:

An offer by a merchant to buy or sell goods in a signed **record**~~[writing]~~ which by its terms gives assurance that it will be held open is not revocable, for lack of consideration, during the time stated or if no time is stated, for a reasonable time, but in no event may such period of irrevocability exceed three (3) months~~[,]~~ **and**~~[but]~~ any such term of assurance on a form supplied by the offeree must be separately signed by the offeror.

→Section 11. KRS 355.2-209 is amended to read as follows:

- (1) An agreement modifying a contract within this article needs no consideration to be binding.
- (2) A signed agreement **that**~~[which]~~ excludes modification or rescission except by a signed writing **or other signed record** cannot be otherwise modified or rescinded, but, except as between merchants, such a requirement on a form supplied by the merchant must be separately signed by the other party.
- (3) The requirements of the statute of frauds section of this article (KRS 355.2-201) must be satisfied if the contract as modified is within its provisions.
- (4) Although an attempt at modification or rescission does not satisfy the requirements of subsection (2) or (3) **of this section**, it can operate as a waiver.

- (5) A party who has made a waiver affecting an executory portion of the contract may retract the waiver by reasonable notification received by the other party that strict performance will be required of any term waived, unless the retraction would be unjust in view of a material change of position in reliance on the waiver.

➔Section 12. KRS 355.2A-102 is amended to read as follows:

- (1) This article applies to any transaction, regardless of form, that creates a lease *and, in the case of a hybrid lease, it applies to the extent provided in subsection (2) of this section.*

- (2) *In a hybrid lease:*

(a) *If the lease-of-goods aspects do not predominate:*

1. *Only the provisions of this article which relate primarily to the lease-of-goods aspects of the transaction apply, and the provisions that relate primarily to the transaction as a whole do not apply;*
2. *KRS 355.2A-209 applies if the lease is a finance lease; and*
3. *KRS 355.2A-407 applies to the promises of the lessee in a finance lease to the extent the promises are consideration for the right to possession and use of the leased goods; and*

(b) *If the lease-of-goods aspects predominate, this article applies to the transaction, but does not preclude application in appropriate circumstances of other law to aspects of the lease which do not relate to the lease of goods.*

➔Section 13. KRS 355.2A-103 is amended to read as follows:

- (1) In this article, unless the context otherwise requires:

(a) 1. "Buyer in ordinary course of business" means a person who, in good faith and without knowledge that the sale to ~~the person~~ *him* is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods, buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker.

2. "Buying" may be for cash or by exchange of other property or on secured or unsecured credit and includes receiving goods or documents of title under a pre-existing contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt;

(b) "Cancellation" occurs when either party puts an end to the lease contract for default by the other party;

(c) 1. "Commercial unit" means such a unit of goods as by commercial usage is a single whole for purposes of lease and division of which materially impairs its character or value on the market or in use.

2. A commercial unit may be a single article, as a machine, or a set of articles, as a suite of furniture or a line of machinery, or a quantity, as a gross or carload, or any other unit treated in use or in the relevant market as a single whole;

(d) "Conforming" goods or performance under a lease contract means goods or performance that are in accordance with the obligations under the lease contract;

(e) "Consumer lease" means a lease that a lessor regularly engaged in the business of leasing or selling makes to a lessee who is an individual and who takes under the lease primarily for a personal, family, or household purpose;

(f) "Fault" means wrongful act, omission, breach, or default;

(g) "Finance lease" means a lease with respect to which:

1. The lessor does not select, manufacture, or supply the goods;

2. The lessor acquires the goods or the right to possession and use of the goods in connection with the lease; and

3. One (1) of the following occurs:

a. The lessee receives a copy of the contract by which the lessor acquired the goods or the right to possession and use of the goods before signing the lease contract;

- b. The lessee's approval of the contract by which the lessor acquired the goods or the right to possession and use of the goods is a condition to effectiveness of the lease contract;
- c. The lessee, before signing the lease contract, receives an accurate and complete statement designating the promises and warranties, and any disclaimers of warranties, limitations, or modifications of remedies, or liquidated damages, including those of a third party, such as the manufacturer of the goods, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods or the right to possession and use of the goods; or
- d. If the lease is not a consumer lease, the lessor, before the lessee signs the lease contract, informs the lessee in writing: ~~{(a)}~~
 - i. Of the identity of the person supplying the goods to the lessor, unless the lessee has selected that person and directed the lessor to acquire the goods or the right to possession and use of the goods from that person; ~~{(b)}~~
 - ii. That the lessee is entitled under this article to the promises and warranties, including those of any third party, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods or the right to possession and use of the goods; ~~{(c)}~~ and ~~{(e)}~~
 - iii. That the lessee may communicate with the person supplying the goods to the lessor and receive an accurate and complete statement of those promises and warranties, including any disclaimers and limitations of them or of remedies;
- (h) **1.** "Goods" means all things that are movable at the time of identification to the lease contract, or are fixtures (KRS 355.2A-309), but the term does not include money, documents, instruments, accounts, chattel paper, general intangibles, or minerals or the like, including oil and gas, before extraction.
 - 2.** The term also includes the unborn young of animals;
- (i) **"Hybrid lease" means a single transaction involving a lease of goods and:**
 - 1. The provision of services;**
 - 2. A sale of other goods; or**
 - 3. A sale, lease, or license of property other than goods;**
- (j) "Installment lease contract" means a lease contract that authorizes or requires the delivery of goods in separate lots to be separately accepted, even though the lease contract contains a clause "each delivery is a separate lease" or its equivalent;
- ~~(k){(j)}~~ **1.** "Lease" means a transfer of the right to possession and use of goods for a term in return for consideration, but a sale, including a sale on approval or a sale or return, or retention or creation of a security interest is not a lease.
 - 2.** Unless the context clearly indicates otherwise, the term includes a sublease;
- ~~(l){(k)}~~ **1.** "Lease agreement" means the bargain, with respect to the lease, of the lessor and the lessee in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this article.
 - 2.** Unless the context clearly indicates otherwise, the term includes a sublease agreement;
- ~~(m){(l)}~~ **1.** "Lease contract" means the total legal obligation that results from the lease agreement as affected by this article and any other applicable rules of law.
 - 2.** Unless the context clearly indicates otherwise, the term includes a sublease contract;
- ~~(n){(m)}~~ "Leasehold interest" means the interest of the lessor or the lessee under a lease contract;
- ~~(o){(n)}~~ **1.** "Lessee" means a person who acquires the right to possession and use of goods under a lease.
 - 2.** Unless the context clearly indicates otherwise, the term includes a sublessee;

- (p)~~(o)~~ 1. "Lessee in ordinary course of business" means a person who, in good faith and without knowledge that the lease to *the person*~~him~~ is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods, leases in ordinary course from a person in the business of selling or leasing goods of that kind but does not include a pawnbroker.
2. "Leasing" may be for cash or by exchange of other property or on secured or unsecured credit and includes receiving goods or documents of title under a pre-existing lease contract but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt;
- (q)~~(p)~~ 1. "Lessor" means a person who transfers the right to possession and use of goods under a lease.
2. Unless the context clearly indicates otherwise, the term includes a sublessor;
- (r)~~(q)~~ "Lessor's residual interest" means the lessor's interest in the goods after expiration, termination, or cancellation of the lease contract;
- (s)~~(r)~~ "Lien" means a charge against or interest in goods to secure payment of a debt or performance of an obligation, but the term does not include a security interest;
- (t)~~(s)~~ "Lot" means a parcel or a single article that is the subject matter of a separate lease or delivery, whether or not it is sufficient to perform the lease contract;~~;~~
- (u)~~(t)~~ "Merchant lessee" means a lessee that is a merchant with respect to goods of the kind subject to the lease;
- (v)~~(u)~~ 1. "Present value" means the amount as of a date certain of one (1) or more sums payable in the future, discounted to the date certain.
2. The discount is determined by the interest rate specified by the parties if the rate was not manifestly unreasonable at the time the transaction was entered into; otherwise, the discount is determined by a commercially reasonable rate that takes into account the facts and circumstances of each case at the time the transaction was entered into;
- (w)~~(v)~~ "Purchase" includes taking by sale, lease, mortgage, security interest, pledge, gift, or any other voluntary transaction creating an interest in goods;
- (x)~~(w)~~ "Sublease" means a lease of goods the right to possession and use of which was acquired by the lessor as a lessee under an existing lease;
- (y)~~(x)~~ "Supplier" means a person from whom a lessor buys or leases goods to be leased under a finance lease;
- (z)~~(y)~~ "Supply contract" means a contract under which a lessor buys or leases goods to be leased; and
- (aa)~~(z)~~ "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the lease contract otherwise than for default.
- (2) **The following**~~Other~~ definitions *in*~~applying to~~ this article **apply to this article**~~and the sections in which they appear are~~:
- (a) "Accessions." KRS 355.2A-310(1);
- (b) "Construction mortgage." KRS 355.2A-309(1)~~(d)~~;
- (c) "Encumbrance." KRS 355.2A-309(1)~~(e)~~;
- (d) "Fixtures." KRS 355.2A-309(1)~~(a)~~;
- (e) "Fixture filing." KRS 355.2A-309(1)~~(b)~~; and
- (f) "Purchase money lease." KRS 355.2A-309(1)~~(e)~~.
- (3) The following definitions in other articles apply to this article:
- (a) "Account." KRS 355.9-102~~(1)(b)~~;
- (b) "Between merchants." KRS 355.2-104~~(3)~~;
- (c) "Buyer." KRS 355.2-103(1)~~(a)~~;
- (d) "Chattel paper." KRS 355.9-102~~(1)(k)~~;

- (e) "Consumer goods." KRS 355.9-102~~[(1)(w)]~~;
 - (f) "Document." KRS 355.9-102~~[(1)(ad)]~~;
 - (g) "Entrusting." KRS 355.2-403(3);
 - (h) "General intangible." KRS 355.9-102~~[(1)(ap)]~~;
 - (i) "Instrument." KRS 355.9-102~~[(1)(au)]~~;
 - (j) "Merchant." KRS 355.2-104~~[(1)]~~;
 - (k) "Mortgage." KRS 355.9-102~~[(1)(be)]~~;
 - (l) "Pursuant to commitment." KRS 355.9-102~~[(1)(be)]~~;
 - (m) "Receipt." KRS 355.2-103~~[(1)(e)]~~;
 - (n) "Sale." KRS 355.2-106(1);
 - (o) "Sale on approval." KRS 355.2-326;
 - (p) "Sale or return." KRS 355.2-326; and
 - (q) "Seller." KRS 355.2-103~~[(1)(d)]~~.
- (4) In addition, Article 1 *of this chapter* contains general definitions and principles of construction and interpretation applicable throughout this article.

➔Section 14. KRS 355.2A-107 is amended to read as follows:

Any claim or right arising out of an alleged default or breach of warranty may be discharged in whole or in part without consideration by a ~~written~~ waiver or renunciation *in a* signed ~~record~~ and delivered by the aggrieved party.

➔Section 15. KRS 355.2A-201 is amended to read as follows:

- (1) A lease contract is not enforceable by way of action or defense unless:
 - (a) The total payments to be made under the lease contract, excluding payments for options to renew or buy, are less than five hundred dollars (\$500); or
 - (b) There is a ~~record~~~~writing~~, signed by the party against whom enforcement is sought or by that party's authorized agent, sufficient to indicate that a lease contract has been made between the parties and to describe the goods leased and the lease term.
- (2) Any description of leased goods or of the lease term is sufficient and satisfies subsection (1)(b) *of this section*, whether or not it is specific, if it reasonably identifies what is described.
- (3) A ~~record~~~~writing~~ is not insufficient because it omits or incorrectly states a term agreed upon, but the lease contract is not enforceable under subsection (1)(b) *of this section* beyond the lease term and the quantity of goods shown in the ~~record~~~~writing~~.
- (4) A lease contract that does not satisfy the requirements of subsection (1) *of this section*, but which is valid in other respects, is enforceable:
 - (a) If the goods are to be specially manufactured or obtained for the lessee and are not suitable for lease or sale to others in the ordinary course of the lessor's business, and the lessor, before notice of repudiation is received and under circumstances that reasonably indicate that the goods are for the lessee, has made either a substantial beginning of their manufacture or commitments for their procurement;
 - (b) If the party against whom enforcement is sought admits in that party's pleading ~~or~~~~[-]~~ testimony, or otherwise, in court that *a* lease contract was made, but the lease contract is not enforceable under this provision beyond the quantity of goods admitted; or
 - (c) With respect to goods that have been received and accepted by the lessee.
- (5) The lease term under a lease contract referred to in subsection (4) *of this section* is:
 - (a) If there is a ~~record~~~~writing~~ signed by the party against whom enforcement is sought or by that party's authorized agent specifying the lease term, the term so specified;
 - (b) If the party against whom enforcement is sought admits in that party's pleading ~~or~~~~[-]~~ testimony, or otherwise, in court a lease term, the term so admitted; or

(c) A reasonable lease term.

→Section 16. KRS 355.2A-202 is amended to read as follows:

Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in a **record~~[writing]~~** intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented:

- (1) By course of dealing or usage of trade or by course of performance; and
- (2) By evidence of consistent additional terms unless the court finds the **record~~[writing]~~** to have been intended also as a complete and exclusive statement of the terms of the agreement.

→Section 17. KRS 355.2A-203 is amended to read as follows:

The affixing of a seal to a **record~~[writing]~~** evidencing a lease contract or an offer to enter into a lease contract does not render the **record~~[writing]~~** a sealed instrument and the law with respect to sealed instruments does not apply to the lease contract or offer.

→Section 18. KRS 355.2A-205 is amended to read as follows:

An offer by a merchant to lease goods to or from another person in a signed **record~~[writing]~~** that by its terms gives assurance it will be held open is not revocable, for lack of consideration, during the time stated or ~~[]~~ if no time is stated, for a reasonable time, but in no event may the period of irrevocability exceed three (3) months **and~~[]~~** any such term of assurance on a form supplied by the offeree must be separately signed by the offeror.

→Section 19. KRS 355.2A-208 is amended to read as follows:

- (1) An agreement modifying a lease contract needs no consideration to be binding.
- (2) A signed lease agreement that excludes modification or rescission except by a signed **record cannot~~[writing]~~** ~~may not~~ be otherwise modified or rescinded, but, except as between merchants, such a requirement on a form supplied by a merchant must be separately signed by the other party.
- (3) Although an attempt at modification or rescission does not satisfy the requirements of subsection (2) **of this section**, it may operate as a waiver.
- (4) A party who has made a waiver affecting an executory portion of a lease contract may retract the waiver by reasonable notification received by the other party that strict performance will be required of any term waived, unless the retraction would be unjust in view of a material change of position in reliance on the waiver.

→Section 20. KRS 355.3-104 is amended to read as follows:

- (1) Except as provided in subsections (3) and (4) of this section, "negotiable instrument" means an unconditional promise or order to pay a fixed amount of money, with or without interest or other charges described in the promise or order, if it:
 - (a) Is payable to bearer or to order at the time it is issued or first comes into possession of a holder;
 - (b) Is payable on demand or at a definite time; and
 - (c) Does not state any other undertaking or instruction by the person promising or ordering payment to do any act in addition to the payment of money, but the promise or order may contain:
 1. An undertaking or power to give, maintain, or protect collateral to secure payment;
 2. An authorization or power to the holder to confess judgment or realize on or dispose of collateral;~~[or]~~
 3. A waiver of the benefit of any law intended for the advantage or protection of an obligor;
 4. **A term that specifies the law that governs the promise or order; or**
 5. **An undertaking to resolve in a specified forum a dispute concerning the promise or order.**
- (2) "Instrument" means a negotiable instrument.
- (3) An order that meets all of the requirements of subsection (1) of this section, except paragraph (a) of that subsection, and otherwise falls within the definition of "check" in subsection (6) of this section is a negotiable instrument and a check.

- (4) A promise or order other than a check is not an instrument if, at the time it is issued or first comes into possession of a holder, it contains a conspicuous statement, however expressed, to the effect that the promise or order is not negotiable or is not an instrument governed by this article.
- (5) (a) An instrument is a "note" if it is a promise and is a "draft" if it is an order.
 (b) If an instrument falls within the definition of both "note" and "draft," a person entitled to enforce the instrument may treat it as either.
- (6) (a) "Check" means:
 1. ~~{(a)}~~ A draft, other than a documentary draft, payable on demand and drawn on a bank; or
 2. ~~{(b)}~~ A cashier's check or teller's check.
 (b) An instrument may be a check even though it is described on its face by another term, such as "money order."
- (7) "Cashier's check" means a draft with respect to which the drawer and drawee are the same bank or branches of the same bank.
- (8) "Teller's check" means a draft drawn by a bank:
 (a) On another bank; or
 (b) Payable at or through a bank.
- (9) "Traveler's check" means an instrument that:
 (a) Is payable on demand;
 (b) Is drawn on or payable at or through a bank;
 (c) Is designated by the term "traveler's check" or by a substantially similar term; and
 (d) Requires, as a condition to payment, a countersignature by a person whose specimen signature appears on the instrument.
- (10) (a) "Certificate of deposit" means an instrument containing an acknowledgment by a bank that a sum of money has been received by the bank and a promise by the bank to repay the sum of money.
 (b) A certificate of deposit is a note of the bank.
 ➔Section 21. KRS 355.3-105 is amended to read as follows:
- (1) "Issue" means:
 (a) The first delivery of an instrument by the maker or drawer, whether to a holder or nonholder, for the purpose of giving rights on the instrument to any person; *or*
 (b) *If agreed by the payee, the first transmission by the drawer to the payee of an image of an item and information derived from the item that enables the depository bank to collect the item by transferring or presenting under federal law an electronic check.*
- (2) (a) An unissued instrument, or an unissued incomplete instrument that is completed, is binding on the maker or drawer, but nonissuance is a defense.
 (b) An instrument that is conditionally issued or is issued for a special purpose is binding on the maker or drawer, but failure of the condition or special purpose to be fulfilled is a defense.
- (3) "Issuer" applies to issued and unissued instruments and means a maker or drawer of an instrument.
 ➔Section 22. KRS 355.3-401 is amended to read as follows:
~~{(1)}~~ A person is not liable on an instrument unless:
 (1) ~~{(a)}~~ The person signed the instrument; or
 (2) ~~{(b)}~~ The person is represented by an agent or representative who signed the instrument and the signature is binding on the represented person under KRS 355.3-402.
~~{(2)}~~ A signature may be made:
 (a) ~~Manually or by means of a device or machine; and~~

~~(b) By the use of any name, including a trade or assumed name, or by a word, mark, or symbol executed or adopted by a person with present intention to authenticate a writing.~~

➔ Section 23. KRS 355.3-417 is amended to read as follows:

- (1) (a) If an unaccepted draft is presented to the drawee for payment or acceptance and the drawee pays or accepts the draft,
 1. The person obtaining payment or acceptance, at the time of presentment; and
 2. A previous transferor of the draft, at the time of transfer,
 warrant to the drawee making payment or accepting the draft in good faith the conditions set out in paragraph (b) of this subsection.
 - (b) 1. The warrantor is, or was, at the time the warrantor transferred the draft, a person entitled to enforce the draft or authorized to obtain payment or acceptance of the draft on behalf of a person entitled to enforce the draft;
 2. The draft has not been altered;
 3. The warrantor has no knowledge that the signature of the drawer of the draft is unauthorized; and
 4. With respect to any remotely created item, that the person on whose account the item is drawn authorized the issuance of the item in the amount for which the item is drawn.
- (2) (a) A drawee making payment may recover from any warrantor damages for breach of warranty equal to the amount paid by the drawee less the amount the drawee received or is entitled to receive from the drawer because of the payment. In addition, the drawee is entitled to compensation for expenses, *including reasonable attorney's fees*, and loss of interest resulting from the breach.
 - (b) The right of the drawee to recover damages under this subsection is not affected by any failure of the drawee to exercise ordinary care in making payment.
 - (c) If the drawee accepts the draft, breach of warranty is a defense to the obligation of the acceptor.
 - (d) If the acceptor makes payment with respect to the draft, the acceptor is entitled to recover from any warrantor for breach of warranty the amounts stated in this subsection.
- (3) If a drawee asserts a claim for breach of warranty under subsection (1) of this section based on an unauthorized indorsement of the draft or an alteration of the draft, the warrantor may defend by proving that the indorsement is effective under KRS 355.3-404 or 355.3-405 or the drawer is precluded under KRS 355.3-406 or 355.4-406 from asserting against the drawee the unauthorized indorsement or alteration.
- (4) (a) If:
 1. a. A dishonored draft is presented for payment to the drawer or an indorser; or
 - b. Any other instrument is presented for payment to a party obliged to pay the instrument; and
 2. Payment is received,
 the rules set out in paragraph (b) of this subsection apply.
 - (b) 1. The person obtaining payment and a prior transferor of the instrument warrant to the person making payment in good faith that the warrantor is, or was, at the time the warrantor transferred the instrument, a person entitled to enforce the instrument or authorized to obtain payment on behalf of a person entitled to enforce the instrument.
 2. The person making payment may recover from any warrantor for breach of warranty an amount equal to the amount paid plus expenses, *including reasonable attorney's fees*, and loss of interest resulting from the breach.
- (5) (a) The warranties stated in subsections (1) and (4) of this section cannot be disclaimed with respect to checks.
 - (b) Unless notice of a claim for breach of warranty is given to the warrantor within thirty (30) days after the claimant has reason to know of the breach and the identity of the warrantor, the liability of the

warrantor under subsection (2) or (4) of this section is discharged to the extent of any loss caused by the delay in giving notice of the claim.

- (6) A claim for relief for breach of warranty under this section accrues when the claimant has reason to know of the breach.

➔Section 24. KRS 355.3-604 is amended to read as follows:

- (1) (a) A person entitled to enforce an instrument, with or without consideration, may discharge the obligation of a party to pay the instrument:

1. ~~(a)~~ By an intentional voluntary act, such as surrender of the instrument to the party, destruction, mutilation, or cancellation of the instrument, cancellation or striking out of the party's signature, or the addition of words to the instrument indicating discharge; or

2. ~~(b)~~ By agreeing not to sue or otherwise renouncing rights against the party by a signed record.

- (b) ***The obligation of a party to pay the instrument is not discharged solely by the destruction of a check in connection with a process in which information is extracted from the check and an image of the check is made and, subsequently, the information and image are transmitted for payment.***

- (2) Cancellation or striking out of an indorsement pursuant to subsection (1) of this section does not affect the status and rights of a party derived from the indorsement.

~~(3) In this section, "signed," with respect to a record that is not in writing, includes the attachment to or logical association with the record of an electronic symbol, sound, or process with the present intent to adopt or accept the record.]~~

➔Section 25. KRS 355.4-208 is amended to read as follows:

- (1) (a) If an unaccepted draft is presented to the drawee for payment or acceptance and the drawee pays or accepts the draft,

1. The person obtaining payment or acceptance, at the time of presentment; and

2. A previous transferor of the draft, at the time of transfer,

warrant to the drawee that pays or accepts the draft in good faith the conditions set out in paragraph (b) of this subsection.

- (b) 1. The warrantor is, or was, at the time the warrantor transferred the draft, a person entitled to enforce the draft or authorized to obtain payment or acceptance of the draft on behalf of a person entitled to enforce the draft;

2. The draft has not been altered;

3. The warrantor has no knowledge that the signature of the purported drawer of the draft is unauthorized; and

4. With respect to any remotely created item, that the person on whose account the item is drawn authorized the issuance of the item in the amount for which the item is drawn.

- (2) (a) A drawee making payment may recover from a warrantor damages for breach of warranty equal to the amount paid by the drawee less the amount the drawee received or is entitled to receive from the drawer because of the payment. In addition, the drawee is entitled to compensation for expenses, ***including reasonable attorney's fees***, and loss of interest resulting from the breach.

- (b) The right of the drawee to recover damages under this subsection is not affected by any failure of the drawee to exercise ordinary care in making payment.

- (c) If the drawee accepts the draft:

1. ~~(a)~~ Breach of warranty is a defense to the obligation of the acceptor; and

2. ~~(b)~~ If the acceptor makes payment with respect to the draft, the acceptor is entitled to recover from a warrantor for breach of warranty the amounts stated in this subsection.

- (3) If a drawee asserts a claim for breach of warranty under subsection (1) of this section based on an unauthorized indorsement of the draft or an alteration of the draft, the warrantor may defend by proving that

the indorsement is effective under KRS 355.3-404 or 355.3-405 or the drawer is precluded under KRS 355.3-406 or 355.4-406 from asserting against the drawee the unauthorized indorsement or alteration.

- (4) (a) If:
1. ~~(a)~~ A dishonored draft is presented for payment to the drawer or an indorser; or
 2. ~~(b)~~ Any other item is presented for payment to a party obliged to pay the item,
- and the item is paid, the person obtaining payment and a prior transferor of the item warrant to the person making payment in good faith that the warrantor is, or was, at the time the warrantor transferred the item, a person entitled to enforce the item or authorized to obtain payment on behalf of a person entitled to enforce the item.
- (b) The person making payment may recover from any warrantor for breach of warranty an amount equal to the amount paid plus expenses, *including reasonable attorney's fees*, and loss of interest resulting from the breach.
- (5) (a) The warranties stated in subsections (1) and (4) of this section cannot be disclaimed with respect to checks.
- (b) Unless notice of a claim for breach of warranty is given to the warrantor within thirty (30) days after the claimant has reason to know of the breach and the identity of the warrantor, the warrantor is discharged to the extent of any loss caused by the delay in giving notice of the claim.
- (6) A claim for relief for breach of warranty under this section accrues when the claimant has reason to know of the breach.

➔Section 26. KRS 355.4A-103 is amended to read as follows:

- (1) In this article:
- (a) "Payment order" means an instruction of a sender to a receiving bank, transmitted orally~~ly~~, ~~electronically,~~ or in *a record*~~[writing]~~, to pay, or to cause another bank to pay, a fixed or determinable amount of money to a beneficiary if:
 1. The instruction does not state a condition to payment to the beneficiary other than time of payment;
 2. The receiving bank is to be reimbursed by debiting an account of, or otherwise receiving payment from, the sender; and
 3. The instruction is transmitted by the sender directly to the receiving bank or to an agent, funds-transfer system, or communication system for transmittal to the receiving bank.
 - (b) "Beneficiary" means the person to be paid by the beneficiary's bank.
 - (c) "Beneficiary's bank" means the bank identified in a payment order in which an account of the beneficiary is to be credited pursuant to the order or which otherwise is to make payment to the beneficiary if the order does not provide for payment to an account.
 - (d) "Receiving bank" means the bank to which the sender's instruction is addressed.
 - (e) "Sender" means the person giving the instruction to the receiving bank.
- (2) If an instruction complying with subsection (1)(a) *of this section* is to make more than one (1) payment to a beneficiary, the instruction is a separate payment order with respect to each payment.
- (3) A payment order is issued when it is sent to the receiving bank.

➔Section 27. KRS 355.4A-201 is amended to read as follows:

- (1) "Security procedure" means a procedure established by agreement of a customer and a receiving bank for the purpose of:
- (a) ~~(1)~~ Verifying that a payment order or communication amending or canceling a payment order is that of the customer; or
 - (b) ~~(2)~~ Detecting error in the transmission or the content of the payment order or communication.
- (2) A security procedure may:

- (a) **Impose an obligation on the receiving bank or the customer; and**
 - (b) Require the use of algorithms or other codes, identifying words,~~[-or]~~ numbers, **symbols, sounds, biometrics**, encryption, callback procedures, or similar security devices.
- (3) Comparison of a signature on a payment order or communication with an authorized specimen signature of the customer **or requiring a payment order to be sent from a known email address, IP address, or phone number** is not by itself a security procedure.

➔Section 28. KRS 355.4A-202 is amended to read as follows:

- (1) A payment order received by the receiving bank is the authorized order of the person identified as sender if that person authorized the order or is otherwise bound by it under the law of agency.
- (2) (a) If a bank and its customer have agreed that the authenticity of payment orders issued to the bank in the name of the customer as sender will be verified pursuant to a security procedure, a payment order received by the receiving bank is effective as the order of the customer, whether or not authorized, if:
 - 1.~~[(a)]~~ The security procedure is a commercially reasonable method of providing security against unauthorized payment orders; and
 - 2.~~[(b)]~~ The bank proves that it accepted the payment order in good faith and in compliance with the **bank's obligations under the** security procedure and any~~[-written]~~ agreement or instruction of the customer, **evidenced by a record**, restricting acceptance of payment orders issued in the name the customer.
- (b) The bank is not required to follow an instruction that violates ~~an~~~~[-written]~~ agreement with the customer, **evidenced by a record**, or notice of which is not received at a time and in a manner affording the bank a reasonable opportunity to act on it before the payment order is accepted.
- (3) (a) Commercial reasonableness of a security procedure is a question of law to be determined by considering the wishes of the customer expressed to the bank, the circumstances of the customer known to the bank, including the size, type, and frequency of payment orders normally issued by the customer to the bank, alternative security procedures offered to the customer, and security procedures in general use by customers and receiving banks similarly situated.
- (b) A security procedure is deemed to be commercially reasonable if:
 - 1.~~[(a)]~~ The security procedure was chosen by the customer after the bank offered, and the customer refused, a security procedure that was commercially reasonable for that customer; and
 - 2.~~[(b)]~~ The customer expressly agreed in **a record**~~[-writing]~~ to be bound by any payment order, whether or not authorized, issued in its name and accepted by the bank in compliance with the **bank's obligations under the** security procedure chosen by the customer.
- (4) The term "sender" in this article includes the customer in whose name a payment order is issued if the order is:
 - (a) The authorized order of the customer under subsection (1) **of this section**~~[-];~~ or~~[-it is]~~
 - (b) Effective as the order of the customer under subsection (2) **of this section**.
- (5) This section applies to amendments and cancellations of payment orders to the same extent it applies to payment orders.
- (6) Except as provided in this section and in KRS 355.4A-203(1)(a), rights and obligations arising under this section or KRS 355.4A-203 may not be varied by agreement.

➔Section 29. KRS 355.4A-203 is amended to read as follows:

- (1) If an accepted payment order is not, under KRS 355.4A-202(1), an authorized order of a customer identified as sender, but is effective as an order of the customer pursuant to KRS 355.4A-202(2), the following rules apply:
 - (a) By express~~[-written]~~ agreement, **evidenced by a record**, the receiving bank may limit the extent to which it is entitled to enforce or retain payment of the payment order; ~~and~~~~[-]~~
 - (b) The receiving bank is not entitled to enforce or retain payment of the payment order if the customer proves that the order was not caused, directly or indirectly, by a person:
 - 1. Entrusted at any time with duties to act for the customer with respect to payment orders or the security procedure; or

2. Who obtained access to transmitting facilities of the customer or who obtained, from a source controlled by the customer and without authority of the receiving bank, information facilitating breach of the security procedure, regardless of how the information was obtained or whether the customer was at fault. **Information includes any access device, computer software, or the like.**

~~Information includes any access device, computer software, or the like.~~

- (2) This section applies to amendments of payment orders to the same extent it applies to payment orders.

➔Section 30. KRS 355.4A-207 is amended to read as follows:

- (1) Subject to subsection (2) **of this section**, if, in a payment order received by the beneficiary's bank, the name, bank account number, or other identification of the beneficiary refers to a nonexistent or unidentifiable person or account, no person has rights as a beneficiary of the order and acceptance of the order cannot occur.

- (2) If a payment order received by the beneficiary's bank identifies the beneficiary both by name and by an identifying or bank account number and the name and number identify different persons, the following rules apply:

- (a) Except as otherwise provided in subsection (3) **of this section**:~~;~~

1. If the beneficiary's bank does not know that the name and number refer to different persons, it may rely on the number as the proper identification of the beneficiary of the order; **and**~~;~~
2. The beneficiary's bank need not determine whether the name and number refer to the same person; **and**~~;~~

- (b) 1. If the beneficiary's bank pays the person identified by name or knows that the name and number identify different persons, no person has rights as beneficiary except the person paid by the beneficiary's bank if that person was entitled to receive payment from the originator of the funds transfer.

2. If no person has rights as beneficiary, acceptance of the order cannot occur.

- (3) ~~(a)~~ If a payment order described in subsection (2) **of this section** is accepted,~~;~~

~~(b)~~ the originator's payment order described the beneficiary inconsistently by name and number,~~;~~ and {

~~(c)~~ the beneficiary's bank pays the person identified by number as permitted by subsection (2)(a) **of this section**, the following rules apply:

~~(a)~~ If the originator is a bank, the originator is obliged to pay its order; **and**~~;~~

~~(b)~~ 1. If the originator is not a bank and proves that the person identified by number was not entitled to receive payment from the originator, the originator is not obliged to pay its order unless the originator's bank proves that the originator, before acceptance of the originator's order, had notice that payment of a payment order issued by the originator might be made by the beneficiary's bank on the basis of an identifying or bank account number even if it identifies a person different from the named beneficiary.

2. Proof of notice may be made by any admissible evidence.

3. The originator's bank satisfies the burden of proof if it proves that the originator, before the payment order was accepted, signed a **record**~~writing~~ stating the information to which the notice relates.

- (4) In a case governed by subsection (2)(a) **of this section**, if the beneficiary's bank rightfully pays the person identified by number and that person was not entitled to receive payment from the originator, the amount paid may be recovered from that person to the extent allowed by the law governing mistake and restitution as follows:

- (a) If the originator is obliged to pay its payment order as stated in subsection (3) **of this section**, the originator has the right to recover; **and**~~;~~

- (b) If the originator is not a bank and is not obliged to pay its payment order, the originator's bank has the right to recover.

➔Section 31. KRS 355.4A-208 is amended to read as follows:

- (1) (a) This subsection applies to a payment order identifying an intermediary bank or the beneficiary's bank only by an identifying number.
- (b)~~(a)~~ The receiving bank may rely on the number as the proper identification of the intermediary or beneficiary's bank and need not determine whether the number identifies a bank.
- (c)~~(b)~~ The sender is obliged to compensate the receiving bank for any loss and expenses incurred by the receiving bank as a result of its reliance on the number in executing or attempting to execute the order.
- (2) (a) This subsection applies to a payment order identifying an intermediary bank or the beneficiary's bank both by name and an identifying number if the name and number identify different persons.
- (b)~~(a)~~ 1. If the sender is a bank, the receiving bank may rely on the number as the proper identification of the intermediary or beneficiary's bank if the receiving bank, when it executes the sender's order, does not know that the name and number identify different persons.
2. The receiving bank need not determine whether the name and number refer to the same person or whether the number refers to a bank.
3. The sender is obliged to compensate the receiving bank for any loss and expenses incurred by the receiving bank as a result of its reliance on the number in executing or attempting to execute the order.
- (c)~~(b)~~ 1. If the sender is not a bank and the receiving bank proves that the sender, before the payment order was accepted, had notice that the receiving bank might rely on the number as the proper identification of the intermediary or beneficiary's bank even if it identifies a person different from the bank identified by name, the rights and obligations of the sender and the receiving bank are governed by *paragraph (b) of this subsection*~~subsection (1)(b)~~, as though the sender were a bank.
2. Proof of notice may be made by any admissible evidence.
3. The receiving bank satisfies the burden of proof if it proves that the sender, before the payment order was accepted, signed a *record*~~writing~~ stating the information to which the notice relates.
- (d)~~(c)~~ 1. Regardless of whether the sender is a bank, the receiving bank may rely on the name as the proper identification of the intermediary or beneficiary's bank if the receiving bank, at the time it executes the sender's order, does not know that the name and number identify different persons.
2. The receiving bank need not determine whether the name and number refer to the same person.
- (e)~~(d)~~ If the receiving bank knows that the name and number identify different persons, reliance on either the name or the number in executing the sender's payment order is a breach of the obligation stated in KRS 355.4A-302(1)(a).

➔Section 32. KRS 355.4A-210 is amended to read as follows:

- (1) (a) A payment order is rejected by the receiving bank by a notice of rejection transmitted to the sender orally~~, electronically,~~ or in *a record*~~writing~~.
- (b) A notice of rejection need not use any particular words and is sufficient if it indicates that the receiving bank is rejecting the order or will not execute or pay the order.
- (c) Rejection is effective when the notice is given if transmission is by a means that is reasonable in the circumstances.
- (d) If notice of rejection is given by a means that is not reasonable, rejection is effective when the notice is received.
- (e) If an agreement of the sender and receiving bank establishes the means to be used to reject a payment order:
- 1.~~(a)~~ Any means complying with the agreement is reasonable; and
- 2.~~(b)~~ Any means not complying is not reasonable unless no significant delay in receipt of the notice resulted from the use of the noncomplying means.

- (2) (a) This subsection applies if a receiving bank other than the beneficiary's bank fails to execute a payment order despite the existence on the execution date of a withdrawable credit balance in an authorized account of the sender sufficient to cover the order.
- (b) If the sender does not receive notice of rejection of the order on the execution date and the authorized account of the sender does not bear interest, the bank is obliged to pay interest to the sender on the amount of the order for the number of days elapsing after the execution date to the earlier of the day the order is canceled pursuant to KRS 355.4A-211(4) or the day the sender receives notice or learns that the order was not executed, counting the final day of the period as an elapsed day. If the withdrawable credit balance during that period falls below the amount of the order, the amount of interest is reduced accordingly.
- (3) If a receiving bank suspends payments, all unaccepted payment orders issued to it are deemed rejected at the time the bank suspends payments.
- (4) (a) Acceptance of a payment order precludes a later rejection of the order.
- (b) Rejection of a payment order precludes a later acceptance of the order.
- ➔Section 33. KRS 355.4A-211 is amended to read as follows:
- (1) (a) A communication of the sender of a payment order canceling or amending the order may be transmitted to the receiving bank orally~~, electronically,~~ or in **a record**~~[writing]~~.
- (b) If a security procedure is in effect between the sender and the receiving bank, the communication is not effective to cancel or amend the order unless the communication is verified pursuant to the security procedure or the bank agrees to the cancellation or amendment.
- (2) Subject to subsection (1) **of this section**, a communication by the sender canceling or amending a payment order is effective to cancel or amend the order if notice of the communication is received at a time and in a manner affording the receiving bank a reasonable opportunity to act on the communication before the bank accepts the payment order.
- (3) (a) After a payment order has been accepted, cancellation or amendment of the order is not effective unless the receiving bank agrees or a funds-transfer system rule allows cancellation or amendment without agreement of the bank.
- (b)~~(a)~~ With respect to a payment order accepted by a receiving bank other than the beneficiary's bank, cancellation or amendment is not effective unless a conforming cancellation or amendment of the payment order issued by the receiving bank is also made.
- (c)~~(b)~~ With respect to a payment order accepted by the beneficiary's bank, cancellation or amendment is not effective unless the order was issued in execution of an unauthorized payment order, or because of a mistake by a sender in the funds transfer which resulted in the issuance of a payment order:
1. That is a duplicate of a payment order previously issued by the sender;
 2. That orders payment to a beneficiary not entitled to receive payment from the originator; or
 3. That orders payment in an amount greater than the amount the beneficiary was entitled to receive from the originator. If the payment order is canceled or amended, the beneficiary's bank is entitled to recover from the beneficiary any amount paid to the beneficiary to the extent allowed by the law governing mistake and restitution.
- (4) An unaccepted payment order is canceled by operation of law at the close of the fifth funds-transfer business day of the receiving bank after the execution date or payment date of the order.
- (5) (a) A canceled payment order cannot be accepted.
- (b) If an accepted payment order is canceled, the acceptance is nullified and no person has any right or obligation based on the acceptance.
- (c) Amendment of a payment order is deemed to be cancellation of the original order at the time of amendment and issue of a new payment order in the amended form at the same time.
- (6) Unless otherwise provided in an agreement of the parties or in a funds-transfer system rule, if the receiving bank, after accepting a payment order, agrees to cancellation or amendment of the order by the sender or is bound by a funds-transfer system rule allowing cancellation or amendment without the bank's agreement, the

sender, whether or not cancellation or amendment is effective, is liable to the bank for any loss and expenses, including reasonable attorney's fees, incurred by the bank as a result of the cancellation or amendment or attempted cancellation or amendment.

- (7) A payment order is not revoked by the death or legal incapacity of the sender unless the receiving bank knows of the death or of an adjudication of incapacity by a court of competent jurisdiction and has reasonable opportunity to act before acceptance of the order.
- (8) A funds-transfer system rule is not effective to the extent it conflicts with subsection (3)(c)~~(b)~~ *of this section*.

➔Section 34. KRS 355.4A-305 is amended to read as follows:

- (1) If a funds transfer is completed but execution of a payment order by the receiving bank in breach of KRS 355.4A-302 results in delay in payment to the beneficiary, the bank is obliged to pay interest to either the originator or the beneficiary of the funds transfer for the period of delay caused by the improper execution. Except as provided in subsection (3) *of this section*, additional damages are not recoverable.
- (2) If execution of a payment order by a receiving bank in breach of KRS 355.4A-302 results in ~~{~~
~~(a) — }noncompletion of the funds transfer, ~~{~~~~
~~(b) — }failure to use an intermediary bank designated by the originator,~~{~~ or ~~{~~~~
~~(c) — }issuance of a payment order that does not comply with the terms of the payment order of the originator, the bank is liable to the originator for its expenses in the funds transfer and for incidental expenses and interest losses, to the extent not covered by subsection (1) *of this section*, resulting from the improper execution. Except as provided in subsection (3) *of this section*, additional damages are not recoverable.~~
- (3) In addition to the amounts payable under subsections (1) and (2) *of this section*, damages, including consequential damages, are recoverable to the extent provided in an express~~—written~~ agreement of the receiving bank, *evidenced by a record*.
- (4) If a receiving bank fails to execute a payment order it was obliged by express agreement to execute, the receiving bank is liable to the sender for its expenses in the transaction and for incidental expenses and interest losses resulting from the failure to execute. Additional damages, including consequential damages, are recoverable to the extent provided in an express~~—written~~ agreement of the receiving bank, *evidenced by a record*, but are not otherwise recoverable.
- (5) (a) Reasonable attorney's fees are recoverable if demand for compensation under subsection (1) or (2) *of this section* is made and refused before an action is brought on the claim.
- (b) If a claim is made for breach of an agreement under subsection (4) *of this section* and the agreement does not provide for damages, reasonable attorney's fees are recoverable if demand for compensation under subsection (4) *of this section* is made and refused before an action is brought on the claim.
- (6) Except as stated in this section, the liability of a receiving bank under subsections (1) and (2) *of this section* may not be varied by agreement.

➔Section 35. KRS 355.5-104 is amended to read as follows:

A letter of credit, confirmation, advice, transfer, amendment, or cancellation may be issued in any form that is a *signed* record~~—and is authenticated~~:

- ~~(1) — By a signature; or~~
- ~~(2) — In accordance with the agreement of the parties or the standard practice referred to in KRS 355.5-108(5).~~

➔Section 36. KRS 355.5-116 is amended to read as follows:

- (1) The liability of an issuer, nominated person, or adviser for action or omission is governed by the law of the jurisdiction chosen by an agreement in the form of a record signed~~—or otherwise authenticated~~ by the affected parties~~—in the manner provided in KRS 355.5-104~~ or by a provision in the person's letter of credit, confirmation, or other undertaking. The jurisdiction whose law is chosen need not bear any relation to the transaction.
- (2) *Unless subsection (1) of this section applies, the liability of an issuer, nominated person, or adviser for action or omission is governed by the law of the jurisdiction in which the person is located. The person is considered to be located at the address indicated in the person's undertaking. If more than one (1) address*

is indicated, the person is considered to be located at the address from which the person's undertaking was issued.

- (3) *For purposes of jurisdiction, choice of law, and recognition of interbranch letters of credit, but not enforcement of a judgment, all branches of a bank are considered separate juridical entities and a bank is considered to be located at the place where its relevant branch is considered to be located under subsection (4) of this section.*
- (4) *A branch of a bank is considered to be located at the address indicated in the branch's undertaking. If more than one (1) address is indicated, the branch is considered to be located at the address from which the undertaking was issued.*
- (5) (a) Except as otherwise provided in this subsection, the liability of an issuer, nominated person, or adviser is governed by any rules of custom or practice, such as the Uniform Customs and Practice for Documentary Credits, to which the letter of credit, confirmation, or other undertaking is expressly made subject.
- (b) If ~~the~~
- ~~(a)~~ this article would govern the liability of an issuer, nominated person, or adviser under subsection (1) *or* (2) of this section, ~~the~~
- ~~(b)~~ the relevant undertaking incorporates rules of custom or practice, ~~the~~ and ~~the~~
- ~~(c)~~ there is conflict between this article and those rules as applied to that undertaking, those rules govern except to the extent of any conflict with the nonvariable provisions specified in KRS 355.5-103(3).
- ~~(6)~~~~(3)~~ If there is conflict between this article and Article 3, 4, 4A, or 9 of this chapter, this article governs.
- ~~(7)~~~~(4)~~ The forum for settling disputes arising out of an undertaking within this article may be chosen in the manner and with the binding effect that governing law may be chosen in accordance with subsection (1) of this section.

➔Section 37. KRS 355.7-102 is amended to read as follows:

- (1) In this article, unless the context otherwise requires:
- (a) "Bailee" means a person that by a warehouse receipt, bill of lading, or other document of title acknowledges possession of goods and contracts to deliver them;
- (b) "Carrier" means a person that issues a bill of lading;
- (c) "Consignee" means a person named in a bill of lading to which or to whose order the bill promises delivery;
- (d) "Consignor" means a person named in a bill of lading as the person from which the goods have been received for shipment;
- (e) "Delivery order" means a record that contains an order to deliver goods directed to a warehouse, carrier, or other person that in the ordinary course of business issues warehouse receipts or bills of lading;
- (f) Reserved;
- (g) "Goods" means all things that are treated as movable for the purposes of a contract for storage or transportation;
- (h) 1. "Issuer" means a bailee that issues a document of title or, in the case of an unaccepted delivery order, the person that orders the possessor of goods to deliver.
2. The term includes a person for which an agent or employee purports to act in issuing a document if the agent or employee has real or apparent authority to issue documents, even if the issuer did not receive any goods, the goods were misdescribed, or in any other respect the agent or employee violated the issuer's instructions;
- (i) "Person entitled under the document" means the holder, in the case of a negotiable document of title, or the person to which delivery of the goods is to be made by the terms of, or pursuant to instructions in a record under, a nonnegotiable document of title;
- (j) Reserved;

- (k) ***Reserved***~~["Sign" means, with present intent to authenticate or adopt a record:~~
1. ~~To execute or adopt a tangible symbol; or~~
 2. ~~To attach to or logically associate with the record an electronic sound, symbol, or process];~~
- (l) "Shipper" means a person that enters into a contract of transportation with a carrier; and
- (m) "Warehouse" means a person engaged in the business of storing goods for hire.
- (2) Definitions in other articles applying to this article and the sections in which they appear are:
- (a) "Contract for sale," KRS 355.2-106;
 - (b) "Lessee in ordinary course *of business*," KRS 355.2A-103; and
 - (c) "'Receipt' of goods," KRS 355.2-103.
- (3) In addition, Article 1 of ***this chapter***~~[KRS Chapter 355]~~ contains general definitions and principles of construction and interpretation applicable throughout this article.
- ➔Section 38. KRS 355.7-106 is amended to read as follows:
- (1) A person has control of an electronic document of title if a system employed for evidencing the transfer of interests in the electronic document reliably establishes that person as the person to which the electronic document was issued or transferred.
- (2) A system satisfies subsection (1) of this section, and a person ***has***~~[is deemed to have]~~ control of an electronic document of title, if the document is created, stored, and ***transferred***~~[assigned]~~ in~~[such]~~ a manner that:
- (a) A single authoritative copy of the document exists which is unique, identifiable, and, except as otherwise provided in paragraphs (d), (e), and (f) of this subsection, unalterable;
 - (b) The authoritative copy identifies the person asserting control as:
 1. The person to which the document was issued; or
 2. If the authoritative copy indicates that the document has been transferred, the person to which the document was most recently transferred;
 - (c) The authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;
 - (d) Copies or amendments that add or change an identified ***transferee***~~[assignee]~~ of the authoritative copy can be made only with the consent of the person asserting control;
 - (e) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and
 - (f) Any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.
- (3) ***A system satisfies subsection (1) of this section, and a person has control of an electronic document of title, if an authoritative electronic copy of the document, a record attached to or logically associated with the electronic copy, or a system in which the electronic copy is recorded:***
- (a) ***Enables the person to readily identify each electronic copy as either an authoritative copy or a nonauthoritative copy;***
 - (b) ***Enables the person to readily identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as the person to which each authoritative electronic copy was issued or transferred; and***
 - (c) ***Gives the person exclusive power, subject to subsection (4) of this section, to:***
 1. ***Prevent others from adding or changing the person to which each authoritative electronic copy has been issued or transferred; and***
 2. ***Transfer control of each authoritative electronic copy.***
- (4) ***Subject to subsection (5) of this section, a power is exclusive under subsection (3)(c)1. and 2. of this section even if:***

- (a) *The authoritative electronic copy, a record attached to or logically associated with the authoritative electronic copy, or a system in which the authoritative electronic copy is recorded limits the use of the document of title or has a protocol that is programmed to cause a change, including a transfer or loss of control; or*
- (b) *The power is shared with another person.*
- (5) *A power of a person is not shared with another person under subsection (4)(b) of this section and the person's power is not exclusive if:*
 - (a) *The person can exercise the power only if the power also is exercised by the other person; and*
 - (b) *The other person:*
 - 1. *Can exercise the power without exercise of the power by the person; or*
 - 2. *Is the transferor to the person of an interest in the document of title.*
- (6) *If a person has the powers specified in subsection (3)(c)1. and 2. of this section, the powers are presumed to be exclusive.*
- (7) *A person has control of an electronic document of title if another person, other than the transferor to the person of an interest in the document:*
 - (a) *Has control of the document and acknowledges that it has control on behalf of the person; or*
 - (b) *Obtains control of the document after having acknowledged that it will obtain control of the document on behalf of the person.*
- (8) *A person that has control under this section is not required to acknowledge that it has control on behalf of another person.*
- (9) *If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this article or Article 9 of this chapter otherwise provides, the person does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person.*

➔Section 39. KRS 355.8-102 is amended to read as follows:

- (1) In this article:
 - (a) "Adverse claim" means a claim that a claimant has a property interest in a financial asset and that it is a violation of the rights of the claimant for another person to hold, transfer, or deal with the financial asset;
 - (b) "Bearer form," as applied to a certificated security, means a form in which the security is payable to the bearer of the security certificate according to its terms but not by reason of an indorsement;
 - (c) "Broker" means a person defined as a broker or dealer under the federal securities laws, but without excluding a bank acting in that capacity;
 - (d) "Certificated security" means a security that is represented by a certificate;
 - (e) "Clearing corporation" means:
 - 1. A person that is registered as a "clearing agency" under the federal securities laws;
 - 2. A federal reserve bank; or
 - 3. Any other person that provides clearance or settlement services with respect to financial assets that would require it to register as a clearing agency under the federal securities laws but for an exclusion or exemption from the registration requirement, if its activities as a clearing corporation, including promulgation of rules, are subject to regulation by a federal or state governmental authority;
 - (f) "Communicate" means to:
 - 1. Send a signed ~~record~~^{writing}; or
 - 2. Transmit information by any mechanism agreed upon by the persons transmitting and receiving the information;

- (g) *1.* "Entitlement holder" means a person identified in the records of a securities intermediary as the person having a security entitlement against the securities intermediary.
- 2.* If a person acquires a security entitlement by virtue of KRS 355.8-501(2)(b) or (c), that person is the entitlement holder;
- (h) "Entitlement order" means a notification communicated to a securities intermediary directing transfer or redemption of a financial asset to which the entitlement holder has a security entitlement;
- (i) *1.* "Financial asset," except as otherwise provided in KRS 355.8-103, means:
- a.*~~{1-}~~ A security;
- b.*~~{2-}~~ An obligation of a person or a share, participation, or other interest in a person or in property or an enterprise of a person, which is, or is of a type, dealt in or traded on financial markets, or which is recognized in any area in which it is issued or dealt in as a medium for investment; or
- c.*~~{3-}~~ Any property that is held by a securities intermediary for another person in a securities account if the securities intermediary has expressly agreed with the other person that the property is to be treated as a financial asset under this article.
- 2.* As context requires, the term means either the interest itself or the means by which a person's claim to it is evidenced, including a certificated or uncertificated security, a security certificate, or a security entitlement;
- (j) ~~{(Reserved)}~~;
- (k) "Indorsement" means a signature that alone or accompanied by other words is made on a security certificate in registered form or on a separate document for the purpose of assigning, transferring, or redeeming the security or granting a power to assign, transfer, or redeem it;
- (l) "Instruction" means a notification communicated to the issuer of an uncertificated security which directs that the transfer of the security be registered or that the security be redeemed;
- (m) "Registered form," as applied to a certificated security, means a form in which:
- 1.* The security certificate specifies a person entitled to the security; and
- 2.* A transfer of the security may be registered upon books maintained for that purpose by or on behalf of the issuer, or the security certificate so states;
- (n) "Securities intermediary" means:
- 1.* A clearing corporation; or
- 2.* A person, including a bank or broker, that in the ordinary course of its business maintains securities accounts for others and is acting in that capacity;
- (o) "Security," except as otherwise provided in KRS 355.8-103, means an obligation of an issuer or a share, participation, or other interest in an issuer or in property or an enterprise of an issuer:
- 1.* Which is represented by a security certificate in bearer or registered form, or the transfer of which may be registered upon books maintained for that purpose by or on behalf of the issuer;
- 2.* Which is one of a class or series or by its terms is divisible into a class or series of shares, participations, interests, or obligations; and
- 3.* Which:
- a.* Is, or is of a type, dealt in or traded on securities exchanges or securities markets; or
- b.* Is a medium for investment and by its terms expressly provides that it is a security governed by this article;
- (p) "Security certificate" means a certificate representing a security;
- (q) "Security entitlement" means the rights and property interest of an entitlement holder with respect to a financial asset specified in Part 5 of this article; and
- (r) "Uncertificated security" means a security that is not represented by a certificate.

- (2) ***The following definitions in*** ~~[Other definitions applying to]~~ this article and ***other articles of this chapter apply to this article*** ~~[the sections in which they appear are]:~~
- (a) "Appropriate person." KRS 355.8-107;
 - (b) "Control." KRS 355.8-106;
 - (c) ***"Controllable account." Section 44 of this Act;***
 - (d) ***"Controllable electronic record." Section 95 of this Act;***
 - (e) ***"Controllable payment intangible." Section 44 of this Act;***
 - (f) "Delivery." KRS 355.8-301;
 - ~~(g)(d)~~ "Investment company security." KRS 355.8-103;
 - ~~(h)(e)~~ "Issuer." KRS 355.8-201;
 - ~~(i)(f)~~ "Overissue." KRS 355.8-210;
 - ~~(j)(g)~~ "Protected purchaser." KRS 355.8-303; and
 - ~~(k)(h)~~ "Securities account." KRS 355.8-501.
- (3) In addition, Article 1 of this chapter contains general definitions and principles of construction and interpretation applicable throughout this article.
- (4) The characterization of a person, business, or transaction for purposes of this article does not determine the characterization of the person, business, or transaction for purposes of any other law, regulation, or rule.
- ➔Section 40. KRS 355.8-103 is amended to read as follows:
- (1) A share or similar equity interest issued by a corporation, business trust, joint stock company, or similar entity is a security.
 - (2)
 - (a) An "investment company security" is a security.
 - (b) "Investment company security" means a share or similar equity interest issued by an entity that is registered as an investment company under the federal investment company laws, an interest in a unit investment trust that is so registered, or a face-amount certificate issued by a face-amount certificate company that is so registered.
 - (c) Investment company security does not include an insurance policy or endowment policy or annuity contract issued by an insurance company.
 - (3)
 - (a) An interest in a partnership or limited liability company is not a security unless:
 - 1. It is dealt in or traded on securities exchanges or in securities markets;~~;~~
 - 2. Its terms expressly provide that it is a security governed by this article;~~;~~ or
 - 3. It is an investment company security.
 - (b) However, an interest in a partnership or limited liability company is a financial asset if it is held in a securities account.
 - (4)
 - (a) A writing that is a security certificate is governed by this article and not by Article 3 of this chapter, even though it also meets the requirements of that article.
 - (b) However, a negotiable instrument governed by Article 3 of this chapter is a financial asset if it is held in a securities account.
 - (5) An option or similar obligation issued by a clearing corporation to its participants is not a security, but is a financial asset.
 - (6) A commodity contract, as defined in KRS 355.9-102(1)~~(e)~~, is not a security or a financial asset.
 - (7) A document of title, as defined in KRS 355.1-201(2)~~(p)~~, is not a financial asset unless KRS 355.8-102(1)(i) *l.c.* ~~3-~~ applies.
 - (8) ***A controllable account, controllable electronic record, or controllable payment intangible is not a financial asset unless subsection (1)(i) l.c. of Section 39 of this Act applies.***

➔Section 41. KRS 355.8-106 is amended to read as follows:

- (1) A purchaser has "control" of a certificated security in bearer form if the certificated security is delivered to the purchaser.
- (2) A purchaser has "control" of a certificated security in registered form if the certificated security is delivered to the purchaser, and:
 - (a) The certificate is indorsed to the purchaser or in blank by an effective indorsement; or
 - (b) The certificate is registered in the name of the purchaser, upon original issue or registration of transfer by the issuer.
- (3) A purchaser has "control" of an uncertificated security if:
 - (a) The uncertificated security is delivered to the purchaser; or
 - (b) The issuer has agreed that it will comply with instructions originated by the purchaser without further consent by the registered owner.
- (4) A purchaser has "control" of a security entitlement if:
 - (a) The purchaser becomes the entitlement holder;
 - (b) The securities intermediary has agreed that it will comply with entitlement orders originated by the purchaser without further consent by the entitlement holder; or
 - (c) Another person, ***other than the transferor to the purchaser of an interest in the security entitlement:***
 1. Has control of the security entitlement ~~and on behalf of the purchaser or, having previously acquired control of the security entitlement,~~ acknowledges that it has control on behalf of the purchaser; ***or***
 2. ***Obtains control of the security entitlement after having acknowledged that it will obtain control of the security entitlement on behalf of the purchaser.***
- (5) If an interest in a security entitlement is granted by the entitlement holder to the entitlement holder's own securities intermediary, the securities intermediary has control.
- (6) A purchaser who has satisfied the requirements of subsection (3) or (4) of this section has control, even if the registered owner in the case of subsection (3) of this section or the entitlement holder in the case of subsection (4) of this section retains the right to make substitutions for the uncertificated security or security entitlement, to originate instructions or entitlement orders to the issuer or securities intermediary, or otherwise to deal with the uncertificated security or security entitlement.
- (7) An issuer or a securities intermediary may not enter into an agreement of the kind described in subsection (3)(b) or (4)(b) of this section without the consent of the registered owner or entitlement holder, but an issuer or a securities intermediary is not required to enter into such an agreement even though the registered owner or entitlement holder so directs. An issuer or securities intermediary that has entered into such an agreement is not required to confirm the existence of the agreement to another party unless requested to do so by the registered owner or entitlement holder.
- (8) ***A person that has control under this section is not required to acknowledge that it has control on behalf of a purchaser.***
- (9) ***If a person acknowledges that it has or will obtain control on behalf of a purchaser, unless the person otherwise agrees or law other than this article or Article 9 of this chapter otherwise provides, the person does not own any duty to the purchaser and is not required to confirm the acknowledgment to any other person.***

➔Section 42. KRS 355.8-110 is amended to read as follows:

- (1) The local law of the issuer's jurisdiction, as specified in subsection (4) of this section, governs:
 - (a) The validity of a security;
 - (b) The rights and duties of the issuer with respect to registration of transfer;
 - (c) The effectiveness of registration of transfer by the issuer;
 - (d) Whether the issuer owes any duties to an adverse claimant to a security; and

- (e) Whether an adverse claim can be asserted against a person to whom transfer of a certificated or uncertificated security is registered or a person who obtains control of an uncertificated security.
- (2) The local law of the securities intermediary's jurisdiction, as specified in subsection (5) of this section, governs:
 - (a) Acquisition of a security entitlement from the securities intermediary;
 - (b) The rights and duties of the securities intermediary and entitlement holder arising out of a security entitlement;
 - (c) Whether the securities intermediary owes any duties to an adverse claimant to a security entitlement; and
 - (d) Whether an adverse claim can be asserted against a person who acquires a security entitlement from the securities intermediary or a person who purchases a security entitlement or interest therein from an entitlement holder.
- (3) The local law of the jurisdiction in which a security certificate is located at the time of delivery governs whether an adverse claim can be asserted against a person to whom the security certificate is delivered.
- (4) (a) "Issuer's jurisdiction" means the jurisdiction under which the issuer of the security is organized or, if permitted by the law of that jurisdiction, the law of another jurisdiction specified by the issuer.
 - (b) An issuer organized under the law of this Commonwealth may specify the law of another jurisdiction as the law governing the matters specified in subsection (1)(b) to (e) of this section.
- (5) The following rules determine a "securities intermediary's jurisdiction" for purposes of this section:
 - (a) If an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that a particular jurisdiction is the securities intermediary's jurisdiction for purposes of this part of this article, this article, or Article 9 of this chapter, that jurisdiction is the securities intermediary's jurisdiction;~~;~~
 - (b) If paragraph (a) of this subsection does not apply and an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the securities intermediary's jurisdiction;~~;~~
 - (c) If neither paragraph (a) nor paragraph (b) *of this subsection* applies and an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that the securities account is maintained at an office in a particular jurisdiction, that jurisdiction is the securities intermediary's jurisdiction;~~;~~
 - (d) If none of the preceding paragraphs of this subsection applies, the securities intermediary's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the entitlement holder's account is located; ~~and~~~~;~~
 - (e) If none of the preceding paragraphs of this subsection applies, the securities intermediary's jurisdiction is the jurisdiction in which the chief executive office of the securities intermediary is located.
- (6) A securities intermediary's jurisdiction is not determined by the:
 - (a) Physical location of certificates representing financial assets;~~;~~ ~~or by the~~
 - (b) Jurisdiction in which is organized the issuer of the financial asset with respect to which an entitlement holder has a security entitlement;~~;~~ ~~or~~ ~~by the~~
 - (c) Location of facilities for data processing or other record keeping concerning the account.
- (7) ***The local law of the issuer's jurisdiction or the securities intermediary's jurisdiction governs a matter or transaction specified in subsection (1) or (2) of this section even if the matter or transaction does not bear any relation to the jurisdiction.***

➔Section 43. KRS 355.8-303 is amended to read as follows:

- (1) "Protected purchaser" means a purchaser of a certificated or uncertificated security, or of an interest therein, who:
 - (a) Gives value;

- (b) Does not have notice of any adverse claim to the security; and
 - (c) Obtains control of the certificated or uncertificated security.
- (2) ~~[In addition to acquiring the rights of a purchaser,]~~ A protected purchaser~~[also]~~ acquires its interest in the security free of any adverse claim.

➔Section 44. KRS 355.9-102 is amended to read as follows:

- (1) In this article:

- (a) "Accession" means goods that are physically united with other goods in such a manner that the identity of the original goods is not lost;
- (b) 1. "Account," except as used in "account for," "*account statement*," "*account to*," "*commodity account*" in paragraph (p) of this subsection, "*customer's account*," "*deposit account*" in paragraph (ag) of this subsection, "*on account of*," and "*statement of account*," means a right to payment of a monetary obligation, whether or not earned by performance:
 - a. For property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of;
 - b. For services rendered or to be rendered;
 - c. For a policy of insurance issued or to be issued;
 - d. For a secondary obligation incurred or to be incurred;
 - e. For energy provided or to be provided;
 - f. For the use or hire of a vessel under a charter or other contract;
 - g. Arising out of the use of a credit or charge card or information contained on or for use with the card; or
 - h. As winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state.
- 2. The term includes:
 - a. *Controllable accounts; and*
 - b. Health-care-insurance receivables.
- 3. The term does not include:
 - a. ~~[Rights to payment evidenced by]~~ Chattel paper~~[or an instrument]~~;
 - b. Commercial tort claims;
 - c. Deposit accounts;
 - d. Investment property;
 - e. Letter-of-credit rights or letters of credit;~~[or]~~
 - f. Rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card; *or*
 - g. *Rights to payment evidenced by an instrument;*
- (c) 1. "Account debtor" means a person obligated on an account, chattel paper, or general intangible.
- 2. The term does not include persons obligated to pay a negotiable instrument, even if the *negotiable instrument evidences*~~[constitutes part of]~~ chattel paper;
- (d) "Accounting," except as used in "accounting for," means a record:
 - 1. *Signed*~~[Authenticated]~~ by a secured party;
 - 2. Indicating the aggregate unpaid secured obligations as of a date not more than thirty-five (35) days earlier or thirty-five (35) days later than the date of the record; and

3. Identifying the components of the obligations in reasonable detail;
- (e) "Agricultural lien" means an interest in farm products:
1. Which secures payment or performance of an obligation for:
 - a. Goods or services furnished in connection with a debtor's farming operation; or
 - b. Rent on real property leased by a debtor in connection with its farming operation;
 2. Which is created by statute in favor of a person that:
 - a. In the ordinary course of its business furnished goods or services to a debtor in connection with a debtor's farming operation; or
 - b. Leased real property to a debtor in connection with the debtor's farming operation; and
 3. Whose effectiveness does not depend on the person's possession of the personal property;
- (f) "As-extracted collateral" means:
1. Oil, gas, or other minerals that are subject to a security interest that:
 - a. Is created by a debtor having an interest in the minerals before extraction; and
 - b. Attaches to the minerals as extracted; or
 2. Accounts arising out of the sale at the wellhead or minehead of oil, gas, or other minerals in which the debtor had an interest before extraction;
- (g) ~~Reserved~~ ~~"Authenticate" means:~~
- ~~1. To sign; or~~
 - ~~2. With present intent to adopt or accept a record, to attach to or logically associate with the record an electronic sound, symbol, or process;~~
- (h) **1. "Assignee," except as used in "assignee for benefit of creditors," means a person:**
- a. *In whose favor a security interest that secures an obligation is created or provided for under a security agreement, whether or not the obligation is outstanding; or*
 - b. *To which an account, chattel paper, payment intangible, or promissory note has been sold.*
- 2. The term includes a person to which a security interest has been transferred by a security party;**
- (i) **1. "Assignor" means a person that:**
- a. *Under a security agreement, creates or provides for a security interest that secures an obligation; or*
 - b. *Sells an account, chattel paper, payment intangible, or promissory note.*
- 2. The term includes a security party that has transferred a security interest to another person;**
- ~~(j)(h)~~ "Bank" means an organization that is engaged in the business of banking. The term includes savings banks, savings and loan associations, credit unions, and trust companies;
- ~~(k)(i)~~ "Cash proceeds" means proceeds that are money, checks, deposit accounts, or the like;
- ~~(l)(j)~~ **1.** "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.
- 2.** The term includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits the security interest in question to be indicated on the record as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral;
- ~~(m)(k)~~ **1.** "Chattel paper" means: ~~a record or records that evidence both a monetary obligation and a security interest in specific goods, a security interest in specific goods and software used in the~~

goods, a security interest in specific goods and license of software used in the goods, a lease of specific goods, or a lease of specific goods and license of software used in the goods. In this paragraph, "monetary obligation" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods. The term does not include:

1. Charters or other contracts involving the use or hire of a vessel; or
2. Records that evidence a right of payment arising out of the use of a credit or charge card or information contained on or for use with the card.

If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper;}

- a. *A right to payment of a monetary obligation secured by specific goods, if the right to payment and security agreement are evidenced by a record; or*
- b. *A right to payment of a monetary obligation owed by a lessee under a lease agreement with respect to specific goods and a monetary obligation owed by the lessee in connection with the transaction giving rise to the lease, if:*
 - i. *The right to payment and lease agreement are evidenced by a record; and*
 - ii. *The predominant purpose of the transaction giving rise to the lease was to give the lessee the right to possession and use of the goods.*
2. *The term does not include a right to payment arising out of a charter or other contract involving the use or hire of a vessel or a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card;*

(n){(b)} 1. "Collateral" means the property subject to a security interest or agricultural lien.

2. The term includes:

- a. Proceeds to which a security interest attaches;
- b. Accounts, chattel paper, payment intangibles, and promissory notes that have been sold; and
- c. Goods that are the subject of a consignment;

(o){(m)} "Commercial tort claim" means a claim arising in tort with respect to which:

1. The claimant is an organization; or
2. The claimant is an individual and the claim:
 - a. Arose in the course of the claimant's business or profession; and
 - b. Does not include damages arising out of personal injury to or the death of an individual;

(p){(n)} "Commodity account" means an account maintained by a commodity intermediary in which a commodity contract is carried for a commodity customer;

(q){(o)} "Commodity contract" means a commodity futures contract, an option on a commodity futures contract, a commodity option, or another contract if the contract or option is:

1. Traded on or subject to the rules of a board of trade that has been designated as a contract market for such a contract pursuant to federal commodities laws; or
2. Traded on a foreign commodity board of trade, exchange, or market, and is carried on the books of a commodity intermediary for a commodity customer;

(r){(p)} "Commodity customer" means a person for which a commodity intermediary carries a commodity contract on its books;

(s){(q)} "Commodity intermediary" means a person that:

1. Is registered as a futures commission merchant under federal commodities law; or
2. In the ordinary course of its business provides clearance or settlement services for a board of trade that has been designated as a contract market pursuant to federal commodities law;

~~(t)~~~~(+)~~ "Communicate" means:

1. To send a written or other tangible record;
2. To transmit a record by any means agreed upon by the persons sending and receiving the record; or
3. In the case of transmission of a record to or by a filing office, to transmit a record by any means prescribed by filing-office rule;

~~(u)~~~~(s)~~ "Consignee" means a merchant to which goods are delivered in a consignment;

~~(v)~~~~(t)~~ "Consignment" means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:

1. The merchant:
 - a. Deals in goods of that kind under a name other than the name of the person making delivery;
 - b. Is not an auctioneer; and
 - c. Is not generally known by its creditors to be substantially engaged in selling the goods of others;
2. With respect to each delivery, the aggregate value of the goods is one thousand dollars (\$1,000) or more at the time of delivery;
3. The goods are not consumer goods immediately before delivery; and
4. The transaction does not create a security interest that secures an obligation;

~~(w)~~~~(u)~~ "Consignor" means a person that delivers goods to a consignee in a consignment;

~~(x)~~~~(v)~~ "Consumer debtor" means a debtor in a consumer transaction;

~~(y)~~~~(w)~~ "Consumer goods" means goods that are used or bought for use primarily for personal, family, or household purposes;

~~(z)~~~~(x)~~ "Consumer-goods transaction" means a consumer transaction in which:

1. An individual incurs an obligation primarily for personal, family, or household purposes; and
2. A security interest in consumer goods secures the obligation;

~~(aa)~~~~(y)~~ "Consumer obligor" means an obligor who is an individual and who incurred the obligation as part of a transaction entered into primarily for personal, family, or household purposes;

~~(ab)~~~~(z)~~ 1. "Consumer transaction" means a transaction in which:

- ~~a.~~~~1.~~ An individual incurs an obligation primarily for personal, family, or household purposes;
- ~~b.~~~~2.~~ A security interest secures the obligation; and
- ~~c.~~~~3.~~ The collateral is held or acquired primarily for personal, family, or household purposes.

2. The term includes consumer-goods transactions;

~~(ac)~~~~(aa)~~ "Continuation statement" means an amendment of a financing statement which:

1. Identifies, by its file number, the initial financing statement to which it relates; and
2. Indicates that it is a continuation statement for, or that it is filed to continue the effectiveness of, the identified financing statement;

~~(ad)~~ "*Controllable account*" means an account evidenced by a controllable electronic record that provides that the account debtor undertakes to pay the person that has control under Section 98 of this Act of the controllable electronic record;

~~(ae)~~ "*Controllable payment intangible*" means a payment intangible evidenced by a controllable electronic record that provides that the account debtor undertakes to pay the person that has control under Section 98 of this Act of the controllable electronic record;

~~(af)~~~~(ab)~~ "Debtor" means:

1. A person having an interest, other than a security interest or other lien, in the collateral, whether or not the person is an obligor;
 2. A seller of accounts, chattel paper, payment intangibles, or promissory notes; or
 3. A consignee;
- ~~(ag)~~~~(ae)~~ **1.** "Deposit account" means a demand, time, savings, passbook, or similar account maintained with a bank.
- 2.** The term does not include investment property or accounts evidenced by an instrument;
- ~~(ah)~~~~(ad)~~ "Document" means a document of title or a receipt of the type described in KRS 355.7-201(2);
- ~~(ai)~~~~(ae)~~ ~~**Reserved**~~~~"Electronic chattel paper" means chattel paper evidenced by a record or records consisting of information stored in an electronic medium~~;
- ~~(aj)~~ **"Electronic money" means money in an electronic form;**
- ~~(ak)~~~~(af)~~ **1.** "Encumbrance" means a right, other than an ownership interest, in real property.
- 2.** The term includes mortgages and other liens on real property;
- ~~(al)~~~~(ag)~~ "Equipment" means goods other than inventory, farm products, or consumer goods;
- ~~(am)~~~~(ah)~~ **1.** "Farm products" means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and which are:
- ~~a.~~~~1.~~ Crops grown, growing, or to be grown, including:
 - ~~i.~~~~a.~~ Crops produced on trees, vines, and bushes; and
 - ~~ii.~~~~b.~~ Aquatic goods produced in aquacultural operations;
 - ~~b.~~~~2.~~ Livestock, born or unborn, including aquatic goods produced in aquacultural operations;
 - ~~c.~~~~3.~~ Supplies used or produced in a farming operation;
 - ~~d.~~~~4.~~ Products of crops or livestock in their unmanufactured states; or
 - ~~e.~~~~5.~~ Equine interests, including, but not limited to, interests in horses, mares, yearlings, foals, weanlings, stallions, syndicated stallions, and stallion shares (including seasons and other rights in connection therewith), whether or not the debtor is engaged in farming operations and without regard to the use thereof.
- 2.** If goods are farm products, they are neither equipment nor inventory;
- ~~(an)~~~~(ai)~~ "Farming operation" means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation;
- ~~(ao)~~~~(aj)~~ "File number" means the number assigned to an initial financing statement pursuant to KRS 355.9-519(1);
- ~~(ap)~~~~(ak)~~ "Filing office" means an office designated in KRS 355.9-501 as the place to file a financing statement;
- ~~(aq)~~~~(ad)~~ "Filing-office rule" means a rule adopted pursuant to KRS 355.9-526;
- ~~(ar)~~~~(am)~~ "Financing statement" means a record or records composed of an initial financing statement and any filed record relating to the initial financing statement;
- ~~(as)~~~~(an)~~ **1.** "Fixture filing" means the filing of a financing statement covering goods that are or are to become fixtures and satisfying KRS 355.9-502(1) and (2).
- 2.** The term includes the filing of a financing statement covering goods of a transmitting utility which are or are to become fixtures;
- ~~(at)~~~~(ao)~~ "Fixtures" means goods that have become so related to particular real property that an interest in them arises under real property law;
- ~~(au)~~~~(ap)~~ **1.** "General intangible" means any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods,

instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas, or other minerals before extraction.

2. The term includes:
 - a. ***Controllable electronic records;***
 - b. Payment intangibles; and
 - c. Software;
- (av)~~{(aq)}~~ ~~{(r)Reserved}~~;
- (aw)~~{(ar)}~~ 1. "Goods" means all things that are movable when a security interest attaches.
- 2.~~{1-}~~ The term includes:
 - a. Fixtures;
 - b. Standing timber that is to be cut and removed under a conveyance or contract for sale;
 - c. The unborn young of animals;
 - d. Crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes; and
 - e. Manufactured homes.
 - 3.~~{2-}~~ The term also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if:
 - a. The program is associated with the goods in such a manner that it customarily is considered part of the goods; or
 - b. By becoming the owner of the goods, a person acquires a right to use the program in connection with the goods.
 - 4.~~{3-}~~ The term does not include a computer program embedded in goods that consist solely of the medium in which the program is embedded.
 - 5.~~{4-}~~ The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas, or other minerals before extraction;
- (ax)~~{(as)}~~ 1. "Governmental unit" means a subdivision, agency, department, county, parish, municipality, or other unit of the government of the United States, a State, or a foreign country.
2. The term includes an organization having a separate corporate existence if the organization is eligible to issue debt on which interest is exempt from income taxation under the laws of the United States;
- (ay)~~{(at)}~~ "Health-care-insurance receivable" means an interest in or claim under a policy of insurance which is a right to payment of a monetary obligation for health-care goods or services provided or to be provided;
- (az)~~{(au)}~~ 1. "Instrument" means a negotiable instrument or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary indorsement or assignment.
2. The term does not include:
 - a.~~{1-}~~ Investment property;
 - b.~~{2-}~~ Letters of credit;~~{or}~~
 - c.~~{3-}~~ Writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card; **or**
 - d. ***Writings that evidence chattel paper;***
- (ba)~~{(av)}~~ "Inventory" means goods, other than farm products, which:

1. Are leased by a person as lessor;
 2. Are held by a person for sale or lease or to be furnished under a contract of service;
 3. Are furnished by a person under a contract of service; or
 4. Consist of raw materials, work in process, or materials used or consumed in a business;
- (bb)**~~(aw)~~ "Investment property" means a security, whether certificated or uncertificated, security entitlement, securities account, commodity contract, or commodity account;
- (bc)**~~(ax)~~ "Jurisdiction of organization," with respect to a registered organization, means the jurisdiction under whose law the organization is organized;
- (bd)**~~(ay)~~
1. "Letter-of-credit right" means a right to payment or performance under a letter of credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment or performance.
 2. The term does not include the right of a beneficiary to demand payment or performance under a letter of credit;
- (be)**~~(az)~~ "Lien creditor" means:
1. A creditor that has acquired a lien on the property involved by attachment, levy, or the like;
 2. An assignee for benefit of creditors from the time of assignment;
 3. A trustee in bankruptcy from the date of the filing of the petition; or
 4. A receiver in equity from the time of appointment;
- (bf)**~~(ba)~~
1. "Manufactured home" means a structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.
 2. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code;
- (bg)**~~(bb)~~ "Manufactured-home transaction" means a secured transaction:
1. That creates a purchase-money security interest in a manufactured home, other than a manufactured home held as inventory; or
 2. In which a manufactured home, other than a manufactured home held as inventory, is the primary collateral;
- (bh)** *"Money" has the meaning in Section 1 of this Act, but does not include:*
1. *A deposit account; or*
 2. *Money in an electronic form that cannot be subjected to control under Section 47 of this Act;*
- (bi)**~~(be)~~ "Mortgage" means a consensual interest in real property, including fixtures, which secures payment or performance of an obligation;
- (bj)**~~(bd)~~ "New debtor" means a person that becomes bound as debtor under KRS 355.9-203(4) by a security agreement previously entered into by another person;
- (bk)**~~(be)~~
1. "New value" means:
 - a.~~{1}~~ Money;
 - b.~~{2}~~ Money's worth in property, services, or new credit; or
 - c.~~{3}~~ Release by a transferee of an interest in property previously transferred to the transferee.
 2. The term does not include an obligation substituted for another obligation;

- ~~(bl)~~~~(bf)~~ "Noncash proceeds" means proceeds other than cash proceeds;
- ~~(bm)~~~~(bg)~~ **1.** "Obligor" means a person that, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral:
- ~~a.~~~~(1)~~ Owes payment or other performance of the obligation;
 - ~~b.~~~~(2)~~ Has provided property other than the collateral to secure payment or other performance of the obligation; or
 - ~~c.~~~~(3)~~ Is otherwise accountable in whole or in part for payment or other performance of the obligation.
- 2.** The term does not include issuers or nominated persons under a letter of credit;
- ~~(bn)~~~~(bh)~~ "Original debtor," except as used in KRS 355.9-310(3), means a person that, as debtor, entered into a security agreement to which a new debtor has become bound under KRS 355.9-203(4);
- ~~(bo)~~~~(bi)~~ **1.** "Payment intangible" means a general intangible under which the account debtor's principal obligation is a monetary obligation.
- 2. *The term includes a controllable payment intangible;***
- ~~(bp)~~~~(bj)~~ "Person related to," with respect to an individual, means:
1. The spouse of the individual;
 2. A brother, brother-in-law, sister, or sister-in-law of the individual;
 3. An ancestor or lineal descendant of the individual or the individual's spouse; or
 4. Any other relative, by blood or marriage, of the individual or the individual's spouse who shares the same home with the individual;
- ~~(bq)~~~~(bk)~~ "Person related to," with respect to an organization, means:
1. A person directly or indirectly controlling, controlled by, or under common control with the organization;
 2. An officer or director of, or a person performing similar functions with respect to, the organization;
 3. An officer or director of, or a person performing similar functions with respect to, a person described in subparagraph 1. of this paragraph;
 4. The spouse of an individual described in subparagraph 1., 2., or 3. of this paragraph; or
 5. An individual who is related by blood or marriage to an individual described in subparagraph 1., 2., 3., or 4. of this paragraph and shares the same home with the individual;
- ~~(br)~~~~(bl)~~ "Proceeds," except as used in KRS 355.9-609(2), means the following property:
1. Whatever is acquired upon the sale, lease, license, exchange, or other disposition of collateral;
 2. Whatever is collected on, or distributed on account of, collateral;
 3. Rights arising out of collateral;
 4. To the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to, the collateral; or
 5. To the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to, the collateral;
- ~~(bs)~~~~(bm)~~ "Promissory note" means an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds;
- ~~(bt)~~~~(bn)~~ "Proposal" means a record **signed**~~authenticated~~ by a secured party which includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to KRS 355.9-620, 355.9-621, and 355.9-622;

- (bu)**~~(bo)~~ "Public-finance transaction" means a secured transaction in connection with which:
1. Debt securities are issued;
 2. All or a portion of the securities issued have an initial stated maturity of at least twenty (20) years; and
 3. The debtor, obligor, secured party, account debtor or other person obligated on collateral, assignor or assignee of a secured obligation, or assignor or assignee of a security interest is a state or a governmental unit of a state;
- (bv)**~~(bp)~~ "Public organic record" means a record that is available to the public for inspection and that is:
1. A record consisting of the record initially filed with or issued by a state or the United States to form or organize an organization and any record filed with or issued by the state or the United States which amends or restates the initial record;
 2. An organic record of a business trust consisting of the record initially filed with a state and any record filed with the state which amends or restates the initial record, if a statute of the state governing business trusts requires that the record be filed with the state; or
 3. A record consisting of legislation enacted by the legislature of a state or the Congress of the United States which forms or organizes an organization, any record amending the legislation, and any record filed with or issued by the state or United States which amends or restates the name of the organization;
- (bw)**~~(be)~~ "Pursuant to commitment," with respect to an advance made or other value given by a secured party, means pursuant to the secured party's obligation, whether or not a subsequent event of default or other event not within the secured party's control has relieved or may relieve the secured party from its obligation;
- (bx)**~~(br)~~ "Record," except as used in "for record," "of record," "record or legal title," and "record owner," means information that is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form;
- (by)**~~(bs)~~ **I.** "Registered organization" means an organization formed or organized solely under the law of a single state or the United States by the filing of a public organic record with, the issuance of a public organic record by, or the enactment of legislation by the state or the United States.
2. The term includes a business trust that is formed or organized under the law of a single state if a statute of the state governing business trusts requires that the business trust's organic record be filed with the state;
- (bz)**~~(bz)~~ "Secondary obligor" means an obligor to the extent that:
1. The obligor's obligation is secondary; or
 2. The obligor has a right of recourse with respect to an obligation secured by collateral against the debtor, another obligor, or property of either;
- (ca)**~~(ca)~~ "Secured party" means:
1. A person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;
 2. A person that holds an agricultural lien;
 3. A consignor;
 4. A person to which accounts, chattel paper, payment intangibles, or promissory notes have been sold;
 5. A trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest or agricultural lien is created or provided for; or
 6. A person that holds a security interest arising under KRS 355.2-401, 355.2-505, 355.2-711(3), 355.2A-508(5), 355.4-210, or 355.5-118;
- (cb)**~~(bv)~~ "Security agreement" means an agreement that creates or provides for a security interest;

- (cc)~~(bw)~~ **Reserved**~~["Send," in connection with a record or notification, means:~~
- ~~1. To deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or~~
 - ~~2. To cause the record or notification to be received within the time that it would have been received if properly sent under subparagraph 1. of this paragraph;~~
- (cd)~~(bx)~~ "Software" means a computer program and any supporting information provided in connection with a transaction relating to the program. The term does not include a computer program that is included in the definition of goods;
- (ce)~~(by)~~ "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States;
- (cf)~~(bz)~~ "Supporting obligation" means a letter-of-credit right or secondary obligation that supports the payment or performance of an account, chattel paper, a document, a general intangible, an instrument, or investment property;
- (cg)~~(ca)~~ **Reserved**~~["Tangible chattel paper" means chattel paper evidenced by a record or records consisting of information that is inscribed on a tangible medium];~~
- (ch) **"Tangible money" means money in a tangible form;**
- (ci)~~(eb)~~ "Termination statement" means an amendment of a financing statement which:
1. Identifies, by its file number, the initial financing statement to which it relates; and
 2. Indicates either that it is a termination statement or that the identified financing statement is no longer effective; and
- (cj)~~(ec)~~ "Transmitting utility" means a person primarily engaged in the business of:
1. Operating a railroad, subway, street railway, or trolley bus;
 2. Transmitting communications electrically, electromagnetically, or by light;
 3. Transmitting goods by pipeline or sewer; or
 4. Transmitting or producing and transmitting electricity, steam, gas, or water.
- (2) **"Control" as provided in Section 38 of this Act and** the following definitions in other articles **of this chapter** apply to this article:
- (a) "Applicant." KRS 355.5-102;
 - (b) "Beneficiary." KRS 355.5-102;
 - (c) "Broker." KRS 355.8-102;
 - (d) "Certificated security." KRS 355.8-102;
 - (e) "Check." KRS 355.3-104;
 - (f) "Clearing corporation." KRS 355.8-102;
 - (g) "Contract for sale." KRS 355.2-106;
 - (h) **"Controllable electronic record." Section 95 of this Act;**
 - (i) "Customer." KRS 355.4-104;
 - (j)~~(d)~~ "Entitlement holder." KRS 355.8-102;
 - (k)~~(j)~~ "Financial asset." KRS 355.8-102;
 - (l)~~(k)~~ "Holder in due course." KRS 355.3-302;
 - (m)~~(l)~~ "Issuer." (with respect to a letter of credit or letter-of-credit right) KRS 355.5-102;

- (n)~~(m)~~ "Issuer." (with respect to a security) KRS 355.8-201;
- (o)~~(n)~~ "Lease." KRS 355.2A-103;
- (p)~~(o)~~ "Lease agreement." KRS 355.2A-103;
- (q)~~(p)~~ "Lease contract." KRS 355.2A-103;
- (r)~~(q)~~ "Leasehold interest." KRS 355.2A-103;
- (s)~~(r)~~ "Lessee." KRS 355.2A-103;
- (t)~~(s)~~ "Lessee in ordinary course of business." KRS 355.2A-103;
- (u)~~(t)~~ "Lessor." KRS 355.2A-103;
- (v)~~(u)~~ "Lessor's residual interest." KRS 355.2A-103;
- (w)~~(v)~~ "Letter of credit." KRS 355.5-102;
- (x)~~(w)~~ "Merchant." KRS 355.2-104;
- (y)~~(x)~~ "Negotiable instrument." KRS 355.3-104;
- (z)~~(y)~~ "Nominated person." KRS 355.5-102;
- (aa)~~(z)~~ "Note." KRS 355.3-104;
- (ab)~~(aa)~~ "Proceeds of a letter of credit." KRS 355.5-114;
- (ac) ***"Protected purchaser." Section 43 of this Act;***
- (ad)~~(ab)~~ "Prove." KRS 355.3-103;
- (ae) ***"Qualifying purchaser." Section 95 of this Act;***
- (af)~~(ae)~~ "Sale." KRS 355.2-106;
- (ag)~~(ad)~~ "Securities account." KRS 355.8-501;
- (ah)~~(ae)~~ "Securities intermediary." KRS 355.8-102;
- (ai)~~(af)~~ "Security." KRS 355.8-102;
- (aj)~~(ag)~~ "Security certificate." KRS 355.8-102;
- (ak)~~(ah)~~ "Security entitlement." KRS 355.8-102; and
- (al)~~(ai)~~ "Uncertificated security." KRS 355.8-102.
- (3) Article 1 of this chapter contains general definitions and principles of construction and interpretation applicable throughout this article.
- ➔ Section 45. KRS 355.9-104 is amended to read as follows:
- (1) A secured party has control of a deposit account if:
- (a) The secured party is the bank with which the deposit account is maintained;
 - (b) The debtor, secured party, and bank have agreed in ***a signed***~~an authenticated~~ record that the bank will comply with instructions originated by the secured party directing disposition of the funds in the deposit account without further consent by the debtor;~~or~~
 - (c) The secured party becomes the bank's customer with respect to the deposit account; ***or***
 - (d) ***Another person, other than the debtor:***
 1. ***Has control of the deposit account and acknowledges that it has control on behalf of the secured party; or***
 2. ***Obtains control of the deposit account after having acknowledged that it will obtain control of the deposit account on behalf of the secured party.***
- (2) A secured party that has satisfied subsection (1) of this section has control, even if the debtor retains the right to direct the disposition of funds from the deposit account.

➔SECTION 46. KRS 355.9-105 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

- (1) *A purchaser has control of an authoritative electronic copy of a record evidencing chattel paper if a system employed for evidencing the assignment of interests in the chattel paper reliably establishes the purchaser as the person to which the authoritative electronic copy was assigned.*
- (2) *A system satisfies subsection (1) of this section if the record or records evidencing the chattel paper are created, stored, and assigned in a manner that:*
 - (a) *A single authoritative copy of the record or records exists which is unique, identifiable, and, except as otherwise provided in paragraphs (d), (e), and (f) of this subsection, unalterable;*
 - (b) *The authoritative copy identifies the purchaser as the assignee of the record or records;*
 - (c) *The authoritative copy is communicated to and maintained by the purchaser or its designated custodian;*
 - (d) *Copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the purchaser;*
 - (e) *Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and*
 - (f) *Any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.*
- (3) *A system satisfies subsection (1) of this section, and a purchaser has control of an authoritative electronic copy of a record evidencing chattel paper, if the electronic copy, a record attached to or logically associated with the electronic copy, or a system in which the electronic copy is recorded:*
 - (a) *Enables the purchaser to readily identify each electronic copy as either an authoritative copy or a nonauthoritative copy;*
 - (b) *Enables the purchaser to readily identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as the assignee of the authoritative electronic copy; and*
 - (c) *Gives the purchaser exclusive power, subject to subsection (4) of this section, to:*
 1. *Prevent others from adding or changing an identified assignee of the authoritative electronic copy; and*
 2. *Transfer control of the authoritative electronic copy.*
- (4) *Subject to subsection (5) of this section, a power is exclusive under subsection (3)(c)1. and 2. of this section even if:*
 - (a) *The authoritative electronic copy, a record attached to or logically associated with the authoritative electronic copy, or a system in which the authoritative electronic copy is recorded limits the use of the authoritative electronic copy or has a protocol programmed to cause a change, including a transfer or loss of control; or*
 - (b) *The power is shared with another person.*
- (5) *A power of a purchaser is not shared with another person under subsection (4)(b) of this section and the purchaser's power is not exclusive if:*
 - (a) *The purchaser can exercise the power only if the power also is exercised by the other person; and*
 - (b) *The other person:*
 1. *Can exercise the power without exercise of the power by the purchaser; or*
 2. *Is the transferor to the purchaser of an interest in the chattel paper.*
- (6) *If a purchaser has the powers specified in subsection (3)(c)1. and 2. of this section, the powers are presumed to be exclusive.*
- (7) *A purchaser has control of an authoritative electronic copy of a record evidencing chattel paper if another person, other than the transferor to the purchaser of an interest in the chattel paper:*

- (a) *Has control of the authoritative electronic copy and acknowledges that it has control on behalf of the purchaser; or*
- (b) *Obtains control of the authoritative electronic copy after having acknowledged that it will obtain control of the electronic copy on behalf of the purchaser.*

➔SECTION 47. A NEW SECTION OF ARTICLE 9 OF KRS CHAPTER 355 IS CREATED TO READ AS FOLLOWS:

- (1) *A person has control of electronic money if the electronic money, a record attached to or logically associated with the electronic money, or a system in which the electronic money is recorded:*
 - (a) *Gives the person:*
 - 1. *Power to avail itself of substantially all the benefit from the electronic money; and*
 - 2. *Exclusive power, subject to subsection (2) of this section, to:*
 - a. *Prevent others from availing themselves of substantially all the benefit from the electronic money; and*
 - b. *Transfer control of the electronic money to another person or cause another person to obtain control of other electronic money as a result of the transfer of the electronic money; and*
 - (b) *Enables the person to readily identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as having the powers under paragraph (a) of this subsection.*
- (2) *Subject to subsection (3) of this section, a power is exclusive under subsection (1)(a)2.a. and b. of this section even if:*
 - (a) *The electronic money, a record attached to or logically associated with the electronic money, or a system in which the electronic money is recorded limits the use of the electronic money or has a protocol programmed to cause a change, including a transfer or loss of control; or*
 - (b) *The power is shared with another person.*
- (3) *A power of a person is not shared with another person under subsection (2)(b) of this section and the person's power is not exclusive if:*
 - (a) *The person can exercise the power only if the power also is exercised by the other person; and*
 - (b) *The other person:*
 - 1. *Can exercise the power without exercise of the power by the person; or*
 - 2. *Is the transferor to the person of an interest in the electronic money.*
- (4) *If a person has the powers specified in subsection (1)(a)2.a. and b. of this section, the powers are presumed to be exclusive.*
- (5) *A person has control of electronic money if another person, other than the transferor to the person of an interest in the electronic money:*
 - (a) *Has control of the electronic money and acknowledges that it has control on behalf of the person; or*
 - (b) *Obtains control of the electronic money after having acknowledged that it will obtain control of the electronic money on behalf of the person.*

➔SECTION 48. A NEW SECTION OF ARTICLE 9 OF KRS CHAPTER 355 IS CREATED TO READ AS FOLLOWS:

- (1) *A secured party has control of a controllable electronic record as provided in Section 98 of this Act.*
- (2) *A secured party has control of a controllable account or controllable payment intangible if the secured party has control of the controllable electronic record that evidences the controllable account or controllable payment intangible.*

➔SECTION 49. A NEW SECTION OF ARTICLE 9 OF KRS CHAPTER 355 IS CREATED TO READ AS FOLLOWS:

- (1) *A person that has control under Section 45, 46, or 47 of this Act is not required to acknowledge that it has control on behalf of another person.*
- (2) *If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this article otherwise provides, the person does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person.*

➔Section 50. KRS 355.9-203 is amended to read as follows:

- (1) A security interest attaches to collateral when it becomes enforceable against the debtor with respect to the collateral, unless an agreement expressly postpones the time of attachment.
- (2) Except as otherwise provided in subsections (3) to (9) of this section, a security interest is enforceable against the debtor and third parties with respect to the collateral only if:
- (a) Value has been given;
 - (b) The debtor has rights in the collateral or the power to transfer rights in the collateral to a secured party; and
 - (c) One (1) of the following conditions is met:
 1. The debtor has *signed*~~[authenticated]~~ a security agreement that provides a description of the collateral and, if the security interest covers timber to be cut, a description of the land concerned;
 2. The collateral is not a certificated security and is in the possession of the secured party under KRS 355.9-313 pursuant to the debtor's security agreement;
 3. The collateral is a certificated security in registered form and the security certificate has been delivered to the secured party under KRS 355.8-301 pursuant to the debtor's security agreement;~~{ or }~~
 4. The collateral is *controllable accounts, controllable electronic records, controllable payment intangibles*, deposit accounts, electronic *documents*~~[chattel paper]~~, *electronic money*, investment property, *or* letter-of-credit rights,~~[or electronic documents,]~~ and the secured party has control under KRS 355.7-106, 355.9-104, ~~[355.9-105,]~~ *Section 47 of this Act*, 355.9-106,~~{ or }~~ 355.9-107, *or Section 48 of this Act* pursuant to the debtor's security agreement; *or*
 5. *The collateral is chattel paper and the secured party has possession and control under Section 65 of this Act pursuant to the debtor's security agreement.*
- (3) Subsection (2) of this section is subject to KRS 355.4-210 on the security interest of a collecting bank, KRS 355.5-118 on the security interest of a letter-of-credit issuer or nominated person, KRS 355.9-110 on a security interest arising under Article 2 or 2A of this chapter, and KRS 355.9-206 on security interests in investment property.
- (4) A person becomes bound as debtor by a security agreement entered into by another person if, by operation of law other than this article or by contract:
- (a) The security agreement becomes effective to create a security interest in the person's property; or
 - (b) The person becomes generally obligated for the obligations of the other person, including the obligation secured under the security agreement, and acquires or succeeds to all or substantially all of the assets of the other person.
- (5) If a new debtor becomes bound as debtor by a security agreement entered into by another person:
- (a) The agreement satisfies subsection (2)(c) of this section with respect to existing or after-acquired property of the new debtor to the extent the property is described in the agreement; and
 - (b) Another agreement is not necessary to make a security interest in the property enforceable.
- (6) The attachment of a security interest in collateral gives the secured party the rights to proceeds provided by KRS 355.9-315 and is also attachment of a security interest in a supporting obligation for the collateral.
- (7) The attachment of a security interest in a right to payment or performance secured by a security interest or other lien on personal or real property is also attachment of a security interest in the security interest, mortgage, or other lien.

- (8) The attachment of a security interest in a securities account is also attachment of a security interest in the security entitlements carried in the securities account.
- (9) The attachment of a security interest in a commodity account is also attachment of a security interest in the commodity contracts carried in the commodity account.

➔Section 51. KRS 355.9-204 is amended to read as follows:

- (1) Except as otherwise provided in subsection (2) of this section, a security agreement may create or provide for a security interest in after-acquired collateral.
- (2) (a) **Subject to paragraph (b) of this subsection**, a security interest does not attach under a term constituting an after-acquired property clause to:
 - 1. ~~(a)~~ Consumer goods, other than an accession when given as additional security, unless the debtor acquires rights in them within ten (10) days after the secured party gives value; or
 - 2. ~~(b)~~ A commercial tort claim.
- (b) **Paragraph (a) of this subsection does not prevent a security interest from attaching:**
 - 1. **To consumer goods as proceeds under KRS 355.9-315(1) or commingled goods under KRS 355.9-336(3);**
 - 2. **To a commercial tort claim as proceeds under KRS 355.9-315(1); or**
 - 3. **Under an after-acquired property clause to property that is proceeds of consumer goods or a commercial tort claim.**
- (3) A security agreement may provide that collateral secures, or that accounts, chattel paper, payment intangibles, or promissory notes are sold in connection with, future advances or other value, whether or not the advances or value are given pursuant to commitment.

➔Section 52. KRS 355.9-207 is amended to read as follows:

- (1) Except as otherwise provided in subsection (4) of this section: ~~{ }~~
 - (a) A secured party shall use reasonable care in the custody and preservation of collateral in the secured party's possession; ~~and { }~~
 - (b) In the case of chattel paper or an instrument, reasonable care includes taking necessary steps to preserve rights against prior parties unless otherwise agreed.
- (2) Except as otherwise provided in subsection (4) of this section, if a secured party has possession of collateral:
 - (a) Reasonable expenses, including the cost of insurance and payment of taxes or other charges, incurred in the custody, preservation, use, or operation of the collateral are chargeable to the debtor and are secured by the collateral;
 - (b) The risk of accidental loss or damage is on the debtor to the extent of a deficiency in any effective insurance coverage;
 - (c) The secured party shall keep the collateral identifiable, but fungible collateral may be commingled; and
 - (d) The secured party may use or operate the collateral:
 - 1. For the purpose of preserving the collateral or its value;
 - 2. As permitted by an order of a court having competent jurisdiction; or
 - 3. Except in the case of consumer goods, in the manner and to the extent agreed by the debtor.
- (3) Except as otherwise provided in subsection (4) of this section, a secured party having possession of collateral or control of collateral under KRS 355.7-106, 355.9-104, 355.9-105, **Section 47 of this Act**, 355.9-106, ~~or~~ 355.9-107, **or Section 48 of this Act:**
 - (a) May hold as additional security any proceeds, except money or funds, received from the collateral;
 - (b) Shall apply money or funds received from the collateral to reduce the secured obligation, unless remitted to the debtor; and
 - (c) May create a security interest in the collateral.

- (4) If the secured party is a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor:
- (a) Subsection (1) of this section does not apply unless the secured party is entitled under an agreement:
 1. To charge back uncollected collateral; or
 2. Otherwise to full or limited recourse against the debtor or a secondary obligor based on the nonpayment or other default of an account debtor or other obligor on the collateral; and

(b) Subsections (2) and (3) of this section do not apply.

➔Section 53. KRS 355.9-208 is amended to read as follows:

(1) This section applies to cases in which:

- (a) There is no outstanding secured obligation; and
- (b) The secured party is not committed to make advances, incur obligations, or otherwise give value.

(2) Within ten (10) days after receiving **a signed**~~[an authenticated]~~ demand by the debtor:

- (a) A secured party having control of a deposit account under KRS 355.9-104(1)(b) shall send to the bank with which the deposit account is maintained **a signed record**~~[an authenticated statement]~~ that releases the bank from any further obligation to comply with instructions originated by the secured party;
- (b) A secured party having control of a deposit account under KRS 355.9-104(1)(c) shall:
 1. Pay the debtor the balance on deposit in the deposit account; or
 2. Transfer the balance on deposit into a deposit account in the debtor's name;
- (c) A secured party, other than a buyer, having control~~[of electronic chattel paper]~~ under KRS 355.9-105 **of an authoritative electronic copy of a record evidencing chattel paper** shall **transfer control of the electronic copy to the debtor or a person designated by the debtor**~~;~~
 1. ~~Communicate the authoritative copy of the electronic chattel paper to the debtor or its designated custodian;~~
 2. ~~If the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic chattel paper is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and~~
 3. ~~Take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party;~~
- (d) A secured party having control of investment property under KRS 355.8-106(4)(b) or 355.9-106(2) shall send to the securities intermediary or commodity intermediary with which the security entitlement or commodity contract is maintained **a signed**~~[an authenticated]~~ record that releases the securities intermediary or commodity intermediary from any further obligation to comply with entitlement orders or directions originated by the secured party;
- (e) A secured party having control of a letter-of-credit right under KRS 355.9-107 shall send to each person having an unfulfilled obligation to pay or deliver proceeds of the letter of credit to the secured party **a signed**~~[an authenticated]~~ release from any further obligation to pay or deliver proceeds of the letter of credit to the secured party;~~and~~
- (f) A secured party having control **under Section 38 of this Act of an authoritative electronic copy** of an electronic document shall **transfer control of the electronic copy to the debtor or a person designated by the debtor**~~;~~
 1. ~~Give control of the electronic document to the debtor or its designated custodian;~~
 2. ~~If the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic document is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation~~

~~to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and~~

- ~~3. Take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party.]~~
- (g) *A secured party having control under Section 47 of this Act of electronic money shall transfer control of the electronic copy to the debtor or a person designated by the debtor; and*
- (h) *A secured party having control under Section 98 of this Act of a controllable electronic record, other than a buyer of a controllable account or controllable payment intangible evidenced by the controllable electronic record, shall transfer control of the controllable electronic record to the debtor or a person designated by the debtor.*

➔Section 54. KRS 355.9-209 is amended to read as follows:

- (1) Except as otherwise provided in subsection (3) of this section, this section applies if:
- (a) There is no outstanding secured obligation; and
- (b) The secured party is not committed to make advances, incur obligations, or otherwise give value.
- (2) Within ten (10) days after receiving *a signed*~~[an authenticated]~~ demand by the debtor, a secured party shall send to an account debtor that has received notification *under subsection (1) of Section 77 of this Act or subsection (2) of Section 99 of this Act* of an assignment to the secured party as assignee *a signed*~~[under KRS 355.9-406(1) an authenticated]~~ record that releases the account debtor from any further obligation to the secured party.
- (3) This section does not apply to an assignment constituting the sale of an account, chattel paper, or payment intangible.

➔Section 55. KRS 355.9-210 is amended to read as follows:

- (1) In this section:
- (a) "Request" means a record of a type described in paragraph (b), (c), or (d) of this subsection.
- (b) "Request for an accounting" means a record *signed*~~[authenticated]~~ by a debtor requesting that the recipient provide an accounting of the unpaid obligations secured by collateral and reasonably identifying the transaction or relationship that is the subject of the request.
- (c) "Request regarding a list of collateral" means a record *signed*~~[authenticated]~~ by a debtor requesting that the recipient approve or correct a list of what the debtor believes to be the collateral securing an obligation and reasonably identifying the transaction or relationship that is the subject of the request.
- (d) "Request regarding a statement of account" means a record *signed*~~[authenticated]~~ by a debtor requesting that the recipient approve or correct a statement indicating what the debtor believes to be the aggregate amount of unpaid obligations secured by collateral as of a specified date and reasonably identifying the transaction or relationship that is the subject of the request.
- (2) Subject to subsections (3), (4), (5), and (6) of this section, a secured party, other than a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor, shall comply with a request within fourteen (14) days after receipt:
- (a) In the case of a request for an accounting, by *signing*~~[authenticating]~~ and sending to the debtor an accounting; and
- (b) In the case of a request regarding a list of collateral or a request regarding a statement of account, by *signing*~~[authenticating]~~ and sending to the debtor an approval or correction.
- (3) A secured party that claims a security interest in all of a particular type of collateral owned by the debtor may comply with a request regarding a list of collateral by sending to the debtor *a signed*~~[an authenticated]~~ record including a statement to that effect within fourteen (14) days after receipt.
- (4) A person that receives a request regarding a list of collateral, claims no interest in the collateral when it receives the request, and claimed an interest in the collateral at an earlier time shall comply with the request within fourteen (14) days after receipt by sending to the debtor *a signed*~~[an authenticated]~~ record:

- (a) Disclaiming any interest in the collateral; and
 - (b) If known to the recipient, providing the name and mailing address of any assignee of or successor to the recipient's interest in the collateral.
- (5) A person that receives a request for an accounting or a request regarding a statement of account, claims no interest in the obligations when it receives the request, and claimed an interest in the obligations at an earlier time shall comply with the request within fourteen (14) days after receipt by sending to the debtor **a signed~~an authenticated~~** record:
- (a) Disclaiming any interest in the obligations; and
 - (b) If known to the recipient, providing the name and mailing address of any assignee of or successor to the recipient's interest in the obligations.
- (6) (a) A debtor is entitled without charge to one (1) response to a request under this section during any six (6) month period.
- (b) The secured party may require payment of a charge not exceeding twenty-five dollars (\$25) for each additional response.

➔Section 56. KRS 355.9-301 is amended to read as follows:

Except as otherwise provided in KRS 355.9-303 to **Section 60 of this Act**~~[355.9-306]~~, the following rules determine the law governing perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral:

- (1) Except as otherwise provided in this section, while a debtor is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral;~~;~~
- (2) While collateral is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a possessory security interest in that collateral;~~;~~
- (3) Except as otherwise provided in subsection (4) of this section, while **negotiable** tangible~~negotiable~~ documents, goods, instruments, **or tangible** money~~, or tangible chattel paper~~ is located in a jurisdiction, the local law of that jurisdiction governs:
 - (a) Perfection of a security interest in the goods by filing a fixture filing;
 - (b) Perfection of a security interest in timber to be cut; and
 - (c) The effect of perfection or nonperfection and the priority of a nonpossessory security interest in the collateral; **and**~~;~~
- (4) The local law of the jurisdiction in which the wellhead or minehead is located governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in as-extracted collateral.

➔Section 57. KRS 355.9-304 is amended to read as follows:

- (1) The local law of a bank's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a deposit account maintained with that bank **even if the transaction does not bear any relation to the bank's jurisdiction.**
- (2) The following rules determine a bank's jurisdiction for purposes of this part of this article:
 - (a) If an agreement between the bank and its customer governing the deposit account expressly provides that a particular jurisdiction is the bank's jurisdiction for purposes of this part of this article, this article, or this chapter, that jurisdiction is the bank's jurisdiction;~~;~~
 - (b) If paragraph (a) of this subsection does not apply and an agreement between the bank and its customer governing the deposit account expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the bank's jurisdiction;~~;~~
 - (c) If neither paragraph (a) nor (b) of this subsection applies and an agreement between the bank and its customer governing the deposit account expressly provides that the deposit account is maintained at an office in a particular jurisdiction, that jurisdiction is the bank's jurisdiction;~~;~~
 - (d) If none of the preceding paragraphs applies, the bank's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the customer's account is located; **and**~~;~~

- (e) If none of the preceding paragraphs applies, the bank's jurisdiction is the jurisdiction in which the chief executive office of the bank is located.

➔Section 58. KRS 355.9-305 is amended to read as follows:

- (1) Except as otherwise provided in subsection (3) of this section, the following rules apply:
- (a) While a security certificate is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in the certificated security represented thereby;~~[-]~~
 - (b) The local law of the issuer's jurisdiction as specified in KRS 355.8-110(4) governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in an uncertificated security;~~[-]~~
 - (c) The local law of the securities intermediary's jurisdiction as specified in KRS 355.8-110(5) governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a security entitlement or securities account;~~[-]~~
 - (d) The local law of the commodity intermediary's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a commodity contract or commodity account;
and
 - (e) ***Paragraphs (b), (c), and (d) of this subsection apply even if the transaction does not bear any relation to the jurisdiction.***
- (2) The following rules determine a commodity intermediary's jurisdiction for purposes of this part of this article:
- (a) If an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that a particular jurisdiction is the commodity intermediary's jurisdiction for purposes of this part of this article, this article, or this chapter, that jurisdiction is the commodity intermediary's jurisdiction;~~[-]~~
 - (b) If paragraph (a) of this subsection does not apply and an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the commodity intermediary's jurisdiction;~~[-]~~
 - (c) If neither paragraph (a) nor paragraph (b) of this subsection applies and an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that the commodity account is maintained at an office in a particular jurisdiction, that jurisdiction is the commodity intermediary's jurisdiction;~~[-]~~
 - (d) If none of the preceding paragraphs applies, the commodity intermediary's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the commodity customer's account is located; ***and***~~[-]~~
 - (e) If none of the preceding paragraphs applies, the commodity intermediary's jurisdiction is the jurisdiction in which the chief executive office of the commodity intermediary is located.
- (3) The local law of the jurisdiction in which the debtor is located governs:
- (a) Perfection of a security interest in investment property by filing;
 - (b) Automatic perfection of a security interest in investment property created by a broker or securities intermediary; and
 - (c) Automatic perfection of a security interest in a commodity contract or commodity account created by a commodity intermediary.

➔SECTION 59. A NEW SECTION OF ARTICLE 9 OF KRS CHAPTER 355 IS CREATED TO READ AS FOLLOWS:

- (1) ***Except as provided in subsection (4) of this section, if chattel paper is evidenced only by an authoritative electronic copy of the chattel paper or is evidenced by an authoritative electronic copy and an authoritative tangible copy, the local law of the chattel paper's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in the chattel paper, even if the transaction does not bear any relation to the chattel paper's jurisdiction.***
- (2) ***The following rules determine the chattel paper's jurisdiction under this section:***

- (a) *If the authoritative electronic copy of the record evidencing chattel paper, or a record attached to or logically associated with the electronic copy and readily available for review, expressly provides that a particular jurisdiction is the chattel paper's jurisdiction for purposes of this part, this article, or this chapter, that jurisdiction is the chattel paper's jurisdiction;*
 - (b) *If paragraph (a) of this subsection does not apply and the rules of the system in which the authoritative electronic copy is recorded are readily available for review and expressly provide that a particular jurisdiction is the chattel paper's jurisdiction for purposes of this part, this article, or this chapter, that jurisdiction is the chattel paper's jurisdiction;*
 - (c) *If paragraphs (a) and (b) of this subsection do not apply and the authoritative electronic copy, or a record attached to or logically associated with the electronic copy and readily available for review, expressly provides that the chattel paper is governed by the law of a particular jurisdiction, that jurisdiction is the chattel paper's jurisdiction;*
 - (d) *If paragraphs (a), (b), and (c) of this subsection do not apply and the rules of the system in which the authoritative electronic copy is recorded are readily available for review and expressly provide that the chattel paper or the system is governed by the law of a particular jurisdiction, that jurisdiction is the chattel paper's jurisdiction; and*
 - (e) *If paragraphs (a) to (d) of this subsection do not apply, the chattel paper's jurisdiction is the jurisdiction in which the debtor is located.*
- (3) *If an authoritative tangible copy of a record evidences chattel paper and the chattel paper is not evidenced by an authoritative electronic copy, while the authoritative tangible copy of the record evidencing chattel paper is located in a jurisdiction, the local law of that jurisdiction governs:*
- (a) *Perfection of a security interest in the chattel paper by possession under Section 65 of this Act; and*
 - (b) *The effect of perfection or nonperfection and the priority of a security interest in the chattel paper.*
- (4) *The local law of the jurisdiction in which the debtor is located governs perfection of a security interest in chattel paper by filing.*

➔SECTION 60. A NEW SECTION OF ARTICLE 9 OF KRS CHAPTER 355 IS CREATED TO READ AS FOLLOWS:

- (1) *Except as provided in subsection (2) of this section, the local law of the controllable electronic record's jurisdiction specified in subsections (3) and (4) of Section 100 of this Act governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a controllable electronic record and a security interest in a controllable account or controllable payment intangible evidenced by the controllable electronic record.*
- (2) *The local law of the jurisdiction in which the debtor is located governs:*
- (a) *Perfection of a security interest in a controllable account, controllable electronic record, or controllable payment intangible by filing; and*
 - (b) *Automatic perfection of a security interest in a controllable payment intangible created by a sale of the controllable payment intangible.*

➔Section 61. KRS 355.9-310 is amended to read as follows:

- (1) Except as otherwise provided in subsection (2) of this section and KRS 355.9-312(2), a financing statement must be filed to perfect all security interests and agricultural liens.
- (2) The filing of a financing statement is not necessary to perfect a security interest:
- (a) That is perfected under KRS 355.9-308(4), (5), (6), or (7);
 - (b) That is perfected under KRS 355.9-309 when it attaches;
 - (c) In property subject to a statute, regulation, or treaty described in KRS 355.9-311(1);
 - (d) In goods in possession of a bailee which is perfected under KRS 355.9-312(4)(a) or (b);
 - (e) In certificated securities, documents, goods, or instruments which is perfected without filing, control, or possession under KRS 355.9-312(5), (6), or (7);
 - (f) In collateral in the secured party's possession under KRS 355.9-313;

- (g) In a certificated security which is perfected by delivery of the security certificate to the secured party under KRS 355.9-313;
 - (h) In **controllable accounts, controllable electronic records, controllable payment intangibles**, deposit accounts, ~~electronic chattel paper,~~ electronic documents, investment property, or letter-of-credit rights which is perfected by control under KRS 355.9-314;
 - (i) In proceeds which is perfected under KRS 355.9-315; ~~or~~
 - (j) That is perfected under KRS 355.9-316; **or**
 - (k) ***In chattel paper which is perfected by possession and control under Section 65 of this Act.***
- (3) If a secured party assigns a perfected security interest or agricultural lien, a filing under this article is not required to continue the perfected status of the security interest against creditors of and transferees from the original debtor.
- ➔Section 62. KRS 355.9-312 is amended to read as follows:
- (1) A security interest in chattel paper, **controllable accounts, controllable electronic records, controllable payment intangibles**~~negotiable documents~~, instruments, ~~or~~ investment property, **or negotiable documents** may be perfected by filing.
 - (2) Except as otherwise provided in KRS 355.9-315(3) and (4) for proceeds:
 - (a) A security interest in a deposit account may be perfected only by control under KRS 355.9-314;
 - (b) And except as otherwise provided in KRS 355.9-308(4), a security interest in a letter-of-credit right may be perfected only by control under KRS 355.9-314; ~~and~~
 - (c) A security interest in **tangible** money may be perfected only by the secured party's taking possession under KRS 355.9-313; **and**
 - (d) ***A security interest in electronic money may be perfected only by control under Section 64 of this Act.***
 - (3) While goods are in the possession of a bailee that has issued a negotiable document covering the goods:
 - (a) A security interest in the goods may be perfected by perfecting a security interest in the document; and
 - (b) A security interest perfected in the document has priority over any security interest that becomes perfected in the goods by another method during that time.
 - (4) While goods are in the possession of a bailee that has issued a nonnegotiable document covering the goods, a security interest in the goods may be perfected by:
 - (a) Issuance of a document in the name of the secured party;
 - (b) The bailee's receipt of notification of the secured party's interest; or
 - (c) Filing as to the goods.
 - (5) A security interest in certificated securities, negotiable documents, or instruments is perfected without filing or the taking of possession or control for a period of twenty (20) days from the time it attaches to the extent that it arises for new value given under **a signed**~~an authenticated~~ security agreement.
 - (6) A perfected security interest in a negotiable document or goods in possession of a bailee, other than one that has issued a negotiable document for the goods, remains perfected for twenty (20) days without filing if the secured party makes available to the debtor the goods or documents representing the goods for the purpose of:
 - (a) Ultimate sale or exchange; or
 - (b) Loading, unloading, storing, shipping, transshipping, manufacturing, processing, or otherwise dealing with them in a manner preliminary to their sale or exchange.
 - (7) A perfected security interest in a certificated security or instrument remains perfected for twenty (20) days without filing if the secured party delivers the security certificate or instrument to the debtor for the purpose of:
 - (a) Ultimate sale or exchange; or
 - (b) Presentation, collection, enforcement, renewal, or registration of transfer.

- (8) After the twenty (20) day period specified in subsection (5), (6), or (7) of this section expires, perfection depends upon compliance with this article.

➔Section 63. KRS 355.9-313 is amended to read as follows:

- (1) (a) Except as otherwise provided in subsection (2) of this section, a secured party may perfect a security interest in ~~intangible negotiable documents,~~ goods, instruments, **negotiable tangible documents, or tangible** money ~~or tangible chattel paper~~ by taking possession of the collateral.
- (b) A secured party may perfect a security interest in certificated securities by taking delivery of the certificated securities under KRS 355.8-301.
- (2) With respect to goods covered by a certificate of title issued by this Commonwealth, a secured party may perfect a security interest in the goods by taking possession of the goods only in the circumstances described in KRS 355.9-316(4).
- (3) With respect to collateral other than certificated securities and goods covered by a document, a secured party takes possession of collateral in the possession of a person other than the debtor, the secured party, or a lessee of the collateral from the debtor in the ordinary course of the debtor's business, when:
- (a) The person in possession **signs** ~~authenticates~~ a record acknowledging that it holds possession of the collateral for the secured party's benefit; or
- (b) The person takes possession of the collateral after having **signed** ~~authenticated~~ a record acknowledging that it will hold possession of **the** collateral for the secured party's benefit.
- (4) If perfection of a security interest depends upon possession of the collateral by a secured party, perfection occurs ~~not~~ earlier than the time the secured party takes possession and continues only while the secured party retains possession.
- (5) A security interest in a certificated security in registered form is perfected by delivery when delivery of the certificated security occurs under KRS 355.8-301 and remains perfected by delivery until the debtor obtains possession of the security certificate.
- (6) A person in possession of collateral is not required to acknowledge that it holds possession for a secured party's benefit.
- (7) If a person acknowledges that it holds possession for the secured party's benefit:
- (a) The acknowledgment is effective under subsection (3) of this section or KRS 355.8-301(1), even if the acknowledgment violates the rights of a debtor; and
- (b) Unless the person otherwise agrees or law other than this article otherwise provides, the person does not owe any duty to the secured party and is not required to confirm the acknowledgment to another person.
- (8) A secured party having possession of collateral does not relinquish possession by delivering the collateral to a person other than the debtor or a lessee of the collateral from the debtor in the ordinary course of the debtor's business if the person was instructed before the delivery or is instructed contemporaneously with the delivery:
- (a) To hold possession of the collateral for the secured party's benefit; or
- (b) To redeliver the collateral to the secured party.
- (9) (a) A secured party does not relinquish possession, even if a delivery under subsection (8) of this section violates the rights of a debtor.
- (b) A person to which collateral is delivered under subsection (8) of this section does not owe any duty to the secured party and is not required to confirm the delivery to another person unless the person otherwise agrees or law other than this article otherwise provides.

➔Section 64. KRS 355.9-314 is amended to read as follows:

- (1) A security interest in **controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, electronic documents, electronic money,** investment property, ~~deposit accounts,~~ **or** letter-of-credit rights ~~electronic chattel paper, or electronic documents~~ may be perfected by control of the collateral under KRS 355.7-106, 355.9-104, ~~355.9-105,~~ **Section 47 of this Act,** 355.9-106, ~~or~~ 355.9-107, **or Section 48 of this Act.**

- (2) A security interest in ***controllable accounts, controllable electronic records, controllable payment intangibles***, deposit accounts, ***electronic documents***, electronic ~~money~~ ~~[chattel paper]~~, ***or*** letter-of-credit rights ~~[or electronic documents]~~ is perfected by control under KRS 355.7-106, 355.9-104, ~~[355.9-105,]~~ ***Section 47 of this Act***, ~~or~~ 355.9-107, ***or Section 48 of this Act not earlier than the time*** ~~[when]~~ the secured party obtains control and remains perfected by control only while the secured party retains control.
- (3) A security interest in investment property is perfected by control under KRS 355.9-106 ***not earlier than*** ~~[from]~~ the time the secured party obtains control and remains perfected by control until:
- (a) The secured party does not have control; and
 - (b) One (1) of the following occurs:
 1. If the collateral is a certificated security, the debtor has or acquires possession of the security certificate;
 2. If the collateral is an uncertificated security, the issuer has registered or registers the debtor as the registered owner; or
 3. If the collateral is a security entitlement, the debtor is or becomes the entitlement holder.

➔SECTION 65. A NEW SECTION OF ARTICLE 9 OF KRS CHAPTER 355 IS CREATED TO READ AS FOLLOWS:

- (1) ***A secured party may perfect a security interest in chattel paper by taking possession of each authoritative tangible copy of the record evidencing the chattel paper and obtaining control of each authoritative electronic copy of the electronic record evidencing the chattel paper.***
- (2) ***A security interest is perfected under subsection (1) of this section not earlier than the time the secured party takes possession and obtains control and remains perfected under subsection (1) of this section only while the secured party retains possession and control.***
- (3) ***Subsections (3) and (6) to (9) of Section 63 of this Act apply to perfection by possession of an authoritative tangible copy of a record evidencing chattel paper.***

➔Section 66. KRS 355.9-316 is amended to read as follows:

- (1) A security interest perfected pursuant to the law of the jurisdiction designated in KRS 355.9-301(1), ~~or~~ 355.9-305(3), ***subsection (4) of Section 59 of this Act, or subsection (2) of Section 60 of this Act*** remains perfected until the earliest of:
 - (a) The time perfection would have ceased under the law of that jurisdiction;
 - (b) The expiration of four (4) months after a change of the debtor's location to another jurisdiction; or
 - (c) The expiration of one (1) year after a transfer of collateral to a person that thereby becomes a debtor and is located in another jurisdiction.
- (2) If a security interest described in subsection (1) of this section becomes perfected under the law of the other jurisdiction before the earliest time or event described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earliest time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.
- (3) A possessory security interest in collateral, other than goods covered by a certificate of title and as-extracted collateral consisting of goods, remains continuously perfected if:
 - (a) The collateral is located in one jurisdiction and subject to a security interest perfected under the law of that jurisdiction;
 - (b) Thereafter the collateral is brought into another jurisdiction; and
 - (c) Upon entry into the other jurisdiction, the security interest is perfected under the law of the other jurisdiction.
- (4) Except as otherwise provided in subsection (5) of this section, a security interest in goods covered by a certificate of title which is perfected by any method under the law of another jurisdiction when the goods become covered by a certificate of title from this Commonwealth remains perfected until the security interest would have become unperfected under the law of the other jurisdiction had the goods not become so covered.

- (5) A security interest described in subsection (4) of this section becomes unperfected as against a purchaser of the goods for value and is deemed never to have been perfected as against a purchaser of the goods for value if the applicable requirements for perfection under KRS 355.9-311(2) or 355.9-313 are not satisfied before the earlier of:
- (a) The time the security interest would have become unperfected under the law of the other jurisdiction had the goods not become covered by a certificate of title from this Commonwealth; or
 - (b) The expiration of four (4) months after the goods had become so covered.
- (6) A security interest in *chattel paper, controllable accounts, controllable electronic records, controllable payment intangibles*, deposit accounts, letter-of-credit rights, or investment property which is perfected under the law of the *chattel paper's jurisdiction, the controllable electronic record's jurisdiction, the bank's jurisdiction, the issuer's jurisdiction, a nominated person's jurisdiction, the securities intermediary's jurisdiction, or the commodity intermediary's jurisdiction*, as applicable, remains perfected until the earlier of:
- (a) The time the security interest would have become unperfected under the law of that jurisdiction; or
 - (b) The expiration of four (4) months after a change of the applicable jurisdiction to another jurisdiction.
- (7) If a security interest described in subsection (6) of this section becomes perfected under the law of the other jurisdiction before the earlier of the time or the end of the period described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier of that time or the end of that period, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.
- (8) The following rules apply to collateral to which a security interest attaches within four (4) months after the debtor changes its location to another jurisdiction:
- (a) A financing statement filed before the change pursuant to the law of the jurisdiction designated in KRS 355.9-301(1) or 355.9-305(3) is effective to perfect a security interest in the collateral if the financing statement would have been effective to perfect a security interest in the collateral if the debtor had not changed its location; and
 - (b) If a security interest that is perfected by a financing statement that is effective under paragraph (a) of this subsection becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in KRS 355.9-301(1) or 355.9-305(3) or the expiration of the four (4) month period, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.
- (9) If a financing statement naming an original debtor is filed pursuant to the law of the jurisdiction designated in KRS 355.9-301(1) or 355.9-305(3) and the new debtor is located in another jurisdiction, the following rules apply:
- (a) The financing statement is effective to perfect a security interest in collateral in which the new debtor has or acquires rights before or within four (4) months after the new debtor becomes bound under KRS 355.9-203(4), if the financing statement would have been effective to perfect a security interest in the collateral if the collateral had been acquired by the original debtor; and
 - (b) A security interest that is perfected by the financing statement and which becomes perfected under the law of the other jurisdiction before the earlier of the expiration of the four (4) month period or the time the financing statement would have become ineffective under the law of the jurisdiction designated in KRS 355.9-301(1) or 355.9-305(3) remains perfected thereafter. A security interest that is perfected by the financing statement but which does not become perfected under the law of the other jurisdiction before the earlier time or event becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

➔Section 67. KRS 355.9-317 is amended to read as follows:

- (1) A security interest or agricultural lien is subordinate to the rights of:
- (a) A person entitled to priority under KRS 355.9-322; and
 - (b) Except as otherwise provided in subsection (5) of this section, a person that becomes a lien creditor before the earlier of the time:

1. The security interest or agricultural lien is perfected; or
 2. One (1) of the conditions specified in KRS 355.9-203(2)(c) is met and a financing statement covering the collateral is filed.
- (2) Except as otherwise provided in subsection (5) of this section, a buyer, other than a secured party, of ~~tangible chattel paper, documents,~~ goods, instruments, **tangible documents**, or a certificated security takes free of a security interest or agricultural lien if the buyer gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.
 - (3) Except as otherwise provided in subsection (5) of this section, a lessee of goods takes free of a security interest or agricultural lien if the lessee gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.
 - (4) **Subject to subsections (6) to (9) of this section**, a licensee of a general intangible or a buyer, other than a secured party, of collateral other than **electronic money**, ~~tangible chattel paper, tangible documents,~~ goods, instruments, **tangible documents**, or a certificated security takes free of a security interest if the licensee or buyer gives value without knowledge of the security interest and before it is perfected.
 - (5) Except as otherwise provided in KRS 355.9-320 and 355.9-321, if a person files a financing statement with respect to a purchase-money security interest before or within twenty (20) days after the debtor receives delivery of the collateral, the security interest takes priority over the rights of a buyer, lessee, or lien creditor which arise between the time the security interest attaches and the time of filing.
 - (6) **A buyer, other than a secured party, of chattel paper takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and:**
 - (a) **Receives delivery of each authoritative tangible copy of the record evidencing the chattel paper; and**
 - (b) **If each authoritative electronic copy of the record evidencing chattel paper can be subjected to control under Section 46 of this Act, obtains control of each authoritative electronic copy.**
 - (7) **A buyer of an electronic document takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and, if each authoritative electronic copy of the document can be subjected to control under Section 38 of this Act, obtains control of each authoritative electronic copy.**
 - (8) **A buyer of a controllable electronic record takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and obtains control of the controllable electronic record.**
 - (9) **A buyer, other than a secured party, of a controllable account or a controllable payment intangible takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and obtains control of the controllable account or controllable payment intangible.**

➔Section 68. KRS 355.9-323 is amended to read as follows:

- (1) Except as otherwise provided in subsection (3) of this section, for purposes of determining the priority of a perfected security interest under KRS 355.9-322(1)(a), perfection of the security interest dates from the time an advance is made to the extent that the security interest secures an advance that:
 - (a) Is made while the security interest is perfected only:
 1. Under KRS 355.9-309 when it attaches; or
 2. Temporarily under KRS 355.9-312(5), (6), or (7); and
 - (b) Is not made pursuant to a commitment entered into before or while the security interest is perfected by a method other than under KRS 355.9-309 or 355.9-312(5), (6), or (7).
- (2) Except as otherwise provided in subsection (3) of this section, a security interest is subordinate to the rights of a person that becomes a lien creditor to the extent that the security interest secures an advance made more than forty-five (45) days after the person becomes a lien creditor unless the advance is made:
 - (a) Without knowledge of the lien; or
 - (b) Pursuant to a commitment entered into without knowledge of the lien.

- (3) Subsections (1) and (2) of this section do not apply to a security interest held by a secured party that is a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor.
- (4) Except as otherwise provided in subsection (5) of this section, a buyer of goods ~~other than a buyer in ordinary course of business~~ takes free of a security interest to the extent that it secures advances made after the earlier of:
- (a) The time the secured party acquires knowledge of the buyer's purchase; or
 - (b) Forty-five (45) days after the purchase.
- (5) Subsection (4) of this section does not apply if the advance is made pursuant to a commitment entered into without knowledge of the buyer's purchase and before the expiration of the forty-five (45) day period.
- (6) Except as otherwise provided in subsection (7) of this section, a lessee of goods ~~other than a lessee in ordinary course of business~~ takes the leasehold interest free of a security interest to the extent that it secures advances made after the earlier of:
- (a) The time the secured party acquires knowledge of the lease; or
 - (b) Forty-five (45) days after the lease contract becomes enforceable.
- (7) Subsection (6) of this section does not apply if the advance is made pursuant to a commitment entered into without knowledge of the lease and before the expiration of the forty-five (45) day period.

➔Section 69. KRS 355.9-324 is amended to read as follows:

- (1) Except as otherwise provided in subsection (7) of this section, a perfected purchase-money security interest in goods other than inventory or livestock has priority over a conflicting security interest in the same goods, and, except as otherwise provided in KRS 355.9-327, a perfected security interest in its identifiable proceeds also has priority, if the purchase-money security interest is perfected when the debtor receives possession of the collateral or within twenty (20) days thereafter.
- (2) Subject to subsection (3) of this section and except as otherwise provided in subsection (7) of this section, a perfected purchase-money security interest in inventory has priority over a conflicting security interest in the same inventory, has priority over a conflicting security interest in chattel paper or an instrument constituting proceeds of the inventory and in proceeds of the chattel paper, if so provided in KRS 355.9-330, and, except as otherwise provided in KRS 355.9-327, also has priority in identifiable cash proceeds of the inventory to the extent the identifiable cash proceeds are received on or before the delivery of the inventory to a buyer, if:
 - (a) The purchase-money security interest is perfected when the debtor receives possession of the inventory;
 - (b) The purchase-money secured party sends *a signed* ~~an authenticated~~ notification to the holder of the conflicting security interest;
 - (c) The holder of the conflicting security interest receives the notification within five (5) years before the debtor receives possession of the inventory; and
 - (d) The notification states that the person sending the notification has or expects to acquire a purchase-money security interest in inventory of the debtor and describes the inventory.
- (3) Subsection (2)(b) to (d) of this section apply only if the holder of the conflicting security interest had filed a financing statement covering the same types of inventory:
 - (a) If the purchase-money security interest is perfected by filing, before the date of the filing; or
 - (b) If the purchase-money security interest is temporarily perfected without filing or possession under KRS 355.9-312(6), before the beginning of the twenty (20) day period thereunder.
- (4) Subject to subsection (5) of this section and except as otherwise provided in subsection (7) of this section, a perfected purchase-money security interest in livestock that are farm products has priority over a conflicting security interest in the same livestock, and, except as otherwise provided in KRS 355.9-327, a perfected security interest in their identifiable proceeds and identifiable products in their unmanufactured states also has priority, if:
 - (a) The purchase-money security interest is perfected when the debtor receives possession of the livestock;
 - (b) The purchase-money secured party sends *a signed* ~~an authenticated~~ notification to the holder of the conflicting security interest;

- (c) The holder of the conflicting security interest receives the notification within six (6) months before the debtor receives possession of the livestock; and
 - (d) The notification states that the person sending the notification has or expects to acquire a purchase-money security interest in livestock of the debtor and describes the livestock.
- (5) Subsection (4)(b) to (d) of this section apply only if the holder of the conflicting security interest had filed a financing statement covering the same types of livestock:
- (a) If the purchase-money security interest is perfected by filing, before the date of the filing; or
 - (b) If the purchase-money security interest is temporarily perfected without filing or possession under KRS 355.9-312(6), before the beginning of the twenty (20) day period thereunder.
- (6) Except as otherwise provided in subsection (7) of this section, a perfected purchase-money security interest in software has priority over a conflicting security interest in the same collateral, and, except as otherwise provided in KRS 355.9-327, a perfected security interest in its identifiable proceeds also has priority, to the extent that the purchase-money security interest in the goods in which the software was acquired for use has priority in the goods and proceeds of the goods under this section.
- (7) If more than one (1) security interest qualifies for priority in the same collateral under subsection (1), (2), (4), or (6) of this section:
- (a) A security interest securing an obligation incurred as all or part of the price of the collateral has priority over a security interest securing an obligation incurred for value given to enable the debtor to acquire rights in or the use of collateral; and
 - (b) In all other cases, KRS 355.9-322(1) applies to the qualifying security interests.

➔SECTION 70. A NEW SECTION OF ARTICLE 9 OF KRS CHAPTER 355 IS CREATED TO READ AS FOLLOWS:

A security interest in a controllable account, controllable electronic record, or controllable payment intangible held by a secured party having control of the account, electronic record, or payment intangible has priority over a conflicting security interest held by a secured party that does not have control.

➔Section 71. KRS 355.9-330 is amended to read as follows:

- (1) A purchaser of chattel paper has priority over a security interest in the chattel paper which is claimed merely as proceeds of inventory subject to a security interest if:
- (a) In good faith and in the ordinary course of the purchaser's business, the purchaser gives new value, ~~and~~ takes possession of ***each authoritative tangible copy of the record evidencing*** the chattel paper, ~~and~~ obtains control ***under Section 46 of this Act of each authoritative electronic copy of the record evidencing*** the chattel paper ~~under KRS 355.9-105~~; and
 - (b) The ***authoritative copies of the record evidencing*** the chattel paper ~~does~~ not indicate that ***the chattel paper*** has been assigned to an identified assignee other than the purchaser.
- (2) A purchaser of chattel paper has priority over a security interest in the chattel paper which is claimed other than merely as proceeds of inventory subject to a security interest if the purchaser gives new value, ~~and~~ takes possession of ***each authoritative tangible copy of the record evidencing*** the chattel paper, ~~and~~ obtains control ***under Section 46 of this Act of each authoritative electronic copy of the record evidencing*** the chattel paper ~~under KRS 355.9-105~~ in good faith, in the ordinary course of the purchaser's business, and without knowledge that the purchase violates the rights of the secured party.
- (3) Except as otherwise provided in KRS 355.9-327, a purchaser having priority in chattel paper under subsection (1) or (2) of this section also has priority in proceeds of the chattel paper to the extent that:
- (a) KRS 355.9-322 provides for priority in the proceeds; or
 - (b) The proceeds consist of the specific goods covered by the chattel paper or cash proceeds of the specific goods, even if the purchaser's security interest in the proceeds is unperfected.
- (4) Except as otherwise provided in KRS 355.9-331(1), a purchaser of an instrument has priority over a security interest in the instrument perfected by a method other than possession if the purchaser gives value and takes possession of the instrument in good faith and without knowledge that the purchase violates the rights of the secured party.

- (5) For purposes of subsections (1) and (2) of this section, the holder of a purchase-money security interest in inventory gives new value for chattel paper constituting proceeds of the inventory.
- (6) For purposes of subsections (2) and (4) of this section, if ***the authoritative copies of the record evidencing chattel paper or an instrument indicate***~~[indicates]~~ that ***the chattel paper or instrument***~~[it]~~ has been assigned to an identified secured party other than the purchaser, a purchaser of the chattel paper or instrument has knowledge that the purchase violates the rights of the secured party.

➔Section 72. KRS 355.9-331 is amended to read as follows:

- (1) This article does not limit the rights of a holder in due course of a negotiable instrument, a holder to which a negotiable document of title has been duly negotiated,~~or~~ a protected purchaser of a security, ***or a qualifying purchaser of a controllable account, controllable electronic record, or controllable payment intangible.*** These holders or purchasers take priority over an earlier security interest, even if perfected, to the extent provided in Articles 3, 7, 8, and ~~12~~**8** of this chapter.
- (2) This article does not limit the rights of or impose liability on a person to the extent that the person is protected against the assertion of a claim under Article 8 ***or 12*** of this chapter.
- (3) Filing under this article does not constitute notice of a claim or defense to the holders, or purchasers, or persons described in subsections (1) and (2) of this section.

➔Section 73. KRS 355.9-332 is amended to read as follows:

- (1) A transferee of ***tangible*** money takes the money free of a security interest ***if the transferee receives possession of the money without acting***~~[unless the transferee acts]~~ in collusion with the debtor in violating the rights of the secured party.
- (2) A transferee of funds from a deposit account takes the funds free of a security interest in the deposit account ***if the transferee receives the funds without acting***~~[unless the transferee acts]~~ in collusion with the debtor in violating the rights of the secured party.
- (3) ***A transferee of electronic money takes the money free of a security interest if the transferee obtains control of the money without acting in collusion with the debtor in violating the rights of the secured party.***

➔Section 74. KRS 355.9-334 is amended to read as follows:

- (1) (a) A security interest under this article may be created in goods that are fixtures or may continue in goods that become fixtures.
- (b) A security interest does not exist under this article in ordinary building materials incorporated into an improvement on land.
- (2) This article does not prevent creation of an encumbrance upon fixtures under real property law.
- (3) In cases not governed by subsections (4) to (8) of this section, a security interest in fixtures is subordinate to a conflicting interest of an encumbrancer or owner of the related real property other than the debtor.
- (4) Except as otherwise provided in subsection (8) of this section, a perfected security interest in fixtures has priority over a conflicting interest of an encumbrancer or owner of the real property if the debtor has an interest of record in or is in possession of the real property and:
- (a) The security interest is a purchase-money security interest;
- (b) The interest of the encumbrancer or owner arises before the goods become fixtures; and
- (c) The security interest is perfected by a fixture filing before the goods become fixtures or within twenty (20) days thereafter.
- (5) A perfected security interest in fixtures has priority over a conflicting interest of an encumbrancer or owner of the real property if:
- (a) The debtor has an interest of record in the real property or is in possession of the real property and the security interest:
1. Is perfected by a fixture filing before the interest of the encumbrancer or owner is of record; and
 2. Has priority over any conflicting interest of a predecessor in title of the encumbrancer or owner;

- (b) Before the goods become fixtures, the security interest is perfected by any method permitted by this article and the fixtures are readily removable:
 - 1. Factory or office machines;
 - 2. Equipment that is not primarily used or leased for use in the operation of the real property; or
 - 3. Replacements of domestic appliances that are consumer goods;
- (c) The conflicting interest is a lien on the real property obtained by legal or equitable proceedings after the security interest was perfected by any method permitted by this article; or
- (d) The security interest is:
 - 1. Created in a manufactured home in a manufactured-home transaction; and
 - 2. Perfected pursuant to a statute described in KRS 355.9-311(1)(b).
- (6) A security interest in fixtures, whether or not perfected, has priority over a conflicting interest of an encumbrancer or owner of the real property if:
 - (a) The encumbrancer or owner has, in ~~a signed~~~~[an authenticated]~~ record, consented to the security interest or disclaimed an interest in the goods as fixtures; or
 - (b) The debtor has a right to remove the goods as against the encumbrancer or owner.
- (7) The priority of the security interest under subsection (6)(b) of this section continues for a reasonable time if the debtor's right to remove the goods as against the encumbrancer or owner terminates.
- (8) (a) A mortgage is a construction mortgage to the extent that it secures an obligation incurred for the construction of an improvement on land, including the acquisition cost of the land, if a recorded record of the mortgage so indicates.
 - (b) Except as otherwise provided in subsections (5) and (6) of this section, a security interest in fixtures is subordinate to a construction mortgage if a record of the mortgage is recorded before the goods become fixtures and the goods become fixtures before the completion of the construction. A mortgage has this priority to the same extent as a construction mortgage to the extent that it is given to refinance a construction mortgage.
- (9) A perfected security interest in crops growing on real property has priority over a conflicting interest of an encumbrancer or owner of the real property if the debtor has an interest of record in or is in possession of the real property.

➔Section 75. KRS 355.9-341 is amended to read as follows:

Except as otherwise provided in KRS 355.9-340(3), and unless the bank otherwise agrees in ~~a signed~~~~[an authenticated]~~ record, a bank's rights and duties with respect to a deposit account maintained with the bank are not terminated, suspended, or modified by:

- (1) The creation, attachment, or perfection of a security interest in the deposit account;
- (2) The bank's knowledge of the security interest; or
- (3) The bank's receipt of instructions from the secured party.

➔Section 76. KRS 355.9-404 is amended to read as follows:

- (1) Unless an account debtor has made an enforceable agreement not to assert defenses or claims, and subject to subsections (2) to (5) of this section, the rights of an assignee are subject to:
 - (a) All terms of the agreement between the account debtor and assignor and any defense or claim in recoupment arising from the transaction that gave rise to the contract; and
 - (b) Any other defense or claim of the account debtor against the assignor which accrues before the account debtor receives a notification of the assignment ~~signed~~~~[authenticated]~~ by the assignor or the assignee.
- (2) Subject to subsection (3) of this section and except as otherwise provided in subsection (4) of this section, the claim of an account debtor against an assignor may be asserted against an assignee under subsection (1) of this section only to reduce the amount the account debtor owes.

- (3) This section is subject to law other than this article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.
- (4) In a consumer transaction, if a record evidences the account debtor's obligation, law other than this article requires that the record include a statement to the effect that the account debtor's recovery against an assignee with respect to claims and defenses against the assignor may not exceed amounts paid by the account debtor under the record, and the record does not include such a statement, the extent to which a claim of an account debtor against the assignor may be asserted against an assignee is determined as if the record included such a statement.
- (5) This section does not apply to an assignment of a health-care-insurance receivable.

➔Section 77. KRS 355.9-406 is amended to read as follows:

- (1) Subject to subsections (2) to (9) **and (12)** of this section, an account debtor on an account, chattel paper, or a payment intangible may discharge its obligation by paying the assignor until, but not after, the account debtor receives a notification, **signed**~~authenticated~~ by the assignor or the assignee, that the amount due or to become due has been assigned and that payment is to be made to the assignee. After receipt of the notification, the account debtor may discharge its obligation by paying the assignee and may not discharge the obligation by paying the assignor.
- (2) Subject to ~~subsections~~~~subsection~~ (8) **and (12)** of this section, notification is ineffective under subsection (1) of this section:
- If it does not reasonably identify the rights assigned;
 - To the extent that an agreement between an account debtor and a seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this article; or
 - At the option of an account debtor, if the notification notifies the account debtor to make less than the full amount of any installment or other periodic payment to the assignee, even if:
 - Only a portion of the account, chattel paper, or payment intangible has been assigned to that assignee;
 - A portion has been assigned to another assignee; or
 - The account debtor knows that the assignment to that assignee is limited.
- (3) Subject to ~~subsections~~~~subsection~~ (8) **and (12)** of this section, if requested by the account debtor, an assignee shall seasonably furnish reasonable proof that the assignment has been made. Unless the assignee complies, the account debtor may discharge its obligation by paying the assignor, even if the account debtor has received a notification under subsection (1) of this section.
- (4) (a) ***In this subsection, "promissory note" includes a negotiable instrument that evidences chattel paper.***
- (b) Except as otherwise provided in subsection (5) **and (11)** of this section and KRS 355.2A-303 and 355.9-407, and subject to subsection (8) of this section, a term in an agreement between an account debtor and an assignor or in a promissory note is ineffective to the extent that it:
- ~~1.(a)~~ Prohibits, restricts, or requires the consent of the account debtor or person obligated on the promissory note to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account, chattel paper, payment intangible, or promissory note; or
 - ~~2.(b)~~ Provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account, chattel paper, payment intangible, or promissory note.
- (5) Subsection (4) of this section does not apply to the sale of a payment intangible or promissory note, other than a sale pursuant to a disposition under KRS 355.9-610 or an acceptance of collateral under KRS 355.9-620.
- (6) Except as otherwise provided in **subsection (11) of this section and** KRS 355.2A-303 and 355.9-407 and subject to subsections (8) and (9) of this section, a rule of law, statute, or regulation that prohibits, restricts, or requires the consent of a government, governmental body or official, or account debtor to the assignment or

transfer of, or creation of a security interest in, an account or chattel paper is ineffective to the extent that the rule of law, statute, or regulation:

- (a) Prohibits, restricts, or requires the consent of the government, governmental body or official, or account debtor to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in the account or chattel paper; or
 - (b) Provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account or chattel paper.
- (7) Subject to ~~subsections~~ (8) and (12) of this section, an account debtor may not waive or vary its option under subsection (2)(c) of this section.
- (8) This section is subject to law other than this article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.
- (9) This section does not apply to an assignment of a health-care-insurance receivable.
- (10) *Reserved.*
- (11) *Subsections (4) and (6) of this section do not apply to a security interest in an ownership interest in a general partnership, limited partnership, or limited liability company.*
- (12) *Subsections (1) to (3) and (7) of this section do not apply to a controllable account or controllable payment intangible.*

➔Section 78. KRS 355.9-408 is amended to read as follows:

- (1) Except as otherwise provided in ~~subsections~~ (2) and (6) of this section, a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or a general intangible, including a contract, permit, license, or franchise, and which term prohibits, restricts, or requires the consent of the person obligated on the promissory note or the account debtor to, the assignment or transfer of, or creation, attachment, or perfection of a security interest in, the promissory note, health-care-insurance receivable, or general intangible, is ineffective to the extent that the term:
- (a) Would impair the creation, attachment, or perfection of a security interest; or
 - (b) Provides that the assignment or transfer or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health-care-insurance receivable, or general intangible.
- (2) Subsection (1) of this section applies to a security interest in a payment intangible or promissory note only if the security interest arises out of a sale of the payment intangible or promissory note, other than a sale pursuant to a disposition under KRS 355.9-610 or an acceptance of collateral under KRS 355.9-620.
- (3) (a) *Except as otherwise provided in paragraph (b) of this subsection and subsection (6) of this section, a rule of law, statute, or regulation that prohibits, restricts, or requires the consent of a government, governmental body or official, person obligated on a promissory note, or account debtor to the assignment or transfer of, or creation of a security interest in, a promissory note, health-care-insurance receivable, or general intangible, including a contract, permit, license, or franchise between an account debtor and a debtor, is ineffective to the extent that the rule of law, statute, or regulation:*
- 1. ~~(a)~~ Would impair the creation, attachment, or perfection of a security interest; or
 - 2. ~~(b)~~ Provides that the assignment or transfer or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health-care-insurance receivable, or general intangible.
- (b) *Paragraph (a) of this subsection does not apply to the following statutes, including administrative regulations promulgated under the authority of those statutes: KRS 304.2-260, KRS 304.24-420, Subtitle 33 of KRS Chapter 304, and Subtitle 37 of KRS Chapter 304.*
- (4) To the extent that a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or general intangible or a rule of law, statute, or regulation described in subsection (3) of this section would be effective under law other than this article but is ineffective

under subsection (1) or (3) of this section, the creation, attachment, or perfection of a security interest in the promissory note, health-care-insurance receivable, or general intangible:

- (a) Is not enforceable against the person obligated on the promissory note or the account debtor;
 - (b) Does not impose a duty or obligation on the person obligated on the promissory note or the account debtor;
 - (c) Does not require the person obligated on the promissory note or the account debtor to recognize the security interest, pay or render performance to the secured party, or accept payment or performance from the secured party;
 - (d) Does not entitle the secured party to use or assign the debtor's rights under the promissory note, health-care-insurance receivable, or general intangible, including any related information or materials furnished to the debtor in the transaction giving rise to the promissory note, health-care-insurance receivable, or general intangible;
 - (e) Does not entitle the secured party to use, assign, possess, or have access to any trade secrets or confidential information of the person obligated on the promissory note or the account debtor; and
 - (f) Does not entitle the secured party to enforce the security interest in the promissory note, health-care-insurance receivable, or general intangible.
- (5) This section prevails over any inconsistent provisions of the following statutes and any administrative regulations based on those statutes: KRS 56.230(3)~~[(2)]~~, 138.320(5)~~[(3)]~~, 138.665(5)~~[(4)]~~, 138.720(5), 139.250, 154A.400(3), 190.047(1), 190.070(2)(c), 217B.535(2), ~~228.070(2)~~, 230.300(11), 234.330(6)~~[(10)]~~, 243.630(2), 260.815, 286.4-460(2), 292.320(3)~~[(2)]~~(b), 286.8-036(3), 304.3-410(2)(f), 304.3-520(5), 333.080, 350.135(1), 365.430(1)~~[(27)]~~, and 286.9-070(6)~~[(2)]~~.
- (6) ***This section does not apply to a security interest in an ownership interest in a general partnership, limited partnership, or limited liability company***~~[Subsection (3) of this section does not apply to the following statutes and to administrative regulations promulgated under the authority of those statutes: KRS 304.2-260, KRS 304.24-420, Subtitle 33 of KRS Chapter 304, and Subtitle 37 of KRS Chapter 304].~~
- (7) ***In this section, "promissory note" includes a negotiable instrument that evidences chattel paper.***
- ➔Section 79. KRS 355.9-509 is amended to read as follows:
- (1) A person may file an initial financing statement, amendment that adds collateral covered by a financing statement, or amendment that adds a debtor to a financing statement only if:
 - (a) The debtor authorizes the filing in ***a signed***~~[an authenticated]~~ record or pursuant to subsection ~~[(1) or (2)]~~ ***or (3)*** of this section; or
 - (b) The person holds an agricultural lien that has become effective at the time of filing and the financing statement covers only collateral in which the person holds an agricultural lien.
 - (2) By ***signing***~~[authenticating]~~ or becoming bound as debtor by a security agreement, a debtor or new debtor authorizes the filing of an initial financing statement, and an amendment, covering:
 - (a) The collateral described in the security agreement; and
 - (b) Property that becomes collateral under KRS 355.9-315(1)(b), whether or not the security agreement expressly covers proceeds.
 - (3) By acquiring collateral in which a security interest or agricultural lien continues under KRS 355.9-315(1)(a), a debtor authorizes the filing of an initial financing statement, and an amendment, covering the collateral and property that becomes collateral under KRS 355.9-315(1)(b).
 - (4) A person may file an amendment other than an amendment that adds collateral covered by a financing statement or an amendment that adds a debtor to a financing statement only if:
 - (a) The secured party of record authorizes the filing; or
 - (b) The amendment is a termination statement for a financing statement as to which the secured party of record has failed to file or send a termination statement as required by KRS 355.9-513(1) or (3), the debtor authorizes the filing, and the termination statement indicates that the debtor authorized it to be filed.

- (5) If there is more than one (1) secured party of record for a financing statement, each secured party of record may authorize the filing of an amendment under subsection (4) of this section.

➔Section 80. KRS 355.9-513 is amended to read as follows:

- (1) A secured party shall cause the secured party of record for a financing statement to file a termination statement for the financing statement if the financing statement covers consumer goods and:
- (a) There is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value; or
 - (b) The debtor did not authorize the filing of the initial financing statement.
- (2) To comply with subsection (1) of this section, a secured party shall cause the secured party of record to file the termination statement:
- (a) Within one (1) month after there is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value; or
 - (b) If earlier, within twenty (20) days after the secured party receives **a signed**~~[an authenticated]~~ demand from a debtor.
- (3) In cases not governed by subsection (1) of this section, within twenty (20) days after a secured party receives **a signed**~~[an authenticated]~~ demand from a debtor, the secured party shall cause the secured party of record for a financing statement to send to the debtor a termination statement for the financing statement or file the termination statement in the filing office if:
- (a) Except in the case of a financing statement covering accounts or chattel paper that has been sold or goods that are the subject of a consignment, there is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value;
 - (b) The financing statement covers accounts or chattel paper that has been sold but as to which the account debtor or other person obligated has discharged its obligation;
 - (c) The financing statement covers goods that were the subject of a consignment to the debtor but are not in the debtor's possession; or
 - (d) The debtor did not authorize the filing of the initial financing statement.
- (4) **(a)** Except as otherwise provided in KRS 355.9-510, upon the filing of a termination statement with the filing office, the financing statement to which the termination statement relates ceases to be effective.
- (b)** Except as otherwise provided in KRS 355.9-510, for purposes of KRS 355.9-519(7), 355.9-522(1), and 355.9-523(3), the filing with the filing office of a termination statement relating to a financing statement that indicates that the debtor is a transmitting utility also causes the effectiveness of the financing statement to lapse.

➔Section 81. KRS 355.9-601 is amended to read as follows:

- (1) After default, a secured party has the rights provided in this part of this article and, except as otherwise provided in KRS 355.9-602, those provided by agreement of the parties. A secured party:
- (a) May reduce a claim to judgment, foreclose, or otherwise enforce the claim, security interest, or agricultural lien by any available judicial procedure; and
 - (b) If the collateral is documents, may proceed either as to the documents or as to the goods they cover.
- (2) A secured party in possession of collateral or control of collateral under KRS 355.7-106, 355.9-104, 355.9-105, **Section 47 of this Act**, 355.9-106,~~[or]~~ 355.9-107, **or Section 48 of this Act** has the rights and duties provided in KRS 355.9-207.
- (3) The rights under subsections (1) and (2) of this section are cumulative and may be exercised simultaneously.
- (4) Except as otherwise provided in subsection (7) of this section and KRS 355.9-605, after default, a debtor and an obligor have the rights provided in this part of this article and by agreement of the parties.
- (5) If a secured party has reduced its claim to judgment, the lien of any levy that may be made upon the collateral by virtue of an execution based upon the judgment relates back to the earliest of:

- (a) The date of perfection of the security interest or agricultural lien in the collateral;
 - (b) The date of filing a financing statement covering the collateral; or
 - (c) Any date specified in a statute under which the agricultural lien was created.
- (6) A sale pursuant to an execution is a foreclosure of the security interest or agricultural lien by judicial procedure within the meaning of this section. A secured party may purchase at the sale and thereafter hold the collateral free of any other requirements of this article.
- (7) Except as otherwise provided in KRS 355.9-607(3), this part of this article imposes no duties upon a secured party that is a consignor or is a buyer of accounts, chattel paper, payment intangibles, or promissory notes.

➔Section 82. KRS 355.9-605 is amended to read as follows:

- (1) ***Except as provided in subsection (2) of this section,*** a secured party does not owe a duty based on its status as secured party:

(a)~~(1)~~ To a person that is a debtor or obligor, unless the secured party knows:

- 1.~~(a)~~ That the person is a debtor or obligor;
- 2.~~(b)~~ The identity of the person; and
- 3.~~(c)~~ How to communicate with the person; or

(b)~~(2)~~ To a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:

- 1.~~(a)~~ That the person is a debtor; and
- 2.~~(b)~~ The identity of the person.

- (2) ***A secured party owes a duty based on its status as a secured party to a person if, at the time the secured party obtains control of collateral that is a controllable account, controllable electronic record, or controllable payment intangible or at the time the security interest attaches to the collateral, whichever is later:***

(a) ***The person is a debtor or obligor; and***

(b) ***The secured party knows that the information in subsection (1)(a)1., 2., or 3. of this section relating to the person is not provided by the collateral, a record attached to or logically associated with the collateral, or the system in which the collateral is recorded.***

➔Section 83. KRS 355.9-608 is amended to read as follows:

- (1) If a security interest or agricultural lien secures payment or performance of an obligation, the following rules apply:

(a) A secured party shall apply or pay over for application the cash proceeds of collection or enforcement under KRS 355.9-607 in the following order to:

- 1. The reasonable expenses of collection and enforcement and, to the extent provided for by agreement and not prohibited by law, reasonable attorney's fees and legal expenses incurred by the secured party;
- 2. The satisfaction of obligations secured by the security interest or agricultural lien under which the collection or enforcement is made; and
- 3. The satisfaction of obligations secured by any subordinate security interest in or other lien on the collateral subject to the security interest or agricultural lien under which the collection or enforcement is made if the secured party receives ***a signed***~~an authenticated~~ demand for proceeds before distribution of the proceeds is completed;~~;~~

(b) If requested by a secured party, a holder of a subordinate security interest or other lien shall furnish reasonable proof of the interest or lien within a reasonable time. Unless the holder complies, the secured party need not comply with the holder's demand under paragraph (a)3. of this subsection;~~;~~

(c) A secured party need not apply or pay over for application noncash proceeds of collection and enforcement under KRS 355.9-607 unless the failure to do so would be commercially unreasonable. A

secured party that applies or pays over for application noncash proceeds shall do so in a commercially reasonable manner; ~~and~~;

- (d) A secured party shall account to and pay a debtor for any surplus, and the obligor is liable for any deficiency.
- (2) If the underlying transaction is a sale of accounts, chattel paper, payment intangibles, or promissory notes, the debtor is not entitled to any surplus, and the obligor is not liable for any deficiency.

➔Section 84. KRS 355.9-611 is amended to read as follows:

- (1) In this section, "notification date" means the earlier of the date on which:
- (a) A secured party sends to the debtor and any secondary obligor *a signed*~~[an authenticated]~~ notification of disposition; or
 - (b) The debtor and any secondary obligor waive the right to notification.
- (2) Except as otherwise provided in subsection (4) of this section, a secured party that disposes of collateral under KRS 355.9-610 shall send to the persons specified in subsection (3) of this section a reasonable *signed*~~[authenticated]~~ notification of disposition.
- (3) To comply with subsection (2) of this section, the secured party shall send *a signed*~~[an authenticated]~~ notification of disposition to:
- (a) The debtor;
 - (b) Any secondary obligor; and
 - (c) If the collateral is other than consumer goods:
 1. Any other person from which the secured party has received, before the notification date, *a signed*~~[an authenticated]~~ notification of a claim of an interest in the collateral;
 2. Any other secured party or lienholder that, ten (10) days before the notification date, held a security interest in or other lien on the collateral perfected by the filing of a financing statement that:
 - a. Identified the collateral;
 - b. Was indexed under the debtor's name as of that date; and
 - c. Was filed in the office in which to file a financing statement against the debtor covering the collateral as of that date; and
 3. Any other secured party that, ten (10) days before the notification date, held a security interest in the collateral perfected by compliance with a statute, regulation, or treaty described in KRS 355.9-311(1).
- (4) Subsection (2) of this section does not apply if the collateral is perishable or threatens to decline speedily in value or is of a type customarily sold on a recognized market.
- (5) A secured party complies with the requirement for notification prescribed by subsection (3)(c)2. of this section if:
- (a) Not later than twenty (20) days or earlier than thirty (30) days before the notification date, the secured party requests, in a commercially reasonable manner, information concerning financing statements indexed under the debtor's name in the office indicated in subsection (3)(c)2. of this section; and
 - (b) Before the notification date, the secured party:
 1. Did not receive a response to the request for information; or
 2. Received a response to the request for information and sent *a signed*~~[an authenticated]~~ notification of disposition to each secured party or other lienholder named in that response whose financing statement covered the collateral.

➔Section 85. KRS 355.9-613 is amended to read as follows:

- (1) Except in a consumer-goods transaction, the following rules apply:
- (a)~~(1)~~ The contents of a notification of disposition are sufficient if the notification:

- 1. ~~{(a)}~~ Describes the debtor and the secured party;
 - 2. ~~{(b)}~~ Describes the collateral that is the subject of the intended disposition;
 - 3. ~~{(c)}~~ States the method of intended disposition;
 - 4. ~~{(d)}~~ States that the debtor is entitled to an accounting of the unpaid indebtedness and states the charge, if any, for an accounting; and
 - 5. ~~{(e)}~~ States the time and place of a public disposition or the time after which any other disposition is to be made; ~~{-}~~
- ~~(b){(2)}~~ Whether the contents of a notification that lacks any of the information specified in *paragraph (a)* ~~{subsection (1)}~~ of this *subsection* ~~{section}~~ are nevertheless sufficient is a question of fact; ~~{-}~~
- ~~(c){(3)}~~ The contents of a notification providing substantially the information specified in *paragraph (a)* ~~{subsection (1)}~~ of this *subsection* ~~{section}~~ are sufficient, even if the notification includes:
- 1. ~~{(a)}~~ Information not specified by that *paragraph* ~~{subsection}~~; or
 - 2. ~~{(b)}~~ Minor errors that are not seriously misleading; ~~{-}~~
- ~~(d){(4)}~~ A particular phrasing of the notification is not required; *and* ~~{-}~~
- ~~(e){(5)}~~ The following form of notification and the form appearing in KRS 355.9-614(1)(c) ~~{(3)}~~, when completed *in accordance with the instructions in subsection (2) of this section and subsection (2) of Section 86 of this Act*, each provides sufficient information:

"NOTIFICATION OF DISPOSITION OF COLLATERAL

To: (Name of debtor, obligor, or other person to which the notification is sent)

From: (Name, address, and telephone number of secured party)

{1} Name of any debtor that is not an addressee: (Name of each debtor)

{2} We will sell (describe collateral) (to the highest qualified bidder) at public sale. A sale could include a lease or license. The sale will be held as follows:

(Date)

(Time)

(Place)

{3} We will sell (describe collateral) at private sale sometime after (date). A sale could include a lease or license.

{4} You are entitled to an accounting of the unpaid indebtedness secured by the property that we intend to sell, or as applicable, lease or license.

{5} If you request an accounting, you must pay a charge of \$ (amount).

{6} You may request an accounting by calling us at (telephone number).

[End of Form]".

{ "NOTIFICATION OF DISPOSITION OF COLLATERAL

To: <Name of debtor, obligor, or other person to which the notification is sent>

From: <Name, address, and telephone number of secured party>

Name of Debtor(s): <Include only if debtor(s) are not an addressee>

<For a public disposition:>

_____ We will sell <or lease or license, as applicable> the <describe collateral> <to the highest qualified bidder> in public as follows:

Day and Date: _____

Time: _____

Place: _____

~~<For a private disposition:>~~

~~_____ We will sell <or lease or license, as applicable> the<describe collateral> privately sometime after <day and date>.~~

~~_____ You are entitled to an accounting of the unpaid indebtedness secured by the property that we intend to sell <or lease or license, as applicable> <for a charge of \$.....>. You may request an accounting by calling us at<telephone number>".]~~

(2) *The following instructions apply to the form of notification in subsection (1)(e) of this section:*

- (a) *The instructions in this subsection refer to the numbers in braces before items in the form of notification in subsection (1)(e) of this section. Do not include the numbers or braces in the notification. The numbers and braces are used only for the purpose of these instructions;*
- (b) *Include and complete item {1} only if there is a debtor that is not an addressee of the notification and list the name or names;*
- (c) *Include and complete either item {2}, if the notification relates to a public disposition of the collateral, or item {3}, if the notification relates to a private disposition of the collateral. If item {2} is included, include the words "to the highest qualified bidder" only if applicable;*
- (d) *Include and complete items {4} and {6}; and*
- (e) *Include and complete item {5} only if the sender will charge the recipient for an accounting.*

➔Section 86. KRS 355.9-614 is amended to read as follows:

(1) In a consumer-goods transaction, the following rules apply:

(a)~~{1}~~ A notification of disposition must provide the following information:

- 1.~~{a}~~ The information specified in KRS 355.9-613(1)(a);
- 2.~~{b}~~ A description of any liability for a deficiency of the person to which the notification is sent;
- 3.~~{c}~~ A telephone number from which the amount that must be paid to the secured party to redeem the collateral under KRS 355.9-623 is available; and
- 4.~~{d}~~ A telephone number or mailing address from which additional information concerning the disposition and the obligation secured is available;~~{f}~~

(b)~~{2}~~ A particular phrasing of the notification is not required;~~{f}~~

(c)~~{3}~~ The following form of notification, when completed *in accordance with the instructions in subsection (2) of this section*, provides sufficient information:

"(Name and address of secured party)

(Date)

NOTICE OF OUR PLAN TO SELL PROPERTY

(Name and address of any obligor who is also a debtor)

Subject: (Identify transaction)

We have your (describe collateral) because you broke promises in our agreement.

{1} We will sell (describe collateral) at public sale. A sale could include a lease or license. The sale will be held as follows:

(Date)

(Time)

(Place)

You may attend the sale and bring bidders if you want.

{2} We will sell (describe collateral) at private sale sometime after (date). A sale could include a lease or license.

{3} The money that we get from the sale, after paying our costs, will reduce the amount you owe. If we get less money than you owe, you (will or will not, as applicable) still owe us the difference. If we get more money than you owe, you will get the extra money, unless we must pay it to someone else.

{4} You can get your property back at any time before we sell it by paying us the full amount you owe, not just the past due payments, including our expenses. To learn the exact amount you must pay, call us at (telephone number).

{5} If you want us to explain to you in (writing) (writing or in (description of electronic record)) (description of electronic record) how we have figured the amount you owe us, {6} call us at (telephone number) (or) (write us at (secured party's address)) (or contact us by (description of electronic communication method)) {7} and request (a written explanation) (a written explanation or an explanation in (description of electronic record)) (an explanation in (description of electronic record)).

{8} We will charge you \$ (amount) for the explanation if we sent you another written explanation of the amount you owe us within the last six (6) months.

{9} If you need more information about the sale, (call us at (telephone number)) (or) (write us at (secured party's address)) (or contact us by (description of electronic communication method)).

{10} We are sending this notice to the following other people who have an interest in (describe collateral) or who owe money under your agreement:

(Names of all other debtors and obligors, if any)

[End of Form]";

["<Name and address of secured party>

<Date>

NOTICE OF OUR PLAN TO SELL PROPERTY

<Name and address of any obligor who is also a debtor>

Subject: _____<Identification of Transaction>

_____ We have your<describe collateral>, because you broke promises in our agreement.

<For a public disposition:>

_____ We will sell<describe collateral> at public sale. A sale could include a lease or license. The sale will be held as follows:

Date: _____

Time: _____

Place: _____

_____ You may attend the sale and bring bidders if you want.

<For a private disposition:>

_____ We will sell<describe collateral> at private sale sometime after<date>. A sale could include a lease or license.

_____ The money that we get from the sale (after paying our costs) will reduce the amount you owe. If we get less money than you owe, you<will or will not, as applicable> still owe us the difference. If we get more money than you owe, you will get the extra money, unless we must pay it to someone else.

_____ You can get the property back at any time before we sell it by paying us the full amount you owe (not just the past due payments), including our expenses. To learn the exact amount you must pay, call us at<telephone number>.

_____ If you want us to explain to you in writing how we have figured the amount that you owe us, you may call us at<telephone number> <or write us at<secured party's address>> and request a written explanation. <We will charge you \$..... for the explanation if we sent you another written explanation of the amount you owe us within the last six (6) months.>

~~— If you need more information about the sale call us at<telephone number> <or write us at<secured party's address>.~~

~~— We are sending this notice to the following other people who have an interest in<describe collateral> or who owe money under your agreement:~~

~~.....<Names of all other debtors and obligors, if any>"]~~

~~(d){(4)}~~ A notification in the form of *paragraph (c){subsection (3)}* of this *subsection{section}* is sufficient, even if additional information appears at the end of the form;~~[-]~~

~~(e){(5)}~~ A notification in the form of *paragraph (c){subsection (3)}* of this *subsection{section}* is sufficient, even if it includes errors in information not required by *paragraph (a){subsection (1)}* of this *subsection{section}*, unless the error is misleading with respect to rights arising under this article; ~~and[-]~~

~~(f){(6)}~~ If a notification under this section is not in the form of *paragraph (c){subsection (3)}* of this *subsection{section}*, law other than this article determines the effect of including information not required by *paragraph (a){subsection (1)}* of this *subsection{section}*.

(2) *The following instructions apply to the form of notification in subsection (1)(c) of this section:*

(a) *The instructions in this subsection refer to the numbers in braces before items in the form of notification in subsection (1)(c) of this section. Do not include the numbers or braces in the notification. The numbers and braces are used only for the purpose of these instructions;*

(b) *Include and complete either item {1}, if the notification relates to a public disposition of the collateral, or item {2}, if the notification relates to a private disposition of the collateral;*

(c) *Include and complete items {3}, {4}, {5}, {6}, and {7};*

(d) *In item {5}, include and complete any one (1) of the three (3) alternative methods for the explanation - writing, writing or electronic record, or electronic record;*

(e) *In item {6}, include the telephone number. In addition, the sender may include and complete either or both of the two (2) additional alternative methods of communication - writing or electronic communication - for the recipient of the notification to communicate with the sender. Neither of the two (2) additional methods of communication is required to be included;*

(f) *In item {7}, include and complete the method or methods for the explanation - writing, writing or electronic record, or electronic record - included in item {5};*

(g) *Include and complete item {8} only if a written explanation is included in item {5} as a method for communicating the explanation and the sender will charge the recipient for another written explanation;*

(h) *In item {9}, include either the telephone number or the address or both the telephone number and the address. In addition, the sender may include and complete the additional method of communication - electronic communication - for the recipient of the notification to communicate with the sender. The additional method of electronic communication is not required to be included; and*

(i) *If item {10} does not apply, insert "None" after "agreement".*

➔Section 87. KRS 355.9-615 is amended to read as follows:

(1) A secured party shall apply or pay over for application the cash proceeds of disposition under KRS 355.9-610 in the following order to:

(a) The reasonable expenses of retaking, holding, preparing for disposition, processing, and disposing, and, to the extent provided for by agreement and not prohibited by law, reasonable attorney's fees and legal expenses incurred by the secured party;

(b) The satisfaction of obligations secured by the security interest or agricultural lien under which the disposition is made;

(c) The satisfaction of obligations secured by any subordinate security interest in or other subordinate lien on the collateral if:

1. The secured party receives from the holder of the subordinate security interest or other lien *a signed*~~[an authenticated]~~ demand for proceeds before distribution of the proceeds is completed; and
 2. In a case in which a consignor has an interest in the collateral, the subordinate security interest or other lien is senior to the interest of the consignor; and
- (d) A secured party that is a consignor of the collateral if the secured party receives from the consignor *a signed*~~[an authenticated]~~ demand for proceeds before distribution of the proceeds is completed.
- (2) If requested by a secured party, a holder of a subordinate security interest or other lien shall furnish reasonable proof of the interest or lien within a reasonable time. Unless the holder does so, the secured party need not comply with the holder's demand under subsection (1)(c) of this section.
 - (3) (a) A secured party need not apply or pay over for application noncash proceeds of disposition under KRS 355.9-610 unless the failure to do so would be commercially unreasonable.
(b) A secured party that applies or pays over for application noncash proceeds shall do so in a commercially reasonable manner.
 - (4) If the security interest under which a disposition is made secures payment or performance of an obligation, after making the payments and applications required by subsection (1) of this section and permitted by subsection (3) of this section:
 - (a) Unless subsection (1)(d) of this section requires the secured party to apply or pay over cash proceeds to a consignor, the secured party shall account to and pay a debtor for any surplus; and
 - (b) The obligor is liable for any deficiency.
 - (5) If the underlying transaction is a sale of accounts, chattel paper, payment intangibles, or promissory notes:
 - (a) The debtor is not entitled to any surplus; and
 - (b) The obligor is not liable for any deficiency.
 - (6) The surplus or deficiency following a disposition is calculated based on the amount of proceeds that would have been realized in a disposition complying with this part of this article to a transferee other than the secured party, a person related to the secured party, or a secondary obligor if:
 - (a) The transferee in the disposition is the secured party, a person related to the secured party, or a secondary obligor; and
 - (b) The amount of proceeds of the disposition is significantly below the range of proceeds that a complying disposition to a person other than the secured party, a person related to the secured party, or a secondary obligor would have brought.
 - (7) A secured party that receives cash proceeds of a disposition in good faith and without knowledge that the receipt violates the rights of the holder of a security interest or other lien that is not subordinate to the security interest or agricultural lien under which the disposition is made:
 - (a) Takes the cash proceeds free of the security interest or other lien;
 - (b) Is not obligated to apply the proceeds of the disposition to the satisfaction of obligations secured by the security interest or other lien; and
 - (c) Is not obligated to account to or pay the holder of the security interest or other lien for any surplus.

➔Section 88. KRS 355.9-616 is amended to read as follows:

- (1) In this section:
 - (a) "Explanation" means a *record*~~[writing]~~ that:
 1. States the amount of the surplus or deficiency;
 2. Provides an explanation in accordance with subsection (3) of this section of how the secured party calculated the surplus or deficiency;
 3. States, if applicable, that future debits, credits, charges, including additional credit service charges or interest, rebates, and expenses may affect the amount of the surplus or deficiency; and

4. Provides a telephone number or mailing address from which additional information concerning the transaction is available; ~~and~~
- (b) "Request" means a record:
 1. ~~Signed~~~~Authenticated~~ by a debtor or consumer obligor;
 2. Requesting that the recipient provide an explanation; and
 3. Sent after disposition of the collateral under KRS 355.9-610.
- (2) In a consumer-goods transaction in which the debtor is entitled to a surplus or a consumer obligor is liable for a deficiency under KRS 355.9-615, the secured party shall:
 - (a) Send an explanation to the debtor or consumer obligor, as applicable, after the disposition and:
 1. Before or when the secured party accounts to the debtor and pays any surplus or first makes ~~written~~ demand **in a record** on the consumer obligor after the disposition for payment of the deficiency; and
 2. Within fourteen (14) days after receipt of a request; or
 - (b) In the case of a consumer obligor who is liable for a deficiency, within fourteen (14) days after receipt of a request, send to the consumer obligor a record waiving the secured party's right to a deficiency.
- (3) To comply with subsection (1)(a)2. of this section, **an explanation**~~[a writing]~~ must provide the following information in the following order:
 - (a) The aggregate amount of obligations secured by the security interest under which the disposition was made, and, if the amount reflects a rebate of unearned interest or credit service charge, an indication of that fact, calculated as of a specified date:
 1. If the secured party takes or receives possession of the collateral after default, not more than thirty-five (35) days before the secured party takes or receives possession; or
 2. If the secured party takes or receives possession of the collateral before default or does not take possession of the collateral, not more than thirty-five (35) days before the disposition;
 - (b) The amount of proceeds of the disposition;
 - (c) The aggregate amount of the obligations after deducting the amount of proceeds;
 - (d) The amount, in the aggregate or by type, and types of expenses, including expenses of retaking, holding, preparing for disposition, processing, and disposing of the collateral, and attorney's fees secured by the collateral which are known to the secured party and relate to the current disposition;
 - (e) The amount, in the aggregate or by type, and types of credits, including rebates of interest or credit service charges, to which the obligor is known to be entitled and which are not reflected in the amount in paragraph (a) of this subsection; and
 - (f) The amount of the surplus or deficiency.
- (4) (a) A particular phrasing of the explanation is not required.

(b) An explanation complying substantially with the requirements of subsection (1) of this section is sufficient, even if it includes minor errors that are not seriously misleading.
- (5) A debtor or consumer obligor is entitled without charge to one (1) response to a request under this section during any six (6) month period in which the secured party did not send to the debtor or consumer obligor an explanation pursuant to subsection (2)(a) of this section. The secured party may require payment of a charge not exceeding twenty-five dollars (\$25) for each additional response.

➔Section 89. KRS 355.9-619 is amended to read as follows:

- (1) In this section, "transfer statement" means a record ~~signed~~~~authenticated~~ by a secured party stating:
 - (a) That the debtor has defaulted in connection with an obligation secured by specified collateral;
 - (b) That the secured party has exercised its post-default remedies with respect to the collateral;
 - (c) That, by reason of the exercise, a transferee has acquired the rights of the debtor in the collateral; and

- (d) The name and mailing address of the secured party, debtor, and transferee.
- (2) (a) A transfer statement entitles the transferee to the transfer of record of all rights of the debtor in the collateral specified in the statement in any official filing, recording, registration, or certificate-of-title system covering the collateral.
- (b) If a transfer statement is presented with the applicable fee and request form to the official or office responsible for maintaining the system, the official or office shall:
 1. ~~1.(a)~~ Accept the transfer statement;
 2. ~~2.(b)~~ Promptly amend its records to reflect the transfer; and
 3. ~~3.(c)~~ If applicable, issue a new appropriate certificate of title in the name of the transferee.
- (3) A transfer of the record or legal title to collateral to a secured party under subsection (2) of this section or otherwise is not of itself a disposition of collateral under this article and does not of itself relieve the secured party of its duties under this article.
- (4) A secured party who complies with KRS 186.045(6) is considered to have provided a transfer statement for purposes of this section.

➔Section 90. KRS 355.9-620 is amended to read as follows:
- (1) Except as otherwise provided in subsection (7) of this section, a secured party may accept collateral in full or partial satisfaction of the obligation it secures only if:
 - (a) The debtor consents to the acceptance under subsection (3) of this section;
 - (b) The secured party does not receive, within the time set forth in subsection (4) of this section, a notification of objection to the proposal **signed**~~authenticated~~ by:
 1. A person to which the secured party was required to send a proposal under KRS 355.9-621; or
 2. Any other person, other than the debtor, holding an interest in the collateral subordinate to the security interest that is the subject of the proposal;
 - (c) If the collateral is consumer goods, the collateral is not in the possession of the debtor when the debtor consents to the acceptance; and
 - (d) Subsection (5) of this section does not require the secured party to dispose of the collateral or the debtor waives the requirement pursuant to KRS 355.9-624.
- (2) A purported or apparent acceptance of collateral under this section is ineffective unless:
 - (a) The secured party consents to the acceptance in **a signed**~~an authenticated~~ record or sends a proposal to the debtor; and
 - (b) The conditions of subsection (1) of this section are met.
- (3) For purposes of this section:
 - (a) A debtor consents to an acceptance of collateral in partial satisfaction of the obligation it secures only if the debtor agrees to the terms of the acceptance in a record **signed**~~authenticated~~ after default; and
 - (b) A debtor consents to an acceptance of collateral in full satisfaction of the obligation it secures only if the debtor agrees to the terms of the acceptance in a record **signed**~~authenticated~~ after default or the secured party:
 1. Sends to the debtor after default a proposal that is unconditional or subject only to a condition that collateral not in the possession of the secured party be preserved or maintained;
 2. In the proposal, proposes to accept collateral in full satisfaction of the obligation it secures; and
 3. Does not receive a notification of objection **signed**~~authenticated~~ by the debtor within twenty (20) days after the proposal is sent.
- (4) To be effective under subsection (1)(b) of this section, a notification of objection must be received by the secured party:
 - (a) In the case of a person to which the proposal was sent pursuant to KRS 355.9-621, within twenty (20) days after notification was sent to that person; and

- (b) In other cases:
1. Within twenty (20) days after the last notification was sent pursuant to KRS 355.9-621; or
 2. If a notification was not sent, before the debtor consents to the acceptance under subsection (3) of this section.
- (5) A secured party that has taken possession of collateral shall dispose of the collateral pursuant to KRS 355.9-610 within the time specified in subsection (6) of this section if:
- (a) Sixty percent (60%) of the cash price has been paid in the case of a purchase-money security interest in consumer goods; or
 - (b) Sixty percent (60%) of the principal amount of the obligation secured has been paid in the case of a non-purchase-money security interest in consumer goods.
- (6) To comply with subsection (5) of this section, the secured party shall dispose of the collateral:
- (a) Within ninety (90) days after taking possession; or
 - (b) Within any longer period to which the debtor and all secondary obligors have agreed in an agreement to that effect entered into and ~~signed~~~~authenticated~~ after default.
- (7) In a consumer transaction, a secured party may not accept collateral in partial satisfaction of the obligation it secures.

➔Section 91. KRS 355.9-621 is amended to read as follows:

- (1) A secured party that desires to accept collateral in full or partial satisfaction of the obligation it secures shall send its proposal to:
- (a) Any person from which the secured party has received, before the debtor consented to the acceptance, ~~a signed~~~~an authenticated~~ notification of a claim of an interest in the collateral;
 - (b) Any other secured party or lienholder that, ten (10) days before the debtor consented to the acceptance, held a security interest in or other lien on the collateral perfected by the filing of a financing statement that:
 1. Identified the collateral;
 2. Was indexed under the debtor's name as of that date; and
 3. Was filed in the office or offices in which to file a financing statement against the debtor covering the collateral as of that date; and
 - (c) Any other secured party that, ten (10) days before the debtor consented to the acceptance, held a security interest in the collateral perfected by compliance with a statute, regulation, or treaty described in KRS 355.9-311(1).

- (2) A secured party that desires to accept collateral in partial satisfaction of the obligation it secures shall send its proposal to any secondary obligor in addition to the persons described in subsection (1) of this section.

➔Section 92. KRS 355.9-624 is amended to read as follows:

- (1) A debtor or secondary obligor may waive the right to notification of disposition of collateral under KRS 355.9-611 only by an agreement to that effect entered into and ~~signed~~~~authenticated~~ after default.
- (2) A debtor may waive the right to require disposition of collateral under KRS 355.9-620(5) only by an agreement to that effect entered into and ~~signed~~~~authenticated~~ after default.
- (3) Except in a consumer-goods transaction, a debtor or secondary obligor may waive the right to redeem collateral under KRS 355.9-623 only by an agreement to that effect entered into and ~~signed~~~~authenticated~~ after default.

➔Section 93. KRS 355.9-628 is amended to read as follows:

- (1) **Subject to subsection (6) of this section**, unless a secured party knows that a person is a debtor or obligor, knows the identity of the person, and knows how to communicate with the person:
 - (a) The secured party is not liable to the person, or to a secured party or lienholder that has filed a financing statement against the person, for failure to comply with this article; and

- (b) The secured party's failure to comply with this article does not affect the liability of the person for a deficiency.
- (2) **Subject to subsection (6) of this section**, a secured party is not liable because of its status as secured party:
 - (a) To a person that is a debtor or obligor, unless the secured party knows:
 - 1. That the person is a debtor or obligor;
 - 2. The identity of the person; and
 - 3. How to communicate with the person; or
 - (b) To a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:
 - 1. That the person is a debtor; and
 - 2. The identity of the person.
- (3) A secured party is not liable to any person, and a person's liability for a deficiency is not affected, because of any act or omission arising out of the secured party's reasonable belief that a transaction is not a consumer-goods transaction or a consumer transaction or that goods are not consumer goods, if the secured party's belief is based on its reasonable reliance on:
 - (a) A debtor's representation concerning the purpose for which collateral was to be used, acquired, or held; or
 - (b) An obligor's representation concerning the purpose for which a secured obligation was incurred.
- (4) A secured party is not liable to any person under KRS 355.9-625(3)(b) for its failure to comply with KRS 355.9-616.
- (5) A secured party is not liable under KRS 355.9-625(3)(b) more than once with respect to any one (1) secured obligation.
- (6) **Subsections (1) and (2) of this section do not apply to limit the liability of a secured party to a person if, at the time the secured party obtains control of collateral that is a controllable account, controllable electronic record, or controllable payment intangible or at the time the security interest attaches to the collateral, whichever is later:**
 - (a) **The person is a debtor or obligor; and**
 - (b) **The secured party knows that the information in subsection (2)(a)1., 2., or 3. of this section relating to the person is not provided by the collateral, a record attached to or logically associated with the collateral, or the system in which the collateral is recorded.**

➔SECTION 94. ARTICLE 12 OF KRS CHAPTER 355 IS ESTABLISHED, AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

This article may be cited as Uniform Commercial Code – Controllable Electronic Records.

➔SECTION 95. A NEW SECTION OF ARTICLE 12 OF KRS CHAPTER 355 IS CREATED TO READ AS FOLLOWS:

(1) **In this article:**

- (a) 1. **"Controllable electronic record" means a record stored in an electronic medium that can be subjected to control under Section 98 of this Act.**
- 2. **The term does not include:**
 - a. **A controllable account;**
 - b. **A controllable payment intangible;**
 - c. **A deposit account;**
 - d. **An electronic copy of a record evidencing chattel paper;**
 - e. **An electronic document of title;**
 - f. **Electronic money;**

- g. *Investment property; or*
- h. *A transferable record;*
- (b) *"Qualifying purchaser" means a purchaser of a controllable electronic record or an interest in a controllable electronic record that obtains control of the controllable electronic record for value, in good faith, and without notice of a claim of a property right in the controllable electronic record;*
- (c) *"Transferable record" has the meaning provided for that term in:*
 - 1. *The Electronic Signatures in Global and National Commerce Act, 15 U.S.C. sec. 7021, as amended; or*
 - 2. *The Uniform Electronic Transactions Act, Section 112 of this Act; and*
- (d) *"Value" has the meaning provided in KRS 355.3-303(1), as if references in that subsection to an "instrument" were references to a controllable account, controllable electronic record, or controllable payment intangible.*
- (2) *The following definitions in Article 9 of this chapter apply to this article:*
 - (a) *"Account debtor";*
 - (b) *"Chattel paper";*
 - (c) *"Controllable account";*
 - (d) *"Controllable payment intangible";*
 - (e) *"Deposit account";*
 - (f) *"Electronic money"; and*
 - (g) *"Investment property."*
- (3) *Article 1 of this chapter contains general definitions and principles of construction and interpretation applicable throughout this article.*

➔SECTION 96. A NEW SECTION OF ARTICLE 12 OF KRS CHAPTER 355 IS CREATED TO READ AS FOLLOWS:

- (1) *If there is conflict between this article and Article 9 of this chapter, Article 9 governs.*
- (2) *A transaction subject to this article is subject to any applicable rule of law that establishes a different rule for consumers.*

➔SECTION 97. A NEW SECTION OF ARTICLE 12 OF KRS CHAPTER 355 IS CREATED TO READ AS FOLLOWS:

- (1) *This section applies to the acquisition and purchase of rights in a controllable account or controllable payment intangible, including the rights and benefits under subsections (3), (4), (5), (7), and (8) of this section of a purchaser and qualifying purchaser, in the same manner this section applies to a controllable electronic record.*
- (2) *To determine whether a purchaser of a controllable account or a controllable payment intangible is a qualifying purchaser, the purchaser obtains control of the account or payment intangible if it obtains control of the controllable electronic record that evidences the account or payment intangible.*
- (3) *Except as provided in this section, law other than this article determines whether a person acquires a right in a controllable electronic record and the right the person acquires.*
- (4) *A purchaser of a controllable electronic record acquires all rights in the controllable electronic record that the transferor had or had power to transfer, except that a purchaser of a limited interest in a controllable electronic record acquires rights only to the extent of the interest purchased.*
- (5) *A qualifying purchaser acquires its rights in the controllable electronic record free of a claim of a property right in the controllable electronic record.*
- (6) *Except as provided in subsections (1) and (5) of this section for a controllable account and a controllable payment intangible or law other than this article, a qualifying purchaser takes a right to payment, right to*

performance, or other interest in property evidenced by the controllable electronic record subject to a claim of a property right in the right to payment, right to performance, or other interest in property.

- (7) *An action may not be asserted against a qualifying purchaser based on both a purchase by the qualifying purchaser of a controllable electronic record and a claim of a property right in another controllable electronic record, whether the action is framed in conversion, replevin, constructive trust, equitable lien, or other theory.*
- (8) *Filing of a financing statement under Article 9 of this chapter is not notice of a claim of a property right in a controllable electronic record.*

➔SECTION 98. A NEW SECTION OF ARTICLE 12 OF KRS CHAPTER 355 IS CREATED TO READ AS FOLLOWS:

- (1) *A person has control of a controllable electronic record if the electronic record, a record attached to or logically associated with the electronic record, or a system in which the electronic record is recorded:*
- (a) *Gives the person:*
1. *Power to avail itself of substantially all the benefit from the electronic record; and*
 2. *Exclusive power, subject to subsection (2) of this section, to:*
 - a. *Prevent others from availing themselves of substantially all the benefit from the electronic record; and*
 - b. *Transfer control of the electronic record to another person or cause another person to obtain control of another controllable electronic record as a result of the transfer of the electronic record; and*
- (b) *Enables the person to readily identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as having the powers specified in paragraph (a) of this subsection.*
- (2) *Subject to subsection (3) of this section, a power is exclusive under subsection (1)(a)2.a. and b. of this section even if:*
- (a) *The controllable electronic record, a record attached to or logically associated with the electronic record, or a system in which the electronic record is recorded limits the use of the electronic record or has a protocol programmed to cause a change, including a transfer or loss of control or a modification of benefits afforded by the electronic record; or*
- (b) *The power is shared with another person.*
- (3) *A power of a person is not shared with another person under subsection (2)(b) of this section and the person's power is not exclusive if:*
- (a) *The person can exercise the power only if the power also is exercised by the other person; and*
- (b) *The other person:*
1. *Can exercise the power without exercise of the power by the person; or*
 2. *Is the transferor to the person of an interest in the controllable electronic record or a controllable account or controllable payment intangible evidenced by the controllable electronic record.*
- (4) *If a person has the powers specified in subsection (1)(a)2.a. and b. of this section, the powers are presumed to be exclusive.*
- (5) *A person has control of a controllable electronic record if another person, other than the transferor to the person of an interest in the controllable electronic record or a controllable account or controllable payment intangible evidenced by the controllable electronic record:*
- (a) *Has control of the electronic record and acknowledges that it has control on behalf of the person; or*
- (b) *Obtains control of the electronic record after having acknowledged that it will obtain control of the electronic record on behalf of the person.*

- (6) *A person that has control under this section is not required to acknowledge that it has control on behalf of another person.*
- (7) *If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this article or Article 9 of this chapter otherwise provides, the person does not owe any duty to the other person and is not required to confirm acknowledgment to any other person.*

➔SECTION 99. A NEW SECTION OF ARTICLE 12 OF KRS CHAPTER 355 IS CREATED TO READ AS FOLLOWS:

- (1) *An account debtor on a controllable account or controllable payment intangible may discharge its obligation by paying:*
 - (a) *The person having control of the controllable electronic record that evidences the controllable account or controllable payment intangible; or*
 - (b) *Except as provided in subsection (2) of this section, a person that formerly had control of the controllable electronic record.*
- (2) *Subject to subsection (4) of this section, the account debtor may not discharge its obligation by paying a person that formerly had control of the controllable electronic record if the account debtor receives a notification that:*
 - (a) *Is signed by a person that formerly had control or the person to which control was transferred;*
 - (b) *Reasonably identifies the controllable account or controllable payment intangible;*
 - (c) *Notifies the account debtor that control of the controllable electronic record that evidences the controllable account or controllable payment intangible was transferred;*
 - (d) *Identifies the transferee, in any reasonable way, including by name, identifying number, cryptographic key, office, or account number; and*
 - (e) *Provides a commercially reasonable method by which the account debtor is to pay the transferee.*
- (3) *After receipt of a notification that complies with subsection (2) of this section, the account debtor may discharge its obligation by paying in accordance with the notification and may not discharge the obligation by paying a person that formerly had control.*
- (4) *Subject to subsection (8) of this section, notification is ineffective under subsection (2) of this section:*
 - (a) *Unless, before the notification is sent, the account debtor and the person that, at that time, had control of the controllable electronic record that evidences the controllable account or controllable payment intangible agree in a signed record to a commercially reasonable method by which a person may furnish reasonable proof that control has been transferred;*
 - (b) *To the extent an agreement between the account debtor and seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this article; or*
 - (c) *At the option of the account debtor, if the notification notifies the account debtor to:*
 - 1. *Divide a payment;*
 - 2. *Make less than the full amount of an installment or other periodic payment; or*
 - 3. *Pay any part of a payment by more than one (1) method or to more than one (1) person.*
- (5) *Subject to subsection (8) of this section, if requested by the account debtor, the person giving the notification under subsection (2) of this section seasonably shall furnish reasonable proof, using the method in the agreement referred to in subsection (4)(a) of this section, that control of the controllable electronic record has been transferred. Unless the person complies with the request, the account debtor may discharge its obligation by paying a person that formerly had control, even if the account debtor has received a notification under subsection (2) of this section.*
- (6) *A person furnishes reasonable proof under subsection (5) of this section that control has been transferred if the person demonstrates, using the method in the agreement referred to in subsection (4)(a) of this section, that the transferee has the power to:*

- (a) *Avail itself of substantially all the benefit from the controllable electronic record;*
 - (b) *Prevent others from availing themselves of substantially all the benefit from the controllable electronic record; and*
 - (c) *Transfer the powers specified in paragraphs (a) and (b) of this subsection to another person.*
- (7) *Subject to subsection (8) of this section, an account debtor may not waive or vary its rights under subsections (4)(a) and (5) of this section or its option under subsection (4)(c) of this section.*
- (8) *This section is subject to law other than this article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.*

➔SECTION 100. A NEW SECTION OF ARTICLE 12 OF KRS CHAPTER 355 IS CREATED TO READ AS FOLLOWS:

- (1) *Except as provided in subsection (2) of this section, the local law of a controllable electronic record's jurisdiction governs the matters covered by this article.*
- (2) *For a controllable electronic record that evidences a controllable account or controllable payment intangible, the local law of the controllable electronic record's jurisdiction governs a matter covered by Section 99 of this Act unless an effective agreement determines that the local law of another jurisdiction governs.*
- (3) *The following rules determine a controllable electronic record's jurisdiction under this section:*
- (a) *If the controllable electronic record, or a record attached to or logically associated with the controllable electronic record and readily available for review, expressly provides that a particular jurisdiction is the controllable electronic record's jurisdiction for purposes of this article or chapter, that jurisdiction is the controllable electronic record's jurisdiction;*
 - (b) *If paragraph (a) of this subsection does not apply and the rules of the system in which the controllable electronic record is recorded are readily available for review and expressly provide that a particular jurisdiction is the controllable electronic record's jurisdiction for purposes of this article or this chapter, that jurisdiction is the controllable electronic record's jurisdiction;*
 - (c) *If paragraphs (a) and (b) of this subsection do not apply and the controllable electronic record, or a record attached to or logically associated with the controllable electronic record and readily available for review, expressly provides that the controllable electronic record is governed by the law of a particular jurisdiction, that jurisdiction is the controllable electronic record's jurisdiction;*
 - (d) *If paragraphs (a), (b), and (c) of this subsection do not apply and the rules of the system in which the controllable electronic record is recorded are readily available for review and expressly provide that the controllable electronic record or the system is governed by the law of a particular jurisdiction, that jurisdiction is the controllable electronic record's jurisdiction; and*
 - (e) *If paragraphs (a) to (d) of this subsection do not apply, the controllable electronic record's jurisdiction is the District of Columbia.*
- (4) (a) *If subsection (3)(e) of this section applies and Article 12 is not in effect in the District of Columbia without material modification, the governing law for a matter covered by this article is the law of the District of Columbia as though Article 12 were in effect in the District of Columbia without material modification.*
- (b) *In this subsection, "Article 12" means Article 12 of the Uniform Commercial Code Amendments (2022).*
- (5) *To the extent subsections (1) and (2) of this section provide that the local law of the controllable electronic record's jurisdiction governs a matter covered by this article, that law governs even if the matter or a transaction to which the matter relates does not bear any relation to the controllable electronic record's jurisdiction.*
- (6) *The rights acquired under Section 97 of this Act by a purchaser or qualifying purchaser are governed by the law applicable under this section at the time of purchase.*

➔SECTION 101. A NEW SECTION OF ARTICLE 11 OF KRS CHAPTER 355 IS CREATED TO READ AS FOLLOWS:

This article may be cited as Transitional Provisions for Uniform Commercial Code Amendments (2022).

➔SECTION 102. A NEW SECTION OF ARTICLE 11 OF KRS CHAPTER 355 IS CREATED TO READ AS FOLLOWS:

- (1) *In this article:*
 - (a) *"Adjustment date" means July 1, 2025; and*
 - (b) *"Article 12 property" means a controllable account, controllable electronic record, or controllable payment intangible.*
- (2) *The following definitions in other articles of this chapter apply to this article:*
 - (a) *"Controllable account." Section 44 of this Act;*
 - (b) *"Controllable electronic record." Section 95 of this Act;*
 - (c) *"Controllable payment intangible." Section 44 of this Act;*
 - (d) *"Electronic money." Section 44 of this Act; and*
 - (e) *"Financing statement." Section 44 of this Act.*
- (3) *Article 1 of this chapter contains general definitions and principles of construction and interpretation applicable throughout this article.*

➔SECTION 103. A NEW SECTION OF ARTICLE 11 OF KRS CHAPTER 355 IS CREATED TO READ AS FOLLOWS:

Except as provided in Sections 104 to 109 of this Act, a transaction validly entered into before the effective date of this Act and the rights, duties, and interests flowing from the transaction remain valid thereafter and may be terminated, completed, consummated, or enforced as required or permitted by law other than this chapter or, if applicable, this chapter, as though this Act had not taken effect.

➔SECTION 104. A NEW SECTION OF ARTICLE 11 OF KRS CHAPTER 355 IS CREATED TO READ AS FOLLOWS:

- (1) *Except as provided in this section and Sections 105 to 109 of this Act, Article 9 of this chapter, as amended by this Act, and Article 12 of this chapter apply to a transaction, lien, or other interest in property, even if the transaction, lien, or interest was entered into, created, or acquired before the effective date of this Act.*
- (2) *Except as provided in subsection (3) of this section and Sections 105 to 109 of this Act:*
 - (a) *A transaction, lien, or interest in property that was validly entered into, created, or transferred before the effective date of this Act and was not governed by this chapter, but would be subject to Article 9 of this chapter, as amended by this Act, or Article 12 of this chapter if it had been entered into, created, or transferred on or after the effective date of this Act, including the rights, duties, and interests flowing from the transaction, lien, or interest, remains valid on and after the effective date of this Act; and*
 - (b) *The transaction, lien, or interest may be terminated, completed, consummated, and enforced as required or permitted by this Act or by the law that would apply if this Act had not taken effect.*
- (3) *This Act does not affect an action, case, or proceeding commenced before the effective date of this Act.*

➔SECTION 105. A NEW SECTION OF ARTICLE 11 OF KRS CHAPTER 355 IS CREATED TO READ AS FOLLOWS:

- (1) *A security interest that is enforceable and perfected immediately before the effective date of this Act is a perfected security interest under this Act if, on the effective date of this Act, the requirements for enforceability and perfection under this Act are satisfied without further action.*
- (2) *If a security interest is enforceable and perfected immediately before the effective date of this Act, but the requirements for enforceability or perfection under this Act are not satisfied on the effective date of this Act, the security interest:*
 - (a) *Is a perfected security interest until the earlier of the time perfection would have ceased under the law in effect immediately before the effective date of this Act or the adjustment date;*

- (b) *Remains enforceable thereafter only if the security interest satisfies the requirements for enforceability under Section 50 of this Act, as amended by this Act, before the adjustment date; and*
- (c) *Remains perfected thereafter only if the requirements for perfection under this Act are satisfied before the time specified in paragraph (a) of this subsection.*

➔SECTION 106. A NEW SECTION OF ARTICLE 11 OF KRS CHAPTER 355 IS CREATED TO READ AS FOLLOWS:

A security interest that is enforceable immediately before the effective date of this Act but is unperfected at that time:

- (1) *Remains an enforceable security interest until the adjustment date;*
- (2) *Remains enforceable thereafter if the security interest becomes enforceable under Section 50 of this Act, as amended by this Act, on the effective date of this Act or before the adjustment date; and*
- (3) *Becomes perfected:*
 - (a) *Without further action, on the effective date of this Act if the requirements for perfection under this Act are satisfied before or at that time; or*
 - (b) *When the requirements for perfection are satisfied if the requirements are satisfied after that time.*

➔SECTION 107. A NEW SECTION OF ARTICLE 11 OF KRS CHAPTER 355 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *If action, other than the filing of a financing statement, is taken before the effective date of this Act and the action would have resulted in perfection of the security interest had the security interest become enforceable before the effective date of this Act, the action is effective to perfect a security interest that attaches under this Act before the adjustment date.*
- (b) *An attached security interest becomes unperfected on the adjustment date unless the security interest becomes a perfected security interest under this Act before the adjustment date.*
- (2) *The filing of a financing statement before the effective date of this Act is effective to perfect a security interest on the effective date of this Act to the extent the filing would satisfy the requirements for perfection under this Act.*
- (3) *The taking of an action before the effective date of this Act is sufficient for the enforceability of a security interest on the effective date of this Act if the action would satisfy the requirements for enforceability under this Act.*

➔SECTION 108. A NEW SECTION OF ARTICLE 11 OF KRS CHAPTER 355 IS CREATED TO READ AS FOLLOWS:

- (1) *Subject to subsections (2) and (3) of this section, this Act determines the priority of conflicting claims to collateral.*
- (2) *Subject to subsection (3) of this section, if the priority of claims to collateral were established before the effective date of this Act, Article 9 of this chapter, as in effect before the effective date of this Act, determines priority.*
- (3) *On the adjustment date, to the extent the priorities determined by Article 9 of this chapter, as amended by this Act, modify the priorities established before the effective date of this Act, the priorities of claims to Article 12 property and electronic money established before the effective date of this Act cease to apply.*

➔SECTION 109. A NEW SECTION OF ARTICLE 11 OF KRS CHAPTER 355 IS CREATED TO READ AS FOLLOWS:

- (1) *Subject to subsections (2) and (3) of this section, Article 12 of this chapter determines the priority of conflicting claims to Article 12 property when the priority rules of Article 9 of this chapter, as amended by this Act, do not apply.*
- (2) *Subject to subsection (3) of this section, when the priority rules of Article 9 of this chapter, as amended by this Act, do not apply and the priorities of claims to Article 12 property were established before the effective date of this Act, law other than Article 12 of this chapter determines priority.*

- (3) *When the priority rules of Article 9 of this chapter, as amended by this Act, do not apply, to the extent the priorities determined by this Act modify the priorities established before the effective date of this Act, the priorities of claims to Article 12 property established before the effective date of this Act cease to apply on the adjustment date.*

➔Section 110. KRS 304.7-360 is amended to read as follows:

- (1) As used in this section:
- (a) "Clearing corporation" shall be defined as provided in KRS 355.8-102~~[(3)]~~ except that, with respect to securities issued by institutions organized or existing under the laws of any foreign country or securities used to meet the deposit requirements pursuant to the laws of a foreign country as a condition of doing business therein, "clearing corporation" may include a corporation organized or existing under the laws of any foreign country which is legally qualified under such laws to effect transactions in securities by computerized book entry;
 - (b) "Custodian bank" means a national bank, state bank, or trust company which is a member of the Federal Reserve System which acts as custodian of all or any part of an insurance company's securities;
 - (c) "Direct participant" means a bank, trust company, or other institution which maintains an account in its name in a clearing corporation and through which an insurance company participates in a clearing corporation;
 - (d) "Federal reserve book-entry system" means the computerized systems sponsored by the United States Department of the Treasury and certain agencies and instrumentalities of the United States for holding and transferring securities of the United States government and such agencies and instrumentalities, respectively, in federal reserve banks through banks which are members of the Federal Reserve System or which otherwise have access to such computerized systems;
 - (e) "Member bank" means a national bank, state bank, or trust company which is a member of the Federal Reserve System through which an insurance company participates in the federal reserve book-entry system;
 - (f) "Security" means a certificated security or an uncertificated security;
 - (g) "Certificated security" means a share, participation, or other interest in property or an enterprise of the issuer or an obligation of the issuer which is represented by an instrument issued in bearer or registered form, of a type commonly dealt in on securities exchanges or markets or commonly recognized in any area in which it is issued or dealt in as a medium for investment, and either one (1) of a class or series or by its terms divisible into a class or series of shares, participations, interests, or obligations; and
 - (h) "Uncertificated security" means a share, participation, or other interest in property or an enterprise of the issuer or an obligation of the issuer which is not represented by an instrument and the transfer of which is registered upon books maintained for that purpose by or on behalf of the issuer, of a type commonly dealt in on securities exchanges or markets; and either one (1) of a class or series or by its terms divisible into a class or series of shares, participations, interests, or obligations.
- (2) Notwithstanding any other provision of law, an insurance company or its custodian bank may deposit or arrange for the deposit of securities held in or purchased for the general account and the separate accounts of such insurance company in a clearing corporation or the federal reserve book-entry system. When securities are deposited with a clearing corporation, certificates representing securities of the same class of the same issuer may be merged and held in bulk in the name of the nominee of such clearing corporation with any other securities deposited with such clearing corporation by any person, regardless of the ownership of such securities, and certificates representing securities of small denominations may be merged into one (1) or more certificates of larger denominations. The records of any member bank through which an insurance company holds securities in the federal reserve book-entry system, and the records of any direct participant through which an insurance company holds securities in a clearing corporation, shall at all times show that such securities are held for such insurance company or its custodian bank and for which accounts thereof. Ownership of, and other interests in, such securities may be transferred by bookkeeping entry on the books of such clearing corporation or in the federal reserve book-entry system without, in either case, physical delivery of certificates representing such securities.
- (3) Notwithstanding any other provision of law, an insurance company may deposit securities held in or purchased for its general account and its separate accounts in a custodial account with a custodian bank approved by, and under a custodial agreement approved by, the commissioner. When securities are deposited in such custodial

account, certificates representing securities of the same class of the same issuer may be merged and held in bulk in the name of the custodian bank or its nominee with any other securities held in the custody of the custodian bank or its nominee by any person, regardless of the ownership of such securities, and certificates representing securities of small denominations may be merged into one (1) or more certificates of larger denominations. The records of the custodian bank which holds securities for an insurance company in a custodial account shall at all times show that such securities are held for such insurance company and for which accounts thereof. Ownership of, and other interests in, such securities may be transferred by bookkeeping entry on the books of such custodian bank without physical delivery of certificates representing such securities.

- (4) The same bank or trust company may act as direct participant, member bank, and custodian bank for an insurance company.
- (5) The commissioner of insurance shall promulgate *administrative* ~~rules and~~ regulations governing the deposit by insurance companies of securities with clearing corporations and in the federal reserve book-entry system and with custodian banks.

➔Section 111. KRS 367.976 is amended to read as follows:

As used in KRS 367.976 to 367.985, unless the context otherwise requires:

- (1) "Advertisement" means a commercial message in any medium that aids, promotes, or assists directly or indirectly a rental-purchase agreement, excluding in-store merchandising aids;~~+~~
- (2) "Cash price" means the price at which the lessor would have sold the property to the consumer for cash on the date of the rental-purchase agreement;~~+~~
- (3) "Consumer" means a natural person who rents personal property under a rental-purchase agreement;~~+~~
- (4) "Consummation" means the time a consumer becomes contractually obligated on a rental-purchase agreement;~~+~~
- (5) "Division" means the Division of Consumer Protection in the Office of the Attorney General;~~+~~
- (6) "Lessor" means a person who, in the ordinary course of business, regularly leases, offers to lease, or arranges for the leasing of property under a rental-purchase agreement;~~+~~
- (7) (a) "Rental-purchase agreement" means an agreement for the use of personal property by a natural person primarily for personal, family, or household purposes, for an initial period of four (4) months or less, whether or not there is any obligation beyond the initial period, that is automatically renewable with each payment and that permits the consumer to become the owner of the property.
- (b) The term rental-purchase agreement shall not be construed to be, nor be governed by, any of the following:
 - 1.~~(a)~~ A lease or agreement which constitutes a credit sale as defined in 12 C.F.R. part 226.2(a)(16) and Section 1602~~(h)~~~~(g)~~ of the Truth in Lending Act, 15 U.S.C. *sec.*~~ses.~~ 1601 et seq.;
 - 2.~~(b)~~ A lease which constitutes a consumer lease as defined in 12 C.F.R. part 213.2~~(e)~~~~(I)~~~~(a)~~~~(6)~~;
 - 3.~~(c)~~ Any lease for agricultural, business, or commercial purposes;
 - 4.~~(d)~~ Any lease made to an organization;
 - 5.~~(e)~~ A lease or agreement which constitutes a retail installment transaction or retail installment contract as defined in KRS 371.210;
 - 6.~~(f)~~ A security interest as defined in KRS 355.1-201~~(37)~~; or
 - 7.~~(g)~~ A home solicitation sale as that term is defined in KRS 367.410.

➔Section 112. KRS 369.116 is amended to read as follows:

- (1) In this section, "transferable record" means an electronic record that:
 - (a) Would be a note under Article 3 of KRS Chapter 355 or a document under Article 7 of KRS Chapter 355 if the electronic record were in writing; and
 - (b) The issuer of the electronic record expressly has agreed is a transferable record.

- (2) A person has control of a transferable record if a system employed for evidencing the transfer of interests in the transferable record reliably establishes that person as the person to which the transferable record was issued or transferred.
- (3) A system satisfies subsection (2) of this section, and a person is deemed to have control of a transferable record, if the transferable record is created, stored, and assigned in such a manner that:
- (a) A single authoritative copy of the transferable record exists which is unique, identifiable, and, except as otherwise provided in paragraphs (d), (e), and (f) of this subsection, unalterable;
 - (b) The authoritative copy identifies the person asserting control as:
 1. The person to which the transferable record was issued; or
 2. If the authoritative copy indicates that the transferable record has been transferred, the person to which the transferable record was most recently transferred;
 - (c) The authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;
 - (d) Copies of revisions that add or change an identified assignee of the authoritative copy can be made only with the consent of the person asserting control;
 - (e) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and
 - (f) Any revision of the authoritative copy is readily identifiable as authorized or unauthorized.
- (4) (a) Except as otherwise agreed, a person having control of a transferable record is the holder, as defined in KRS 355.1-201~~(20)~~, of the transferable record and has the same rights and defenses as a holder of an equivalent record or writing under KRS Chapter 355, including, if the applicable statutory requirements under KRS 355.3-302(1), 355.7-501, or 355.9-330 are satisfied, the rights and defenses of a holder in due course, a holder to which a negotiable document of title has been duly negotiated, or a purchaser, respectively.
- (b) Delivery, possession, and indorsement are not required to obtain or exercise any of the rights under this subsection.
- (5) Except as otherwise agreed, an obligor under a transferable record has the same rights and defenses as an equivalent obligor under equivalent records or writing under KRS Chapter 355.
- (6) If requested by a person against which enforcement is sought, the person seeking to enforce the transferable record shall provide reasonable proof that the person is in control of the transferable record. Proof may include access to the authoritative copy of the transferable record and related business records sufficient to review the terms of the transferable record and to establish the identity of the person having control of the transferable record.

→Section 113. Nothing in this Act shall be construed to support, endorse, create, or implement a national digital currency.

→Section 114. This Act takes effect on January 1, 2025.

Signed by Governor March 26, 2024.

CHAPTER 11

(HB 274)

AN ACT relating to the practice of pharmacy.

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

→Section 1. KRS 315.010 is amended to read as follows:

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

- (1) "Administer" means the direct application of a drug to a patient or research subject by injection, inhalation, or ingestion, whether topically or by any other means;
- (2) "Administrative activities of a pharmacy" means the following functions performed by a pharmacy adhering to all local, state, and federal patient privacy laws:
 - (a) Investigating and researching a patient's insurance benefits and updating the patient profile regarding insurance coverage;
 - (b) Billing and collections activities, including:
 1. Contacting patients for copayments and coinsurance payments; and
 2. Communicating with insurance companies;
 - (c) Performing patient financial assistance activities and updating patient records accordingly;
 - (d) Opening faxes and accessing electronic prescriptions for the purposes of setting up patient demographic and insurance profiles, excluding height, weight, and allergy information, so long as the activity does not involve the entering of a prescription order into the dispensing or medication management system;
 - (e) Initiating insurance prior authorizations for submission to the licensed pharmacy, including communications with the prescribing physician to collect, record, and transmit information to insurance companies, so long as the activity does not include the authorization or receipt of new or refill prescription orders;
 - (f) Answering and transferring telephone calls, whether or not such calls require accessing a patient record, so long as the call does not involve the interpretation, evaluation, or implementation of a drug order; and
 - (g) Communicating with patients via telephone or electronically regarding refill reminders, so long as the communication does not involve the interpretation, evaluation, or implementation of a drug order and a pharmacist is readily available for patient consultation;
- (3) "Association" means the Kentucky Pharmacists Association;
- (4) "Board" means the Kentucky Board of Pharmacy;
- (5) "Collaborative care agreement" means a written agreement between a pharmacist or pharmacists and a practitioner or practitioners that outlines a plan of cooperative management of patients' drug-related health care needs where:
 - (a) Patients' drug-related health care needs fall within the practitioner's or practitioners' statutory scope of practice;
 - (b) Patients are referred by the practitioner or practitioners to the pharmacist or pharmacists; and
 - (c) The agreement:
 1. Identifies the practitioner or practitioners and the pharmacist or pharmacists who are parties to the agreement;
 2. Specifies the drug-related regimen to be provided, and how drug therapy is to be monitored; and
 3. Stipulates the conditions for initiating, continuing, or discontinuing drug therapy and conditions which warrant modifications to dose, dosage regimen, dosage form, or route of administration;
- (6) "Compound" or "compounding" means the preparation or labeling of a drug pursuant to or in anticipation of a valid prescription drug order, including but not limited to packaging, intravenous admixture, or manual combination of drug ingredients. "Compounding," as used in this chapter, shall not preclude simple reconstitution, mixing, or modification of drug products prior to administration by nonpharmacists;
- (7) "Confidential information" means information which is accessed or maintained by a pharmacist in a patient's record, or communicated to a patient as part of patient counseling, whether it is preserved on paper, microfilm, magnetic media, electronic media, or any other form;
- (8) "Continuing education unit" means ten (10) contact hours of board approved continuing pharmacy education. A "contact hour" means fifty (50) continuous minutes without a break period;

- (9) "Dispense" or "dispensing" means to deliver one (1) or more doses of a prescription drug in a suitable container, appropriately labeled for subsequent administration to or use by a patient or other individual entitled to receive the prescription drug;
- (10) "Drug" means any of the following:
- (a) Articles recognized as drugs or drug products in any official compendium or supplement thereto;
 - (b) Articles, other than food, intended to affect the structure or function of the body of man or other animals;
 - (c) Articles, including radioactive substances, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; or
 - (d) Articles intended for use as a component of any articles specified in paragraphs (a) to (c) of this subsection;
- (11) "Drug regimen review" means retrospective, concurrent, and prospective review by a pharmacist of a patient's drug-related history, including but not limited to the following areas:
- (a) Evaluation of prescription drug orders and patient records for:
 - 1. Known allergies;
 - 2. Rational therapy contraindications;
 - 3. Appropriate dose and route of administration;
 - 4. Appropriate directions for use; or
 - 5. Duplicative therapies;
 - (b) Evaluation of prescription drug orders and patient records for drug-drug, drug-food, drug-disease, and drug-clinical laboratory interactions;
 - (c) Evaluation of prescription drug orders and patient records for adverse drug reactions; or
 - (d) Evaluation of prescription drug orders and patient records for proper utilization and optimal therapeutic outcomes;
- (12) "Immediate supervision" means under the physical and visual supervision of a pharmacist;
- (13) "Manufacturer" or "virtual manufacturer" of a product means:
- (a) A person that holds an application approved under 21 U.S.C. sec. 355 or a license issued under 42 U.S.C. sec. 262 for such product, or if such product is not the subject of an approved application or license, the person who manufactured the product;
 - (b) A co-licensed partner of the person described in paragraph (a) of this subsection that obtains the product directly from a person described in this paragraph or paragraph (a) of this subsection;
 - (c) An affiliate of a person described in paragraph (a) or (b) of this subsection who receives the product directly from a person described in this paragraph or in paragraph (a) or (b) of this subsection; or
 - (d) Any person, except a pharmacist compounding in the normal course of professional practice;
- (14) "Medical order" means a lawful order of a specifically identified practitioner for a specifically identified patient for the patient's health care needs. "Medical order" may or may not include a prescription drug order;
- (15) "Nonprescription drugs" means nonnarcotic medicines or drugs which may be sold without a prescription and are prepackaged and labeled for use by the consumer in accordance with the requirements of the statutes and regulations of this state and the federal government;
- (16) "Outsourcing facility" means a facility at one (1) geographic location or address that:
- (a) Is engaged in the compounding of human sterile drugs without a patient-specific prescription;
 - (b) Has registered as an outsourcing facility with the secretary of the United States Department of Health and Human Services, Food and Drug Administration; and
 - (c) Complies with all applicable state and federal requirements;

- (17) "Pharmacist" means a natural person licensed by this state to engage in the practice of the profession of pharmacy;
- (18) "Pharmacist intern" means a natural person who is:
- (a) Currently certified by the board to engage in the practice of pharmacy under the direction of a licensed pharmacist and who satisfactorily progresses toward meeting the requirements for licensure as a pharmacist;
 - (b) A graduate of an approved college or school of pharmacy or a graduate who has established educational equivalency by obtaining a Foreign Pharmacy Graduate Examination Committee (FPGEC) certificate, who is currently licensed by the board for the purpose of obtaining practical experience as a requirement for licensure as a pharmacist;
 - (c) A qualified applicant awaiting examination for licensure as a pharmacist or the results of an examination for licensure as a pharmacist; or
 - (d) An individual participating in a residency or fellowship program approved by the board for internship credit;
- (19) "Pharmacy" means every place where:
- (a) Drugs are dispensed under the direction of a pharmacist;
 - (b) Prescription drug orders are compounded under the direction of a pharmacist; or
 - (c) A registered pharmacist maintains patient records and other information for the purpose of engaging in the practice of pharmacy, whether or not prescription drug orders are being dispensed;
- (20) "Pharmacy-related primary care" means the pharmacists' activities in patient education, health promotion, and assistance in the selection and use of over-the-counter drugs and appliances for the treatment of common diseases and injuries, as well as those other activities falling within their statutory scope of practice;
- (21) "Pharmacy technician" means a natural person who works under the immediate supervision, or general supervision if otherwise provided for by statute or administrative regulation, of a pharmacist for the purpose of assisting a pharmacist with the practice of pharmacy;
- (22) "Practice of pharmacy" means interpretation, evaluation, and implementation of medical orders and prescription drug orders; responsibility for dispensing prescription drug orders, including radioactive substances; participation in drug and drug-related device selection; administration of medications or biologics in the course of dispensing or maintaining a prescription drug order; the administration of adult immunizations pursuant to prescriber-approved protocols; the administration of immunizations to individuals ~~five[nine]~~ (5[9]) to seventeen (17) years of age pursuant to prescriber-approved protocols with the consent of a parent or guardian; the administration of immunizations to a child as defined in KRS 214.032, pursuant to protocols as authorized by KRS 315.500; drug evaluation, utilization, or regimen review; maintenance of patient pharmacy records; and provision of patient counseling and those professional acts, professional decisions, or professional services necessary to maintain and manage all areas of a patient's pharmacy-related care, including pharmacy-related primary care as defined in this section;
- (23) "Practitioner" has the same meaning given in KRS 217.015(35);
- (24) "Prescription drug" means a drug which:
- (a) Under federal law is required to be labeled with either of the following statements:
 - 1. "Caution: Federal law prohibits dispensing without prescription";
 - 2. "Caution: Federal law restricts this drug to use by, or on the order of, a licensed veterinarian";
 - 3. "Rx Only"; or
 - 4. "Rx"; or
 - (b) Is required by any applicable federal or state law or administrative regulation to be dispensed only pursuant to a prescription drug order or is restricted to use by practitioners;
- (25) "Prescription drug order" means an original or new order from a practitioner for drugs, drug-related devices or treatment for a human or animal, including orders issued through collaborative care agreements or protocols authorized by the board. Lawful prescriptions result from a valid practitioner-patient relationship, are intended

to address a legitimate medical need, and fall within the prescribing practitioner's scope of professional practice;

- (26) "Society" means the Kentucky Society of Health-Systems Pharmacists;
- (27) "Supervision" means the presence of a pharmacist on the premises to which a pharmacy permit is issued, who is responsible, in whole or in part, for the professional activities occurring in the pharmacy; and
- (28) "Wholesaler" means any person who legally buys drugs for resale or distribution to persons other than patients or consumers.

➔Section 2. KRS 315.205 is amended to read as follows:

Upon the request of an individual or his or her parent or guardian, a pharmacist who administers an immunization to an individual who is ~~five[nine]~~ (5[9]) to seventeen (17) years of age, as authorized in KRS 315.010(22), shall provide notification of the immunization to the individual's primary care provider.

Signed by Governor March 26, 2024.

CHAPTER 12

(HB 159)

AN ACT relating to immunity from criminal liability for health care providers.

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

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

(1) *As used in this section:*

(a) *"Health care provider" means:*

- 1. *An employee of a health facility, as defined in KRS 216B.015(13); or*
- 2. *A person providing health services, including those licensed, certified, or registered under, or subject to, KRS 194A.700 to 194A.729 or KRS Chapter 311, 311A, 311B, 312, 313, 314, 314A, 315, 319A, 319B, 320, 327, or 333; and*

(b) *"Health services" has the same meaning as in KRS 216B.015.*

- (2) *Notwithstanding any provision of law to the contrary, a health care provider providing health services shall be immune from criminal liability for any harm or damages alleged to arise from an act or omission relating to the provision of health services, except as provided in subsection (3) of this section.*
- (3) *Nothing in this section limits any liability for gross negligence or wanton, willful, malicious, or intentional misconduct.*
- (4) *Nothing in this section shall be construed to amend, repeal, or alter any other immunity, defense, limitation of liability, or procedure available or required under any other law or contract.*

Signed by Governor March 26, 2024.

CHAPTER 13

(HB 280)

AN ACT relating to delivery services.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 4 of this Act:

- (1) *"Delivery available period" means the period when a delivery network driver:*
- (a) *Is operating a personal vehicle;*
 - (b) *Has logged on to a digital network;*
 - (c) *Is eligible to receive requests to provide delivery services from a delivery network company; and*
 - (d) *Is not:*
 1. *Providing delivery services; or*
 2. *Operating in the delivery service period;*
- (2) *"Delivery network company" means a corporation, partnership, sole proprietorship, or other entity that:*
- (a) *Operates in this state; and*
 - (b) *Uses a digital network to connect a delivery network company customer to a delivery network driver to provide delivery services;*
- (3) *"Delivery network company customer" means a person who orders goods that are delivered by a delivery network driver at the direction of the person;*
- (4) *"Delivery network driver" means an individual who provides delivery services through a digital network using a personal vehicle;*
- (5) *"Delivery service period" means the period:*
- (a) *Beginning when a delivery network driver starts operating a personal vehicle en route to pick up goods for a delivery or series of deliveries as documented via a digital network controlled by a delivery network company;*
 - (b) *Continuing while the delivery network driver transports the requested delivery or deliveries; and*
 - (c) *Ending upon delivery of the requested goods to:*
 1. *The delivery network company customer or the last delivery network company customer in a series of deliveries;*
 2. *A location designated by the delivery network company customer or the last location so designated in a series of deliveries; or*
 3. *A location designated by the delivery network company, including for purposes of returning the goods;*
- (6) *"Delivery services":*
- (a) *Means the fulfillment of delivery requests made by a delivery network company customer through a digital network; and*
 - (b) *Includes:*
 1. *The pickup of any goods that are delivered by a delivery network driver; and*
 2. *A series of deliveries to different:*
 - a. *Delivery network company customers; or*
 - b. *Locations at the direction of a delivery network company customer;*
- (7) *"Digital network" means any online-enabled application, software, website, or system offered or utilized by a delivery network company that enables deliveries with delivery network drivers; and*
- (8) *"Personal vehicle" means a motor vehicle that is:*
- (a) *Used by a delivery network driver to provide delivery services; and*
 - (b) *Owned, leased, or otherwise authorized for use by the delivery network driver.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

- (1) *A delivery network company shall ensure that, during the delivery available period, if applicable, and delivery service period, primary motor vehicle liability insurance coverage is in place that:*
 - (a) *Recognizes that the driver is a delivery network driver; or*
 - (b) *Does not exclude coverage for use of the motor vehicle to provide delivery services.*
- (2) *The delivery network driver, delivery network company, or any combination of the two (2) shall maintain a motor vehicle liability insurance policy that provides the coverage required under KRS 304.39-080 during the delivery available period and delivery service period in amounts not less than:*
 - (a) *For bodily injury and property damage to third parties:*
 1. *Fifty thousand dollars (\$50,000) or the amount required under KRS 304.39-110(1)(a)1., whichever is greater, for all damages arising out of bodily injury sustained by any one (1) person as a result of any one (1) accident;*
 2. *One hundred thousand dollars (\$100,000) or the amount required under KRS 304.39-110(1)(a)1., whichever is greater, for all damages arising out of bodily injury sustained by all persons as a result of any one (1) accident; and*
 3. *Twenty-five thousand dollars (\$25,000) or the amount required under KRS 304.39-110(1)(a)1., whichever is greater, for all damages arising out of damage to or destruction of property as a result of any one (1) accident; and*
 - (b) *For basic reparation benefits, the amount set forth in KRS 304.39-020(2).*
- (3) *If the insurance coverage maintained by a delivery network driver in accordance with subsections (1) and (2) of this section has lapsed or does not provide the required coverage, insurance maintained by the delivery network company shall:*
 - (a) *Provide the coverage required by subsections (1) and (2) of this section beginning with the first dollar of a claim; and*
 - (b) *Have the duty to defend a claim made under the coverage provided under paragraph (a) of this subsection.*
- (4) *Coverage under a motor vehicle liability insurance policy maintained by a delivery network company shall not be dependent upon another motor vehicle liability insurer first denying a claim nor shall another motor vehicle liability insurance policy be required to first deny a claim.*
- (5) *The insurance coverage required by this section may be obtained from:*
 - (a) *An insurer duly licensed or authorized to transact business under the insurance laws of this state; or*
 - (b) *A surplus lines broker licensed under KRS 304.10-120.*
- (6) *A delivery network driver shall carry proof of the insurance required under subsections (1) and (2) of this section at all times while using a personal vehicle in connection with a digital network.*
 - (b) *In the event of an accident, a delivery network driver or delivery network company shall, upon request, provide the following to directly interested parties, motor vehicle liability insurers, claimants, claimants' counsel, and investigating law enforcement officers:*
 1. *Information about the insurance coverage maintained under subsections (1) and (2) of this section; and*
 2. *Whether the driver was operating during a delivery available period or delivery service period at the time of the accident.*
 - (c) *Information about the insurance coverage maintained under subsections (1) and (2) of this section may be displayed or provided in either paper or electronic format as provided in KRS 304.39-117.*
- (7) *In a claims coverage investigation:*
 - (a) *A delivery network company or its insurer shall:*
 1. *Cooperate with all insurers that are involved with the claims coverage investigation to facilitate the exchange of information; and*

2. *Immediately provide, upon request by directly interested parties, claimants, claimants' counsel, or any insurer, the precise times that a delivery network driver began and ended any delivery available periods and delivery service periods on the delivery network company's digital network in the twenty-four (24) hour period both immediately preceding the accident and immediately following the accident; and*
- (b) *Insurers potentially providing the coverage required under this section shall disclose, upon request by any other insurer involved in the particular claim, the applicable coverages, exclusions, and limits provided under any motor vehicle liability insurance maintained to satisfy the requirements of this section.*
- (8) *The insurer or insurers of a delivery network company providing coverage under subsections (1) and (2) of this section shall assume primary liability for a claim if:*
 - (a) *A dispute exists as to when a delivery available period or delivery service period began or ended; and*
 - (b) *The delivery network company does not have available, did not retain, or fails to provide the information required under subsection (7)(a) of this section.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

A delivery network company shall not permit a delivery network driver to engage in delivery services on the company's digital network until the company discloses in writing to the driver:

- (1) *The insurance coverage, including the types of coverage and the limits for each coverage, that the company provides while the driver uses a personal vehicle in connection with the company's digital network; and*
- (2) *That the driver's own motor vehicle liability insurance policy might not provide any coverage during a delivery available period, if applicable, or a delivery service period.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

- (1) *Nothing in Section 1, 2, or 3 of this Act shall be construed to:*
 - (a) *Invalidate or limit an exclusion contained in a motor vehicle liability insurance policy, including any policy in use or approved for use that excludes coverage for motor vehicles:*
 1. *Used for delivery; or*
 2. *For any business use; or*
 - (b) *Invalidate, limit, or restrict an insurer's ability under existing law to:*
 1. *Underwrite any insurance policy; or*
 2. *Cancel and nonrenew policies.*
- (2) (a) *Nothing in Section 1, 2, or 3 of this Act limits the scope of federal or state law regarding the delivery or transport of goods.*
- (b) *Deliveries made under Section 1, 2, or 3 of this Act that are subject to federal or state law regarding the delivery or transport of goods shall also comply with the requirements of those laws.*
- (c) *In the event of a conflict between Section 1, 2, or 3 of this Act and another law dealing with the delivery or transport of goods, the other law prevails.*

➔SECTION 5. A NEW SECTION OF SUBTITLE 39 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, the following have the same meaning as in Section 1 of this Act:*
 - (a) *"Delivery available period";*
 - (b) *"Delivery network driver"; and*
 - (c) *"Delivery service period."*
- (2) *An authorized insurer that writes motor vehicle liability insurance in this state may exclude any and all coverage, and the duty to defend or indemnify, for any injury or loss that occurs during a delivery available period or delivery service period, including but not limited to:*
 - (a) *Security for payment of tort liabilities under KRS 304.39-110;*

- (b) *Uninsured motorist coverage under KRS 304.20-020;*
 - (c) *Underinsured motorist coverage under KRS 304.39-320;*
 - (d) *Basic reparation benefits as defined in KRS 304.39-020;*
 - (e) *Medical payments coverage;*
 - (f) *Comprehensive property damage coverage; and*
 - (g) *Collision property damage coverage.*
- (3) *A motor vehicle liability insurer that defends or indemnifies a claim against a delivery network driver shall have the right to seek recovery against the insurer providing coverage under subsections (1) and (2) of Section 2 of this Act if:*
- (a) *The claim occurs during a delivery available period or delivery service period; and*
 - (b) *Coverage for the claim is excluded under the terms of the insurer's policy.*

➔Section 6. This Act applies to motor vehicle liability insurance policies issued or renewed on or after January 1, 2025.

➔Section 7. This Act takes effect January 1, 2025.

Signed by Governor March 26, 2024.

CHAPTER 14

(HB 357)

AN ACT relating to firearms.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

- (a) *"Ammunition" has the same meaning as in 18 U.S.C. sec. 921(a)(17)(A), as amended;*
- (b) *"Covered entity" means any entity that establishes a relationship with a retailer for the purposes of processing credit, debit, or prepaid transactions;*
- (c) *"Firearm" means any of the following as defined in 18 U.S.C. sec. 921, as amended:*
 - 1. *A "firearm";*
 - 2. *A "shotgun";*
 - 3. *A "rifle"; and*
 - 4. *An "antique firearm";*
- (d) *"Firearms retailer" means a person or entity that is:*
 - 1. *Physically located in Kentucky; and*
 - 2. *Engaged in the lawful business of selling or trading firearms or ammunition;*
- (e) *"Merchant category code" means a code assigned to a retailer based on the types of goods and services offered to a retailer's customers; and*
- (f) *"Payment card network":*
 - 1. *Means any entity that, directly or through a member, processor, or agent, provides proprietary services, infrastructure, software, or hardware that routes information used to authorize, clear, and settle credit, debit, or prepaid transactions; and*

2. *Does not include a financial institution that settles a credit, debit, or prepaid transaction directly with a retailer on behalf of a consumer.*
- (2) *A payment card network shall not require or incentivize the use of a merchant category code that distinguishes a firearms retailer from other retailers.*
- (3) *A covered entity or its agent shall not assign a firearms retailer any merchant category code that distinguishes the firearms retailer from other retailers, including the assigning of merchant category code 5723, approved in September 2022 by the International Organization for Standardization, to firearms retailers.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "firearm" has the same meaning as in Section 1 of this Act.*
- (2) *No person, unit of government, or governmental organization shall, during a period of disaster or emergency as specified in KRS Chapter 39A or at any other time, knowingly and willfully keep or cause to be kept any list, record, or registry of privately owned firearms or any list, record, or registry of the owners of the firearms, except for those records kept during the regular course of a criminal investigation and prosecution or as otherwise required by law.*
- (3) *Nothing in this section shall prevent an owner or an owner's representative from maintaining a list of the owner's firearms.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, the following have the same meaning as in Section 1 of this Act:*
- (a) *"Firearm"; and*
- (b) *"Firearms retailer."*
- (2) (a) *The Attorney General shall have the sole authority to enforce, and shall investigate, any alleged violation of Section 1 or 2 of this Act.*
- (b) *The following may petition the Attorney General to investigate an alleged violation under paragraph (a) of this subsection:*
1. *A firearms retailer, or a customer who made a transaction at a firearms retailer, whose business is the subject of any alleged violation of Section 1 of this Act; and*
2. *A person whose firearms ownership is the subject of any alleged violation of Section 2 of this Act.*
- (3) (a) 1. *Upon finding a violation of Section 1 or 2 of this Act, the Attorney General shall provide written notice of the finding to the violating person, public or private.*
2. *Written notice to a commercial entity under subparagraph 1. of this paragraph shall be made to the entity's registered agent.*
- (b) *Within thirty (30) days of receiving a written notice under paragraph (a) of this subsection, the person shall cease any violation of Section 1 or 2 of this Act.*
- (4) (a) *The Attorney General shall pursue, in a court of competent jurisdiction, an injunction against any person, public or private, that fails to comply with subsection (3)(b) of this section.*
- (b) *If the court finds that a person continues to be in violation of Section 1 or 2 of this Act, the court shall issue an injunction enjoining the person from continuing the violation.*
- (c) *Within thirty (30) days of being served with an injunction issued under paragraph (b) of this subsection, the person shall cease any violation of Section 1 or 2 of this Act.*
- (d) 1. *If a person knowingly and willfully fails to comply with paragraph (c) of this subsection, the Attorney General shall petition the court to recover on behalf of the state:*
- a. *A civil penalty not to exceed ten thousand dollars (\$10,000) per violation of paragraph (c) of this subsection; and*
- b. *The reasonable costs of investigation and litigation.*

2. *In assessing a civil penalty under subparagraph 1.a. of this paragraph, the court shall consider, but not be limited to, the following factors:*
 - a. *The financial resources of the violator; and*
 - b. *The harm or risk of harm to rights to keep and bear arms under:*
 - i. *The Second Amendment of the United States Constitution; and*
 - ii. *Section 1 of the Constitution of Kentucky.*
 3. *Any order assessing one (1) or more penalties under subparagraph 1. of this paragraph shall be stayed pending appeal of the order.*
- (5) *It shall be a defense to any alleged violation of Section 1 or 2 of this Act that the person made a good-faith determination that the person's action was required by law.*
- (6) *The remedies set forth in this section shall be the exclusive remedies for any violation of Section 1 or 2 of this Act.*
- ➔Section 4. This Act may be cited as the Second Amendment Privacy Act.

Became law without Governor's signature March 27, 2024.

CHAPTER 15

(HB 207)

AN ACT relating to crimes and punishments.

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

➔Section 1. KRS 17.500 is amended to read as follows:

As used in KRS 17.500 to 17.580:

- (1) "Approved provider" means a mental health professional licensed or certified in Kentucky whose scope of practice includes providing mental health treatment services and who is approved by the Sex Offender Risk Assessment Advisory Board, under administrative regulations promulgated by the board, to provide comprehensive sex offender presentence evaluations or treatment to adults and youthful offenders, as defined in KRS 600.020;
- (2) "Cabinet" means the Justice and Public Safety Cabinet;
- (3) (a) Except as provided in paragraph (b) of this subsection, "criminal offense against a victim who is a minor" means any of the following offenses if the victim is under the age of eighteen (18) at the time of the commission of the offense:
 1. Kidnapping, as set forth in KRS 509.040, except by a parent;
 2. Unlawful imprisonment, as set forth in KRS 509.020, except by a parent;
 3. Sex crime;
 4. Promoting a sexual performance of a minor, as set forth in KRS 531.320;
 5. Human trafficking involving commercial sexual activity, as set forth in KRS 529.100;
 6. Promoting human trafficking involving commercial sexual activity, as set forth in KRS 529.110;
 7. Promoting prostitution, as set forth in KRS 529.040, when the defendant advances or profits from the prostitution of a person under the age of eighteen (18);
 8. Use of a minor in a sexual performance, as set forth in KRS 531.310;
 9. Sexual abuse, as set forth in KRS 510.120 and 510.130;
 10. Unlawful transaction with a minor in the first degree, as set forth in KRS 530.064(1)(a);

11. Any offense involving a minor or depictions of a minor, as set forth in KRS Chapter 531;
 12. Any attempt to commit any of the offenses described in subparagraphs 1. to 11. of this paragraph;
 13. Solicitation to commit any of the offenses described in subparagraphs 1. to 11. of this paragraph; or
 14. Any offense from another state or territory, any federal offense, or any offense subject to a court martial of the United States Armed Forces, which is similar to any of the offenses described in subparagraphs 1. to 13. of this paragraph.
- (b) Conduct which is criminal only because of the age of the victim shall not be considered a criminal offense against a victim who is a minor if the perpetrator was under the age of eighteen (18) at the time of the commission of the offense;
- (4) "Law enforcement agency" means any lawfully organized investigative agency, sheriff's office, police unit, or police force of federal, state, county, urban-county government, charter county, city, consolidated local government, or a combination of these, responsible for the detection of crime and the enforcement of the general criminal federal or state laws;
- (5) "Registrant" means:
- (a) Any person eighteen (18) years of age or older at the time of the offense or any youthful offender, as defined in KRS 600.020, who has committed:
 1. A sex crime; or
 2. A criminal offense against a victim who is a minor; or
 - (b) Any person required to register under KRS 17.510; or
 - (c) Any sexually violent predator; or
 - (d) Any person whose sexual offense has been diverted pursuant to KRS 533.250, until the diversionary period is successfully completed;
- (6) "Registrant information" means the name, including any lawful name change together with the previous name, Social Security number, age, race, sex, date of birth, height, weight, hair and eye color, fingerprints, palm prints, DNA sample, a photograph, aliases used, residence, motor vehicle operator's license number as well as any other government-issued identification card numbers, if any, a brief description of the crime or crimes committed, and other information the cabinet determines, by administrative regulation, may be useful in the identification of registrants;
- (7) "Residence" means any place where a person sleeps. For the purposes of this statute, a registrant may have more than one (1) residence. A registrant is required to register each residence address;
- (8) "Sex crime" means:
- (a) A felony offense defined in KRS Chapter 510, KRS 529.100 or 529.110 involving commercial sexual activity, 530.020, 530.064(1)(a), 531.310, 531.320, ~~531.335~~, **or Section 4, 5, 6, 7, or 11 of this Act**;
 - (b) A felony attempt to commit a felony offense specified in paragraph (a) of this subsection; or
 - (c) A federal felony offense, a felony offense subject to a court-martial of the United States Armed Forces, or a felony offense from another state or a territory where the felony offense is similar to a felony offense specified in paragraph (a) of this subsection;
- (9) "Sexual offender" means any person convicted of, pleading guilty to, or entering an Alford plea to a sex crime as defined in this section, as of the date the verdict is entered by the court;
- (10) "Sexually violent predator" means any person who has been subjected to involuntary civil commitment as a sexually violent predator, or a similar designation, under a state, territory, or federal statutory scheme;
- (11) "The board" means the Sex Offender Risk Assessment Advisory Board created under KRS 17.554;
- (12) "Victim" has the same meaning as in KRS 421.500;
- (13) "DNA sample" or "deoxyribonucleic acid sample" means a blood or swab specimen from a person, as prescribed by administrative regulation, that is required to provide a DNA sample pursuant to KRS 17.170 or

17.510, that shall be submitted to the Department of Kentucky State Police forensic laboratory for law enforcement identification purposes and inclusion in law enforcement identification databases; and

- (14) "Authorized personnel" means an agent of state government who is properly trained in DNA sample collection pursuant to administrative regulation.

➔Section 2. KRS 531.010 is amended to read as follows:

As used in this chapter:

- (1) *"Child sex doll" means an anatomically correct or anatomically precise doll, mannequin, or robot that may consist of an entire body, pelvis, or any other body part, with features of, or with features that resemble, those of a minor and intended for use in sexual acts;*
- (2) *"Computer" means electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions, including but not limited to personal computers, laptops, computer software, computer servers, processors, coprocessors, memory devices, storage devices, and input and output devices;*
- (3) *"Computer-generated image" means any visual depiction, including any photograph, film, video, or picture, where the depiction has been created, adapted, or modified by a computer to appear to be an identifiable person;*
- (4) "Distribute" means to transfer possession of, whether with or without consideration;~~{}~~
- (5) *"Identifiable person" means a person who is recognizable by the person's face, likeness, or other distinguishing characteristic;*
- (6)~~{(2)}~~ "Matter" means any:
 - (a) Book, magazine, newspaper, or other printed or written material;~~{or any}~~
 - (b) Picture, drawing, photograph, motion picture, live image transmitted over the internet or other electronic network,~~{or}~~ other pictorial representation, *or computer-generated image*;~~{or}~~
 - (c) ~~{any}~~ Statue, *child sex doll*, or other figure; *or*~~{, or any}~~
 - (d) Recording, transcription, or mechanical, chemical, or electrical reproduction, or any other articles, equipment, machines, or materials;~~{}~~
- (7)~~{(3)}~~ "Obscene" means:
 - (a) To the average person, applying contemporary community standards, the predominant appeal of the matter, taken as a whole, is to prurient interest in sexual conduct;~~{and}~~
 - (b) The matter depicts or describes the sexual conduct in a patently offensive way; and
 - (c) The matter, taken as a whole, lacks serious literary, artistic, political, or scientific value;~~{}~~
- (8)~~{(4)}~~ "Private erotic matter" means an obscene visual image, including a photograph, film, video recording, *computer-generated image*, or digital reproduction, of an identifiable person, depicting sexual conduct or the exposure of uncovered human genitals, buttocks, or nipple of the female breast. A person may be identifiable from the image itself or from information distributed in connection with the visual image; *and*~~{}~~
- (9)~~{(5)}~~ "Sexual conduct" means acts of masturbation, homosexuality, lesbianism, bestiality, sexual intercourse, or *deviate*~~{deviant}~~ sexual intercourse; or physical contact with the genitals, flagellation, or excretion for the purpose of sexual stimulation or gratification.

➔Section 3. KRS 531.300 is amended to read as follows:

As used in KRS 531.080 and ~~531.300~~~~{531.310}~~ to 531.370:

- (1) ~~{ "Distribute" means to transfer possession of, whether with or without consideration;~~
- (2) ~~{ "Matter" means any book, magazine, newspaper, or other printed or written material or any picture, drawing, photograph, motion picture, live image transmitted over the Internet or other electronic network, or other pictorial representation or any statue or other figure, or any recording transcription or mechanical, chemical or electrical reproduction or any other articles, equipment, machines, or materials;~~
- (3) ~~{ "Obscene" means the predominate appeal of the matter taken as a whole is to a prurient interest in sexual conduct involving minors;~~

- (2) *"Performance" means any play, motion picture, photograph, dance, or any other visual representation or computer-generated image exhibited before an audience;*
- (3) *"Promote" means to prepare, publish, print, procure, or manufacture, or to offer or agree to do the same;*
- (4)~~(4)~~ "Sexual conduct by a minor" means:
- Acts of masturbation, homosexuality, lesbianism, ~~bestiality~~~~[bestiality]~~, sexual intercourse, or ~~deviate~~~~[deviant]~~ sexual intercourse, actual or simulated;
 - Physical contact with, or willful or intentional exhibition of the genitals;
 - Flagellation or excretion for the purpose of sexual stimulation or gratification; or
 - The exposure, in an obscene manner, of the unclothed or apparently unclothed human male or female genitals, pubic area or buttocks, or the female breast, whether or not subsequently obscured by a mark placed thereon, or otherwise altered, in any resulting motion picture, photograph, *computer-generated image*, or other visual representation, exclusive of exposure portrayed in matter of a private, family nature not intended for distribution outside the family;{
- ~~(5) "Performance" means any play, motion picture, photograph or dance. Performance also means any other visual representation exhibited before an audience;}~~
- (5)~~(6)~~ "Sexual performance" means any performance or part thereof which includes sexual conduct by a minor; and
- (6)~~(7)~~ *"Traffic" means to manufacture, distribute, sell, transfer, or possess with intent to manufacture, distribute, sell, or transfer*~~["Promote" means to prepare, publish, print, procure or manufacture, or to offer or agree to do the same].~~

➔SECTION 4. A NEW SECTION OF KRS 531.300 TO 531.370 IS CREATED TO READ AS FOLLOWS:

- A person is guilty of possession of a child sex doll when he or she knowingly possesses a child sex doll.*
- Possession of a child sex doll is a Class D felony.*

➔SECTION 5. A NEW SECTION OF KRS 531.300 TO 531.370 IS CREATED TO READ AS FOLLOWS:

- A person is guilty of trafficking a child sex doll when he or she knowingly traffics a child sex doll.*
- Any person who has in his or her possession more than one (1) child sex doll shall be rebuttably presumed to have that child sex doll in his or her possession with the intent to traffic it.*
- Trafficking a child sex doll is a Class C felony.*

➔SECTION 6. A NEW SECTION OF KRS 531.300 TO 531.370 IS CREATED TO READ AS FOLLOWS:

- A person is guilty of importing a child sex doll when he or she knowingly transports a child sex doll into the Commonwealth by any means with the intent to distribute, sell, or transfer the child sex doll.*
- Any person who has in his or her possession more than one (1) child sex doll shall be rebuttably presumed to have that child sex doll in his or her possession with the intent to distribute, sell, or transfer it.*
- Importing a child sex doll is a Class C felony.*

➔SECTION 7. A NEW SECTION OF KRS 531.300 TO 531.370 IS CREATED TO READ AS FOLLOWS:

- A person is guilty of permitting or promoting the use of a child sex doll when, he or she having possession or control of a child sex doll or having possession or control of a premises which he or she knows or has reasonable cause to know is being used for the purposes of utilizing a child sex doll, fails to make reasonable and timely effort to halt or abate such use.*
- Permitting or promoting the use of a child sex doll is a Class C felony.*

➔Section 8. KRS 531.320 is amended to read as follows:

- A person is guilty of promoting a sexual performance by a minor when, knowing the character and content thereof, he *or she* produces, directs, or promotes any performance which includes sexual conduct by a minor *or computer-generated image of a minor*.
- Promoting a sexual performance by a minor is:

- (a) A Class C felony if the minor *or computer-generated image of a minor* involved in the sexual performance is less than eighteen (18) years old at the time the minor *or computer-generated image of a minor* engages in the prohibited activity;
- (b) A Class B felony if the minor *or computer-generated image of a minor* involved in the sexual performance is less than sixteen (16) years old at the time the minor *or computer-generated image of a minor* engages in the prohibited activity; and
- (c) A Class A felony if the minor involved in the sexual performance incurs physical injury thereby.

➔Section 9. KRS 531.330 is amended to read as follows:

- (1) For purposes of KRS 529.040 where the offense involves commercial sexual activity and for the purposes of KRS 530.070, 531.080, and 531.300 to 531.370, any person who appears to be under the age of eighteen (18), or under the age of sixteen (16), shall be presumed to be under the age of eighteen (18), or under the age of sixteen (16), as the case may be.
- (2) In any prosecution under KRS 529.040 where the offense involves commercial sexual activity by a minor and in any prosecution under KRS 530.070, 531.080, and 531.300 to 531.370, the defendant may prove in exculpation that he *or she* in good faith reasonably believed that the person involved in the performance was not a minor.
- (3) ***In any prosecution under KRS 531.300 to 531.370 where the offense involves a computer-generated image that used an actual minor or minors as the source, the presumption of minority shall be the age of the actual minor or minors.***
- (4) The presumption raised in subsection (1) *or* (3) of this section may be rebutted by any competent evidence.

➔Section 10. KRS 531.335 is amended to read as follows:

- (1) A person is guilty of possession or viewing of matter portraying a sexual performance by a minor when, having knowledge of its content, character, and that the sexual performance is by a minor, he or she:
 - (a) Knowingly has in his or her possession or control any matter which visually depicts an actual sexual performance by a minor person *or computer-generated image of a minor person*; or
 - (b) Intentionally views any matter which visually depicts an actual sexual performance by a minor person *or computer-generated image of a minor person*.
- (2) The provisions of subsection (1)(b) of this section:
 - (a) Shall only apply to the deliberate, purposeful, and voluntary viewing of matter depicting sexual conduct by a minor person *or computer-generated image of a minor person* and not to the accidental or inadvertent viewing of such matter;
 - (b) Shall not apply to persons viewing the matter in the course of a law enforcement investigation or criminal or civil litigation involving the matter; and
 - (c) Shall not apply to viewing the matter by a minor or the minor's parents or guardians, or to school administrators investigating violations of subsection (1)(b) of this section.
- (3) Possession or viewing of matter portraying a sexual performance by a minor is:
 - (a) A Class D felony if the person knows that the minor *or computer-generated image of a minor* portrayed is less than eighteen (18) years old at the time of the sexual performance; and
 - (b) A Class C felony if the person knows that the minor *or computer-generated image of a minor person* portrayed is less than twelve (12) years old at the time of the sexual performance.

➔Section 11. KRS 531.340 is amended to read as follows:

- (1) A person is guilty of distribution of matter portraying a sexual performance by a minor when, having knowledge of its content and character, he or she:
 - (a) Sends or causes to be sent into this state for sale or distribution;~~or~~
 - (b) Brings or causes to be brought into this state for sale or distribution; or
 - (c) In this state~~, he or she~~:
 - 1. Exhibits for profit or gain;~~or~~

2. Distributes;~~{or}~~
3. Offers to distribute; or
4. Has in his or her possession with intent to distribute, exhibit for profit or gain or offer to distribute;~~{}~~

any matter portraying a sexual performance by a minor ***or computer-generated image of a minor***.

- (2) Any person who has in his or her possession more than one (1) unit of ***matter, as defined in Section 2 of this Act***,~~{material coming within the provision of KRS 531.300(2)}~~ shall be rebuttably presumed to have ***that matter***~~{such material}~~ in his or her possession with the intent to distribute it.
- (3) Distribution of matter portraying a sexual performance by a minor is:
 - (a) A Class D felony for the first offense, and a Class C felony for each subsequent offense, if the person knows that the minor ***or computer-generated image of a minor*** portrayed is less than eighteen (18) years old at the time of the sexual performance; and
 - (b) A Class C felony for the first offense, and a Class B felony for each subsequent offense, if the person knows that the minor ***or computer-generated image of a minor*** portrayed is less than twelve (12) years old at the time of the sexual performance.

➔Section 12. KRS 531.350 is amended to read as follows:

- (1) A person is guilty of promoting sale of material portraying a sexual performance by a minor when he ***or she*** knowingly, as a condition to a sale, allocation, consignment, or delivery for resale of any paper, magazine, book, periodical, publication or other merchandise, requires that the purchaser or consignee receive any matter portraying a sexual performance by a minor ***or computer-generated image of a minor***, or he ***or she*** denies or threatens to deny a franchise, revokes or threatens to revoke, or imposes any penalty, financial or otherwise, by reason of the failure of any person to accept such matter, or by reason of the return of such matter.
- (2) Promoting sale of matter portraying a sexual performance by a minor is a:
 - (a) Class A misdemeanor for the first offense;~~{}~~
 - (b) ~~{a}~~Class D felony for the second offense;~~{}~~ and
 - (c) ~~{a}~~Class C felony for ***the third or***~~{each}~~ subsequent offense.

➔Section 13. KRS 531.360 is amended to read as follows:

- (1) A person is guilty of advertising material portraying a sexual performance by a minor when, having knowledge of its content and character thereof, he or she writes or creates advertising or solicits anyone to publish such advertising or otherwise promotes the sale or distribution of matter portraying a sexual performance by a minor ***or a computer-generated image of a minor***.
- (2) Advertising material portraying a sexual performance by a minor is a
 - (a) Class D felony for the first offense; and
 - (b) ~~{a}~~Class C felony for ***the second or***~~{each}~~ subsequent offense.

➔SECTION 14. A NEW SECTION OF KRS 531.300 TO 531.370 IS CREATED TO READ AS FOLLOWS:

In any prosecution under KRS 531.300 to 531.370 where the offense involves matter or material portraying a computer-generated image of a minor, the Commonwealth shall not be required to prove the actual identity or age of the minor, or that the minor actually exists.

Signed by Governor March 28, 2024.

AN ACT relating to settlements with minors and declaring an emergency.

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

➔Section 1. KRS 387.278 is amended to read as follows:

- (1) A person having legal custody of a minor may settle or compromise and enter into a settlement agreement with a person against whom the minor has a claim or from whom the minor is to receive proceeds from the sale of real estate, for the settlement of any estate, or from any other source if:
 - (a) A guardian or conservator has not been appointed for the minor;
 - (b) The total amount of the settlement proceeds due to the minor, after reduction from the total settlement amount of all medical expenses, medical liens, all other liens, and reasonable attorney fees and costs, is twenty-five thousand dollars (\$25,000) or less if paid in cash, by draft or check, by direct deposit, or by the purchase of a premium for an annuity;
 - (c) The moneys payable under the settlement agreement will be paid as provided in subsections (3) and (4) of this section; and
 - (d) The person entering into the settlement agreement on behalf of the minor completes an affidavit or verified statement that attests that the person:
 1. Has made a reasonable inquiry and that to the best of the person's knowledge:
 - a. The minor will be fully compensated by the settlement; or
 - b. There is no practical way to obtain additional amounts from the party or parties entering into the settlement agreement with the minor; and
 2. Understands and acknowledges that he or she is obligated by law to deposit the settlement directly into a restricted savings or other restricted investment account, or purchase an annuity, as provided in subsection (3) of this section.
- (2) The attorney representing the person entering into the settlement agreement on behalf of the minor, if any, shall maintain the affidavit or verified statement completed under subsection (1)(d) of this section in the attorney's file for a period of five (5) years.
- (3) The moneys payable under the settlement agreement shall be paid as follows:
 - (a) If the minor or person entering into the settlement agreement on behalf of the minor is represented by an attorney and the settlement is paid in cash, by draft or check, or by direct deposit into the attorney's trust account maintained under Rule 3.830 of the Supreme Court of Kentucky to be held for the benefit of the minor, the attorney shall:
 1. Timely deposit the moneys received on behalf of the minor directly into a restricted savings or other restricted investment account that only allows withdrawals from the account under any of the circumstances set forth in subsection (4) of this section; or
 2. Purchase an annuity by direct payment to the issuer of the annuity with the minor designated as the sole beneficiary of the annuity;
 - (b) If the minor or person entering into the settlement agreement on behalf of the minor is not represented by an attorney and the settlement is paid by check, draft, or direct deposit, the minor or person entering into the settlement agreement on behalf of the minor shall provide the person or entity with whom the minor has settled the claim with the information sufficient to draw a check or draft made payable, or complete an electronic transfer of settlement funds:
 1. Into a restricted savings or other restricted investment account that only allows withdrawals from the account under any of the circumstances set forth in subsection (4) of this section; or
 2. To purchase an annuity by direct payment to the issuer of the annuity with the minor designated as the sole beneficiary of the annuity; and
 - (c) If the minor is under the care, custody, and control of the Commonwealth, the Cabinet for Health and Family Services shall establish a restricted trust account, or subaccount of a trust account, that earns interest for the benefit of the minor, for the purpose of receiving moneys payable to the minor under the settlement agreement. If the settlement is paid:

1. In cash or by draft or check, the moneys received on behalf of the minor shall be timely deposited into the account established under this paragraph, and notice of the deposit to the minor and the person entering into the settlement agreement on behalf of the minor shall be delivered by personal service or first-class mail;
 2. By direct deposit, the minor, the person entering into the settlement on behalf of the minor, or the cabinet shall provide the person or entity with whom the minor has settled the claim with the information sufficient to complete an electronic transfer of settlement funds into the account established under this paragraph, and notice of the deposit to the minor and the person entering into the settlement agreement on behalf of the minor shall be delivered by personal service or first-class mail; or
 3. Through the purchase of an annuity, direct payment shall be made to the issuer of the annuity with the minor designated as the sole beneficiary of the annuity.
- (4) The moneys in the minor's restricted savings or other restricted investment account, trust account, or trust subaccount established under subsection (3) of this section may not be withdrawn, removed, paid out, or transferred to any person, including the minor, except as follows:
- (a) Pursuant to court order;
 - (b) Upon the minor attaining the age of majority or being otherwise emancipated; or
 - (c) Upon the minor's death.
- (5) A signed settlement agreement entered into on behalf of the minor in compliance with subsection (1) of this section:
- (a) Is binding on the minor without the need for court approval or review;~~;~~
 - (b) Has the same force and effect as if the minor were a competent adult entering into the settlement agreement; *and*~~;~~
 - (c) Shall serve to fully release all claims of the minor encompassed by the settlement agreement~~;~~ ~~and may be relied on by a financial institution or other entity, in lieu of a court order, when opening a restricted savings or other restricted investment account, or purchasing an annuity, on behalf of a minor pursuant to this section.~~
- (6) *(a) As used in this subsection, "financial institution" means any person doing business under the laws of any state or commonwealth or the United States relating to banks, bank holding companies, savings banks, savings and loan associations, trust companies, or credit unions.*
- (b) A financial institution or other entity may open a restricted savings or other restricted investment account, or issue an annuity, pursuant to this section.*
- (c) If a financial institution or other entity elects to open a restricted savings or other restricted investment account, or issue an annuity, pursuant to this section, a court order shall not be required to open the account or issue the annuity.*
- (d) A person that elects to deposit or otherwise direct moneys into a restricted savings or other restricted investment account in accordance with subsection (3) of this section may execute documents to open and administer the account.*
- (7) *A restricted savings or other restricted investment account that is opened and administered pursuant to this section shall be exempt from the provisions of KRS Chapter 393A until the earlier of one (1) of the circumstances set forth in subsection (4) of this section.*
- ~~(8)~~~~(6)~~ (a) Any person or entity against whom a minor has a claim that settles the claim with the minor in good faith under this section shall not be liable to the minor for any claims arising from the settlement of the claim.
- (b) An insurer who in good faith transfers funds at the direction of the settling minor or the minor's representatives into a restricted savings or other restricted investment account, or to purchase an annuity, shall not be liable to the minor or the minor's representatives for any claims arising from the use of those funds after the transfer is completed.

~~(9)(7)~~ Nothing in this section shall prevent anyone acting on behalf of the minor from filing for guardianship, limited guardianship, or conservatorship in the District Court and requesting the District Court to approve the settlement on behalf of the minor and oversee the settlement proceeds.

➔Section 2. Whereas there is a significant and legitimate need to ensure prompt and secure payments for the benefit of minors in accordance with settlements made under existing law, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor March 29, 2024.

CHAPTER 17

(SB 46)

AN ACT relating to motor vehicles.

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

➔Section 1. KRS 189.110 is amended to read as follows:

- (1) A windshield in a fixed and upright position, that is equipped with safety glazing as required by federal safety-glazing material standards, is required on every motor vehicle which is operated on the public highways, roads, and streets, except on a motorcycle or implement of husbandry.
- (2) A person shall not operate a motor vehicle on a public highway, road, or street with any sign, sunscreening material, product, or covering attached to, or located in or upon the windshield, except the following:
 - (a) A certificate or other paper required to be displayed by law;
 - (b) Sunscreening material along a strip at the top of the windshield, if the material is transparent and does not encroach upon the driver's direct forward viewing area as defined in Federal Motor Vehicle Safety Standards No. 205 as the AS/1 portion of the windshield; *or*
 - (c) ***Sunscreening material or other product or material applied to the windshield, when used in conjunction with the safety glazing materials of the windshield, if it has a light transmittance of not less than seventy percent (70%) and is not red or yellow in color.***
- (3) A person shall not operate a motor vehicle required to be registered in the Commonwealth, on a public highway, road, or street on which vehicle the side wings and side windows on either side forward of or adjacent to the operator's seat are composed of, covered by, or treated with any sunscreening material or other product or covering which has the effect of making the window nontransparent or which would alter the window's color, increase its reflectivity, or reduce its light transmittance, except as expressly permitted by this section. A sunscreening material may be applied to the windows if, when tested on one-eighth (1/8) inch clear glass, the material has a total solar reflectance of visible light of not more than twenty-five percent (25%) as measured on the nonfilm side and a light transmittance of at least thirty-five percent (35%) in the visible light range.
- (4) A person shall not operate a motor vehicle required to be registered in the Commonwealth, on a public highway, road, or street on which vehicle any windows behind the driver are composed of, covered by, or treated with any sunscreening material, or other product or material which has the effect of making the window nontransparent or which would alter the window's color, increase its reflectivity, or reduce its light transmittance, except as specified below:
 - (a) Sunscreen material consisting of film which, when tested on one-eighth (1/8) inch clear glass, has a total solar reflectance of visible light of not more than thirty-five percent (35%) as measured on the nonfilm side and a light transmittance of at least eighteen percent (18%) in the visible light range; however, sunscreen material which, when tested on one-eighth (1/8) inch clear glass, has a total solar reflectance of visible light of not more than thirty-five percent (35%) as measured on the nonfilm side and a light transmittance of at least eight percent (8%) in the visible light range may be used on multipurpose passenger vehicles; *or*

- (b) Perforated suncreening material which, when tested in conjunction with existing glazing or film material, has a total reflectance of visible light of not more than thirty-five percent (35%) and a light transmittance of no less than thirty percent (30%). For those products or materials having different levels of reflectance, the highest reflectance from the product or material will be measured by dividing the area into sixteen (16) equal sections and averaging the overall reflectance. The measured reflectance of any of those sections may not exceed fifty percent (50%).
- (5) A person shall not operate a motor vehicle required to be registered in the Commonwealth, upon a public highway, road, or street, on which vehicle the rear window is composed of, covered by, or treated with any material which has the effect of making the window nontransparent, unless the vehicle is equipped with side mirrors on both sides.
- (6) Each installer or seller of sunscreening material shall provide a pressure-sensitive, self-destructive, nonremovable, vinyl-type film label to the purchaser stating that the material complies with the provisions of KRS 189.010(20) to (23) and subsections (1) to (5) of this section. Each installer shall affix the required label to the inside left door jamb of the motor vehicle. In addition, the label shall state the trade name of the material and the installer's or seller's business name. Labeling is not required for factory glazing which complies with Federal Motor Vehicle Safety Standard No. 205.
- (7) Every percentage measurement required by subsections (2) ~~to (3) and~~ (4) of this section is subject to a tolerance of plus or minus three percent (3%).
- (8) A person shall not install window tinting materials on a vehicle that fails to meet the minimum standards for light transmission pursuant to subsections (2) ~~to (3) and~~ (4) of this section. Tinted material that fails to meet the minimum standards for light transmission pursuant to subsections (2) ~~to (3) and~~ (4) of this section shall be removed immediately.
- (9) A person who applies suncreening materials in violation of this section shall be guilty upon conviction of a Class B misdemeanor.
- (10) Nothing in this section shall prevent the display of a representation of the American flag on the rear window of any motor vehicle, including any vehicle owned by a local or state government, provided that the representation does not exceed a size of five (5) inches by eight (8) inches and is placed in a lower corner of the rear window.
- (11) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield. The device shall be so constructed as to be controlled by the operator of the vehicle.
- (12) Nothing in this section shall be construed to prevent the use of any window which is composed of, covered by, or treated with any material or component in a manner approved by federal statute or regulation if the window was a component part of a vehicle at the time of the vehicle manufacture, or the replacement of any window by a covering which meets these requirements.

Signed by Governor March 29, 2024.

CHAPTER 18

(SB 145)

AN ACT relating to healthcare.

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

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

- (1) *Unless otherwise required by law, a health facility as defined in KRS 216B.015, or a health care provider enrolled in the Kentucky Medicaid program, may submit a current or prospective employee to a check of the:*
- (a) *Child abuse and neglect; or*
- (b) *Adult abuse;*

registries maintained by the Cabinet for Health and Family Services.

- (2) *The Cabinet for Health and Family Services shall promulgate administrative regulations in accordance with KRS Chapter 13A as necessary to implement this section.*

➔Section 2. KRS 209.032 is amended to read as follows:

- (1) As used in this section:

(a) "Employee" means a person who:

1. Is hired directly or through a contract by a vulnerable adult services provider who has duties that involve or may involve one-on-one contact with a patient, resident, or client; or
2. Is a volunteer who has duties that are equivalent to the duties of an employee providing direct services and the duties involve, or may involve, one-on-one contact with a patient, resident, or client;

(b) "Validated substantiated finding of adult abuse, neglect, or exploitation" means that the cabinet has:

1. Entered a final order concluding by a preponderance of the evidence that an individual has committed adult abuse, neglect, or exploitation against a different adult for whom the individual was providing care or services as an employee or otherwise with the expectation of compensation;
2. The individual has been afforded an opportunity for an administrative hearing under procedures compliant with KRS Chapter 13B, and an appeal to the Circuit Court of the county where the abuse, neglect, or exploitation is alleged to have occurred or, if the individual consents, to the Franklin Circuit Court; and
3. That any appeal, including the time allowed for filing an appeal, has concluded or expired; and

(c) "Vulnerable adult service provider" means:

1. Adult day health care program centers as defined in KRS 216B.0441;
2. Adult day training facilities;
3. Assisted-living communities as defined in KRS 194A.700;
4. Boarding homes as defined in KRS 216B.300;
5. Group homes for individuals with an intellectual disability and developmentally disabled (ID/DD);
6. Home health agencies as defined in KRS 216.935;
7. Hospice programs or residential hospice facilities licensed under KRS Chapter 216B;
8. Long-term-care hospitals as defined in 42 U.S.C. sec. 1395ww(d)(1)(B)(iv);
9. Long-term-care facilities as defined in KRS 216.510;
10. Personal services agencies as defined in KRS 216.710;
11. Providers of home and community-based services authorized under KRS Chapter 205, including home and community based waiver services and supports for community living services; and
12. State-owned and operated psychiatric hospitals.

- (2) A vulnerable adult services provider shall query the cabinet as to whether a validated substantiated finding of adult abuse, neglect, or exploitation has been entered against an individual who is a bona fide prospective employee of the provider. The provider may periodically submit similar queries as to its current employees and volunteers. The cabinet shall, *except as provided under subsection (5) of this section and any administrative regulations promulgated thereunder*, reply to either type of query only that it has or has not entered such a finding against the named individual.

- (3) An individual may query the cabinet as to whether the cabinet's records indicate that a validated substantiated finding of adult abuse, neglect, or exploitation has been entered against him or her. The cabinet shall reply only that it has or has not entered such a finding against the named individual, although this limitation shall not be construed to prevent the individual who is the subject of the investigation from obtaining cabinet records

under other law, including the Kentucky Open Records Act. An individual making a query under this subsection may direct that the results of the query be provided to an alternative recipient seeking to utilize the care or services of the querying individual.

- (4) Every cabinet investigation of adult abuse, neglect, or exploitation committed by an employee or a person otherwise acting with the expectation of compensation shall be conducted in a manner affording the individual being investigated the level of due process required to qualify any substantiated finding as a validated substantiated finding of adult abuse, neglect, or exploitation.
- (5) The cabinet shall promulgate administrative regulations *in accordance with KRS Chapter 13A* to implement the provisions of this section. Included in these administrative regulations shall be:
 - (a) An error resolution process allowing an individual whose name is erroneously reported to have been the subject of a validated substantiated finding of adult abuse, neglect, or exploitation to request the correction of the cabinet's records;~~and~~
 - (b) A designation of the process by which queries may be submitted in accordance with this section, which shall require that the queries be made using a secure methodology and only by providers and persons authorized to submit a query under this section; *and*
 - (c) *Notwithstanding any provision of law to the contrary including but not limited to subsection (2) of this section, a process of notification by which the cabinet shall notify a vulnerable adult service provider who queries the cabinet pursuant to this section that the queried individual has appealed a substantiated finding of adult abuse, neglect, or exploitation and that the appeal is pending.*
- (6) If the cabinet does not respond to a query under subsection (2) of this section within twenty-four (24) hours and a vulnerable adult services provider hires or utilizes an employee provisionally, the provider shall not be subject to liability solely on the basis of hiring or utilizing the employee before having received the cabinet's response.
- (7) This section shall only apply to instances of abuse, neglect, or exploitation substantiated on or after July 15, 2014, which shall be compiled into a central registry for the purpose of queries submitted under this section.

Signed by Governor March 29, 2024.

CHAPTER 19

(SB 229)

AN ACT relating to municipal utilities.

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

➔Section 1. KRS 42.747 is amended to read as follows:

- (1) As used in this section, unless the context otherwise requires:
 - (a) "Blockchain technology" means shared or distributed data structures or digital ledgers used in peer-to-peer networks that:
 1. Store digital transactions;
 2. Verify and secure transactions cryptographically; and
 3. Allow automated self-execution of smart contracts;
 - (b) "Peer-to-peer networks" means computer systems that are connected to each other over the Internet so that each computer system:
 1. Is a client and a server simultaneously; and
 2. Allows file sharing without use of a central server;
 - (c) "Smart contract" means a computerized transaction protocol that self-executes the terms of a contract and that is integrated into the blockchain program architecture; and

- (d) "Contract" means an agreement of the parties in fact, as found in their language or inferred from other circumstances, including course of performance, course of dealing, or usage of trade, reached through offer and mutual acceptance by the parties to be legally bound by the terms of the agreement which includes valuable consideration for all parties.
- (2) There is hereby established a Blockchain Technology Working Group which shall be attached to the Commonwealth Office of Technology for administrative purposes.
- (3) The working group shall evaluate the feasibility and efficacy of using blockchain technology to enhance the security of and increase protection for the state's critical infrastructure, including but not limited to the electric utility grid, natural gas pipelines, drinking water supply and delivery, wastewater, telecommunications, and emergency services. The workgroup shall create a priority list of critical infrastructure that could benefit from the use of blockchain technology and then determine whether:
- (a) Blockchain fits the distributed nature of transactions;
 - (b) The peer-to-peer network is robust enough to support the use of blockchain technology;
 - (c) A cost-benefit analysis of blockchain for each case is warranted to demonstrate its value, applicability, or efficiency; and
 - (d) If the parties involved in the blockchain would agree to its usage if deployed.
- (4) The workgroup shall consist of nine (9) members, three (3) of which shall be ex officio, as follows:
- (a) The chief information officer for the Commonwealth Office of Technology or his or her designee who shall serve as chair;
 - (b) The secretary for the Energy and Environment Cabinet or his or her designee;
 - (c) The chief information officer for the Finance and Administration Cabinet or his or her designee;
 - (d) A representative designated by the executive director of the Kentucky Public Service Commission, who has knowledge of the spatial characteristics of the infrastructure used by public utilities;
 - (e) The executive director of Kentucky Department of Homeland Security or his or her designee;
 - (f) One (1) member in academia designated by the chief information officer of the Commonwealth Office of Technology, who has expertise in blockchain technology and its applicability to different industry sectors;
 - (g) One (1) ex officio member representing *municipal utilities* ~~the Kentucky Municipal Utilities Association (KMUA)~~ designated by the *Kentucky League of Cities* ~~executive director of KMUA~~;
 - (h) One (1) ex officio member representing the investor-owned electric utilities designated by the executive director of the Kentucky Public Service Commission; and
 - (i) One (1) ex officio member representing Kentucky electric cooperatives designated by the chairman of the board of the Kentucky Association of Electric Cooperatives.
- (5) The workgroup shall be staffed by the Commonwealth Office of Technology.
- (6) The workgroup shall report to the Governor and to the Legislative Research Commission by December 1 of each year. The report shall include the current priority list and a discussion of whether blockchain could be deployed, and any associated cost-benefit analysis.

➔Section 2. KRS 96.780 is amended to read as follows:

- (1) After a board has been appointed and qualified, it shall have charge of the general supervision and control of the acquisition, improvement, operation and maintenance of the electric plant of the municipality. The board shall employ an electric plant superintendent (herein called "superintendent"), who shall be qualified by training and experience for the general superintendence of the acquisition, improvement and operation of the electric plant. His salary shall be fixed by the board. The superintendent shall be removable by the board for inefficiency, neglect of duty, misfeasance, or malfeasance in office. He shall be required to execute a bond, in a sum to be determined and approved by the board, conditioned upon the faithful performance of his official duties. The cost of the bond may be charged as an expense of the operation of the electric plant.
- (2) Within the limits of the funds available therefor, all powers of a municipality to acquire, improve, operate and maintain, and to furnish electric service, and all powers necessary or convenient thereto, conferred by KRS

96.550 to 96.900, shall be exercised on behalf of the municipality by the board and the superintendent, respectively. Subject to the provisions of applicable bonds or contracts, the board shall determine programs and make all plans for the acquisition of the electric plant, shall make all determinations as to improvements, rates and financial practices, may establish such rules and regulations as it deems necessary or appropriate to govern the furnishing of electric service, and may disburse all moneys available in the electric plant fund hereinafter established for the acquisition, improvement, operation and maintenance of the electric plant and the furnishing of electric service.

- (3) A copy of the schedule of the current rates and charges in effect from time to time and a copy of all rules and regulations of the board relating to electric service shall be kept on public file at the main and all branch offices of the electric plant and also in the office of the municipal clerk or recorder. The superintendent shall have charge of all actual construction, the immediate management and operation of the electric plant and the enforcement and execution of all rules, regulations, programs, plans and decisions made or adopted by the board.
- (4) The superintendent shall appoint all employees and fix their duties and compensation subject to and with the approval of the board. Subject to the limitations and provisions of KRS 96.550 to 96.900, the superintendent, with the approval of the board, may acquire and dispose of all property, real and personal, necessary to effectuate the purposes of KRS 96.550 to 96.900. The title to all property purchased or acquired shall be taken in the corporate name of the board.
- (5) The superintendent shall let all contracts, subject to the approval of the board, but may, without such approval, obligate the electric plant on purchase orders up to an amount to be fixed by the board, not to exceed **forty thousand dollars (\$40,000)**~~twenty thousand dollars (\$20,000)~~. All contracts shall be in the corporate name of the board and shall be signed by the superintendent and attested by the secretary-treasurer or chairman of the board. The superintendent shall make and keep or cause to be made and kept full and proper books and records, subject to the supervision and direction of the board, and the provisions of applicable contracts.

➔Section 3. KRS 224A.030 is amended to read as follows:

- (1) There is hereby created the Kentucky Infrastructure Authority, which authority shall be a body corporate and politic, constituting a public corporation and a governmental agency and instrumentality of the state. The affairs of the authority shall be managed and carried out by a board consisting of eleven (11) members. The secretaries of the Economic Development, Finance and Administration, and Energy and Environment Cabinets; the executive director of the Public Service Commission; and the commissioner of the Department for Local Government shall serve as ex officio members of the authority. The secretaries, the executive director, and the commissioner may designate alternates. The Governor shall additionally appoint six (6) at-large members. One (1) member shall be selected from a list of three (3) nominees submitted by the Kentucky Association of Counties, **two (2) members**~~one (1) member~~ selected from a list of **six (6)**~~three (3)~~ nominees submitted by the Kentucky League of Cities, **one (1) of whom shall represent a municipal utility that provides water and wastewater service**, one (1) member selected from a list of three (3) nominees submitted by the Kentucky Rural Water Association, one (1) member representing for-profit private water companies, **and** one (1) member selected from a list of three (3) nominees submitted by the Kentucky section of the American Water Works Association~~, and one (1) member selected from a list of three (3) nominees submitted by the Kentucky Municipal Utilities Association~~. As the terms of the at-large members expire, the Governor shall appoint successors for terms of four (4) years and until their successors are appointed. The members shall constitute the Kentucky Infrastructure Authority, with power in that name to contract and be contracted with, sue and be sued, have and use a corporate seal, and exercise, in addition to the powers and functions specifically stated in this chapter, all of the usual powers of private corporations to the extent that the powers are not inconsistent with specifically enumerated powers of the authority. In the carrying out of its purposes and the exercise by it of the powers conferred by this chapter, the authority is deemed and declared to be performing essential governmental functions and public purposes of the state.
- (2) The members of the authority shall receive no compensation for their services in their official capacity but shall be entitled to reimbursement for all reasonable expenses necessarily incurred in connection with performance of their duties and functions as authority members.
- (3) Six (6) members of the authority shall constitute a quorum for the transaction of business, and in the absence of a quorum, one (1) or more members may adjourn from time to time until a quorum is convened. The members of the authority shall choose from their ranks a chair and a vice chair. The authority shall elect a secretary and a treasurer who shall not be members of the authority, each of whom shall serve at the pleasure of the authority and shall receive compensation as may be determined by the authority.

- (4) (a) The authority shall, for administrative purposes, be attached to the Department for Local Government, which shall provide any office space required by the authority.
- (b) The secretary of the authority shall at all times maintain therein complete records of all of the authority's actions and proceedings which shall constitute public records open to inspection at all reasonable times.

Signed by Governor March 29, 2024.

CHAPTER 20

(SB 194)

AN ACT relating to electronic delivery of health plan communications.

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

➔SECTION 1. A NEW SECTION OF SUBTITLE 18 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

- (a) *"Communications" includes health insurance identification cards and other documents;*
- (b) *"Covered person" means an individual that:*
1. *Is an employer-sponsored group member or a dependent of an employer-sponsored group member; and*
 2. *Receives health benefits under an employer-sponsored group health insurance policy, certificate, plan, or contract;*
- (c) *"Dependent of an employer-sponsored group member" or "dependents of an employer-sponsored group member" means an individual or individuals that are entitled to receive health benefits under an employer-sponsored group health insurance policy, certificate, plan, or contract solely due to a relationship to an employer-sponsored group member;*
- (d) *"Employer" does not include a federal, state, or local government, including a:*
1. *Federal, state, or local government entity, agency, or instrumentality; and*
 2. *Public school district or public institution of education;*
- (e) *"Employer-sponsored group health insurance policy, certificate, plan, or contract" includes limited-scope dental or vision benefits offered by an employer under a separate insurance policy, certificate, plan, or contract;*
- (f) *"Employer-sponsored group member" means an individual that is entitled to receive health benefits under an employer-sponsored group health insurance policy, certificate, plan, or contract as a member of the insured group; and*
- (g) *"Insurer" has the same meaning as in KRS 304.17A-005, except for purposes of this section, the term does not include a self-insurer of a governmental plan.*

(2) *Notwithstanding any other law, an insurer may deliver all communications relating to an employer-sponsored group health insurance policy, certificate, plan, or contract to a covered person by electronic means if:*

- (a) *The employer consents to electronic delivery of communications on behalf of the covered person; and*
- (b) *The insurer complies with subsection (4) of this section.*

(3) *An employer may consent to the electronic delivery of communications under subsection (2) of this section if the employer confirms the following for the covered person:*

- (a) *The covered person is:*
1. *An employer-sponsored group member that routinely uses electronic communications during the normal course of employment or otherwise; or*
 2. *A dependent of an employer-sponsored group member referenced in subparagraph 1. of this paragraph; and*
- (b) *Either:*
1. *If the covered person is an employer-sponsored group member, the covered person:*
 - a. *Was given an opportunity to opt out of delivery to the employer-sponsored group member and dependents of the employer-sponsored group member by electronic means; and*
 - b. *Will be given an opportunity to opt out of delivery to the employer-sponsored group member and dependents of the employer-sponsored group member by electronic means on an annual basis; or*
 2. *If the covered person is not an employer-sponsored group member, the covered person is a dependent of an employer-sponsored group member referenced in subparagraph 1. of this paragraph.*

(4) *Insurers that provide electronic delivery of communications under this section shall:*

- (a) *Comply with the:*
1. *Federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. sec. 7001 et seq.; and*
 2. *Uniform Electronic Transactions Act, KRS 369.101 to 369.120;*
- (b) *Not take adverse action against a covered person because the person opts out, or is opted out, of electronic delivery of communications under this section; and*
- (c) *Document compliance with this section.*

➔Section 2. This Act applies to contracts entered or renewed on or after the effective date of this Act.

Signed by Governor March 29, 2024.

CHAPTER 21

(SB 174)

AN ACT relating to underground facility damage prevention.

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

➔Section 1. KRS 367.4903 is amended to read as follows:

As used in KRS 367.4903 to 367.4917:

- (1) "Underground facility" means an underground line or system used for producing, storing, conveying, transmitting, or distributing telecommunications, electricity, gas, petroleum, petroleum products, cable television, hazardous liquids, water, steam, or sewerage, including storm drainage;
- (2) "Damage" means weakening of structural or lateral support or penetration of a facility coating, housing, or other protective device. It also means the partial or complete dislocation or severance of underground facilities or rendering any underground facility permanently inaccessible by the placement of a permanent structure having one (1) or more stories;
- (3) "Demolition" means any operation by which a structure or mass of material is wrecked, razed, moved, or removed by means of mechanized equipment, or discharge of explosives;

- (4) "Excavator" means any entity or individual, other than those exempted by KRS 367.4915, engaged in excavation, demolition, or timber harvesting using mechanized equipment;
- (5) "Operator" means any entity or individual owning or operating underground facilities to serve the public, but does not include any entity or individual owning or operating underground storage tanks that are subject to Subchapter 60 of KRS Chapter 224;
- (6) "Excavation" means any activity that results in the movement, placement, probing, boring, or removal of earth, rock, or other material in or on the ground by the use of any tools or equipment, by the discharge of explosives, or by the harvesting of timber using mechanized equipment. Forms of excavating include but are not limited to auguring, backfilling, digging, ditching, drilling, driving, grading, piling, pulling-in, ripping, scraping, trenching, and tunneling. Driving wooden stakes by use of hand tools to a depth of six (6) inches or less below existing grade shall not constitute excavation;
- (7) "Emergency" means there exists substantial likelihood that loss of life or property, the inability to restore interrupted utility service, an imminent danger to health or the environment, or the blockage of public transportation facilities will result before procedures required under KRS 367.4909 to 367.4913 can be completed;
- (8) "Protection notification center" means an operator-provided notification center through which an excavator can contact the operator to enable the operator to provide the excavator with the approximate location of underground facilities;
- (9) "Kentucky Contact Center" means Kentucky Underground Protection, Inc., organized as a nonprofit corporation and a multimember protection notification center providing a single telephone contact number and designated by the Kentucky Public Service Commission to be the sole recipient of 811 dialed calls through which an excavator may contact all Kentucky Contact Center members and all affected member operators may receive information to enable them to provide the excavator with the approximate location of underground facilities;
- (10) "Routine road maintenance" means preservation, including road repairs and resurfacing, and the replacement of signs, posts, and guardrails at the exact same location when no additional penetration of existing grade is necessary, but does not include road construction, installation of signs, posts, and guardrails, or any activity that requires penetration of existing grade;
- (11) "Approximate location," when referring to an underground facility, means:
 - (a) For underground metallic facilities and underground nonmetallic facilities with metallic tracer wire, a distance not to exceed the combined width of the underground facility plus twenty-four (24) inches measured from the outer edge of each side of the underground facility; or
 - (b) For unmapped or untonable facilities, the underground facility shall be located as accurately as possible from field location records and shall require notification from the operator of the inability to accurately locate the facility;
- (12) "Working day" means every day, except Saturday, Sunday, and holidays established by federal or state statute. For purposes of measuring any period of time prescribed or allowed under the Underground Facility Damage Prevention Act of 1994, a working day shall commence at 12:01 a.m. eastern time and end at 12 midnight eastern time excluding the day the locate request was made;
- (13) "Nonintrusive excavating" means excavation using hand tools or equipment that uses air or water pressure as the direct means to break up soil for removal by hand tools or vacuum excavation;
- (14) "Mechanized equipment" means mechanical power equipment, including trenchers, bulldozers, power shovels, augers, backhoes, scrapers, drills, cable and pipe plows, skidders, and yarders;
- (15) "Normal excavation locate request" means a notification made to a protection notification center where a request for locating utility facilities is processed;
- (16) "Emergency locate request" means a notification made to a protection notification center by an excavator to alert facility owners or operators of the need to begin immediate excavation in response to an emergency;
- (17) "Design information request" means a notification made to a protection notification center by a person providing professional services and making a request in preparation for bidding, preconstruction engineering, or other advance planning efforts. A design information request may not be used for excavation purposes;

- (18) "Large project request" means an area of excavation occurring on or after July 1, 2016, measuring more than two thousand (2,000) feet in length. Multiple excavation notifications in an area may be considered together in determining if the excavations are part of a large project;
- (19) "Commission" means the Kentucky Public Service Commission;
- (20) "Person" means an individual, an entity, a foreign entity, or other legal or commercial entity;
- (21) "Positive response" means an automated or written communication system provided by each protection notification center for all locate requests the center receives pursuant to KRS 367.4909 that allows excavators, locators, operators, and other interested parties to determine the status of locating an underground facility and requires response and verification by operators and excavators to comply with their respective requirements of the Underground Facility Damage Prevention Act of 1994;
- (22) "Unique identification number" or "locate request number" means a unique number that any protection notification center or operator pursuant to KRS 367.4913 has assigned to a locate request for excavation;
- (23) "Locator" means any entity or individual that locates lines or facilities for an operator;
- (24) "Second notice" means a notice that is made by an excavator to a notification center when an operator has failed to comply with the positive response requirements under KRS 367.4909(5);
- (25) "Tolerance zone" means a strip of land at least four (4) feet wide but not wider than the width of the underground facility plus two (2) feet on either side of the outer limits of the facility;
- (26) "Untonable facility" means an underground facility that cannot be located from the surface using locating methods which meet industry standards and that requires additional efforts and extended time;
- (27) "Work site contact" means an individual that will be present at the excavation site when the excavation will occur; ~~and~~
- (28) "Fiber-to-the-premises" means a service that provides network connectivity between a location and a subscriber using fiber;
- (29) *"Communications network" means the platform that is used to exchange information and data between two (2) or more devices that are connected to the platform;*
- (30) *"Communications service provider" means an entity that offers communications services or some combination of information and media services, content, entertainment, and application services over communications networks; and*
- (31) *"Communications terminal" means the enclosure containing communications equipment that connects users to the communications network.*

➔Section 2. KRS 367.4909 is amended to read as follows:

- (1) Each operator shall provide protection notification center access to excavators.
- (2) Voluntary operator membership in the Kentucky Contact Center shall satisfy the requirement of subsection (1) of this section.
- (3) Each operator member of the Kentucky Contact Center shall provide and update as needed to the Kentucky Contact Center the general location of its underground facilities, the operator identity and business address, and emergency notification telephone numbers.
- (4) (a) Each operator shall report to the commission excavation damage to an underground facility used in the transportation of gas or hazardous liquid within thirty (30) calendar days of being informed of the damage. Each report of excavation damage shall be made by electronic mail or as otherwise prescribed by the commission.
- (b) *If the damage described in paragraph (a) of this subsection is caused by a communications service provider and no attempt to locate underground facilities was made, the operator shall include in its damage report to the commission the distance from the communications terminal that the damage occurred. The commission shall submit a report to the Legislative Research Commission on or before December 1, 2025, detailing the number of damage reports made under this subsection caused by communications service providers that occurred within the area in which nonintrusive excavation is allowed under subsection (12) of Section 3 of this Act.*
- (5) An operator shall respond to facility locate requests and provide a positive response as follows:

- (a) To a normal excavation locate request, within two (2) working days after receiving notification from an excavator or any time prior to the scheduled excavation start date if agreed upon as provided in KRS 367.4917(7), excluding large project requests, design information requests, emergency locate requests, and unmapped or untonable facilities;
 - (b) To an emergency locate request, as quickly as possible but not to exceed forty-eight (48) hours after receiving notification from an excavator;
 - (c) To a design information request, within ten (10) working days after receiving notification from the person making the request;
 - (d) To a large project request, within two (2) working days the operator shall notify the excavator that an excavation area has been determined to be a large project, and the operator shall respond to the request within five (5) working days from the later of receiving notification from an excavator or prior to the scheduled excavation start date for that location if agreed upon as provided in KRS 367.4917(7);
 - (e) To an unmapped or untonable facility request, within two (2) working days the operator shall notify the excavator that an excavation area has been determined to be an unmapped or untonable project, and the operator shall respond to the request within five (5) working days for a normal locate request or eight (8) working days for a large project request from the later of receiving notification from an excavator or prior to the scheduled excavation start date if agreed upon as provided in KRS 367.4917(7); and
 - (f) To a fiber-to-the-premises broadband deployment excavation request, in locations not already served by fiber-to-the-premises, within four (4) working days.
- (6) Within one (1) working day after receiving a second notice request from an excavator pursuant to KRS 367.4911(12), an operator shall locate its facility and update the positive response system.
- (7) An operator shall, after receiving an emergency locate request, a normal excavation locate request, an unmapped or untonable locate request, or a large project request as provided in subsection (5) of this section:
- (a) Inform the excavator of the approximate location and description of any of the operator's underground facilities that may be damaged or pose a safety concern because of excavation or demolition;
 - (b) Unless permanent facility markers are provided, provide temporary markings to inform the excavator of the ownership and approximate location of the underground facility; and
 - (c) Provide a positive response to the requesting party.
- (8) Upon receiving a design information request, an operator shall contact the person making the request within the time period specified in subsection (5) of this section. The operator shall:
- (a) Designate with temporary underground facility markers the location of all underground facilities owned by the operator within the area of the design information request as defined in KRS 367.4903;
 - (b) Provide to the person making the design information request a description of all underground facilities owned by the operator in the area of the design information request and the location of the facilities, which may include drawings marked with a scale, dimensions, and reference points for underground utilities already built in the area or other facility records that are maintained by the operator; or
 - (c) Allow the person making the design information request or an authorized person to inspect the drawings or other records for all underground facilities with the proposed area of excavation at a location that is acceptable to the operator.
- (9) An operator may reject a design information request and not be held in violation of subsection (6) of this section based upon security considerations or if producing the information will place the operator at a competitive disadvantage, pending the operator obtaining additional information confirming the legitimacy of the notice. The operator shall notify the person making the design information request and may request additional information.
- (10) Temporary underground facility markers shall consist of paint, chalk, flags, stakes, or any combination thereof and shall conform to the following standards of the American Public Works Association uniform color code:
- (a) Electric power distribution and transmission Safety Red
 - (b) Municipal electric systems Safety Red
 - (c) Gas distribution and transmission High visibility safety yellow

- | | | |
|-----|--|-------------------------------|
| (d) | Oil distribution and transmission | High visibility safety yellow |
| (e) | Dangerous materials, product lines | High visibility safety yellow |
| (f) | Telecommunication systems and cable television | Safety alert orange |
| (g) | Temporary survey markings | Safety pink |
| (h) | Police and fire communications | Safety alert orange |
| (i) | Water systems | Safety precaution blue |
| (j) | Sewer and storm drainage systems | Safety green |
| (k) | Proposed excavation or construction boundaries | White |
| (l) | Reclaimed water, slurry, and irrigation facilities | Purple |
| (m) | Fiber optic and critical telecommunication | Safety alert orange |

- (11) If extraordinary circumstances exist, an operator shall notify the excavator of the operator's inability to comply with this section. Notification under this subsection shall temporarily relieve the operator of complying with subsections (5) and (6) of this section until the operator can recover from the extraordinary circumstances. Extraordinary circumstances include weather that makes it impossible for any combination of facility markers identified in subsection (10) of this section to be used, extreme weather conditions, force majeure, disasters, or civil unrest that make timely response difficult or impossible.
- (12) All underground facilities installed after January 1, 2013, shall include a means to accurately identify and locate the underground facilities from the surface. This subsection does not apply to the repair of existing facilities.

➔Section 3. KRS 367.4915 is amended to read as follows:

Except as provided in KRS 367.4911(9), the requirements of KRS 367.4905 to 367.4917 shall not apply to the following:

- (1) Excavation by an operator on its own easement except where that easement is crossed by another operator's facilities;
- (2) Routine road maintenance or railroad maintenance or repairs;
- (3) Tilling of soil for agricultural purposes;
- (4) Excavators excavating on private property, using nonmechanized equipment, if there is no encroachment on any operator's right-of-way or easement;
- (5) The opening of a grave in a cemetery;
- (6) A solid waste disposal site which is properly permitted;
- (7) Coal mining operations which are currently regulated under KRS Chapter 350;
- (8) A utility operator or utility operator subcontractor performing emergency work as defined in KRS 367.4903;
- (9) Leak migration testing using metal probes inserted by hand by an authorized representative of the operator;
- (10) Any nonintrusive excavating performed by an operator or his *or her* subcontractor to locate the operator's underground facilities in response to a notice of excavation from the notification center, if all reasonable precautions have been taken to protect the underground facilities;~~[-or]~~
- (11) Nonintrusive excavating to inspect or perform maintenance for an existing utility pole; *or*
- (12) *Connection or disconnection of communications lines within a private or public easement or right-of-way by means of nonintrusive excavating when the depth of the excavations is not greater than twelve (12) inches and is completed within twelve (12) inches of a communications service provider's own communications network.*

Signed by Governor March 29, 2024.

CHAPTER 22**(SB 164)**

AN ACT relating to building trade professions.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 198B IS CREATED TO READ AS FOLLOWS:

The department shall recognize and honor articulation agreements executed between licensed proprietary schools and public school districts or state area technology centers to allow for academic or training equivalencies needed to obtain licensure in a profession regulated by the department, including but not limited to electrician, plumbing, and heating, ventilation, and air conditioning licenses. The licensed proprietary school shall:

- (1) *Be a department-approved education provider; or*
- (2) *Have a training course acceptable to the department.*

Signed by Governor March 29, 2024.

CHAPTER 23**(SB 162)**

AN ACT relating to vehicle accident reports.

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

➔Section 1. KRS 189.635 is amended to read as follows:

- (1) *As used in this section:*
 - (a) *"Department" means the ~~Justice and Public Safety Cabinet,~~ Department of Kentucky State Police; and*
 - (b) *"Law enforcement agency" means any unit of government listed in KRS 15.380 that employs a certified peace officer.*
- (2) *The department ~~shall~~ shall be responsible for maintaining a reporting system for all vehicle accidents which occur within the Commonwealth. ~~Such~~ Accident reports shall be utilized for ~~such~~ purposes as will improve the traffic safety program in the Commonwealth involving the collection, processing, storing, and dissemination of **accident** ~~such~~ data and the establishment of procedures by administrative regulations to ensure that uniform definitions, classifications, and other federal requirements are in compliance.*
- ~~(3)~~(2) *Any person operating a vehicle on the highways of this state who is involved in an accident resulting in fatal or nonfatal personal injury to any person or damage to the vehicle rendering the vehicle inoperable shall be required to immediately notify a law enforcement officer having jurisdiction. In the event the operator fails to notify or is incapable of notifying a law enforcement officer having jurisdiction, ~~this~~ ~~such~~ responsibility shall rest with the owner of the vehicle or any occupant of the vehicle at the time of the accident. A law enforcement officer having jurisdiction shall investigate the accident and file a written report of the accident with his or her law enforcement agency.*
- ~~(4)~~(3)
 - (a) *Every law enforcement agency whose officers investigate a vehicle accident of which a report must be made as required in this chapter shall file a report of the accident with the department ~~of Kentucky State Police~~ within ten (10) days after investigation of the accident upon forms supplied by the department.*
 - (b) *A law enforcement agency may retain a copy of the reports that the agency is required to submit to the department under paragraph (a) of this subsection. Reports retained by a law enforcement agency under this subsection shall not be considered open records under KRS 61.870 to 61.884 and shall remain confidential, except as provided in this section. Nothing in this subsection is intended to impose greater limitations on disclosure of vehicle accident reports on law enforcement agencies than those imposed on the department by this section.*

- (5)(4) Any person operating a vehicle on the highways of this state who is involved in an accident resulting in any property damage exceeding five hundred dollars (\$500) in which an investigation is not conducted by a law enforcement officer shall file a written report of the accident with the department ~~of Kentucky State Police~~ within ten (10) days of occurrence of the accident upon forms provided by the department.
- (6)(5) (a) All accident reports filed with the department ~~of Kentucky State Police~~ in compliance with subsection (5)(4) of this section shall not be considered open records under KRS 61.870 to 61.884 and shall remain confidential, except that the department may:
1. Disclose the identity of a person involved in an accident when his or her identity is not otherwise known or when he or she denies his or her presence at an accident; and
 2. Make the reports available:
 - a. To the persons named in paragraph (c) of this subsection; and
 - b. In accordance with subsection (9)(8) of this section.
- (b) All other accident reports required by this section, and the information contained in the reports, shall be confidential and exempt from public disclosure under KRS 61.870 to 61.884, except when:
1. Produced pursuant to a properly executed subpoena or court order; or
 2. Disclosed as provided in this section.
- (c) Accident reports shall be made available to:
1. The parties to the accident;
 2. The parents or guardians of a minor who is party to the accident;
 3. Insurers or their written designee for insurance business purposes of any party who is the subject of the report;
 4. The attorneys of the parties to the accident;
 5. Any party to litigation who files with the department a request for the report and includes a copy of the first page of a District or Circuit Court clerk-stamped complaint naming all parties; ~~and~~
 6. The Department of Workplace Standards in the Education and Labor Cabinet if the accident report is pertinent to an occupational safety and health investigation; *and*
 7. *A law enforcement agency, subject to the limitations in subsections (4)(b) and (7) of this section.*
- (7)(6) (a) Except as provided for in paragraph (b) of this subsection, the department *or a law enforcement agency* shall not release accident reports for a commercial purpose.
- (b) Notwithstanding any other provision of this section, the department *or a law enforcement agency* may, as a matter of public safety, contract with an outside entity and release unredacted vehicle damage data extracted from accident reports to the entity if the data is used solely for the purpose of providing the public a means of determining a vehicle's accident history. The department *or a law enforcement agency* may further contract with a third party to provide electronic access to reports for persons and entities who are entitled to the reports under subsection (6)(5) of this section.
- (8)(7) The department shall promulgate administrative regulations in accordance with KRS Chapter 13A to set out a fee schedule for accident reports made available pursuant to subsections (6)(5) and (9)(8) of this section. These fees shall be in addition to those charged to the public for records produced under KRS Chapter 61.
- (9)(8) (a) The report shall be made available to a news-gathering organization, solely for the purpose of publishing or broadcasting the news. The news-gathering organization shall not use or distribute the report, or knowingly allow its use or distribution, for a commercial purpose other than the news-gathering organization's publication or broadcasting of the information in the report.
- (b) For the purposes of this subsection:
1. "News-gathering organization" includes:
 - a. A newspaper or periodical if it:

- i. Is published at least fifty (50) of fifty-two (52) weeks during a calendar year;
 - ii. Contains at least twenty-five percent (25%) news content in each issue or no more than seventy-five percent (75%) advertising content in any issue in the calendar year; and
 - iii. Contains news of general interest to its readers that can include news stories, editorials, sports, weddings, births, and death notices;
 - b. A television or radio station with a valid broadcast license issued by the Federal Communications Commission;
 - c. A news organization that broadcasts over a multichannel video programming service as defined in KRS 136.602;
 - d. A ~~website~~ ~~Web site~~ published by or affiliated with any entity described in subdivision a., b., or c. of this subparagraph;
 - e. An online-only newspaper or magazine that publishes news or opinion of interest to a general audience and is not affiliated with any entity described in subparagraph 2. of this paragraph; and
 - f. Any other entity that publishes news content by any means to the general public or to members of a particular profession or occupational group; and
 - 2. "News-gathering organization" does not include any product or publication with the primary purpose of distributing advertising or of publishing names and other personal identifying information concerning parties to motor vehicle accidents which may be used to solicit for services covered under Subtitle 39 of KRS Chapter 304.
- (c) A news-gathering organization shall not be held to have used or knowingly allowed the use of the report for a commercial purpose merely because of its publication or broadcast.
- (d) A request under this subsection shall be completed using a form promulgated by the department through administrative regulations in accordance with KRS Chapter 13A. The form under this paragraph shall include:
- 1. The name and address of the requestor and the news-gathering organization the requestor represents;
 - 2. A statement that the requestor is a news-gathering organization under this subsection and identifying the specific subdivision of paragraph (b)1. of this subsection under which the requestor qualifies;
 - 3. A statement that the request is in compliance with the criteria contained in this section; and
 - 4. A declaration of the requestor as to the accuracy and truthfulness of the information provided in the request.
- (e) 1. The department shall redact all personal information from a report prior to making it available to a news-gathering organization as defined under paragraph (b)1.f. of this subsection.
2. Reports may be provided to news-gathering organizations as defined under paragraph (b)1.a. to e. of this subsection without redaction.
3. For the purposes of this paragraph, "personal information" means:
- a. The address, driver's license number, phone number, date of birth, and any other contact information contained in the report for each person listed on the report; and
 - b. The vehicle identification *number (VIN)* ~~numbers (VINs)~~ for each vehicle listed on the report.
- ~~(10)(9)~~ The motor vehicle insurers of any train engineer or other train crew member involved in an accident on a railroad while functioning in their professional capacity shall be prohibited from obtaining a copy of any accident report filed on the accident under this section without written consent from the individual the company insures. Insurance companies issuing motor vehicle policies in the Commonwealth shall be prohibited from raising a policyholder's rates solely because the policyholder, in his or her professional capacity, is a train engineer or other train crew member involved in an accident on a railroad.

~~(11)(10)~~ For reporting and statistical purposes, motor scooters and autocycles as defined in KRS 186.010 shall be listed as a distinct category and shall not be considered to be a motor vehicle or a motorcycle for reports issued under this section.

➔Section 2. KRS 61.870 is amended to read as follows:

As used in KRS 61.870 to 61.884, unless the context requires otherwise:

- (1) "Public agency" means:
 - (a) Every state or local government officer;
 - (b) Every state or local government department, division, bureau, board, commission, and authority;
 - (c) Every state or local legislative board, commission, committee, and officer;
 - (d) Every county and city governing body, council, school district board, special district board, and municipal corporation;
 - (e) Every state or local court or judicial agency;
 - (f) Every state or local government agency, including the policy-making board of an institution of education, created by or pursuant to state or local statute, executive order, ordinance, resolution, or other legislative act;
 - (g) Any body created by state or local authority in any branch of government;
 - (h) Any body which, within any fiscal year, derives at least twenty-five percent (25%) of its funds expended by it in the Commonwealth of Kentucky from state or local authority funds. However, any funds derived from a state or local authority in compensation for goods or services that are provided by a contract obtained through a public competitive procurement process shall not be included in the determination of whether a body is a public agency under this subsection;
 - (i) Any entity where the majority of its governing body is appointed by a public agency as defined in paragraph (a), (b), (c), (d), (e), (f), (g), (h), (j), or (k) of this subsection; by a member or employee of such a public agency; or by any combination thereof;
 - (j) Any board, commission, committee, subcommittee, ad hoc committee, advisory committee, council, or agency, except for a committee of a hospital medical staff, established, created, and controlled by a public agency as defined in paragraph (a), (b), (c), (d), (e), (f), (g), (h), (i), or (k) of this subsection; and
 - (k) Any interagency body of two (2) or more public agencies where each public agency is defined in paragraph (a), (b), (c), (d), (e), (f), (g), (h), (i), or (j) of this subsection;
- (2) "Public record" means all books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by a public agency. "Public record" shall not include any records owned or maintained by or for a body referred to in subsection (1)(h) of this section that are not related to functions, activities, programs, or operations funded by state or local authority;
- (3) (a) "Software" means the program code which makes a computer system function, but does not include that portion of the program code which contains public records exempted from inspection as provided by KRS 61.878 or specific addresses of files, passwords, access codes, user identifications, or any other mechanism for controlling the security or restricting access to public records in the public agency's computer system.
 - (b) "Software" consists of the operating system, application programs, procedures, routines, and subroutines such as translators and utility programs, but does not include that material which is prohibited from disclosure or copying by a license agreement between a public agency and an outside entity which supplied the material to the agency;
- (4) (a) "Commercial purpose" means the direct or indirect use of any part of a public record or records, in any form, for sale, resale, solicitation, rent, or lease of a service, or any use by which the user expects a profit either through commission, salary, or fee.
 - (b) "Commercial purpose" shall not include:
 1. Publication or related use of a public record by a newspaper or periodical;

2. Use of a public record by a radio or television station in its news or other informational programs; or
 3. Use of a public record in the preparation for prosecution or defense of litigation, or claims settlement by the parties to such action, or the attorneys representing the parties;
- (5) "Official custodian" means the chief administrative officer or any other officer or employee of a public agency who is responsible for the maintenance, care and keeping of public records, regardless of whether such records are in his actual personal custody and control;
 - (6) "Custodian" means the official custodian or any authorized person having personal custody and control of public records;
 - (7) "Media" means the physical material in or on which records may be stored or represented, and which may include, but is not limited to paper, microform, disks, diskettes, optical disks, magnetic tapes, and cards;
 - (8) "Mechanical processing" means any operation or other procedure which is transacted on a machine, and which may include, but is not limited to a copier, computer, recorder or tape processor, or other automated device;
 - (9) "Booking photograph and photographic record of inmate" means a photograph or image of an individual generated by law enforcement for identification purposes when the individual is booked into a detention facility as defined in KRS 520.010 or photograph and image of an inmate taken pursuant to KRS 196.099; and
 - (10) "Resident of the Commonwealth" means:
 - (a) An individual residing in the Commonwealth;
 - (b) A domestic business entity with a location in the Commonwealth;
 - (c) A foreign business entity registered with the Secretary of State;
 - (d) An individual that is employed and works at a location or locations within the Commonwealth;
 - (e) An individual or business entity that owns real property within the Commonwealth;
 - (f) Any individual or business entity that has been authorized to act on behalf of an individual or business entity defined in paragraphs (a) to (e) of this subsection; or
 - (g) A news-gathering organization as defined in KRS 189.635(9)~~(8)~~(b)1.a. to e..

Signed by Governor March 29, 2024.

CHAPTER 24

(SB 125)

AN ACT relating to off-highway vehicles.

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

➔Section 1. KRS 189.281 is amended to read as follows:

After June 29, 2021, and until July 1, ~~2027~~~~2024~~:

- (1) As used in this section:
 - (a) "Local government" means:
 1. A city, county, charter county government, urban-county government, consolidated local government, or unified local government that is located within the boundaries of a regional authority, or the Kentucky Mountain Regional Recreation Authority established under KRS 148.0222, acting on behalf of a local government that is part of the authority; *or*
 2. *Any city, county, charter county government, urban-county government, consolidated local government, or unified local government that operates a public OHV trail system;*
 - (b) "Off-highway vehicle" or "OHV" means a motorized vehicle that:

1. Is designed to be primarily used for recreational purposes;
 2. Has a maximum speed that is greater than thirty-five (35) miles per hour;
 3. Is equipped with the following:
 - a. Four (4) to six (6) highway or nonhighway tires;
 - b. A steering wheel or steering mechanism;
 - c. Brakes;
 - d. Headlamps;
 - e. Tail lamps;
 - f. Brake lights;
 - g. One (1) red reflex reflector on each side as far to the rear as practicable and one (1) red reflex reflector on the rear;
 - h. A working muffler;
 - i. A parking brake;
 - j. A spark arrestor; and
 - k. For multi-passenger vehicles, an exterior mirror mounted on the driver's side of the vehicle, either an interior mirror or an exterior mirror mounted on the passenger's side of the vehicle, and for each designated seating position, a seatbelt assembly that conforms to the federal motor vehicle safety standard provided in 49 C.F.R. sec. 571.209; and
- (c) "Regional authority" means:
1. The Kentucky Mountain Regional Recreation Authority established in KRS 148.0222; and
 2. Any other authority established in Kentucky Revised Statutes~~[, prior to June 29, 2021,]~~ that oversees lands in two (2) or more contiguous counties, on which there is a system of recreational trails, including streams, rivers, and other waterways, and appurtenant facilities, including trailhead centers, parking areas, camping facilities, picnic areas, recreational areas, historic or cultural interpretive sites, and other facilities in Kentucky and designated by the regional authority.
- (2) (a) The legislative body of a local government that is currently or formerly located within the boundaries of a regional authority, or which currently operates a public OHV trail system, may establish a pilot program, by ordinance, to authorize and regulate the operation of an OHV on any public roadway or any section of city or county roadway for which it bears responsibility.
- (b) Prior to enacting an OHV ordinance under paragraph (a) of this subsection, the legislative body of a local government shall notify the public of its plans to allow OHV use on roadways under its jurisdiction. Public notice under this paragraph shall:
1. Notify the public of the time, subject, and location of the public meeting and shall be posted in both a local newspaper, if any, and a newspaper of general circulation in the county;
 2. Include a list and map of all roadways and connecting trails that the local government intends to designate for OHV use; and
 3. Be placed on the ~~website~~~~[Web site]~~ of the local government.
- (c) A local government may petition the Transportation Cabinet to include, in an OHV ordinance adopted under paragraph (a) of this subsection, state-maintained roadways or sections of state-maintained roadways located within the local government's jurisdictional boundaries. The local government shall submit the following to the Transportation Cabinet for approval:
1. The minutes from the public meeting or meetings held prior to adoption of an OHV ordinance under this subsection;
 2. A list and map of all roadways and connecting trails that the local government intends to designate for OHV use;

3. An enforcement plan to ensure that all OHVs operating on roadways under this section meet all of the requirements established under this section, including verification of required insurance coverage;
 4. A plan to notify the public and OHV users of the operation of OHVs on state and local roadways within the boundaries of the local government;
 5. A safety plan for OHV roadway use; and
 6. Any other requirements established by the Transportation Cabinet under subsection (16) of this section.
- (d) The Transportation Cabinet shall, within ninety (90) days of receipt of a petition and all information required in paragraph (c) of this subsection, respond to the local government with approval or denial of the request submitted.
- (e) Any OHV ordinance adopted under this section shall be adopted at a public meeting.
- (3) A fully controlled access highway shall not be designated for OHV use under this section.
- (4) A local government that has enacted an OHV ordinance under this section shall notify the Transportation Cabinet of any collision involving an OHV that occurred on any roadway approved for OHV use under this section.
- (5) A person may operate an OHV on a public roadway pursuant to subsection (2) of this section if the:
- (a) Operator is eighteen (18) years of age or older;
 - (b) Operator has a valid operator's license in his or her possession;
 - (c) OHV is insured by the owner or operator, for the payment of tort liabilities in the same form and amounts as set forth in KRS 304.39-110 for motorcycles;
 - (d) Proof of insurance is inside the OHV at all times of operation on a public roadway; and
 - (e) OHV is equipped with all safety equipment required under this section.
- (6) Any person operating an OHV on a public roadway under this section shall be subject to the same traffic regulations of this chapter as a motor vehicle, including KRS 189.520 prohibiting the operation of a vehicle that is not a motor vehicle, while under the influence of intoxicants or substances which may impair driving.
- (7) A person shall not operate an OHV under this section on any public roadway:
- (a) Between one (1) hour after sunset and one (1) hour before sunrise, unless the person can demonstrate cause for driving, including but not limited to emergencies; or
 - (b) While carrying passengers on a trailer or any other towed unit.
- (8) Any passenger of an OHV that is under the age of sixteen (16) shall be required to wear a helmet that meets the national standards prescribed by the United States Department of Transportation.
- (9) An operator and any passengers shall wear eye protection when operating or riding an OHV that is not equipped with a windshield.
- (10) (a) The Transportation Cabinet shall be responsible for the cost, placement, and maintenance of signage denoting state highways that have been authorized for OHV use under this section.
- (b) The local government shall be responsible for the cost, placement, and maintenance of signage denoting local roadways that have been designated for OHV use under this section.
- (c) The local government shall be responsible for monthly inspection of state and local OHV signage.
- (11) An OHV operating on a public roadway designated by a local government under subsection (2) of this section is not considered to be a motor vehicle and shall be exempt from:
- (a) Vehicle registration requirements of KRS 186.050; and
 - (b) Emissions compliance certificates pursuant to KRS 224.20-720.
- (12) A local government may adopt more stringent local ordinances governing OHV safety equipment and operation than specified in this section.

- (13) If deemed in the interest of public safety, the Transportation Cabinet may:
- (a) Prohibit the operation of an OHV on any public roadway designated under subsection (2) of this section that crosses a state-maintained roadway; or
 - (b) Rescind approval given under subsection (2)(d) of this section.
- (14) This section shall not apply to:
- (a) An OHV operated on any private or public recreational trail or area;
 - (b) An OHV operating under the exemptions for highway use under KRS 189.515; or
 - (c) A publicly owned and operated OHV used for wildlife management, law enforcement, emergency services, or other governmental purposes.
- (15) Nothing in this section shall be interpreted or construed to require an insurance company to provide OHV insurance coverage.
- (16) The Transportation Cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A to implement this section, including but not limited to:
- (a) Prescribing of any forms or applications needed;
 - (b) Establishing criteria for OHV ordinances;
 - (c) Establishing OHV enforcement requirements;
 - (d) Establishing criteria for rescinding approval pursuant to subsection (13) of this section;
 - (e) Establishing OHV safety requirements;
 - (f) Establishing OHV safety equipment verification protocol; and
 - (g) Establishing OHV safety plan requirements.

Signed by Governor March 29, 2024.

CHAPTER 25

(SB 14)

AN ACT relating to beauty services.

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

➔Section 1. KRS 317A.020 is amended to read as follows:

- (1) No person shall engage in the practice of cosmetology, esthetic practices, or nail technology for other than cosmetic purposes nor shall any person engage in the practice of cosmetology, esthetic practices, or nail technology for the treatment of physical or mental ailments. This chapter does not apply to:
 - (a) Persons authorized by the law of this state to practice medicine, podiatry, optometry, dentistry, chiropractic, nursing, or embalming who perform incidental practices of cosmetology, esthetic practices, and nail technology in the normal course of the practice of their profession;
 - (b) Commissioned medical or surgical personnel of the United States Armed Forces who perform incidental practices of cosmetology, esthetic practices, or nail technology in the course of their duties;
 - (c) Cosmetology, esthetic practices, or nail technology services performed at an institution operated or under contract to the Department of Corrections or the Department of Juvenile Justice; and
 - (d) Persons engaged in natural hair braiding.
- (2) Except as provided in subsection (1) of this section, no person shall engage in the practice of cosmetology, esthetic practices, or nail technology for the public, generally, or for consideration without the appropriate license required by this chapter.

- (3) No person unless duly and properly licensed pursuant to this chapter shall:
- (a) Teach cosmetology, esthetic practices, or nail technology;
 - (b) Operate a beauty salon;
 - (c) Operate an esthetic salon;
 - (d) Act as an esthetician;
 - (e) Operate a nail salon;
 - (f) Act as a nail technician; or
 - (g) Conduct or operate a school for cosmetologists, estheticians, or nail technicians.
- (4) No person shall aid or abet any person in violating this section, nor shall any person engage or employ for consideration any person to perform any practice licensed by this chapter unless the person to perform the practice holds and displays the appropriate license.
- (5) No licensed cosmetology or esthetic practices instructors, licensed cosmetologists, licensed estheticians, or licensed nail technicians shall hold clinics for teaching or demonstrating for personal profit, either monetary or otherwise, if the clinics are not sponsored by a recognized professional cosmetologist's, esthetician's, or nail technician's group.
- (6) Whenever a person engages in different practices separately licensed, certified, or permitted by this chapter, that person shall procure a separate license, certificate, or permit for each of the practices in which the person engages.
- (7) ~~{The board may:~~
- ~~(a) — Bring and maintain actions in its own name to enjoin any person in violation of any provision of this chapter. These actions shall be brought in the Circuit Court of the county where the violation is alleged to have occurred;~~
 - ~~(b) — Issue an emergency order in accordance with KRS 13B.125 against any facility licensed by the board. The emergency order shall be based upon probable cause by the board that the emergency order is in the public interest and that there is substantial evidence of immediate danger to the health, welfare, and safety of any customer, patient, or the general public; and~~
 - ~~(c) — Institute civil and criminal proceedings against violators of this chapter. The Attorney General, Commonwealth's attorneys, and county attorneys shall assist the board in prosecuting violations of this chapter.~~
- ~~(8) —~~ }The board shall:
- (a) Govern all issues related to this chapter;
 - (b) Investigate alleged violations brought to its attention, conduct investigations, and schedule and conduct administrative hearings in accordance with KRS Chapter 13B to enforce the provisions of this chapter and administrative regulations promulgated pursuant to this chapter;
 - (c) Administer oaths, receive evidence, interview persons, and require the production of books, papers, documents, or other evidence; and
 - (d) Have the authority to take emergency action affecting the legal rights, duties, privileges, or immunities of named persons without a hearing to stop, prevent, or avoid an immediate danger to the public health, safety, or welfare, in accordance with KRS 13B.125(1), *subject to the following:*
 1. *An emergency order shall be based upon verified probable cause or substantial evidence, documented by the board, that the emergency order is in the interest of public health, welfare, and safety of any customer, patient, or the general public; and*
 2. *Upon the issuance of an emergency order, the board shall comply with the administrative hearing procedures in KRS 13B.125(3) to determine the reinstatement of operations of the licensed facility.*
- (8) *Unless a documented and verified violation creates an immediate and present danger to the health and safety of the public, a warning notice shall be first issued prior to imposing incremental punitive action*

against an otherwise lawful salon. The warning notice shall include a specific and detailed description of the violation and the specific remediation required to bring the salon into compliance.

- (9) *The board may:*
- (a) *Bring and maintain actions in its own name to enjoin any person in violation of any provision of this chapter. These actions shall be brought in the Circuit Court of the county where the violation is alleged to have occurred; and*
 - (b) *Refer violations of this chapter to county attorneys, Commonwealth's attorneys, and to the Attorney General.*
- (10) *Nothing in this section shall be construed to prohibit an instructor, student, cosmetologist, or nail technician from using callus graters for callus removal, and the board shall not promulgate any administrative regulation prohibiting the use of callus graters for callus removal.*

➔Section 2. KRS 317A.030 is amended to read as follows:

- (1) There is created an independent agency of the state government to be known as the Kentucky Board of Cosmetology, which shall have complete supervision over the administration of the provisions of this chapter relating to cosmetology, cosmetologists, schools of cosmetology, or esthetic practices or nail technology, students, estheticians, nail technicians, instructors of cosmetology, instructors of esthetic practices, or instructors of nail technology, cosmetology salons, esthetic salons, and nail salons.
- (2) The board shall be composed of *seven (7)*~~five (5)~~ members appointed by the Governor as follows:
 - (a) Four (4) of the members shall have been cosmetologists five (5) years prior to their appointment and shall reside in Kentucky:
 - 1. Two (2) of whom shall be cosmetology salon owners;
 - 2. One (1) of whom shall be a cosmetology teacher in public education and shall not own any interest in a cosmetology salon; and
 - 3. One (1) of whom shall be an owner of or one who shall have a financial interest in a licensed cosmetology school and shall be a member of a nationally recognized association of cosmetologists;
 - (b) *One (1) member shall be a licensed nail technician;*
 - (c) *One (1) member shall be a licensed esthetician;*
 - (d) One (1) member shall be a citizen at large who is not associated with or financially interested in the practices or businesses regulated; and
 - ~~(e)~~ None of whom nor the executive director shall be financially interested in, or have any financial connection with, wholesale cosmetic supply or equipment businesses.

At all times in the filling of vacancies of membership on the board, this balance of representation shall be maintained.

- (3) Appointments shall be for a term of two (2) years, ending on February 1.
- (4) The Governor shall not remove any member of the board except for cause.
- (5) The board shall elect from its members a chair, a vice chair, and a secretary.
- (6) *Four (4)*~~Three (3)~~ members shall constitute a quorum for the transaction of any board business.
- (7) Each member of the board shall receive one hundred dollars (\$100) per day for each day of attendance at board meetings, and shall be reimbursed for necessary traveling expenses and necessary expenses incurred in the performance of duties pertaining to official business of the board.
- (8) The board shall hold meetings at the place in the state and at the times deemed necessary by the board to discharge its duties.

➔Section 3. KRS 317A.120 is amended to read as follows:

- (1) Examinations given by the board shall cover all phases of qualifications for the license applied for including skill and technique of applicant as well as scientific and other knowledge. National exams may be used if approved by the board.

- (2) Examinations shall be given by trained proctors.
- (3) Examinations shall be given at regularly prescribed intervals.
- (4) Examinations shall be given at locations that have been approved by the board.
- (5) *A nail technician applicant who fails a written theory test or an oral practical demonstration shall be eligible to retake that portion after one (1) month has passed from the date the applicant received actual notice of the failure.*

Signed by Governor March 29, 2024.

CHAPTER 26

(SB 18)

AN ACT relating to school bus equipment.

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

➔Section 1. KRS 156.153 is amended to read as follows:

- (1) (a) All school buses for which bids are made or bid contracts awarded shall meet the standards and specifications of the Kentucky Department of Education. The term "school bus," as used in this section, shall mean any motor vehicle which meets the standards and specifications for school buses as provided by law or by the standards or specifications of the Kentucky Department of Education authorized by law and used solely in transporting school children and school employees to and from school under the supervision and control and at the direction of school authorities, and shall further include school bus accessory equipment and supplies and replacement equipment considered to be reasonably adaptable for purchase from price contract agreements.
 - (b) *The standards and specifications for accessory equipment and supplies and replacement equipment under paragraph (a) of this subsection shall be based on federal safety standards and shall not discriminate among manufacturers unless the Kentucky Department of Education finds evidence that a specific manufacturer's product is defective or dangerous to use.*
 - (c) *The Kentucky Department of Education shall provide the list of standards and specifications for accessory equipment and supplies and replacement equipment to the Finance and Administration Cabinet for the purposes of maintaining the price contract list required under Section 2 of this Act.*
- (2) Except in cases of emergencies or for the transportation of students with disabilities, only school buses as defined in subsection (1) of this section shall be used for transporting students to and from school along regular bus routes. Districts may use district-owned vehicles that were designed and built by the manufacturer for passenger transportation when transporting nine (9) or fewer passengers, including the driver, for approved school activities. Vehicles used under this subsection shall be clearly marked as transporting students and shall be safety inspected no less than once every thirty (30) days.
- (3) As part of its regular procedure for establishing and updating school bus standards and specifications, the Kentucky Department of Education shall consider allowing school buses to operate using clean transportation fuels, as defined in KRS 186.750. If the department determines that school buses may operate using clean transportation fuels while maintaining the same or a higher degree of safety as fuels currently allowed, it shall update its standards and specifications to allow for such use.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 45A IS CREATED TO READ AS FOLLOWS:

The Finance and Administration Cabinet shall compile and maintain a list detailing the price contracts for the procurement of school bus accessory equipment and supplies and replacement equipment that meet the standards and specifications adopted by the Kentucky Department of Education under Section 1 of this Act. The cabinet shall provide districts with access to the list.

Signed by Governor March 29, 2024.

CHAPTER 27

(SB 29)

AN ACT relating to property and casualty insurance and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF SUBTITLE 20 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

- (a) *"Insured" means a person that is entitled, or may be entitled, to receive first-party benefits or payments under an insurance policy;*
- (b) *"Person" includes:*
 - 1. *A natural person;*
 - 2. *Any type or form of corporation, company, partnership, proprietorship, association, or other legal entity; and*
 - 3. *A government, governmental subdivision or agency, or other body politic; and*
- (c) *"Rights or benefits under the policy" includes the insured's right to receive any and all post-loss benefits or payments available or payable under the policy, including but not limited to claim payments.*

(2) *An insured under a property, casualty, or property and casualty insurance policy shall not, either prior to or after a claimed or covered loss, assign or otherwise transfer, in whole or in part, to any other person the insured's:*

- (a) *Duties under the policy; or*
- (b) *Rights or benefits under the policy.*

(3) *Any contract entered in violation of this section shall be void and unenforceable.*

(4) *Nothing in this section shall be construed to prohibit an insured from:*

- (a) *Directing the payment of benefits under KRS 304.39-241;*
- (b) *Authorizing or directing payment to, or paying, a person for services, materials, or any other thing which may be, or is, covered under an insurance policy; or*
- (c) *Assigning rights to seek damages related to a personal injury or tort case, arising from a settlement, verdict, or resulting judgment against the insured that is in excess of the insured's liability insurance coverage, subject to defenses available under Kentucky law.*

➔Section 2. KRS 304.20-060 is amended to read as follows:

(1) *As used in this section:*{+}

- (a) *"Advanced driver assistance system" means any motor vehicle electronic safety system, as outlined in the most recent version of SAE International's SAE J3016 Levels of Driving Automation, that is designed to support the driver and motor vehicle in a manner intended to:*
 - 1. *Increase motor vehicle safety; and*
 - 2. *Reduce losses associated with motor vehicle crashes;*
- (b) *"Motor vehicle glass" means the following on any motor vehicle:*
 - 1. *The glass and non-glass parts associated with the replacement of the glass used in the windshield, doors, or windows; and*
 - 2. *The glass, plastic, or other material used in the lights required by KRS Chapter 189;*

- (c) *"Motor vehicle glass repair shop" means any person, including the person's employees and agents, that for consideration engages in the repair or replacement of damaged motor vehicle glass;*
- (d) *"Person" includes:*
1. *A natural person;*
 2. *Any type or form of corporation, company, partnership, proprietorship, association, or other legal entity; and*
 3. *A government, governmental subdivision or agency, or other body politic; and*
- (e) *"Repair or replacement of damaged motor vehicle glass" includes:*
1. *Inspecting, repairing, restoring, or replacing damaged motor vehicle glass; and*
 2. *Calibrating or recalibrating an advanced driver assistance system when an incident requires the replacement of damaged motor vehicle glass*~~["Safety equipment" shall mean only the glass used in the windshield, doors, and windows, and the glass, plastic, or other material used in the lights required by KRS Chapter 189 on any automobile].~~
- (2) Any *motor vehicle*~~[automobile]~~ insurance policy *issued by an admitted or nonadmitted carrier* that provides comprehensive coverage *or other than collision coverage*, whether designated as such~~[,]~~ or included within a broader coverage, shall, *when the claim is for motor vehicle glass only*, provide complete coverage for repair or replacement of damaged *motor vehicle glass*~~[safety equipment,]~~ without regard to any deductible or minimum amount.
- (3) (a) *An insured that makes a first-party claim for a repair or replacement of damaged motor vehicle glass under a motor vehicle insurance policy shall not be required to use a particular motor vehicle glass repair shop to receive claim payments or other benefits under the policy*~~[This section shall apply to all policies issued after January 1, 1979].~~
- (b) *This subsection shall not be construed to:*
1. *Prohibit an insurer, insurance agent, insurance adjuster, or any person acting on behalf of an insurer, insurance agent, or insurance adjuster from providing an explanation to an insured of the coverage available, and any applicable liability limit, under any insurance policy;*
 2. *Prohibit an insurer from maintaining a network of motor vehicle glass repair shops; or*
 3. *Create a private right of action.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
- (a) *The following have the same meaning as in Section 2 of this Act:*
1. *"Advanced driver assistance system";*
 2. *"Motor vehicle glass";*
 3. *"Motor vehicle glass repair shop";*
 4. *"Person"; and*
 5. *"Repair or replacement of damaged motor vehicle glass"; and*
- (b) *"Insured" means a person that:*
1. *Has made a first-party claim for a repair or replacement of damaged motor vehicle glass under a motor vehicle insurance policy; and*
 2. *Is entitled to insurance benefits or payments as a result of the claim referenced under subparagraph 1. of this paragraph.*
- (2) *A motor vehicle glass repair shop, or any other person who is compensated for the solicitation of insurance claims, shall not offer a rebate, gift, gift card, cash, coupon, fee, prize, bonus, payment, incentive, inducement, or any other thing of value to any insured, insurance producer as defined in KRS 304.9-020, or other person in exchange for directing or making a claim under a motor vehicle insurance policy for a repair or replacement of damaged motor vehicle glass.*

- (3) *A motor vehicle glass repair shop shall not contract with a person for a repair or replacement of damaged motor vehicle glass until:*
- (a) *All of the following are satisfied:*
1. *The person has made a first-party claim for the repair or replacement of damaged motor vehicle glass under a motor vehicle insurance policy;*
 2. *The motor vehicle glass repair shop has received a claim or referral number for the claim referenced under subparagraph 1. of this paragraph; and*
 3. *The requirements of subsection (4) of this section are satisfied; or*
- (b) *The person either:*
1. *States, in writing, that the person does not have first-party motor vehicle insurance coverage for the repair or replacement of damaged motor vehicle glass; or*
 2. *Declines, in writing, to make a first-party claim for the repair or replacement of damaged motor vehicle glass under a motor vehicle insurance policy.*
- (4) *Prior to contracting with an insured for a repair or replacement of damaged motor vehicle glass, a motor vehicle glass repair shop shall:*
- (a) *Notify the insured:*
1. *Whether the motor vehicle has an advanced driver assistance system;*
 2. *If the motor vehicle has an advanced driver assistance system:*
 - a. *Whether calibration or recalibration of the motor vehicle's advanced driver assistance system is required to:*
 - i. *Make the advanced driver assistance system operable; and*
 - ii. *Ensure that the repair or replacement of damaged motor vehicle glass is performed in a manner that meets the motor vehicle manufacturer's specifications;*
 - b. *Whether the motor vehicle glass repair shop can calibrate or recalibrate the advanced driver assistance system in a manner that meets the motor vehicle manufacturer's specifications; and*
 - c. *If the motor vehicle glass repair shop is not capable of performing a calibration or recalibration referenced in subdivision b. of this subparagraph, that the motor vehicle should be taken to the vehicle manufacturer's certified dealership or a qualified specialist capable of performing the calibration or recalibration; and*
 3. *If calibration or recalibration of the motor vehicle's advanced driver assistance system is performed, that the motor vehicle glass repair shop will provide written notice to the insured:*
 - a. *As to whether the calibration or recalibration was successful; and*
 - b. *If the calibration or recalibration was not successful, that the motor vehicle should be taken to the vehicle manufacturer's certified dealership or a qualified specialist capable of performing the calibration or recalibration; and*
- (b) *Provide the insured an invoice, which shall, at a minimum, include:*
1. *An estimate of the fees and costs that are anticipated to be charged to the insured by the motor vehicle glass repair shop for the repair or replacement of damaged motor vehicle glass;*
 2. *The shop's standard fees and costs for a repair or replacement of damaged motor vehicle glass; and*
 3. *Notice that the motor vehicle glass repair shop is prohibited under subsection (5)(a) of this section from charging higher fees and costs to an insured for a repair or replacement of damaged motor vehicle glass than are reasonable and customarily charged in Kentucky.*
- (5) *A motor vehicle glass repair shop:*

- (a) *Shall not charge higher fees and costs to an insured for a repair or replacement of damaged motor vehicle glass than are reasonable and customarily charged in Kentucky;*
 - (b) *Upon completion of a repair or replacement of damaged motor vehicle glass, shall provide an insured:*
 - 1. *A receipt; and*
 - 2. *For any calibration or recalibration of an advanced driver assistance system, a notice that states whether the advanced driver assistance system is in working order; and*
 - (c) *Shall not knowingly:*
 - 1. *Submit false, misleading, or incomplete documentation or information to an insured or an insured's insurer, including any agent of the insured or insurer, for a repair or replacement of damaged motor vehicle glass;*
 - 2. *With respect to an insured's claim, or potential claim, for a repair or replacement of damaged motor vehicle glass, do the following, which results, or would result, in a higher insurance payment or a change of insurance coverage status:*
 - a. *Indicate that work was performed in a geographical area that was not the geographical area where the work occurred; or*
 - b. *Advise an insured to falsify the date of damage;*
 - 3. *Falsely sign a work order or other insurance-related form relating to an insured's claim, or potential claim, for a repair or replacement of damaged motor vehicle glass;*
 - 4. *Misrepresent to an insured or the insured's insurer, including any agent of the insured or insurer, the price of a proposed repair or replacement of damaged motor vehicle glass;*
 - 5. *State that an insured's insurer has approved a repair or replacement of damaged motor vehicle glass without:*
 - a. *Verifying coverage directly with, or obtaining approval directly from, the insurer or the insurer's agent; and*
 - b. *Obtaining confirmation of the coverage or approval by facsimile, email, or other written or recorded communication;*
 - 6. *State that a repair or replacement of damaged motor vehicle glass will be paid for entirely by an insurer and at no cost to the insured unless the coverage has been verified by the insurer or the insurer's agent; or*
 - 7. *With respect to an insured's claim, or potential claim, for a repair or replacement of damaged motor vehicle glass:*
 - a. *Damage, or encourage an insured to damage, the motor vehicle in order to increase the scope of the repair or replacement of damaged motor vehicle glass;*
 - b. *Perform work that is clearly and substantially beyond the level of work necessary to restore the motor vehicle to a safe pre-damaged condition in accordance with accepted or approved reasonable and customary techniques for the repair or replacement of damaged motor vehicle glass; or*
 - c. *Misrepresent the motor vehicle glass repair shop's relationship to an insurer or the insurer's agent.*
- (6) *It may be presumed that a motor vehicle glass repair shop is acting knowingly in violation of subsection (5)(c) of this section if the motor vehicle glass repair shop engages in a regular and consistent pattern of the prohibited activity.*
 - (7) *Any notice or invoice required under this section shall be in at least twelve (12) point font.*
 - (8) (a) *An insurer or insured may institute an action in any court of competent jurisdiction against any motor vehicle glass repair shop or other person alleged to have violated this section.*
 - (b) *In any action brought under this subsection, if the court finds that the motor vehicle glass repair shop or other person has violated this section, the plaintiff may:*

1. *Obtain an injunction to enjoin a continuance of any act in violation of this section;*
 2. *Recover damages at two (2) times the amount of any actual economic damages sustained; and*
 3. *Be awarded reasonable attorney's fees and costs.*
- (c) *It shall not be necessary that actual damages be alleged or proved in order to recover injunctive relief or attorney's fees and costs.*
- (9) *All of the remedies, powers, and duties delegated to the Attorney General by KRS 367.110 to 367.300, and the penalties provided in KRS 367.990, pertaining to acts and practices declared unlawful by KRS 367.170, shall apply with equal force and effect to acts and practices declared unlawful in this section.*
- (10) (a) *The remedies and penalties prescribed in this section shall be cumulative.*
- (b) *Nothing in this section shall be construed to limit or restrict the powers, duties, remedies, or penalties available to the Attorney General, the Commonwealth, or any other person under any other statutory or common law.*
- (11) *The Attorney General may promulgate any administrative regulations necessary to effectuate, or as an aid to the effectuation of, the proper enforcement of this section.*
- ➔Section 4. KRS 304.39-320 is amended to read as follows:
- (1) As used in this section, "underinsured motorist" means a party with motor vehicle liability insurance coverage in an amount less than a judgment recovered against that party for damages on account of injury due to a motor vehicle accident.
 - (2) Every insurer shall make available, upon request, to its insureds underinsured motorist coverage, whereby, subject to the terms and conditions of ~~the~~^{such} coverage not inconsistent with this section, the insurance company agrees to pay its own insured for such uncompensated damages as he *or she* may recover on account of injury due to a motor vehicle accident because the judgment recovered against the owner of the other vehicle exceeds the liability policy limits thereon, to the extent of the underinsurance policy limits on the vehicle of the party recovering.
 - (3) (a) If an injured person or, in the case of death, the personal representative, agrees to settle a claim with a liability insurer and its insured, and the settlement would not fully satisfy the claim for personal injuries or wrongful death so as to create an underinsured motorist claim, then written notice of the proposed settlement ~~shall~~^{must} be submitted by certified or registered mail to all underinsured motorist insurers that provide coverage.
 - (b) The underinsured motorist insurer then has a period of thirty (30) days to consent to the settlement or retention of subrogation rights.
 - (c) An injured person, or in the case of death, the personal representative, may agree to settle a claim with a liability insurer and its insured for less than the underinsured motorist's full liability policy limits.
 - (d) If an underinsured motorist insurer consents to settlement or fails to respond as required by subsection (4) of this section to the settlement request within the thirty (30) day period, the injured party may proceed to:
 1. Execute a full release in favor of the underinsured motorist's liability insurer and its insured; and
 2. Finalize the proposed settlement without prejudice to any underinsured motorist claim.
 - (4) If an underinsured motorist insurer chooses to preserve its subrogation rights by refusing to consent to settle, the underinsured motorist insurer ~~shall~~^{must}, within thirty (30) days after receipt of the notice of the proposed settlement, pay to the injured party the amount of the written offer from the underinsured motorist's liability insurer. Thereafter, upon final resolution of the underinsured motorist claim, the underinsured motorist insurer is entitled to seek subrogation against:
 - (a) The liability insurer to the extent of its limits of liability insurance;~~;~~[;] and
 - (b) The underinsured motorist for the amounts paid to the injured party.
 - (5) (a) *Except as provided in paragraph (b) of this subsection*, the underinsured motorist insurer is entitled to a credit against total damages *caused by or as a result of a motor vehicle accident* in the amount of the limits of the underinsured motorist's liability policies in all cases to which this section applies, even if the settlement with the underinsured motorist under subsection (3) of this section or the payment by the

underinsured motorist insurer under subsection (4) of this section is for less than the underinsured motorist's full liability policy limits. ~~The term "total damages" as used in this section means the full amount of damages determined to have been sustained by the injured party, regardless of the amount of underinsured motorist coverage. Nothing in this section, including any payment or credit under this subsection, reduces or affects the total amount of underinsured motorist coverage available to the injured party.~~

- (b) *If the full liability limits of the underinsured motorist's liability coverage are paid to multiple injured persons, including, in the case of death, the personal representative, pursuant to a reasonable settlement with the injured persons that is based on a pro rata distribution of the underinsured motorist's liability coverage in proportion to the injured persons' total damages, the credit to which the underinsured motorist insurer is entitled under paragraph (a) of this subsection shall be limited to the amount paid to the injured party.*
- (c) *This subsection shall not be construed to prohibit an underinsured motorist insurer from seeking to apply or enforce other credits or offsets against total damages which are:*
1. *Expressly included in the terms and conditions of the underinsured motorist coverage, subject to Kentucky law; or*
 2. *Otherwise authorized under Kentucky law.*

➔Section 5. KRS 304.14-250 is amended to read as follows:

Except as provided in KRS 304.17A-265 *and Section 1 of this Act:*

- (1) A policy may be assignable or not assignable, as provided by its terms;
- (2) Subject to its terms relating to assignability, a life or health insurance policy, regardless of when it was issued, under the terms of which the beneficiary may be changed upon the sole request of the insured or owner, may be assigned either by pledge or transfer of title, by an assignment executed by the insured or owner alone and delivered to the insurer, whether or not the pledgee or assignee is the insurer;
- (3) Any assignment of a policy which is otherwise lawful and of which the insurer has received notice shall entitle the insurer to deal with the assignee as the owner or pledgee of the policy in accordance with the terms of the assignment, until the insurer has received at its principal office written notice of the termination of the assignment or pledge or written notice by or on behalf of some interest in the policy in conflict with the assignment; and
- (4)
 - (a) Any individual insured under a group insurance policy or group annuity contract shall have the right, unless expressly prohibited under the terms of the policy or contract, to assign to any other person his *or her* rights and benefits under the policy or contract, including but not limited to the right to designate the beneficiary or beneficiaries and the rights as to conversion provided for in KRS 304.16-180 to 304.16-200, inclusive.
 - (b) While the assignment is in effect, and regardless of when it was made, the insurer shall be entitled to deal with the assignee as the owner of the rights and benefits in accordance with the terms of the assignment and without prejudice to the insurer on account of any lawful action taken or payment made by the insurer prior to receipt by the insurer at its principal office of written notice of the assignment or of the termination thereof.
 - (c) This subsection acknowledges, confirms, and codifies the existing right of assignment of interests under group life insurance policies.

➔Section 6. This Act applies to insurance policies issued or renewed on or after the effective date of this Act.

➔Section 7. Whereas there is a significant and legitimate need to eliminate trade practices that result in unnecessary delays in payment to insureds and unreasonable financial loss for both insureds and insurers, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 2, 2024.

CHAPTER 28**(HJR 56)**

A JOINT RESOLUTION authorizing the release of capital construction funds to the Department of Parks for improvements to Kentucky State Parks and declaring an emergency.

WHEREAS, the General Assembly recognizes the need to secure the future of Kentucky State Parks for generations to come; and

WHEREAS, 2022 Ky. Acts ch. 199, Part I, L., 4., (6) requires the Department of Parks' comprehensive statewide proposal to be approved by the General Assembly in order to release the appropriated capital construction funds; and

WHEREAS, the Department of Parks has submitted its comprehensive statewide proposal to the Interim Joint Committee on Appropriations and Revenue;

NOW, THEREFORE,

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

➔Section 1. The General Assembly of the Commonwealth of Kentucky hereby approves a portion of the Department of Parks' addendum to the statewide proposal submitted to the Interim Joint Committee on Appropriations and Revenue. The Office of State Budget Director is authorized to release \$71,000,000 in capital construction funds for use by the Department of Parks, as appropriated by 2022 Ky. Acts ch. 199, Part II, J., 2., 002, to be used as follows:

- (1) \$6,883,200 for:
 - (a) Building systems repair and replacement projects at:
 1. Barren River Lake State Resort Park;
 2. General Butler State Resort Park;
 3. Pennyrile Forest State Resort Park; and
 4. Dale Hollow Lake State Resort Park; and
 - (b) Various building envelope and energy reduction projects;
- (2) \$3,000,000 for:
 - (a) Life safety system upgrades and replacement projects at:
 1. Pennyrile Forest State Resort Park; and
 2. Kentucky Dam Village State Resort Park; and
 - (b) Replacement of electronic access control systems at all Kentucky state resort parks;
- (3) \$7,011,800 for structural and safety repairs at:
 1. Barren River Lake State Resort Park;
 2. Blue Licks Battlefield State Resort Park;
 3. Buckhorn Lake State Resort Park;
 4. Carter Caves State Resort Park;
 5. Columbus-Belmont State Park;
 6. Cumberland Falls State Resort Park;
 7. Dale Hollow Lake State Resort Park;
 8. E.P. "Tom Sawyer" State Park;
 9. Fort Boonesborough State Park;
 10. General Butler State Resort Park;
 11. Greenbo Lake State Resort Park;

12. John James Audubon State Park;
 13. Kenlake State Resort Park;
 14. Kentucky Dam Village State Resort Park;
 15. Lake Cumberland State Resort Park;
 16. Natural Bridge State Resort Park;
 17. Old Fort Harrod State Park;
 18. Pennyrile Forest State Resort Park;
 19. Perryville Battlefield State Historic Site;
 20. Pine Mountain State Resort Park; and
 21. Rough River Dam State Resort Park;
- (4) \$1,065,000 for statewide ADA mobility improvements Phase I at:
1. Dale Hollow Lake State Resort Park for bridge pedways;
 2. Cumberland Falls State Resort Park for the Clifty Falls bathroom; and
 3. My Old Kentucky Home State Park;
- (5) \$5,000,000 for:
- (a) Dam safety reconstruction and repairs at:
 1. Pennyrile Forest State Resort Park; and
 2. Natural Bridge State Resort Park; and
 - (b) Mower equipment for dam maintenance;
- (6) \$1,280,000 for upgrades to the recreational building and pool at E.P. "Tom Sawyer" State Park;
- (7) \$2,760,000 for Lake Barkley State Resort Park Lodge wing interior upgrades;
- (8) \$22,000,000 for accommodation hospitality upgrades at:
- (a) Barren River Lake State Resort Park;
 - (b) Blue Licks Battlefield State Resort Park;
 - (c) Buckhorn Lake State Resort Park;
 - (d) Carter Caves State Resort Park;
 - (e) Cumberland Falls State Resort Park;
 - (f) Dale Hollow Lake State Resort Park;
 - (g) General Butler State Resort Park;
 - (h) Jenny Wiley State Resort Park;
 - (i) Kenlake State Resort Park;
 - (j) Kentucky Dam Village State Resort Park;
 - (k) Lake Barkley State Resort Park;
 - (l) Lake Cumberland State Resort Park;
 - (m) Natural Bridge State Resort Park;
 - (n) Pine Mountain State Resort Park; and
 - (o) Rough River Dam State Resort Park;
- (9) \$11,955,900 for pool improvements and repairs at:
- (a) Blue Licks Battlefield State Resort Park;

- (b) Dale Hollow Lake State Resort Park;
 - (c) Greenbo Lake State Resort Park;
 - (d) Lake Barkley State Resort Park;
 - (e) General Butler State Resort Park;
 - (f) Fort Boonesborough State Park;
 - (g) Barren River Lake State Resort Park;
 - (h) Carter Caves State Resort Park;
 - (i) Dale Hollow Lake State Resort Park;
 - (j) E.P. "Tom Sawyer" State Park;
 - (k) General Burnside Island State Park;
 - (l) Lake Cumberland State Resort Park;
 - (m) Big Bone Lick State Historic Site campground; and
 - (n) Pennyrile Forest State Resort Park;
- (10) \$346,600 for beach refurbishment at:
- (a) Green River Lake State Park;
 - (b) Barren River Lake State Park;
 - (c) Kentucky Dam Village State Resort Park;
 - (d) Pennyrile Forest State Resort Park;
 - (e) Buckhorn Lake State Resort Park;
 - (f) Lake Malone State Park;
 - (g) Nolin Lake State Park; and
 - (h) Lake Barkley State Resort Park;
- (11) \$1,200,000 for:
- (a) Playground upgrades and improvements at:
 - 1. Lake Malone State Park;
 - 2. Carter Caves State Resort Park;
 - 3. Jefferson Davis State Historic Site;
 - 4. E.P. "Tom Sawyer" State Park;
 - 5. Fort Boonesborough State Park;
 - 6. Green River Lake State Park;
 - 7. Kentucky Dam Village State Resort Park;
 - 8. Pennyrile Forest State Resort Park; and
 - 9. Big Bone Lick State Historic Site; and
 - (b) Various projects;
- (12) \$5,332,500 for replacing the golf course irrigation at:
- 1. Kentucky Dam Village State Resort Park;
 - 2. Lake Barkley State Resort Park;
 - 3. Barren River Lake State Park; and
 - 4. My Old Kentucky Home State Park;

- (13) \$575,000 for conversion of the Bermuda greens at:
1. Barren River Lake State Park; and
 2. Kentucky Dam Village State Resort Park; and
- (14) \$2,590,000 for repairs to golf course bunkers at:
1. The Cullan at Mineral Mound;
 2. Dale Hollow Lake State Resort Park;
 3. Grayson Lake Golf Course;
 4. My Old Kentucky Home State Park; and
 5. Yatesville Lake Golf Course.

➔Section 2. On or before July 1, 2024, and every calendar year quarter thereafter until each project listed in Section 1 of this Act is completed, the Department of Parks shall submit a written report to the Legislative Research Commission and the Interim Joint Committee on Appropriations and Revenue stating the following:

- (1) The status of each project;
- (2) The total amount spent to date for each project;
- (3) The expected completion date of the projects in progress;
- (4) A brief summary of the delays or issues causing projects to not be completed by the expected completion date and the total amount of costs associated with each delay or issue; and
- (5) The total amount needed to complete each project in progress.

➔Section 3. Whereas the General Assembly recognizes the need to secure the future of Kentucky State Parks for generations to come, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 4, 2024.

CHAPTER 29

(SJR 140)

A JOINT RESOLUTION directing the Public Service Commission to make all staffing, organizational, and administrative preparations necessary to be ready to discharge its regulatory duties relating to applications for the siting and construction of nuclear energy facilities in the Commonwealth.

WHEREAS, with the passage of Senate Bill 11 in 2017, the General Assembly lifted the moratorium on the construction of new nuclear power facilities that had been in place for decades; and

WHEREAS, in 2023, the General Assembly passed Senate Joint Resolution 79 to convene a working group of state officials and representatives of the utility and nuclear industries to advise the General Assembly on the establishment of a permanent nuclear energy commission in state government that could provide for the education, coordination of resources, and professional expertise necessary to foster the development of the nuclear industry in the Commonwealth; and

WHEREAS, pursuant to their responsibilities under 2023 Senate Joint Resolution 79, the Nuclear Energy Development Working Group met four times between May and October of 2023, and thereafter submitted a report to the Legislative Research Commission and the Governor detailing their recommendations for establishing the Kentucky Nuclear Energy Development Authority to serve as the nonregulatory, trusted state government agency on nuclear energy issues and to support and facilitate the development of the nuclear energy ecosystem across the Commonwealth; and

WHEREAS, interest in developing the nuclear energy industry in Kentucky has never been greater for many reasons, including but not limited to the momentum created by the convening of the Nuclear Energy Development Working Group and the recommendations it produced for the establishment of the Kentucky Nuclear Energy

Development Authority; the emergence of promising new nuclear technologies, including small modular reactors, that may be useful in a range of applications in the Commonwealth; and the need for new baseload energy generation to be sited in the Commonwealth in order to maintain the resiliency and reliability of the electric grid; and

WHEREAS, as a result of this ever-growing interest in the development of the nuclear industry in the Commonwealth, it is critical that the Public Service Commission be prepared to discharge its regulatory responsibilities relating to applications for the siting and construction of nuclear energy facilities within its jurisdiction;

NOW, THEREFORE,

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

➔Section 1. The Public Service Commission is hereby directed to make all staffing, organizational, and administrative preparations necessary to be ready to discharge its regulatory duties relating to applications for the siting and construction of nuclear energy facilities in the Commonwealth, including but not limited to:

(1) Conducting a survey of nuclear regulatory staff in other states to determine their pay, experience, and qualifications so that the commission can make informed decisions on the recruitment and hiring of its own nuclear regulatory staff;

(2) Contracting with personnel with expertise in nuclear regulatory matters to be available immediately to assist with the administration of nuclear siting or construction applications should they be filed with the commission;

(3) Providing for the training of existing commission staff on nuclear siting and construction issues;

(4) Amending the administrative regulations promulgated by the commission pursuant to KRS Chapter 13A to require that electric utilities consider the costs and benefits of all generation resources, including but not limited to nuclear power generation resources, when determining how to meet future demand as part of the triennial integrated resource plans that they are required to file with the commission; and

(5) Reviewing, in consultation with experts in state nuclear regulatory matters, and amending, if necessary, all other administrative regulations promulgated by the commission pursuant to KRS Chapter 13A to ensure that they do not contain any provisions that would impede the commission from effectively regulating nuclear facilities or obstruct the development of the nuclear ecosystem in the Commonwealth.

Signed by Governor April 4, 2024.

CHAPTER 30

(HB 361)

AN ACT relating to the Kentucky Board of Medical Licensure.

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

➔Section 1. KRS 311.530 is amended to read as follows:

- (1) There is hereby created in state government an independent board to be known as the State Board of Medical Licensure which shall exercise all medical and osteopathic licensure functions heretofore exercised by the State Board of Health. The offices of the board shall be maintained at such place as is designated by the board.
- (2) The board shall consist of ~~sixteen~~~~fifteen~~ (16)~~(15)~~ members, including:
 - (a) The commissioner of public health *or designee from the Department for Public Health who is a licensed physician pursuant to KRS Chapter 311;*~~;~~
 - (b) The dean of the University of Kentucky College of Medicine *or designee from the University of Kentucky College of Medicine who is a licensed physician pursuant to KRS Chapter 311;*~~;~~
 - (c) The vice dean for clinical affairs of the University of Louisville School of Medicine *or designee from the University of Louisville School of Medicine who is a licensed physician pursuant to KRS Chapter 311;*~~;~~

- (d) The dean of the University of Pikeville ~~College~~~~School~~ of Osteopathic Medicine *or designee from the University of Pikeville College of Osteopathic Medicine who is a licensed physician pursuant to KRS Chapter 311;*~~;~~
 - (e) *The chair of the Physician Assistant Advisory Committee established pursuant to Section 2 of this Act who shall serve as an ex officio nonvoting member;* and
 - (f) Eleven (11) members appointed by the Governor.
- (3) Of the Governor's appointees:
- (a) One (1) member shall be a licensed osteopathic physician and shall be appointed from a list of three (3) names submitted by the Kentucky Osteopathic Medical Association;
 - (b) Seven (7) members shall be licensed medical physicians and shall be appointed from a list of three (3) names submitted for each position by the Kentucky Medical Association; and
 - (c) Three (3) members shall be citizens at large who are representatives of any recognized consumer advocacy groups with an interest in the delivery of health care and are not associated with or financially interested in the practice or business regulated.
- ➔Section 2. KRS 311.842 is amended to read as follows:
- (1) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A relating to the licensing and regulation of physician assistants, including but not limited to:
 - (a) Temporary licensing;
 - (b) Professional standards for prescribing and administering controlled substances; and
 - (c) Professional standards for prescribing or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone.
 - (2) The board shall establish a nine (9) member Physician Assistant Advisory Committee that shall review and make recommendations to the board regarding all matters relating to physician assistants that come before the board, including but not limited to:
 - (a) Applications for physician assistant licensing;
 - (b) Licensing renewal requirements;
 - (c) Approval of supervising physicians;
 - (d) Disciplinary actions; and
 - (e) Promulgation and revision of administrative regulations.
 - (3) Members of the Physician Assistant Advisory Committee shall be appointed by the board for four (4) year terms and shall consist of:
 - (a) Five (5) practicing physician assistants, *each selected from a list of three (3) names submitted for each position by the Kentucky Academy of Physician Assistants;*
 - (b) Two (2) supervising physicians;
 - (c) One (1) member of the board; and
 - (d) One (1) citizen at large.
 - (4) The chairperson of the committee shall be *a practicing physician assistant* elected by a majority vote of the committee members and shall be responsible for presiding over meetings that shall be held on a regular basis.
 - (5) Members shall receive reimbursement for expenditures relating to attendance at committee meetings consistent with state policies for reimbursement of travel expenses for state employees.
 - (6) *Members shall not serve more than two (2) consecutive terms.*
 - (7)~~(6)~~ Nothing in this chapter shall be construed to require licensing of a physician assistant student enrolled in a physician assistant or surgeon assistant program accredited by the Accreditation Review Commission on Education for Physician Assistants or its successor agencies or of a physician assistant employed in the service of the federal government while performing duties relating to that employment.

➔Section 3. KRS 311.854 is amended to read as follows:

- (1) A physician shall not supervise a physician assistant without approval of the board. Failure to obtain board approval as a supervising physician or failure to comply with the requirements of KRS 311.840 to 311.862 or related administrative regulations shall be considered unprofessional conduct and shall be subject to disciplinary action by the board that may include revocation, suspension, restriction, or placing on probation the supervising physician's right to supervise a physician assistant.
- (2) To be approved by the board as a supervising physician, a physician shall:
 - (a) Be currently licensed and in good standing with the board;
 - (b) Maintain a practice primarily within this Commonwealth. The board in its discretion may modify or waive this requirement;
 - (c) Submit a completed application and the required fee to the board. The application shall include but is not limited to:
 1. A description of the nature of the physician's practice;
 2. A statement of assurance by the supervising physician that the scope of medical services and procedures described in the application or in any supplemental information shall not exceed the normal scope of practice of the supervising physician;
 3. A description of the means by which the physician shall maintain communication with the physician assistant when they are not in the same physical location;
 4. ~~The name, address, and area of practice of one (1) or more physicians who agree in writing to accept responsibility for supervising the physician assistant in the absence of the supervising physician;~~
 5. A description of the scope of medical services and procedures to be performed by the physician assistant for which the physician assistant has been trained in an approved program; and
 - 5~~6~~. An outline of the specific parameters for review of countersignatures.
- (3) Prior to a physician assistant performing any service or procedure beyond those described in the initial application submitted to the board under subsection (2)(c) of this section, the supervising physician shall supplement that application with information that includes but is not limited to:
 - (a) A description of the additional service or procedure;
 - (b) A description of the physician assistant's education, training, experience, and institutional credentialing;
 - (c) A description of the level of supervision to be provided for the additional service or procedure;
 - (d) The location or locations where the additional service or procedure will be provided; and
 - (e) Any changes to the specific parameters for review of countersignatures.

The initial and supplemental applications required under this section may be submitted to the board at the same time.

- (4) A physician who has been supervising a physician assistant prior to July 15, 2002, may continue supervision and the physician assistant may continue to perform all medical services and procedures that were provided by the physician assistant prior to July 15, 2002. The supervising physician shall submit the initial application and any supplemental application as required in this section by October 15, 2002.
- (5) A physician may enter into supervision agreements with no more than four (4) physician assistants and shall not supervise more than four (4) physician assistants at any one (1) time. Application for board approval to be a supervising physician shall be obtained individually for each physician assistant.
- (6) The board may impose restrictions on the scope of practice of a physician assistant or on the methods of supervision by the supervising physician upon consideration of recommendations of the Physician Assistant Advisory Committee established in KRS 311.842 after providing the applicant with reasonable notice of its intended action and after providing a reasonable opportunity to be heard.

➔Section 4. KRS 311.844 is amended to read as follows:

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

- (a) Submit a completed application form with the required fee;
 - (b) Be of good character and reputation;
 - (c) Be a graduate of an approved program; and
 - (d) Have passed an examination approved by the board within three (3) attempts.
- (2) A physician assistant who is authorized to practice in another state and who is in good standing may apply for licensure by endorsement from the state of his or her credentialing if that state has standards substantially equivalent to those of this Commonwealth.
- (3) A physician assistant's license shall be valid for two (2) years and shall be renewed by the board upon fulfillment of the following requirements:
- (a) The holder shall be of good character and reputation;
 - (b) The holder shall provide evidence of completion, during the previous two (2) years, of a minimum of one hundred (100) hours of continuing education approved by the American Medical Association, the American Osteopathic Association, the American Academy of Family Physicians, the American Academy of Physician Assistants, or by another entity approved by the board. The one hundred (100) hours of continuing education required by this paragraph shall include:
 - 1. During the first two (2) years of licensure or prior to the first licensure renewal, ~~one~~
 - ~~a. One (1) continuing education course on the human immunodeficiency virus and acquired immunodeficiency syndrome; and~~
 - ~~b. One~~ and one-half (1.5) hours of continuing education in the prevention and recognition of pediatric abusive head trauma, as defined in KRS 620.020, *except that graduating physician assistant students may apply pediatric abusive head trauma curriculum taught in their physician assistant graduate education to count towards the required one and one-half (1.5) hours*; and
 - 2. If the license holder is authorized, pursuant to KRS 311.858(5), to prescribe and administer Schedule III, IV, or V controlled substances, a minimum of seven and one-half (7.5) hours of approved continuing education relating to controlled substance diversion, pain management, addiction disorders, use of the electronic system for monitoring controlled substances established in KRS 218A.202, or any combination of two (2) or more of these subjects; and
 - (c) The holder shall provide proof of current certification with the National Commission on Certification of Physician Assistants.

➔Section 5. KRS 311.601 is amended to read as follows:

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

practitioners, and those physicians who will practice in an emergency medicine or urgent care setting may apply pediatric abusive head trauma curriculum taught in their medical school education to count towards the required one (1) hour of continuing medical education.

Signed by Governor April 4, 2024.

CHAPTER 31

(HB 371)

AN ACT relating to mine subsidence insurance.

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

➔Section 1. KRS 304.44-030 is amended to read as follows:

- (1) (a) ~~After July 15, 1984,~~ Every insurance policy issued or renewed insuring on a direct basis a structure located in a county or portion of a county in this state, except for counties exempted pursuant to KRS 304.44-060, shall include, at a separately stated premium, insurance for loss occurring after July 15, 1984, caused by mine subsidence unless waived in writing by the insured.
 - (b) The premium charged for coverage shall be the same as the premium level set by the administrator.
 - (c) The loss coverage shall be the loss in excess of two percent (2%) of the policy's total insured value, but at no time shall the deductible be less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500).
 - (d) The *maximum* total insured value reinsured by the administrator *per structure* shall be:
 1. *Except as provided in subparagraph 2. of this paragraph, five hundred thousand dollars (\$500,000)*~~not exceed three hundred thousand dollars (\$300,000) per structure~~; *or*
 2. *Subject to approval by the commissioner and paragraph (e) of this subsection, an amount determined by the administrator.*
 - (e) *Any amount determined under paragraph (d)2. of this subsection shall:*
 1. *Be based on:*
 - a. *The solvency of the fund;*
 - b. *Premiums; and*
 - c. *Deductibles; and*
 2. *Except as provided in paragraph (f) of this subsection, take effect no sooner than nine (9) months after insurers are notified of the amount.*
 - (f) *An insurer may provide coverage in an amount determined by the administrator under this subsection at any time after receiving notification of the amount.*
 - (g) *The commissioner shall promulgate an administrative regulation in accordance with KRS Chapter 13A to establish a process for notifying insurers of the amount determined by the administrator under this subsection.*
 - (h) ~~An~~*The* insurer shall not be required to write a policy for mine subsidence coverage in excess of the amount reimbursable from the fund as authorized by this subtitle.
- (2) The coverage provided pursuant to subsection (1) of this section shall also include coverage, up to ~~fifty~~~~twenty five~~ thousand dollars (~~\$50,000~~),~~(\$25,000)~~ for the additional living expenses reasonably and necessarily incurred by the owner of a residence who has been temporarily displaced as the direct result of damage to the residence caused by mine subsidence.

➔Section 2. KRS 304.44-050 is amended to read as follows:

- (1) All insurers writing property insurance covering structures in this state shall enter into a reinsurance agreement with the administrator in which each insurer agrees to cede to the administrator one hundred percent (100%), up to **the maximum total insured value established under subsection (1) of Section 1 of this Act** ~~three hundred thousand dollars (\$300,000)~~, of any subsidence insurance coverage issued and, in consideration of the ceding commission retained by the insurer, agrees to undertake adjustment of losses ~~and~~ and payment of taxes ~~and~~ and to absorb all other expenses of the insurer necessary for sale of policies and administration of the mine subsidence insurance program.
- (2) (a) The administrator shall:
1. Agree to reimburse the insurer from the fund for all amounts paid policyholders for claims resulting from subsidence; and ~~shall~~
 2. Pay from the fund all costs of administration incurred by the administrator. ~~but~~
- (b) An insurer **shall** ~~is~~ not **be** required to pay any claim for any loss insured under this subtitle except to the extent that the amount available in the mine subsidence insurance fund is sufficient to reimburse the insurer for such claim.
- (3) Claims made under the provisions of the subtitle shall not be deemed to constitute a debt, liability, or obligation of the Commonwealth or any political subdivision thereof or a pledge of the faith and credit of the Commonwealth or any political subdivision except to the extent the fund has accumulated reserves from premiums, state or federal grants, investment income, or state appropriations.
- ➔Section 3. This Act applies to policies issued or renewed on or after January 1, 2025.
- ➔Section 4. This Act takes effect January 1, 2025.

Signed by Governor April 4, 2024.

CHAPTER 32

(HB 378)

AN ACT relating to state symbols.

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

➔Section 1. KRS 2.091 is amended to read as follows:

Coal ~~Kentucky agate~~ is named and designated as the official rock of Kentucky.

➔Section 2. KRS 2.094 is amended to read as follows:

Calcite ~~Coal~~ is named and designated as the official mineral of Kentucky.

➔Section 3. KRS 2.092 is amended to read as follows:

Kentucky agate ~~The fresh water pearl~~ is named and designated the **official** ~~state~~ gemstone of Kentucky.

Signed by Governor April 4, 2024.

CHAPTER 33

(HB 401)

AN ACT relating to workers' compensation.

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

➔Section 1. KRS 342.0011 is amended to read as follows:

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

- (1) "Injury" means any work-related traumatic event or series of traumatic events, including cumulative trauma, arising out of and in the course of employment which is the proximate cause producing a harmful change in the human organism evidenced by objective medical findings. "Injury" does not include the effects of the natural aging process, and does not include any communicable disease unless the risk of contracting the disease is increased by the nature of the employment. "Injury" when used generally, unless the context indicates otherwise, shall include an occupational disease and damage to a prosthetic appliance, but shall not include a psychological, psychiatric, or stress-related change in the human organism, unless it is a direct result of a physical injury;
- (2) "Occupational disease" means a disease arising out of and in the course of the employment;
- (3) An occupational disease as defined in this chapter shall be deemed to arise out of the employment if there is apparent to the rational mind, upon consideration of all the circumstances, a causal connection between the conditions under which the work is performed and the occupational disease, and which can be seen to have followed as a natural incident to the work as a result of the exposure occasioned by the nature of the employment and which can be fairly traced to the employment as the proximate cause. The occupational disease shall be incidental to the character of the business and not independent of the relationship of employer and employee. An occupational disease need not have been foreseen or expected but, after its contraction, it must appear to be related to a risk connected with the employment and to have flowed from that source as a rational consequence;
- (4) "Injurious exposure" shall mean that exposure to occupational hazard which would, independently of any other cause whatsoever, produce or cause the disease for which the claim is made;
- (5) "Death" means death resulting from an injury or occupational disease;
- (6) "Carrier" means any insurer, or legal representative thereof, authorized to insure the liability of employers under this chapter and includes a self-insurer;
- (7) "Self-insurer" is an employer who has been authorized under the provisions of this chapter to carry his own liability on his employees covered by this chapter;
- (8) "Department" means the Department of Workers' Claims in the Education and Labor Cabinet;
- (9) "Commissioner" means the commissioner of the Department of Workers' Claims under the direction and supervision of the secretary of the Education and Labor Cabinet;
- (10) "Board" means the Workers' Compensation Board;
- (11)
 - (a) "Temporary total disability" means the condition of an employee who has not reached maximum medical improvement from an injury and has not reached a level of improvement that would permit a return to employment;
 - (b) "Permanent partial disability" means the condition of an employee who, due to an injury, has a permanent disability rating but retains the ability to work; and
 - (c) "Permanent total disability" means the condition of an employee who, due to an injury, has a permanent disability rating and has a complete and permanent inability to perform any type of work as a result of an injury, except that total disability shall be irrebuttably presumed to exist for an injury that results in:
 1. Total and permanent loss of sight in both eyes;
 2. Loss of both feet at or above the ankle;
 3. Loss of both hands at or above the wrist;
 4. Loss of one (1) foot at or above the ankle and the loss of one (1) hand at or above the wrist;
 5. Permanent and complete paralysis of both arms, both legs, or one (1) arm and one (1) leg;
 6. Incurable insanity or imbecility; or
 7. Total loss of hearing;
- (12) "Income benefits" means payments made under the provisions of this chapter to the disabled worker or his dependents in case of death, excluding medical and related benefits;

- (13) "Medical and related benefits" means payments made for medical, hospital, burial, and other services as provided in this chapter, other than income benefits;
- (14) "Compensation" means all payments made under the provisions of this chapter representing the sum of income benefits and medical and related benefits;
- (15) "Medical services" means medical, surgical, dental, hospital, nursing, and medical rehabilitation services, medicines, and fittings for artificial or prosthetic devices;
- (16) "Person" means any individual, partnership, limited partnership, limited liability company, firm, association, trust, joint venture, corporation, or legal representative thereof;
- (17) "Wages" means, in addition to money payments for services rendered, the reasonable value of board, rent, housing, lodging, fuel, or similar advantages received from the employer, and gratuities received in the course of employment from persons other than the employer as evidenced by the employee's federal and state tax returns;
- (18) "Agriculture" means the operation of farm premises, including the planting, cultivation, producing, growing, harvesting, and preparation for market of agricultural or horticultural commodities thereon, the raising of livestock for food products and for racing purposes, and poultry thereon, and any work performed as an incident to or in conjunction with the farm operations, including the sale of produce at on-site markets and the processing of produce for sale at on-site markets. It shall not include the commercial processing, packing, drying, storing, or canning of such commodities for market, or making cheese or butter or other dairy products for market;
- (19) "Beneficiary" means any person who is entitled to income benefits or medical and related benefits under this chapter;
- (20) "United States," when used in a geographic sense, means the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, and the territories of the United States;
- (21) "Alien" means a person who is not a citizen, a national, or a resident of the United States or Canada. Any person not a citizen or national of the United States who relinquishes or is about to relinquish his residence in the United States shall be regarded as an alien;
- (22) "Insurance carrier" means every insurance carrier or insurance company authorized to do business in the Commonwealth writing workers' compensation insurance coverage and includes the Kentucky Employers Mutual Insurance Authority and every self-insured group operating under the provisions of this chapter;
- (23)
 - (a) "Severance or processing of coal" means all activities performed in the Commonwealth at underground, auger, and surface mining sites; all activities performed at tipple or processing plants that clean, break, size, or treat coal; and all activities performed at coal loading facilities for trucks, railroads, and barges. Severance or processing of coal shall not include acts performed by a final consumer if the acts are performed at the site of final consumption.
 - (b) "Engaged in severance or processing of coal" shall include all individuals, partnerships, limited partnerships, limited liability companies, corporations, joint ventures, associations, or any other business entity in the Commonwealth which has employees on its payroll who perform any of the acts stated in paragraph (a) of this subsection, regardless of whether the acts are performed as owner of the coal or on a contract or fee basis for the actual owner of the coal. A business entity engaged in the severance or processing of coal, including but not limited to administrative or selling functions, shall be considered wholly engaged in the severance or processing of coal for the purpose of this chapter. However, a business entity which is engaged in a separate business activity not related to coal, for which a separate premium charge is not made, shall be deemed to be engaged in the severance or processing of coal only to the extent that the number of employees engaged in the severance or processing of coal bears to the total number of employees. Any employee who is involved in the business of severing or processing of coal and business activities not related to coal shall be prorated based on the time involved in severance or processing of coal bears to his total time;
- (24) "Premium" for every self-insured group means any and all assessments levied on its members by such group or contributed to it by the members thereof. For special fund assessment purposes, "premium" also includes any and all membership dues, fees, or other payments by members of the group to associations or other entities used for underwriting, claims handling, loss control, premium audit, actuarial, or other services associated with the maintenance or operation of the self-insurance group;

- (25) (a) "Premiums received" for policies effective on or after January 1, 1994, for insurance companies means direct written premiums as reported in the annual statement to the Department of Insurance by insurance companies, except that "premiums received" includes premiums charged off or deferred, and, on insurance policies or other evidence of coverage with provisions for deductibles, the calculated cost for coverage, including experience modification and premium surcharge or discount, prior to any reduction for deductibles. The rates, factors, and methods used to calculate the cost for coverage under this paragraph for insurance policies or other evidence of coverage with provisions for deductibles shall be the same rates, factors, and methods normally used by the insurance company in Kentucky to calculate the cost for coverage for insurance policies or other evidence of coverage without provisions for deductibles, except that, for insurance policies or other evidence of coverage with provisions for deductibles effective on or after January 1, 1995, the calculated cost for coverage shall not include any schedule rating modification, debits, or credits. For policies with provisions for deductibles with effective dates on or after January 1, 1995, assessments shall be imposed on premiums received as calculated by the deductible program adjustment. The cost for coverage calculated under this paragraph by insurance companies that issue only deductible insurance policies in Kentucky shall be actuarially adequate to cover the entire liability of the employer for compensation under this chapter, including all expenses and allowances normally used to calculate the cost for coverage. For policies with provisions for deductibles with effective dates of May 6, 1993, through December 31, 1993, for which the insurance company did not report premiums and remit special fund assessments based on the calculated cost for coverage prior to the reduction for deductibles, "premiums received" includes the initial premium plus any reimbursements invoiced for losses, expenses, and fees charged under the deductibles. The special fund assessment rates in effect for reimbursements invoiced for losses, expenses, or fees charged under the deductibles shall be those percentages in effect on the effective date of the insurance policy. For policies covering covered employees having a co-employment relationship with a professional employer organization and a client as defined in KRS Chapter 336, "premiums received" means premiums calculated using the experience modification factor of each client as defined in KRS Chapter 336 for each covered employee for that portion of the payroll pertaining to the covered employee.
- (b) "Direct written premium" for insurance companies means the gross premium written less return premiums and premiums on policies not taken but including policy and membership fees.
- (c) "Premium," for policies effective on or after January 1, 1994, for insurance companies means all consideration, whether designated as premium or otherwise, for workers' compensation insurance paid to an insurance company or its representative, including, on insurance policies with provisions for deductibles, the calculated cost for coverage, including experience modification and premium surcharge or discount, prior to any reduction for deductibles. The rates, factors, and methods used to calculate the cost for coverage under this paragraph for insurance policies or other evidence of coverage with provisions for deductibles shall be the same rates, factors, and methods normally used by the insurance company in Kentucky to calculate the cost for coverage for insurance policies or other evidence of coverage without provisions for deductibles, except that, for insurance policies or other evidence of coverage with provisions for deductibles effective on or after January 1, 1995, the calculated cost for coverage shall not include any schedule rating modifications, debits, or credits. For policies with provisions for deductibles with effective dates on or after January 1, 1995, assessments shall be imposed as calculated by the deductible program adjustment. The cost for coverage calculated under this paragraph by insurance companies that issue only deductible insurance policies in Kentucky shall be actuarially adequate to cover the entire liability of the employer for compensation under this chapter, including all expenses and allowances normally used to calculate the cost for coverage. For policies with provisions for deductibles with effective dates of May 6, 1993, through December 31, 1993, for which the insurance company did not report premiums and remit special fund assessments based on the calculated cost for coverage prior to the reduction for deductibles, "premium" includes the initial consideration plus any reimbursements invoiced for losses, expenses, or fees charged under the deductibles.
- (d) "Return premiums" for insurance companies means amounts returned to insureds due to endorsements, retrospective adjustments, cancellations, dividends, or errors.
- (e) "Deductible program adjustment" means calculating premium and premiums received on a gross basis without regard to the following:
1. Schedule rating modifications, debits, or credits;

2. Deductible credits; or
 3. Modifications to the cost of coverage from inception through and including any audit that are based on negotiated retrospective rating arrangements, including but not limited to large risk alternative rating options;
- (26) "Insurance policy" for an insurance company or self-insured group means the term of insurance coverage commencing from the date coverage is extended, whether a new policy or a renewal, through its expiration, not to exceed the anniversary date of the renewal for the following year;
- (27) "Self-insurance year" for a self-insured group means the annual period of certification of the group created pursuant to KRS 342.350(4) and 304.50-010;
- (28) "Premium" for each employer carrying his own risk pursuant to KRS 342.340(1) shall be the projected value of the employer's workers' compensation claims for the next calendar year as calculated by the commissioner using generally-accepted actuarial methods as follows:
- (a) The base period shall be the earliest three (3) calendar years of the five (5) calendar years immediately preceding the calendar year for which the calculation is made. The commissioner shall identify each claim of the employer which has an injury date or date of last injurious exposure to the cause of an occupational disease during each one (1) of the three (3) calendar years to be used as the base, and shall assign a value to each claim. The value shall be the total of the indemnity benefits paid to date and projected to be paid, adjusted to current benefit levels, plus the medical benefits paid to date and projected to be paid for the life of the claim, plus the cost of medical and vocational rehabilitation paid to date and projected to be paid. Adjustment to current benefit levels shall be done by multiplying the weekly indemnity benefit for each claim by the number obtained by dividing the statewide average weekly wage which will be in effect for the year for which the premium is being calculated by the statewide average weekly wage in effect during the year in which the injury or date of the last exposure occurred. The total value of the claims using the adjusted weekly benefit shall then be calculated by the commissioner. Values for claims in which awards have been made or settlements reached because of findings of permanent partial or permanent total disability shall be calculated using the mortality and interest discount assumptions used in the latest available statistical plan of the advisory rating organization defined in Subtitle 13 of KRS Chapter 304. The sum of all calculated values shall be computed for all claims in the base period;
 - (b) The commissioner shall obtain the annual payroll for each of the three (3) years in the base period for each employer carrying his own risk from records of the department and from the records of the Department of Workforce Development, Education and Labor Cabinet. The commissioner shall multiply each of the three (3) years of payroll by the number obtained by dividing the statewide average weekly wage which will be in effect for the year in which the premium is being calculated by the statewide average weekly wage in effect in each of the years of the base period;
 - (c) The commissioner shall divide the total of the adjusted claim values for the three (3) year base period by the total adjusted payroll for the same three (3) year period. The value so calculated shall be multiplied by 1.25 and shall then be multiplied by the employer's most recent annualized payroll, calculated using records of the department and the Department of Workforce Development data which shall be made available for this purpose on a quarterly basis as reported, to obtain the premium for the next calendar year for assessment purposes under KRS 342.122;
 - (d) For November 1, 1987, through December 31, 1988, premium for each employer carrying its own risk shall be an amount calculated by the board pursuant to the provisions contained in this subsection and such premium shall be provided to each employer carrying its own risk and to the funding commission on or before January 1, 1988. Thereafter, the calculations set forth in this subsection shall be performed annually, at the time each employer applies or renews its application for certification to carry its own risk for the next twelve (12) month period and submits payroll and other data in support of the application. The employer and the funding commission shall be notified at the time of the certification or recertification of the premium calculated by the commissioner, which shall form the employer's basis for assessments pursuant to KRS 342.122 for the calendar year beginning on January 1 following the date of certification or recertification;
 - (e) If an employer having fewer than five (5) years of doing business in this state applies to carry its own risk and is so certified, its premium for the purposes of KRS 342.122 shall be based on the lesser number of years of experience as may be available including the two (2) most recent years if necessary

to create a three (3) year base period. If the employer has less than two (2) years of operation in this state available for the premium calculation, then its premium shall be the greater of the value obtained by the calculation called for in this subsection or the amount of security required by the commissioner pursuant to KRS 342.340(1);

- (f) If an employer is certified to carry its own risk after having previously insured the risk, its premium shall be calculated using values obtained from claims incurred while insured for as many of the years of the base period as may be necessary to create a full three (3) year base. After the employer is certified to carry its own risk and has paid all amounts due for assessments upon premiums paid while insured, the employer shall be assessed only upon the premium calculated under this subsection;
 - (g) "Premium" for each employer defined in KRS 342.630(2) shall be calculated as set forth in this subsection; and
 - (h) Notwithstanding any other provision of this subsection, the premium of any employer authorized to carry its own risk for purposes of assessments due under this chapter shall be no less than thirty cents (\$0.30) per one hundred dollars (\$100) of the employer's most recent annualized payroll for employees covered by this chapter;
- (29) "SIC code" as used in this chapter means the Standard Industrial Classification Code contained in the latest edition of the Standard Industrial Classification Manual published by the Federal Office of Management and Budget;
- (30) "Investment interest" means any pecuniary or beneficial interest in a provider of medical services or treatment under this chapter, other than a provider in which that pecuniary or investment interest is obtained on terms equally available to the public through trading on a registered national securities exchange, such as the New York Stock Exchange or the American Stock Exchange, or on the National Association of Securities Dealers Automated Quotation System;
- (31) "Managed health care system" means a health care system that employs gatekeeper providers, performs utilization review, and does medical bill audits;
- (32) "Physician" means physicians and surgeons, psychologists, optometrists, dentists, podiatrists, and osteopathic and chiropractic practitioners acting within the scope of *the license or other credentials required by his or her specialty of practice in the United States jurisdiction in which he or she is authorized to practice* ~~the license issued by the Commonwealth~~;
- (33) "Objective medical findings" means information gained through direct observation and testing of the patient applying objective or standardized methods;
- (34) "Work" means providing services to another in return for remuneration on a regular and sustained basis in a competitive economy;
- (35) "Permanent impairment rating" means percentage of whole body impairment caused by the injury or occupational disease as determined by the "Guides to the Evaluation of Permanent Impairment";
- (36) "Permanent disability rating" means the permanent impairment rating selected by an administrative law judge times the factor set forth in the table that appears at KRS 342.730(1)(b); and
- (37) "Guides to the Evaluation of Permanent Impairment" means, except as provided in KRS 342.262:
- (a) The fifth edition published by the American Medical Association; and
 - (b) For psychological impairments, Chapter 12 of the second edition published by the American Medical Association.

➔Section 2. KRS 342.033 is amended to read as follows:

- (1) *As used in this section, "physician" means physicians and surgeons, psychologists, optometrists, dentists, podiatrists, and osteopathic and chiropractic practitioners acting within the scope of the license or other credentials required by his or her specialty of practice in the United States jurisdiction in which he or she is authorized to practice, and any retired physician previously authorized to practice in the Commonwealth of Kentucky, who surrendered his or her license while in good standing with their respective licensing board and was not subject to an ongoing investigation for improper practices.*
- (2) In a claim for benefits, no party may introduce direct testimony from more than two (2) physicians without prior consent from the administrative law judge. The motion requesting additional testimony shall clearly

demonstrate the need for such additional testimony. A party may introduce direct testimony from a physician through a written medical report. The report shall become a part of the evidentiary record, subject to the right of an adverse party to object to the admissibility of the report and to cross-examine the reporting physician. The commissioner shall promulgate administrative regulations prescribing the format and content of written medical reports.

➔Section 3. KRS 342.140 is amended to read as follows:

The average weekly wage of the injured employee at the time of the injury or last injurious exposure shall be determined as follows:

- (1) If at the time of the injury which resulted in death or disability or the last date of injurious exposure preceding death or disability from an occupational disease:
 - (a) The wages were fixed by the week, the amount so fixed shall be the average weekly wage;
 - (b) The wages were fixed by the month, the average weekly wage shall be the monthly wage so fixed multiplied by twelve (12) and divided by fifty-two (52);
 - (c) The wages were fixed by the year, the average weekly wage shall be the yearly wage so fixed divided by fifty-two (52);
 - (d) The wages were fixed by the day, hour, or by the output of the employee, the average weekly wage shall be the wage most favorable to the employee computed by dividing by thirteen (13) the wages (not including overtime or premium pay) of said employee earned in the employ of the employer in the first, second, third, or fourth period of thirteen (13) consecutive calendar weeks in the fifty-two (52) weeks immediately preceding the injury;
 - (e) *The wages were determined by the day, hour, or by the output of the employee, and the employee received unemployment benefits pursuant to KRS Chapter 341 during the first, second, third, or fourth period of thirteen (13) consecutive calendar weeks in the fifty-two (52) weeks immediately preceding the injury, the unemployment benefits received shall be added to the wages earned during the thirteen (13) week period and divided by thirteen (13), the average weekly wage shall be the result most favorable to the employee;*
 - (f) The employee had been in the employ of the employer less than thirteen (13) calendar weeks immediately preceding the injury, his or her average weekly wage shall be computed under paragraph (d), taking the wages (not including overtime or premium pay) for that purpose to be the amount he or she would have earned had he or she been so employed by the employer the full thirteen (13) calendar weeks immediately preceding the injury and had worked, when work was available to other employees in a similar occupation; and
 - ~~(g)~~ The hourly wage has not been fixed or cannot be ascertained, the wage for the purpose of calculating compensation shall be taken to be the usual wage for similar services where the services are rendered by paid employees.
- (2) In occupations which are exclusively seasonal and therefore cannot be carried on throughout the year, the average weekly wage shall be taken to be one-fiftieth (1/50) of the total wages which the employee has earned from all occupations during the twelve (12) calendar months immediately preceding the injury.
- (3) In the case of volunteer firemen, police, and emergency management agency members or trainees, the income benefits shall be based on the average weekly wage in their regular employment.
- (4) If the employee was a minor, apprentice, or trainee when injured, and it is established that under normal conditions his or her wages should be expected to increase during the period of disability, that fact may be considered in computing his or her average weekly wage.
- (5) When the employee is working under concurrent contracts with two (2) or more employers and the defendant employer has knowledge of the employment prior to the injury, his or her wages from all the employers shall be considered as if earned from the employer liable for compensation.
- (6) The term "wages" as used in this section and KRS 342.143 means, in addition to money payments for services rendered, the reasonable value of board, rent, housing, lodging, and fuel or similar advantage received from the employer, and gratuities received in the course of employment from others than the employer to the extent the gratuities are reported for income tax purposes.

- (7) The commissioner shall, from time to time, based upon the best available information, determine by administrative regulation industries which ordinarily do not have a full working day for five (5) days in every week. In those industries, compensation shall be computed at the average weekly wage earned by the employee at the time of injury reckoning wages as earned while working full time. "At full time" as used in this subsection means a full working day for five (5) working days in every week regardless of whether the injured employee actually worked all or part of the time.

Signed by Governor April 4, 2024.

CHAPTER 34

(HB 443)

AN ACT relating to land use.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 100 IS CREATED TO READ AS FOLLOWS:

- (1) *Except as provided in subsection (2) of this section, the ordinances, rules, and regulations adopted pursuant to this chapter governing subdivision plats and development plans shall be in the form of objective standards that shall be applied ministerially.*
- (2) *Ordinances, rules, and regulations governing development plans may allow for discretion to be applied by the approving authority in circumstances where:*
- (a) *An applicant seeks a deviation from the established objective standards; or*
- (b) *The approving authority determines, based on substantial evidence, that a strict ministerial application of the established objective standards would pose a specific threat to public health, safety, or welfare in the affected area.*

➔Section 2. This Act takes effect on July 1, 2025.

Signed by Governor April 4, 2024.

CHAPTER 35

(HB 447)

AN ACT relating to the transportation of students and declaring an emergency.

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

➔Section 1. KRS 156.153 is amended to read as follows:

- (1) All school buses for which bids are made or bid contracts awarded shall meet the standards and specifications of the Kentucky Department of Education. The term "school bus," as used in this section, shall mean any motor vehicle which meets the standards and specifications for school buses as provided by law or by the standards or specifications of the Kentucky Department of Education authorized by law and used solely in transporting school children and school employees to and from school under the supervision and control and at the direction of school authorities, and shall further include school bus accessory equipment and supplies and replacement equipment considered to be reasonably adaptable for purchase from price contract agreements.
- (2) ~~School buses~~ ~~Except in cases of emergencies or for the transportation of students with disabilities, only School buses as defined in subsection (1) of this section shall be used for transporting students to and from school along regular bus routes. Districts may use district owned vehicles that were designed and built by the manufacturer for passenger transportation when transporting nine (9) or fewer passengers, including the driver,~~

for approved school activities. ~~Vehicles used under this subsection~~ shall be clearly marked as transporting students and shall ~~undergo a~~ ~~be~~ safety ~~inspection~~ ~~inspected~~ no less than once every thirty (30) days.

- (3) (a) *Districts may also use vehicles owned, leased, or contracted by the district that were designed and built by the manufacturer for passenger transportation of nine (9) or fewer passengers, including the driver, for transporting students to and from school and approved school activities under an alternative transportation plan approved by the Kentucky Department of Education.*
- (b) *Non-school bus passenger vehicles used under this subsection shall be clearly marked as transporting students and undergo a safety inspection no less than once every thirty (30) days.*
- (c) *Non-school bus passenger vehicles used under this subsection shall be operated by an employee or contractor of a local school district that has a valid Class D operator's license. An individual that operates a non-school bus passenger vehicle to transport a student or students without a current valid license required by this paragraph shall be subject to the penalties set forth in subsection (4) of Section 3 of this Act.*
- (d) *The Kentucky Board of Education shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish:*
1. *Minimum standards and specifications for non-school bus passenger vehicles used under this subsection, including a standard for minimum insurance coverage;*
 2. *Minimum route safety standards and pick-up and drop-off protocols for pupil transportation using non-school bus passenger vehicles that prohibit non-school bus passenger vehicles from depositing a student at a location that would require the student to cross a road or intersection to reach the student's destination; and*
 3. *Minimum qualifications, training, and drug testing requirements for an individual to be authorized to transport any student to and from school using a non-school bus passenger vehicle. The drug testing requirements shall require an individual to submit to drug testing consistent with the requirements of 49 C.F.R. pt. 40 to be authorized to transport students to and from school using a non-school bus passenger vehicle.*
- (4) As part of its regular procedure for establishing and updating ~~school bus~~ standards and specifications *for school buses and non-school bus passenger vehicles*, the Kentucky Department of Education shall consider allowing school buses to operate using clean transportation fuels, as defined in KRS 186.750. If the department determines that school buses *or non-school bus passenger vehicles* may operate using clean transportation fuels while maintaining the same or a higher degree of safety as fuels currently allowed, it shall update its standards and specifications to allow for such use.

➔Section 2. KRS 160.380 is amended to read as follows:

- (1) As used in this section:
- (a) "Administrative finding of child abuse or neglect" means a substantiated finding of child abuse or neglect issued by the Cabinet for Health and Family Services that is:
1. Not appealed through an administrative hearing conducted in accordance with KRS Chapter 13B;
 2. Upheld at an administrative hearing conducted in accordance with KRS Chapter 13B and not appealed to a Circuit Court; or
 3. Upheld by a Circuit Court in an appeal of the results of an administrative hearing conducted in accordance with KRS Chapter 13B;
- (b) "Alternative education program" means a program that exists to meet the needs of students that cannot be addressed in a traditional classroom setting but through the assignment of students to alternative classrooms, centers, or campuses that are designed to remediate academic performance, improve behavior, or provide an enhanced learning experience. Alternative education programs do not include career or technical centers or departments;
- (c) "Clear CA/N check" means a letter from the Cabinet for Health and Family Services indicating that there are no administrative findings of child abuse or neglect relating to a specific individual;
- (d) "Relative" means father, mother, brother, sister, husband, wife, son and daughter; and

- (e) "Vacancy" means any certified position opening created by the resignation, dismissal, nonrenewal of contract, transfer, or death of a certified staff member of a local school district, or a new position created in a local school district for which certification is required. However, if an employer-employee bargained contract contains procedures for filling certified position openings created by the resignation, dismissal, nonrenewal of contract, transfer, or death of a certified staff member, or creation of a new position for which certification is required, a vacancy shall not exist, unless certified positions remain open after compliance with those procedures.
- (2) Except as provided in KRS 160.346, the school district personnel actions identified in this section shall be carried out as follows:
- (a) All appointments, promotions, and transfers of principals, supervisors, teachers, and other public school employees shall be made only by the superintendent of schools, who shall notify the board of the action taken. All employees of the local district shall have the qualifications prescribed by law and by the administrative regulations of the Kentucky Board of Education and of the employing board. Supervisors, principals, teachers, and other employees may be appointed by the superintendent for any school year at any time after February 1 preceding the beginning of the school year. No superintendent of schools shall appoint or transfer himself or herself to another position within the school district;
 - (b) When a vacancy occurs in a local school district, the superintendent shall submit the job posting to the statewide job posting system described in KRS 160.152 fifteen (15) days before the position shall be filled. The local school district shall post position openings in the local board office for public viewing;
 - (c) When a vacancy needs to be filled in less than fifteen (15) days' time to prevent disruption of necessary instructional or support services of the school district, the superintendent may seek a waiver from the chief state school officer. If the waiver is approved, the appointment shall not be made until the person recommended for the position has been approved by the chief state school officer. The chief state school officer shall respond to a district's request for waiver or for approval of an appointment within two (2) working days; and
 - (d) When a vacancy occurs in a local district, the superintendent shall conduct a search to locate minority teachers to be considered for the position. The superintendent shall, pursuant to administrative regulations of the Kentucky Board of Education, report annually the district's recruitment process and the activities used to increase the percentage of minority teachers in the district.
- (3) Restrictions on employment of relatives shall be as follows:
- (a) No relative of a superintendent of schools shall be an employee of the school district. However, this shall not apply to a relative who is a classified or certified employee of the school district for at least thirty-six (36) months prior to the superintendent assuming office and who is qualified for the position the employee holds. A superintendent's spouse who has previously been employed in a school system may be an employee of the school district. A superintendent's spouse who is employed under this provision shall not hold a position in which the spouse supervises certified or classified employees. A superintendent's spouse may supervise teacher aides and student teachers. However, the superintendent shall not promote a relative who continues employment under an exception of this subsection;
 - (b) No superintendent shall employ a relative of a school board member of the district;
 - (c) No principal's relative shall be employed in the principal's school; and
 - (d) A relative that is ineligible for employment under paragraph (a), (b), or (c) of this subsection may be employed as a substitute for a certified or classified employee if the relative is not:
 - 1. A regular full-time or part-time employee of the district;
 - 2. Accruing continuing contract status or any other right to continuous employment;
 - 3. Receiving fringe benefits other than those provided other substitutes; or
 - 4. Receiving preference in employment or assignment over other substitutes.
- (4) No superintendent shall assign a certified or classified staff person to an alternative education program as part of any disciplinary action taken pursuant to KRS 161.011 or 161.790 as part of a corrective action plan established pursuant to the local district evaluation plan.
- (5) No superintendent shall initially employ in any position in the district any person who is a violent offender or has been convicted of a sex crime as defined by KRS 17.165 which is classified as a felony or persons with an

administrative finding of child abuse or neglect in records maintained by the Cabinet for Health and Family Services. The superintendent may employ, at his *or her* discretion, except at a Kentucky Educational Collaborative for State Agency Children program, persons convicted of sex crimes classified as a misdemeanor.

- (6) Requirements for background checks shall be as follows:
- (a) A superintendent shall require the following individuals to submit to a national and state criminal background check by the Department of Kentucky State Police and the Federal Bureau of Investigation and have a clear CA/N check, provided by the individual:
 1. Each new certified or classified hire;
 2. A nonfaculty coach or nonfaculty assistant as defined under KRS 161.185;
 3. A student teacher;
 4. A school-based decision making council parent member; and
 5. Any adult who is permitted access to school grounds on a regularly scheduled and continuing basis pursuant to a written agreement for the purpose of providing services directly to a student or students as part of a school-sponsored program or activity;
 - (b)
 1. The requirements of paragraph (a) of this subsection shall not apply to:
 - a. Classified and certified individuals employed by the school district prior to June 27, 2019;
 - b. Certified individuals who were employed in another certified position in a Kentucky school district within six (6) months of the date of hire and who had previously submitted to a national and state criminal background check and who have a clear CA/N check for the previous employment; or
 - c. Student teachers who have submitted to and provide a copy of a national and state criminal background check by the Department of Kentucky State Police and the Federal Bureau of Investigation through an accredited teacher education institution in which the student teacher is enrolled and who have a clear CA/N check.
 2. The Education Professional Standards Board may promulgate administrative regulations to impose additional qualifications to meet the requirements of **Pub. L. No. [Public Law] 92-544**;
 - (c) A parent member may serve prior to the receipt of the criminal history background check and CA/N letter required by paragraph (a) of this subsection but shall be removed from the council on receipt by the school district of a report documenting a record of abuse or neglect, or a sex crime or criminal offense against a victim who is a minor as defined in KRS 17.500, or as a violent offender as defined in KRS 17.165, and no further procedures shall be required;~~and~~
 - (d) A superintendent may require a volunteer or a visitor to submit to a national and state criminal history background check by the Department of Kentucky State Police and the Federal Bureau of Investigation and have a clear CA/N check, provided by the individual; *and*
 - (e) ***The superintendent of a school district operating under an alternative transportation plan approved by the Kentucky Department of Education in accordance with subsection (3) of Section 1 of this Act shall require the driver of any non-school bus passenger vehicle authorized to transport students to and from school pursuant to the alternative transportation plan who does not have a valid commercial driver's license issued in accordance with KRS Chapter 281A with an "S" endorsement to:***
 1. ***Submit to a national and state criminal background check by the Department of Kentucky State Police and the Federal Bureau of Investigation at least once every three (3) years and a criminal records check conducted in accordance with KRS 27A.090 in all other years;***
 2. ***Submit to drug testing consistent with the requirements of 49 C.F.R. pt. 40;***
 3. ***Provide a biannual driving history record check performed by the Transportation Cabinet;***
 4. ***Provide an annual clear CA/N check;***
 5. ***Immediately notify the superintendent of any conviction for a violation under KRS Chapter 189 for which penalty points are assessed; and***

- 6. *Immediately notify the superintendent of any citation or arrest for a violation of any provision of KRS Chapter 189A. The superintendent shall inform the Kentucky Department of Education of the notification.***
- (7) (a) If a certified or classified position remains unfilled after July 31 or if a vacancy occurs during a school term, a superintendent may employ an individual, who will have supervisory or disciplinary authority over minors, on probationary status pending receipt of the criminal history background check and a clear CA/N check, provided by the individual. Application for the criminal record and a request for a clear CA/N check of a probationary employee shall be made no later than the date probationary employment begins.
- (b) Employment shall be contingent on the receipt of the criminal history background check documenting that the probationary employee has no record of a sex crime nor as a violent offender as defined in KRS 17.165 and receipt of a letter, provided by the individual, from the Cabinet for Health and Family Services stating the employee is clear to hire based on no administrative findings of child abuse or neglect found through a background check of child abuse and neglect records maintained by the Cabinet for Health and Family Services.
- (c) Notwithstanding KRS 161.720 to 161.800 or any other statute to the contrary, probationary employment under this section shall terminate on receipt by the school district of a criminal history background check documenting a record of a sex crime or as a violent offender as defined in KRS 17.165 and no further procedures shall be required.
- (8) The provisions of KRS 161.790 shall apply to terminate employment of a certified employee on the basis of a criminal record other than a record of a sex crime or as a violent offender as defined in KRS 17.165, or on the basis of a CA/N check showing an administrative finding of child abuse or neglect.
- (9) (a) All fingerprints requested under this section shall be on an applicant fingerprint card provided by the Department of Kentucky State Police. The fingerprint cards shall be forwarded to the Federal Bureau of Investigation from the Department of Kentucky State Police after a state criminal background check is conducted. The results of the state and federal criminal background check shall be sent to the hiring superintendent. Any fee charged by the Department of Kentucky State Police, the Federal Bureau of Investigation, and the Cabinet for Health and Family Services shall be an amount no greater than the actual cost of processing the request and conducting the search.
- (b) Each application form, provided by the employer to an applicant for a certified or classified position, shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL AND STATE CRIMINAL HISTORY BACKGROUND CHECK AND A LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT HAS NO ADMINISTRATIVE FINDINGS OF CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET FOR HEALTH AND FAMILY SERVICES."
- (c) Each application form for a district position shall require the applicant to:
1. Identify the states in which he or she has maintained residency, including the dates of residency; and
 2. Provide picture identification.
- (10) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, when an employee of the school district is charged with any offense which is classified as a felony, the superintendent may transfer the employee to a second position until such time as the employee is found not guilty, the charges are dismissed, the employee is terminated, or the superintendent determines that further personnel action is not required. The employee shall continue to be paid at the same rate of pay he or she received prior to the transfer. If an employee is charged with an offense outside of the Commonwealth, this provision may also be applied if the charge would have been treated as a felony if committed within the Commonwealth. Transfers shall be made to prevent disruption of the educational process and district operations and in the interest of students and staff and shall not be construed as evidence of misconduct.
- (11) Notwithstanding any law to the contrary, each certified and classified employee of the school district shall notify the superintendent if he or she has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if he or she has waived the right to appeal a substantiated finding of child

abuse or neglect or if the substantiated incident was upheld upon appeal. Any failure to report this finding shall result in the certified or classified employee being subject to dismissal or termination.

- (12) The form for requesting a CA/N check shall be made available on the Cabinet for Health and Family Services website.

➔Section 3. KRS 156.990 is amended to read as follows:

- (1) Any witness who fails, without legal excuse, to attend or to testify, when required by the chief state school officer under these provisions, shall be fined not more than twenty-five dollars (\$25) for each offense.
- (2) Any person who violates any of the provisions of KRS 156.400 to 156.470 shall be fined not more than five hundred dollars (\$500) or imprisoned not more than three (3) months, or both.
- (3) A violation of subsection (1) of KRS 156.483 shall cause the Department of Education to be fined not less than five hundred dollars (\$500) or more than one thousand dollars (\$1,000).
- (4) ***Any person who operates a non-school bus passenger vehicle to transport a student or students within the Commonwealth without holding a current valid license as required pursuant to subsection (3)(c) of Section 1 of this Act shall be guilty of a Class D felony.***

➔Section 4. Whereas achieving efficiency in pupil transportation in the Commonwealth is of paramount importance to schools, students, and parents, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 4, 2024.

CHAPTER 36

(HB 475)

AN ACT relating to health care for inmates.

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

➔Section 1. KRS 441.053 is amended to read as follows:

- (1) Except as provided in subsection (2) of this section, each jail, regional jail, holdover, or other correctional facility owned or operated by a unit of local government, combination of units of local government, or regional jail authority shall utilize the Department of Corrections' contract pharmacy plan.
- (2) (a) Except as provided in paragraph (b) of this subsection, the Department of Corrections shall, on a yearly basis, waive the requirement of subsection (1) of this section if the unit of local government, combination of units of local government, or regional jail authority proves to the Department of Corrections that the unit of local government, combination of units of local government, or regional jail authority has contracted with another vendor and that:
 1. The prescription plan covers pharmacy services, drugs, and medicine in a manner which is equal to or superior to the Department of Corrections' contract pharmacy plan; and
 2. The cost of the prescription plan is equal to or less in total cost, including the product cost and all other costs associated with the delivery of the drugs, than the Department of Corrections' contract pharmacy plan.
- (b) If a unit of local government, combination of units of local government, or regional jail authority contracts with a private provider of comprehensive health services for inmates, then that private provider may elect not to use the Department of Corrections' contract pharmacy plan and a waiver under this subsection shall not be required.
- (3) Except as provided in subsection (4) of this section, each jail, regional jail, holdover, or other correctional facility owned or operated by a unit of local government, combination of units of local government, or regional jail authority shall utilize the Department of Corrections' contract medical, dental, and psychological care access plan, and the administrative service fee for the plan shall be paid by the Department of Corrections subject to the limits of 2007 Ky. Acts ch. 128, sec. 5.

- (4) The Department of Corrections may, on a yearly basis, waive the requirement of subsection (3) of this section if the unit of local government, combination of units of local government, or regional jail authority proves to the Department of Corrections that the unit of local government, combination of units of local government, or regional jail authority has contracted with another vendor and that:
- (a) The medical, dental, and psychological care access plan provides services and access which is equal to or superior to the Department of Corrections' contract medical, dental, and psychological care access plan; and
 - (b) The cost of the medical, dental, and psychological care access plan is equal to or less in cost than the Department of Corrections' contract medical, dental, and psychological care access plan.
- ~~(5)(a) An entity, corporation, or organization of any kind that assists the Department of Corrections in managing claims or evaluating an application for a waiver under subsection (2) or (4) of this section shall not seek or be awarded a contract to provide:~~
- ~~1. Medical care;~~
 - ~~2. Dental care;~~
 - ~~3. Psychological care;~~
 - ~~4. Pharmaceutical products; or~~
 - ~~5. Any other health care service;~~
- ~~to inmates housed in any jail operated by any unit of local government, combination of units of local government, or regional jail authority.~~
- ~~(b) The prohibition in this subsection shall also apply to the entity's, corporation's, or organization of any kind's:~~
- ~~1. Owners;~~
 - ~~2. Incorporators;~~
 - ~~3. Officers;~~
 - ~~4. Employees; or~~
 - ~~5. Other person who has a financial interest in the organization.~~
- ~~(c) Nothing in this subsection shall be construed to prohibit or limit the ability of a state university to provide health care services to prison populations.~~
- ~~(6) The provisions of subsection (5) of this section shall not apply if an entity, corporation, organization, or person referenced in subsection (5)(b) of this section is:~~
- ~~(a) Already a party to a contract with any consolidated local government or urban county government and is currently engaged in providing the services or products referenced in subsection (5)(a) of this section; and~~
 - ~~(b) There is no material change to the existing contract with any consolidated local government or urban county government within a reasonable time period;~~
- ~~prior to seeking or being awarded a contract with the department to manage claims or evaluate an application for a waiver under subsection (2) or (4) of this section. No provision of this subsection shall be construed to prohibit or limit the ability of a state university to provide health care services to prison populations.~~
- ~~(7)}~~ A unit of local government, combination of units of local government, or regional jail authority may appeal a decision of the Department of Corrections denying a waiver under subsection (2) or (4) of this section to the secretary of justice and public safety.
- ~~(6){(8)}~~ No program specified in this section shall require or permit reimbursement at a rate in excess of the Kentucky Medicaid program for the same or similar services or products but may permit a lesser rate of reimbursement.

Signed by Governor April 4, 2024.

CHAPTER 37

(HB 476)

AN ACT relating to termination of parental rights.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 625 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "voluntary and informed" means that at the time of the execution of the consent, the consenting person was fully informed of the legal effect of the consent, that the consenting person was not given or promised anything of value, that the consenting person was not coerced in any way to execute the consent, and that the consent was voluntarily and knowingly given. If at the time of the execution of the consent the consenting person was represented by independent legal counsel, there shall be a presumption that the consent was voluntary and informed.*
- (2) *Notwithstanding KRS 625.040, a parent may elect to voluntarily terminate his or her parental rights during the pendency of a proceeding under KRS Chapter 620 by signing a consent form prescribed by the Administrative Office of the Courts, which shall be filed with the court and contain the following:*
 - (a) *Date, time, and place of the execution of the consent;*
 - (b) *Consenting person's relationship to the child;*
 - (c) *Name and place of residence of the parent;*
 - (d) *Name, sex, date of birth, and place of residence of the child;*
 - (e) *A concise statement of the factual basis for the termination of parental rights;*
 - (f) *A statement that the consent:*
 1. *Was voluntary and informed; and*
 2. *Will be final and irrevocable seventy-two (72) hours after the execution of the consent. This consent may be withdrawn only by written notification:*
 - a. *Filed with the court; and*
 - b. *Sent to the proposed adoptive parent or the attorney of the proposed adoptive parent, if any;*

on or before the expiration of the seventy-two (72) hours by certified or registered mail and also by first-class mail;
 - (g) *A statement that the parent has received a completed and signed copy of the consent at the time of the execution of the consent;*
 - (h) *Name and address of the individual or of the cabinet or authorized agency to which parental rights are sought to be transferred, if known;*
 - (i) *A statement that the individual, cabinet, or authorized agency to whom custody is to be given has facilities available, is willing to receive the custody of the child, and in the case of an individual, that he or she, if not excepted by KRS 199.470(4), has applied for the written approval of the secretary or the secretary's designee for the child's placement;*
 - (j) *A statement of acknowledgement and agreement waiving the parent's appearance at a hearing, signed by the parent, counsel for the parent, and the cabinet;*
 - (k) *Any address to which the parent requests the final judgment be served; and*
 - (l) *The parent's notarized signature. If the parent is a minor, the form shall also be signed by the guardian of the minor parent.*
- (3) *The parent seeking termination shall not be required to attend proceedings under this section.*

- (4) *A termination order under this section shall be entered only upon a finding by the court that termination would be in the best interest of the child.*
- (5) (a) *Proceedings under this section shall otherwise be governed by KRS 625.0405, 625.0407, 625.041, 625.042, 625.043, 625.044, 625.045, and 625.046, but any reference to a petition shall be considered a reference to a consent form under subsection (1) of this section, and any reference to the petitioner shall be considered a reference to the parent seeking termination under this section.*
- (b) *If proceedings under this section are in District Court, then any reference to the Circuit Court shall be considered a reference to the District Court, as applicable.*

➔Section 2. KRS 625.020 is amended to read as follows:

The Circuit Court shall have jurisdiction of proceedings under this chapter. *In any case where the consent form under Section 1 of this Act is filed with the District Court, the District Court shall have jurisdiction of voluntary termination proceedings under this chapter.*

➔Section 3. KRS 625.041 is amended to read as follows:

- (1) The parties to an action for voluntary termination of parental rights shall be the parent seeking termination, whose presence is not required if represented by counsel for the parent when an appearance-waiver and consent-to-adopt form is filed with the court, but the court shall appoint a guardian ad litem to represent the best interest of the child, *unless one has already been appointed in a proceeding under KRS Chapter 620.*
- (2) The guardian ad litem shall be paid a fee to be fixed by the court, not to exceed five hundred dollars (\$500), to be paid by the petitioner, except if the Cabinet for Health and Family Services receives custody of the child, the guardian ad litem shall be paid by the Finance and Administration Cabinet.
- (3) The parent may sign an appearance-waiver and consent-to-adopt form when the parent chooses not to attend a voluntary termination of parental rights proceedings. This form, prescribed by the Administrative Office of the Courts, shall:
- (a) Contain a statement of acknowledgment and agreement, regarding the appearance at the proceeding, signed by the parent, counsel for the parent, and the cabinet. If the parent is a minor, the form shall also be signed by the guardian of the minor parent;
- (b) Contain the parent's notarized signature;
- (c) Contain any address to which the parent requests the final judgment be served.
- (4) If a joint petition is filed, counsel shall be designated as attorney for both parties.

Signed by Governor April 4, 2024.

CHAPTER 38

(HB 495)

AN ACT relating to deferred deposit transactions.

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

➔Section 1. KRS 286.9-100 is amended to read as follows:

- (1) (a) Any fee charged by a licensee for cashing a check or entering into a deferred deposit transaction shall be disclosed in writing to the bearer of the check prior to cashing the check or entering into a deferred deposit transaction, and the fee shall be deemed a service fee and not interest.
- (b) A licensee shall not charge a service fee in excess of fifteen dollars (\$15) per one hundred dollars (\$100) on the face amount of ~~a~~the deferred deposit check. A licensee shall prorate any fee, based upon the maximum fee of fifteen dollars (\$15) per one hundred dollars (\$100). This service fee shall be for a period of at least fourteen (14) days.
- (2) Before a licensee shall deposit with any bank or other depository institution a check cashed by the licensee, the check shall be endorsed with the actual name under which the licensee is doing business.

- (3) ~~A~~~~No~~ licensee shall **not** cash a check payable to a payee other than a natural person unless the licensee has previously obtained appropriate documentation from the board of directors or similar governing body of the payee clearly indicating the authority of the natural person or persons cashing the check, draft, or money order on behalf of the payee.
- (4) (a) ~~A~~~~No~~ licensee shall:
1. **Not** indicate through advertising, signs, billhead, or otherwise that checks may be cashed without identification of the bearer of the check; and
 2. **Require** any person seeking to cash a check~~{ shall be required}~~ to submit reasonable identification as prescribed by the commissioner.
- (b) The provisions of this subsection shall not prohibit a licensee from cashing a check simultaneously with the verification and establishment of the identity of the presenter by means other than the presentation of identification.
- (5) (a) Within two (2) business days after being advised by a financial institution that a payment instrument has been altered, forged, stolen, obtained through fraudulent or illegal means, negotiated without proper legal authority, or otherwise represents the proceeds of illegal activity, the licensee shall notify the commissioner and the prosecutor or law enforcement authority in the county in which the check was received.
- (b) If a payment instrument is returned to the licensee by a financial institution for any of ~~the~~~~these~~ reasons **stated in paragraph (a) of this subsection**, the licensee shall not release the payment instrument without the written consent of the prosecutor or law enforcement authority~~;~~ or a court order.
- (6) ~~A~~~~No~~ licensee shall **not** alter or delete the date on any payment instrument accepted by the licensee.
- (7) ~~A~~~~No~~ licensee shall **not** engage in unfair or deceptive acts, practices, or advertising in the conduct of the licensed business.
- (8) ~~A~~~~No~~ licensee shall **not** require a customer to provide security for **a deferred deposit**~~the~~ transaction or require the customer to provide a guaranty from another person.
- (9) A licensee shall not have more than two (2) deferred deposit transactions from any one (1) customer at any one time. The total proceeds received by the customer from all of the deferred deposit transactions shall not exceed five hundred dollars (\$500).
- (10) (a) ***If the database described in Section 2 of this Act is unavailable due to technical difficulties with the database, as determined by the commissioner, a licensee shall utilize the process established in this subsection to verify deferred deposit transactions.***
- (b) ~~A~~~~Prior to the establishment of the common database of deferred deposit transactions established by KRS 286.9-140, each~~ licensee shall inquire of any customer seeking to **enter into**~~present~~ a deferred deposit transaction, whether the customer has any outstanding deferred deposit transactions from any licensee.
- (c)~~(b)~~ If the customer represents in writing that the customer has no more than one (1) deferred deposit transaction outstanding to any licensee and that the total proceeds received by the customer from the outstanding deferred deposit transaction~~issued by the customer~~ does not equal or exceed five hundred dollars (\$500), a licensee may accept a deferred deposit transaction in an amount that, when combined with the customer's other outstanding deferred deposit transaction, does not exceed five hundred dollars (\$500) of total proceeds received by the customer.
- (d)~~(c)~~ If the customer represents in writing that the customer has more than one (1) deferred deposit transaction outstanding to licensees or if the total proceeds received by the customer from the deferred deposit transactions equal or exceed five hundred dollars (\$500), a licensee shall not enter into another deferred deposit transaction with that customer until the customer represents to the licensee in writing that the customer qualifies to enter into a new deferred deposit transaction under the requirements set forth in this subtitle.
- ~~(d) If the database described in KRS 286.9-140 is unavailable due to technical difficulties with the database, as determined by the commissioner, the licensee shall utilize the process established in this subsection to verify deferred deposit transactions.~~

- (11) A licensee shall not use any device or agreement, including agreements with an affiliate of a licensee, with the intent to obtain greater charges than are authorized in this subtitle.
- (12) ~~A~~~~No~~ licensee shall **not** agree to hold a deferred deposit transaction for more than sixty (60) days.
- (13) (a) Each deferred deposit transaction shall be made according to a written **or electronic** agreement that **is**:
1. ~~{shall be}~~ Dated and signed by the customer and the licensee or an authorized agent of the licensee; ~~{at the licensed location,}~~ and
 2. Made available to the commissioner upon request.
- (b) The customer shall receive a copy of ~~the~~~~this~~ agreement **referenced in paragraph (a) of this subsection**.
- (c)~~(b)~~ **A customer may enter into an agreement referenced in paragraph (a) of this subsection:**
1. **In person at the licensed location; or**
 2. **If the customer is a citizen of this state, by telephone or other electronic means** ~~{A licensee shall not require a customer to provide authorization for the licensee to submit an original payment instrument electronically before entering into a deferred deposit transaction}.~~
- (14) A licensee or its affiliate shall not for a fee renew, roll over, or otherwise consolidate a deferred deposit transaction for a customer.
- (15) ~~An~~~~No~~ individual who enters into a deferred deposit transaction with a licensee shall **not** be convicted under the provisions of KRS 514.040.
- (16) ~~A~~~~No~~ licensee who enters into a deferred deposit transaction with an individual shall **not** prosecute or threaten to prosecute ~~the~~~~an~~ individual under the provisions of KRS 514.040.
- (17) Each licensee shall conspicuously display in each of its deferred deposit business locations a sign supplied by the commissioner that gives the following notice: "No person who enters into a post-dated or deferred deposit transaction with this business establishment will be prosecuted for or convicted of writing cold checks or of theft by deception under the provisions of KRS 514.040."
- (18) A licensee ~~shall~~~~may~~ not enter into a deferred deposit transaction with a customer who has two (2) open deferred deposit transactions.
- (19) A licensee shall verify a customer's eligibility to enter into a deferred **deposit** ~~{presentment service}~~ transaction by doing one (1) of the following, as applicable:
- (a) If the ~~{commissioner has not implemented a database under KRS 286.9-140 or the}~~ database ~~{described in KRS 286.9-140}~~ is not fully operational, as determined by the commissioner, the licensee shall verify that the customer meets the eligibility requirements for a deferred **deposit** ~~{presentment service}~~ transaction under this subtitle. The licensee shall maintain a database of all of the licensee's transactions at all of its locations and search that database to meet its obligation under this subtitle; or
 - (b) If the ~~{commissioner has implemented a database under KRS 286.9-140 and the}~~ database ~~{described in that section}~~ is fully operational, as determined by the commissioner, the licensee shall promptly and accurately access the database through an internet real-time connection, and verify that the customer meets the eligibility requirements for a deferred **deposit** ~~{presentment service}~~ transaction under this subtitle.
- ➔Section 2. KRS 286.9-140 is amended to read as follows:
- (1) (a) ~~{The commissioner shall, on or before July 1, 2010, implement}~~ A common database with real-time access through an internet connection for deferred deposit service business licensees **implemented in accordance with** ~~{as provided in}~~ this subtitle ~~{unless implementing the database by that date would be financially impracticable for the commissioner to design and operate a database or because a contract with a qualified third party provider has not been entered into. The database}~~ shall be accessible to the department and ~~a~~~~the~~ deferred deposit service business licensee to verify whether any deferred deposit transactions are outstanding for a particular person.
 - (b) A deferred deposit service business licensee shall accurately and promptly submit such data **into the database as may be required by the commissioner** before entering into each deferred deposit transaction in such format as the commissioner may require by **administrative regulation** ~~{rule}~~ or order,

including the customer's name, Social Security number or employment authorization alien number, address, driver's license number, amount of the transaction, date of transaction, date that the completed transaction is closed, and any additional information required by the commissioner.

- (c) The commissioner may *promulgate administrative regulations in accordance with KRS Chapter 13A*~~adopt rules~~ to administer and enforce the provisions of this subtitle and to assure that the database is used by deferred deposit service business licensees in accordance with this subtitle.
- (2) The commissioner shall impose a fee *not to exceed three dollars (\$3)*~~of one dollar (\$1)~~ per transaction for data required to be submitted by a deferred deposit service business licensee, which fee may be charged to the customer.
- (3) (a) The commissioner may operate the database~~described in subsection (1) of this section~~ or may select and contract with a third-party provider to operate the database.
- (b) If the commissioner contracts with a third-party provider for the operation of the database, all of the following apply:
- 1.~~(a)~~ The commissioner shall ensure that the third-party provider selected as the database provider operates the database pursuant to the provisions of this subtitle;
 - 2.~~(b)~~ The commissioner shall consider cost of service and ability to meet all the requirements of this subtitle in selecting a third-party provider as the database provider;
 - 3.~~(c)~~ In selecting a third-party provider to act as the database provider, the commissioner shall give strong consideration to the third-party provider's ability to prevent fraud, abuse, and other unlawful activities associated with deferred *deposit*~~presentment service~~ transactions and provide additional tools for the administration and enforcement of this subtitle;
 - 4.~~(d)~~ The third-party provider shall use the data collected under this subtitle only as prescribed in this subtitle and the contract with the department and for no other purpose;
 - 5.~~(e)~~ If the third-party provider violates this subtitle, the commissioner may terminate the contract and the third-party provider may be barred from becoming a party to any other state contracts;
 - 6.~~(f)~~ A person injured by the third-party provider's violation of this subtitle may maintain a civil cause of action against the third-party provider and may recover actual damages plus reasonable attorney's fees and court costs; and
 - 7.~~(g)~~ The commissioner may require that the third-party provider collect the fee assessed in subsection (2) of this section from the licensee. The third-party provider shall remit the fee collected from the licensee to the commissioner no later than the first day of each month. The third-party provider shall deposit any fee collected in a separate escrow account in a federally insured financial institution and shall hold the fee deposited in trust for the Commonwealth of Kentucky.
- (4) The database~~described in subsection (1) of this section~~ shall allow a deferred deposit service business licensee accessing the database to do all of the following:
- (a) Verify whether a customer has any open deferred deposit transactions with any deferred deposit business service licensee that have not been closed;
 - (b) Provide information necessary to ensure deferred deposit service business licensee compliance with any requirements imposed by the United States Treasury Office of Foreign Assets Control and United States Treasury Office of Financial Crimes Enforcement Network; and
 - (c) Track and monitor the number of customers who notify a deferred deposit service business licensee of violations of this subtitle, the number of times a deferred deposit service business licensee agreed that a violation occurred, the number of times that a deferred deposit service business licensee did not agree that a violation occurred, the amount of restitution paid, and any other information the commissioner requires by *administrative regulation*~~rule~~ or order.
- (5) While operating the database, the database provider shall do all of the following:
- (a) Establish and maintain a process for responding to transaction verification requests due to technical difficulties occurring with the database that prevent the licensee from accessing the database through the internet;
 - (b) Comply with any applicable federal and state provisions to prevent identity theft;

- (c) Provide accurate and secure receipt, transmission, and storage of customer data; and
 - (d) Meet the requirements of this subtitle.
- (6) When the database provider receives notification that a deferred deposit ~~service~~ transaction has been closed, the database provider shall designate the transaction as closed in the database immediately, but in no event after 11:59 p.m. on the day the commissioner or database provider receives notification.
- (7) (a) The database provider shall automatically designate a deferred deposit ~~service~~ transaction as closed in the database five (5) days after the transaction maturity date unless a deferred deposit service business licensee reports to the database provider before that time that the transaction remains open because:
- 1. Of the customer's failure to make payment;~~that the transaction is open because~~
 - 2. The customer's payment instrument or an electronic redeposit is in the process of clearing the banking system;~~or that the transaction remains open because~~
 - 3. The customer's payment instrument is being returned to the deferred deposit service business licensee for insufficient funds, a closed account, or a stop payment order; or~~because~~
 - 4. Of any other factors determined by the commissioner.
- (b) If a deferred deposit service business licensee reports the status of a transaction as open in a timely manner, the transaction remains an open transaction until it is closed and the database provider is notified that the transaction is closed.
- (8) (a) If a deferred deposit service business licensee stops providing deferred deposit ~~service~~ transactions, the database provider shall designate all open transactions with that licensee as closed in the database sixty (60) days after the date the deferred deposit service business licensee stops offering deferred deposit ~~service~~ transactions, unless the deferred deposit service business licensee reports to the database provider before the expiration of the sixty (60) day period which of its transactions remain open and the specific reason each transaction remains open.
- (b) The deferred deposit service business licensee shall also provide to the commissioner a reasonably acceptable plan that outlines how the deferred deposit service business licensee will continue to update the database after it stops offering deferred *deposit*~~presentment service~~ transactions.
- (c) The commissioner shall promptly approve or disapprove the plan and immediately notify the deferred deposit service business licensee of the commissioner's decision.
- (d) If the plan is disapproved, the deferred deposit service business licensee may submit a new plan or may submit a modified plan for the deferred deposit service business licensee to follow.
- (e) If at any time the commissioner reasonably determines that a deferred deposit service business licensee that has stopped offering deferred deposit ~~service~~ transactions is not updating the database in accordance with its approved plan, the commissioner shall immediately close or instruct the database provider to immediately close all remaining open transactions of that deferred deposit service business licensee.
- (9) (a) The response to an inquiry to the database provider by a deferred deposit service business licensee shall state only that a person is eligible or ineligible for a new deferred deposit ~~service~~ transaction and describe the reason for that determination.
- (b) Only the person seeking the transaction may make a direct inquiry to the database provider to request a more detailed explanation of a particular transaction that was the basis for the ineligibility determination.
- (c) Any information regarding any person's transaction history is confidential; is not subject to public inspection; is not a public record subject to the disclosure requirements of the Kentucky Open Records Act, KRS 61.870 to 61.884; is not subject to discovery, subpoena, or other compulsory process, except in an administrative or legal action arising under this subtitle; and shall not be disclosed to any person other than the commissioner.
- (10) The commissioner may access the database ~~provided under subsection (1) of this section~~ only for purposes of an investigation of, examination of, or enforcement action concerning an individual database provider, licensee, customer, or other person.
- (11) (a) The commissioner shall investigate violations of and enforce this subtitle.

- (b) The commissioner shall not delegate his or her responsibilities under this subsection to any third-party provider.
- (12) ~~[(a) The commissioner shall make a determination that the database is fully operational and shall send written notification to each licensee subject to the provisions of this subtitle:~~
- ~~1. That the database has been implemented; and~~
 - ~~2. Of the exact date that the database shall be considered operational for the data entry requirement established in paragraph (b) of this subsection.~~
- ~~(b) A deferred deposit service business licensee shall promptly and accurately enter into the database all transactions undertaken by the licensee upon receipt of the written notification established in paragraph (a) of this subsection.~~
- (13) ~~]~~The commissioner may, by *administrative regulation*~~[rule]~~ or order, do all of the following:
- (a) Require that data be retained in the database only as required to ensure deferred deposit service business licensee compliance with this subtitle;
 - (b) Require that customer transaction data in the database are archived within three hundred sixty-five (365) days after the customer transaction is closed unless needed for a pending enforcement or legal action;
 - (c) Require that any identifying customer information is deleted from the database when data are archived; and
 - (d) Require that data in the database concerning a customer transaction are deleted from the database three (3) years after the customer transaction is closed or, if any administrative, legal, or law enforcement action is pending, three (3) years after the administrative, legal, or law enforcement action is completed, whichever is later.
- ~~(13)~~~~[(14)]~~ The commissioner may maintain access to data archived under subsection ~~(12)~~~~[(13)]~~ of this section for examination, investigation, or legislative or policy review.
- ~~(14)~~~~[(15)]~~ A deferred deposit service business licensee may rely on the information contained in the database as accurate and is not subject to any administrative penalty or civil liability as a result of relying on inaccurate information contained in the database, provided the deferred deposit licensee accurately and promptly submits such data as required before entering into a deferred deposit transaction with a customer.
- ~~(15)~~~~[(16)]~~ The commissioner may use the database to administer and enforce this subtitle.
- ~~(16)~~~~[(17)]~~ The commissioner may require a database provider to file a report by March 1 of each year containing the following information:
- (a) The total number and dollar amount of deferred deposit transactions entered into in the calendar year ending December 31 of the previous year;
 - (b) The total number and dollar amount of deferred deposit transactions outstanding as of December 31 of the previous year;
 - (c) The total dollar amount of fees collected for deferred deposit transactions as of December 31 of the previous year;
 - (d) The minimum, maximum, and average dollar amount of deferred deposit transactions entered into, the total dollar amount of the net charge-offs and write-offs, and the net recoveries of licensees as of December 31 of the previous year;
 - (e) The average deferred deposit transaction amount, the average number of transactions, and the average aggregate deferred deposit transaction amount entered into per customer as of December 31 of the previous year;
 - (f) The average number of days a customer was engaged in a deferred deposit *transaction*~~[transactions]~~ for the previous year; and
 - (g) An estimate of the average total fees paid per customer for deferred deposit transactions for the previous year.

~~[(18) Enforcement of this section shall be effective ninety (90) days after the database implementation date established by the commissioner as set forth in subsection (12) of this section.]~~

Signed by Governor April 4, 2024.

CHAPTER 39

(HB 512)

AN ACT relating to personal service contracts.

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

➔Section 1. KRS 45A.690 is amended to read as follows:

(1) As used in KRS 45A.690 to 45A.725:

- (a) "Committee" means the Government Contract Review Committee of the Legislative Research Commission;
- (b) "Contracting body" means each state board, bureau, commission, department, division, authority, university, college, officer, or other entity, except the Legislature, authorized by law to contract for personal services. "Contracting body" includes the Tourism Development Finance Authority with regard to tax incentive agreements;
- (c) "Governmental emergency" means an unforeseen event or set of circumstances that creates an emergency condition as determined by the committee by promulgation of an administrative regulation;
- (d) "Memorandum of agreement" means any memorandum of agreement, memorandum of understanding, program administration contract, interlocal agreement to which the Commonwealth is a party, privatization contract, or similar device relating to services between a state agency and any other governmental body or political subdivision of the Commonwealth or entity qualified as nonprofit under 26 U.S.C. sec. 501(c)(3) not authorized under KRS Chapter 65 that involves an exchange of resources or responsibilities to carry out a governmental function. It includes agreements by regional cooperative organizations formed by local boards of education or other public educational institutions for the purpose of providing professional educational services to the participating organizations and agreements with Kentucky Distinguished Educators pursuant to KRS 158.782. This definition does not apply to:
 1. Agreements between the Transportation Cabinet and any political subdivision of the Commonwealth for road and road-related projects;
 2. Agreements between the Auditor of Public Accounts and any other governmental agency or political subdivision of the Commonwealth for auditing services;
 3. Agreements between state agencies as required by federal or state law;
 4. Agreements between state agencies and state universities or colleges only when the subject of the agreement does not result in the use of an employee or employees of a state university or college by a state agency to fill a position or perform a duty that an employee or employees of state government could perform if hired, and agreements between state universities or colleges and employers of students in the Commonwealth work-study program sponsored by the Kentucky Higher Education Assistance Authority;
 5. Agreements involving child support collections and enforcement;
 6. Agreements with public utilities, providers of direct Medicaid health care to individuals except for any health maintenance organization or other entity primarily responsible for administration of any program or system of Medicaid managed health care services established by law or by agreement with the Cabinet for Health and Family Services, and transit authorities;
 7. Nonfinancial agreements;

8. Any obligation or payment for reimbursement of the cost of corrective action made pursuant to KRS 224.60-140;
 9. Exchanges of confidential personal information between agencies;
 10. Agreements between state agencies and rural concentrated employment programs; or
 11. Any other agreement that the committee deems inappropriate for consideration;
- (e) "Motion picture or entertainment production" means the same as defined in KRS 154.61-010;
- (f) "Multicontract" means a group of personal service contracts between a contracting body and individual vendors providing the same or substantially similar services to the contracting body that, for purposes of the committee, are treated as one (1) contract;
- (g) "Nurse aide" means an individual who has successfully completed the nurse aide training and competency evaluation program and may include a nursing student, medication aide, or a person employed through a health care services agency as defined in KRS 216.718 who provides nursing or nursing-related services to a resident in a nursing facility, excluding:
1. An individual who is a licensed health professional;
 2. A volunteer who provides the nursing or nursing-related services without monetary compensation; or
 3. A person who is hired by the resident or family to sit with the resident and who does not perform nursing or nursing-related services;
- (h) "Personal service contract" means an agreement whereby an individual, firm, partnership, or corporation is to perform certain services requiring professional skill or professional judgment for a specified period of time at a price agreed upon. It includes all price contracts for personal services between a governmental body or political subdivision of the Commonwealth and any other entity in any amount. This definition does not apply to:
1. Agreements between the Department of Parks and a performing artist or artists for less than five thousand dollars (\$5,000) per fiscal year per artist or artists;
 2. Agreements with public utilities, foster care parents, providers of direct Medicaid health care to individuals except for any health maintenance organization or other entity primarily responsible for administration of any program or system of Medicaid managed health care services established by law or by agreement with the Cabinet for Health and Family Services, individuals performing homemaker services, and transit authorities;
 3. Agreements between state universities or colleges and employers of students in the Commonwealth work study program sponsored by the Kentucky Higher Education Assistance Authority;
 4. Agreements between a state agency and rural concentrated employment programs;
 5. Agreements between the State Fair Board and judges, officials, and entertainers contracted for events promoted by the State Fair Board;
 6. ***Agreements between the Kentucky Horse Park and judges, officials, and entertainers contracted for events promoted by the Kentucky Horse Park;***
 - 7.~~6.~~ Agreements between the Department of Public Advocacy and attorneys for the representation of indigent clients who are entitled to representation under KRS Chapter 31 and who, by reason of conflict or otherwise, cannot be represented by the department, subject to quarterly reports of all such agreements to the committee;
 - 8.~~7.~~ Agreements between the Office of Kentucky Veterans' Centers and licensed nurses and nurse aides in order to provide critically needed long-term care to Kentucky veterans who are residents in state veterans' nursing homes pursuant to KRS 40.325; or
 - 9.~~8.~~ Any other contract that the committee deems inappropriate for consideration;
- (i) "Tax incentive agreement" means an agreement executed under KRS 154.61-030; and
- (j) "Tourism Development Finance Authority" means the authority established by KRS 148.850.

- (2) Compliance with the provisions of KRS 45A.690 to 45A.725 does not dispense with the requirements of any other law necessary to make the personal service contract or memorandum of agreement valid.

Signed by Governor April 4, 2024.

CHAPTER 40

(HB 621)

AN ACT relating to the State Fair Board.

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

➔Section 1. KRS 247.140 is amended to read as follows:

- (1) The State Fair Board:
- (a) Shall have the custody and control of such property as now is under its custody and control, and of such property as may hereafter be placed under its control or transferred to it by the State Property and Buildings Commission, for any purposes mentioned in this section and the physical properties so under its custody and control or transferred to it are hereinafter referred to in this section, and in KRS 247.150 and 247.160, as the "state fairgrounds and an area in a city of the first class to be used as an exhibition center";
 - (b) May erect and repair buildings on the state fairgrounds and exhibition center, make any and all necessary or proper improvements, and generally carry on a program of development and extension of facilities designed to accomplish the objectives defined in this section;
 - (c) Shall promote the progress of the state and stimulate public interest in the advantages and development of the state by providing the facilities of the state fairgrounds for agricultural and industrial exhibitions, public gatherings, cultural activities, and other functions calculated to advance the educational, physical, and cultural interests of the public and by providing the facilities of the exhibition center for conventions, trade shows, public gatherings, and other functions calculated to advance and enhance the visitor industry, economy, entertainment, cultural and educational interests of the public;
 - (d) Shall hold an annual fair on the state fairgrounds, for the exhibition of agricultural, mechanical, horticultural, dairy, forestry, poultry, livestock, mineral, and all other industrial interests of the state, and prepare premium lists and establish rules of exhibition for the fair;
 - (e) May purchase liability insurance for the members and executive officers exempted from the classified service of the state by KRS 18A.115; and
 - (f) Shall *own and* operate shows and expositions that include but are not limited to the:
 1. North American International Livestock Exposition *including its North American Championship Rodeo*; ~~and~~
 2. Kentucky State Fair and World's Championship Horse Show; ~~and~~
 3. National Farm Machinery Show *and its Championship Tractor Pull*.
- (2) The State Fair Board may take, acquire, and hold property, and all interest therein, by deed, gift, devise, bequest, lease, or eminent domain, or by transfer from the State Property and Buildings Commission, and may dispose of any property so acquired in the manner provided by law. In the exercise of its power of eminent domain it shall proceed in the manner provided in the Eminent Domain Act of Kentucky.

Signed by Governor April 4, 2024.

CHAPTER 41

(SB 1)

AN ACT relating to the endowed research fund and making an appropriation therefor.

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

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

- (1)
 - (a) *There is hereby created an endowment fund as defined in KRS 273.600 called the endowed research fund to be administered by the council for the purposes of funding the work of research consortiums selected by the council in accordance with subsection (2) of this section.*
 - (b) *The endowed research fund shall contain moneys received from the general fund, federal funds, and any other proceeds from contributions, gifts, or grants made available for the purposes of the fund.*
 - (c) *Moneys deposited in the endowed research fund are hereby appropriated for the purposes under this section.*
 - (d) *All moneys in the endowed research fund shall be endowed in accordance with KRS 273.600 to 273.645.*
 - (e) *Notwithstanding KRS 45.229, moneys in the endowed research fund at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year. Any interest earnings of the fund shall be transferred quarterly on a pro rata basis to the five (5) consortium accounts created in paragraph (g) of this subsection.*
 - (f) *Notwithstanding KRS 42.500, moneys in the endowed research fund shall be invested in accordance with endowment management best practices.*
 - (g) *The endowed research fund shall contain five (5) consortium accounts. Each consortium account shall be reserved for funding the research consortium assigned to the account by the council in accordance with subsection (2) of this section. Each consortium account shall contain interest earnings from the endowed research fund transferred quarterly under paragraph (e) of this subsection by the council, federal funds, and any other proceeds from contributions, gifts, or grants made available for the purposes of the account.*
- (2) *The council shall solicit, accept, and review joint funding applications submitted by two (2) or more Kentucky public universities to receive funding from a consortium account. Each joint funding application shall be reviewed using criteria established by the council in accordance with subsection (5) of this section. The council shall select five (5) high-quality research consortiums to receive funding from a consortium account. Each research consortium selected by the council shall be assigned to a unique consortium account within the fund for a term of five (5) years.*
- (3) *Moneys in the five (5) consortium accounts shall constitute seed money for the research consortium assigned to the account by the council to perform initial research and to prepare proposals to seek grant money from public and private sources in larger funding amounts.*
- (4) *Prior to the expiration of a research consortium's term of eligibility under subsection (2) of this section to receive funding from a consortium account, the council shall review the performance of the research consortium to determine whether:*
 - (a) *The term of eligibility of the research consortium should be renewed for up to five (5) additional years; or*
 - (b) *The research consortium's eligibility to receive funding from the endowed research fund should be terminated.*
- (5) *The council shall maintain a research consortium assigned to each of the five (5) accounts within the endowed research fund. If a research consortium's eligibility to receive funding from the endowed research fund is terminated, the council shall solicit, accept, and review joint funding applications to fill the vacancy in accordance with subsection (2) of this section.*
- (6) *The council shall promulgate administrative regulations in accordance with this subsection and KRS Chapter 13A to administer this section. The administrative regulations shall include metrics to evaluate joint funding applications submitted by two (2) or more Kentucky public universities in accordance with subsection (2) of this section. The metrics shall include but not be limited to the research consortium's:*

- (a) *Impact upon human quality of life advancements, prioritizing innovations that advance medicine, health, or economic development; and*
- (b) *1. Additional funding sources for seed money to perform initial research and to prepare proposals to seek grant money from public and private sources in larger funding amounts; and*
2. Anticipated future funding sources and amounts.
- (7) *The council may expend up to four percent (4%) of all interest earnings of the endowed research fund on the costs of managing and administering the endowed research fund.*

➔Section 2. No later than February 1, 2025, the Council on Postsecondary Education shall select the Kentucky Spinal Cord and Head Injury Research Trust as one of the initial five research consortiums. The Kentucky Spinal Cord and Head Injury Research Trust shall be subject to the same performance review required for all other research consortiums pursuant to subsection (4) of Section 1 of this Act to determine whether the Kentucky Spinal Cord and Head Injury Research Trust will continue to be eligible for funding from the endowed research fund after expiration of its initial term of eligibility.

Signed by Governor April 4, 2024.

CHAPTER 42

(SB 139)

AN ACT relating to investment advisers.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 292 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
 - (a) *"3(c)(1) fund" means a qualifying private fund that is eligible for the exclusion from the definition of an investment company under Section (3)(c)(1) of the Investment Company Act of 1940, 15 U.S.C. sec. 80a-3(c)(1), as amended;*
 - (b) *"Private fund adviser" means an investment adviser who provides advice solely to one (1) or more qualifying private funds;*
 - (c) *"Qualifying private fund" means a private fund that meets the definition of a qualifying private fund under 17 C.F.R. sec. 275.203(m)-1, as amended; and*
 - (d) *"Venture capital fund" means a private fund that meets the definition of a venture capital fund under 17 C.F.R. sec. 275.203(l)-1, as amended.*
- (2) *Except as otherwise provided in this section, a private fund adviser shall be exempt from the registration requirement of subsection (8) of Section 2 of this Act if:*
 - (a) *Neither the private fund adviser nor any of its advisory affiliates are subject to an event that would disqualify an issuer under Rule 506(d) of the Securities and Exchange Commission's Regulation D, 17 C.F.R. sec. 230.506(d), as amended;*
 - (b) *The private fund adviser:*
 - 1. *Files with the state each report and amendment thereto that an exempt reporting adviser is required to file with the Securities and Exchange Commission under Rule 204-4, 17 C.F.R. sec. 275.204-4, as amended; and*
 - 2. *Pays the fees established by the commissioner; and*
 - (c) *For a private fund adviser that advises one (1) or more 3(c)(1) funds that are not venture capital funds:*

1. *The private fund adviser advises only those 3(c)(1) funds, other than venture capital funds, that satisfy at least one (1) of the following requirements:*
 - a. *The fund's outstanding securities, other than short-term paper, are beneficially owned entirely by persons who are accredited investors, as defined in Rule 501 of the Securities and Exchange Commission's Regulation D, 17 C.F.R. sec. 230.501, as amended, at the time the securities are purchased from the issuer; or*
 - b. *If the fund has one (1) or more beneficial owners who do not meet the requirements of subdivision a. of this subparagraph:*
 - i. *The fund existed prior to the effective date of this Act; and*
 - ii. *As of the effective date of this Act, the fund ceases to accept beneficial owners who do not meet the requirements of subdivision a. of this subparagraph;*
 2. *At the time of purchase, the private fund adviser discloses the following in writing to each beneficial owner of a 3(c)(1) fund that is not a venture capital fund:*
 - a. *All services, if any, to be provided to individual beneficial owners;*
 - b. *All duties, if any, the private fund adviser owes to beneficial owners; and*
 - c. *Any other material information affecting the rights or responsibilities of the beneficial owners; and*
 3. *As of the effective date of this Act, the private fund adviser:*
 - a. *Obtains on an annual basis audited financial statements of each 3(c)(1) fund that is not a venture capital fund; and*
 - b. *Delivers a copy of the statements obtained under subdivision a. of this subparagraph to each beneficial owner of each 3(c)(1) fund that is not a venture capital fund.*
- (3) *A filing required under subsection (2)(b) of this section shall be:*
- (a) *Made electronically through the Investment Adviser Registration Depository; and*
 - (b) *Deemed filed when the filing and fee required under subsection (2)(b) of this section is accepted by the Investment Adviser Registration Depository on the state's behalf.*
- (4) *An investment adviser who becomes ineligible for an exemption provided under this section shall comply with all applicable laws, administrative regulations, and orders requiring registration or notice filing within ninety (90) days from the date the adviser's eligibility ceases.*
- (5) (a) *The commissioner may waive compliance with subsection (2)(a) of this section if:*
1. *The private fund adviser makes a showing of good cause; and*
 2. *The commissioner determines that it is not necessary under the circumstances to deny an exemption under this section to the private fund adviser.*
- (b) *A waiver under this subsection shall be without prejudice to any other action of the commissioner.*

➔Section 2. KRS 292.330 is amended to read as follows:

- (1) It is unlawful for any person to transact business in this state as a broker-dealer unless the person is registered under this chapter as a broker-dealer or is exempt from registration under subsection (2) of this section.
- (2) The following persons are exempt from the registration requirement of subsection (1) of this section:
 - (a) A broker-dealer that effects transactions in this state exclusively in securities exempted by KRS 292.400(15);
 - (b) A broker-dealer that has no place of business in this state and that effects transactions in this state exclusively with or through the issuers of the securities involved in the transactions, other broker-dealers, or banks, savings institutions, trust companies, insurance companies, or investment companies as defined in the Investment Company Act of 1940, 15 U.S.C. secs. 80a-1 et seq., pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees;

- (c) A broker-dealer with no place of business in this state that during any period of twelve (12) consecutive months does not direct more than fifteen (15) offers to sell or to buy into this state in any manner to persons other than those specified in paragraph (b) of this subsection; and
 - (d) Any other person exempted from registration by administrative regulation or order under this chapter.
- (3) It is unlawful for an individual to transact business in this state as an agent unless the individual is registered under this chapter as an agent or is exempt from registration under subsection (4) of this section.
- (4) The following agents are exempt from the registration requirement of subsection (3) of this section:
- (a) An agent who represents a broker-dealer that is exempt from registration under this chapter;
 - (b) An agent who represents a broker-dealer in effecting transactions described in Section 15(h)(2) of the Securities Exchange Act of 1934, 15 U.S.C. sec. 78o(h)(2); and
 - (c) An agent who represents an issuer in:
 1. Effecting a transaction in a security that is exempted by KRS 292.400(1), (2), (3), (10), or (11);
 2. Effecting a transaction in a security that is exempted by KRS 292.400(5), (9), or (12) if the agent does not receive a commission or other remuneration based, directly or indirectly, on the transaction;
 3. Effecting a transaction in a security that is exempted by KRS 292.400(15), provided that the agent offers or sells no other securities exempted by KRS 292.400(15);
 4. Effecting a transaction in a security that is exempted by KRS 292.410 unless registration as an agent is required elsewhere in this chapter or by administrative regulation or order under this chapter;
 5. Effecting a transaction in a security that is a covered security, except that an agent who represents an issuer in effecting a transaction in a security that is a covered security under Section 18(b)(3) or 18(b)(4)(d) of the Securities Exchange Act of 1933, 15 U.S.C. sec. 77r(b)(3) or 77r(b)(f)(D), is not exempt if the agent receives a commission or other remuneration based, directly or indirectly, on the transaction;
 6. Effecting a transaction with existing employees, partners, or directors of the issuer if the agent does not receive a commission or other remuneration based, directly or indirectly, on the transaction;
 7. Effecting other transactions if the agent primarily performs, or is intended to primarily perform upon completion of an offering of the issuer's own securities, substantial duties for or on behalf of the issuer otherwise than in connection with transactions in the issuer's own securities and the agent's compensation is not based, directly or indirectly, on the transactions; and
 8. Any other person exempted from registration by administrative regulation or order under this chapter.
- (5) The registration of an agent is effective only while the agent is employed by or associated with a broker-dealer registered under this chapter or an issuer offering, selling, or purchasing its securities in this state.
- (6) An individual may not act as an agent for more than one (1) broker-dealer or one (1) issuer at a time unless authorized by *administrative regulation*~~[rule]~~ or order under this chapter.
- (7) It is unlawful for a broker-dealer or an issuer to employ or associate with an agent unless the agent is registered under this chapter or exempt from registration.
- (8) It is unlawful for any person to transact business in this state as an investment adviser unless the person is registered under this chapter as an investment adviser or is exempt from registration under subsection (9) of this section.
- (9) The following investment advisers are exempt from the registration requirement of subsection (8) of this section:
- (a) An investment adviser ~~that~~~~who~~ has no place of business in this state if ~~the investment adviser's~~~~his~~ only clients in this state are other investment advisers, covered advisers, broker-dealers, banks, savings institutions, trust companies, insurance companies, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees;

- (b) An investment adviser ~~that~~~~who~~ has no place of business in this state if, during any period of twelve (12) consecutive months, ~~the investment adviser~~~~he or she~~ does not have more than five (5) clients, other than those specified in paragraph (a) of this subsection;
 - (c) An investment adviser ~~that~~~~who~~ is approved, and remains approved, by the Kentucky Economic Development Finance Authority as an investment fund manager pursuant to KRS 154.20-256;
 - (d) *A private fund adviser in accordance with Section 1 of this Act;* and
 - (e)~~(d)~~ Any other investment adviser exempted from registration by administrative regulation or order under this chapter.
- (10) It is unlawful for an investment adviser to employ or associate with an investment adviser representative unless the representative is registered under this chapter or exempt from registration.
 - (11) It is unlawful for an individual to transact business in this state as an investment adviser representative unless the individual is registered under this chapter as an investment adviser representative or is exempt from registration under subsection (12) of this section.
 - (12) The following investment adviser representatives are exempt from the registration requirement of subsection (11) of this section:
 - (a) An investment adviser representative who is employed by or associated with an investment adviser that is exempt from registration under this chapter or a federal covered adviser that is excluded from the notice filing requirements under this chapter; and
 - (b) Any other investment adviser representative exempted from registration by *administrative regulation*~~rule~~ or order under this chapter.
 - (13) The registration of an investment adviser representative is effective only while the investment adviser representative is employed by or associated with an investment adviser registered under this chapter or with a covered adviser that has made a notice filing under this chapter.
 - (14) An individual may not act as an investment adviser representative for more than one (1) investment adviser or covered adviser at a time unless authorized by administrative regulation or order under this chapter.

Signed by Governor April 4, 2024.

CHAPTER 43

(HB 87)

AN ACT relating to adoption records.

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

➔Section 1. KRS 199.572 is amended to read as follows:

- (1) (a) At the time the biological parents give up the child for adoption, they shall be asked by the cabinet whether they consent to the inspection of the adoption records *by an adult person described in subsection (3) of this section*, to personal contact by the child~~, or to both~~ when he *or she* becomes an adult, *or to both*. If consent is ~~then~~ given *at that time*, it can later be revoked. If consent is withheld at that time, the biological parents may give consent at any later time.
 - (b) The initial written statement of consent or refusal of consent to inspection of records ~~or~~~~and~~ personal contact shall be filed with the Circuit Court not later than the date of finalization of the adoption proceedings. When a written consent is on file, the records shall be available to ~~an~~~~the~~ adult ~~adopted~~ person *described in subsection (3) of this section*, upon his *or her* request therefor in writing.
- (2) When any adult adopted person applies in person or in writing to the Circuit Court for authorization to inspect all papers and records pertaining to the adoption proceedings of that adult adopted person as provided in KRS 199.570(1)~~, and the biological parents have previously refused consent to inspection of records and to personal contact~~, the court ~~shall~~~~may~~, if satisfied as to the identity of the adult adopted person, authorize the

adult adopted person to inspect the papers and records ~~if written consent is obtained from the biological parents identified on the adult adopted person's original birth certificate.~~

- (3) *When any adult person who is the child, grandchild, or sibling of a deceased biological parent who gave a child up for adoption under this chapter, or who is the child, grandchild, or sibling of a deceased adoptee who was given up for adoption under this chapter, applies in person or in writing to the Circuit Court for authorization to inspect all papers and records pertaining to the adoption proceedings of that deceased biological parent or deceased adoptee who was part of an adoption proceeding in accordance with KRS 199.570, the court may, if satisfied as to the identity of the adult person and that each biological parent who gave a child up for the adoption listed in the petition is deceased or has given consent to the inspection pursuant to this section, authorize the adult person to inspect the papers and records.*
- (4) (a) The Circuit Court shall, within seven (7) working days of the receipt of the request, direct the secretary of the cabinet to notify each biological parent identified on the adult adopted person's original birth certificate that the *adult adopted person or other adult person described in subsection (3) of this section* has applied to the court for information identifying the biological parent. Within six (6) months of receiving the notice of the request ~~of the adult adopted person~~, the secretary of the cabinet shall make complete and reasonable efforts to notify each biological parent identified on the adult adopted person's original birth certificate.
- (b) The secretary may charge a reasonable fee not to exceed two hundred fifty dollars (\$250) ~~to the adult adopted person~~ for making this search. Every child-caring facility and child-placing agency in the Commonwealth shall cooperate with the secretary in his *or her* efforts to notify these biological parents.
- ~~(5)(4)~~ If the cabinet utilizes the services of another person or entity to perform a search under subsection ~~(4)(3)~~ of this section, the cabinet shall enter into a formal contract with that person or entity. A person or entity contracted to perform a search shall be licensed under the provisions of KRS Chapter 329A.
- ~~(6)(5)~~ The notification of the biological parents shall not be by mail and shall be by personal and confidential contact by the cabinet. The notification shall be done without disclosing the identity of the adult adopted person *or other adult person described in subsection (3) of this section*. The personal and confidential contact with the biological parents shall be evidenced by filing with the Circuit Court an affidavit of notification executed by the person who notified each parent and certifying each parent was given the following information:
- (a) The nature of the information requested ~~by the adult adopted person~~;
- (b) The date of the request ~~of the adult adopted person~~;
- (c) The right of the biological parent to file, within sixty (60) days of receipt of the notice, an affidavit with the Circuit Court stating that *an* ~~the~~ adult ~~adopted~~ person *described in subsection (3) of this section* shall be authorized to inspect all papers and records pertaining to *the* ~~his~~ adoption proceedings;
- (d) The right of the biological parent to file at any time an affidavit authorizing *an* ~~the~~ adult ~~adopted~~ person *described in subsection (3) of this section* to inspect all papers and records pertaining to *the* ~~his~~ adoption proceedings; and
- (e) The right of a biological parent to file an affidavit with the Circuit Court stating that all papers and records pertaining to the adoption proceedings ~~of the adult adopted person~~ shall not be open for inspection by *an* ~~the~~ adult ~~adopted~~ person *described in subsection (3) of this section*.
- ~~(6) The adult adopted person shall not be authorized to inspect the papers and records pertaining to his or her adoption proceedings unless those biological parents identified on the original birth certificate agree in writing to that inspection.~~
- (7) If after diligent and reasonable effort, the secretary of the cabinet certifies that both biological parents identified in the original birth certificate are deceased or the secretary is unable to locate said parents, then a judge of the Circuit Court, upon motion of *an* ~~the~~ adult ~~adopted~~ person *described in subsection (3) of this section*, may order that all papers and records of the cabinet ~~for Health and Family Services~~ and those of the Circuit Court pertaining to the adoption shall be open for inspection to *that* ~~the adult adopted~~ person. ~~In any case, the court shall order that only identifying information about the biological parents be shared with the adult adopted person.~~

➔ Section 2. KRS 199.570 is amended to read as follows:

- (1) (a) The files and records of the court during adoption proceedings shall not be open to inspection by persons other than parties to the proceedings, their attorneys, and representatives of the cabinet except under order of the court expressly permitting inspection.
 - (b) Upon the entry of the final order in the case, the clerk shall place all papers and records in the case in a suitable envelope which shall be sealed, or a digital file with restricted access, and shall not be open for inspection by any person, except *as provided in Section 1 of this Act* ~~on written order of the court, except that upon the written consent of the biological parents and upon written order of the Circuit Court all papers and records including all files and records of the Circuit Court during proceedings for termination of parental rights provided in KRS 625.108 shall be open for inspection to any adult adopted person who applies in person or in writing to the Circuit Court as provided in KRS 199.572].~~ Health information received pursuant to KRS 199.525 shall be added to the adoption case file. The clerk of the Circuit Court shall set up a separate docket and order book for adoption cases and these files and records shall be kept locked.
 - (c) No person having charge of any adoption records shall disclose the names of any parties appearing in such records or furnish any copy of any such records to any person or other entity that does not meet the requirements of KRS 199.572, except upon order of the court which entered the judgment of adoption.
- (2) After entry of the adoption judgment, the clerk of the Circuit Court shall promptly report to the Cabinet for Health and Family Services of Kentucky full information as called for on forms furnished by the Cabinet for Health and Family Services, necessary to make a new birth certificate conforming to the standard birth certificate form. Upon receipt of this information, the Cabinet for Health and Family Services shall cause to be made a new record of the birth and it shall be filed with the original certificate, and the original certificate shall be stamped with the words, "CONFIDENTIAL -- subject to copy and/or inspection only on written order of the court."
 - (3) The new certificate shall set forth the new name, if any, of the adopted child, the names of the adoptive parents, and such other information deemed necessary in accordance with rules and regulations promulgated by the Cabinet for Health and Family Services in issuing of birth certificates. If the adopted child is under eighteen (18) years of age, the birth certificate shall not contain any information revealing the child is adopted and shall show the adoptive parent or parents as the biological parent or parents of the child. If requested by the adoptive parents, the new birth certificate when issued shall contain the location of birth, hospital, and name of doctor or midwife. This information should be given only by an order of the court in which the child was adopted. The new birth certificate shall recite the residence of the adoptive parents as the birthplace of the child and this shall be deemed for all legal purposes to be the birthplace of the child. If no birth certificate is on file for a child born in Kentucky, the Cabinet for Health and Family Services shall prepare a certificate of birth in accordance with the information furnished the cabinet by the clerk of the Circuit Court which issued the adoption order. The Cabinet for Health and Family Services shall furnish to the clerks of the Circuit Courts the necessary forms to carry out the provisions of this section. If the child was born in another state, the order of adoption shall be forwarded to the division of vital statistics of the state concerned to be changed in accordance with the laws of such state. If the child was born in a foreign country, the report of adoption shall be returned to the attorney or agency handling the adoption for submission to the appropriate federal agency.
 - (4) Thereafter when any copy of the certificate of birth of any child is issued it shall be a copy of the new certificate of birth, except when an order of the court granting the judgment of adoption shall request the issuance of the copy of the original certificate of the child's birth.
 - (5) If any judgment of adoption is reversed, modified, or vacated in any particular, the clerk of the Circuit Court shall notify the Cabinet for Health and Family Services of the reversal or modification and the effect of same, and the cabinet shall make any necessary changes in its records.

Signed by Governor April 4, 2024.

CHAPTER 44

(HB 293)

AN ACT relating to kratom.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 6 of this Act:

- (1) *"Department" means the Department for Public Health;*
- (2) *"Food" has the same meaning as in KRS 217.015 and includes any beverage, dietary ingredient, dietary supplement, or food additive as defined in KRS 217.015 intended for human consumption;*
- (3) *"Kratom" means any part of the plant *Mitragyna speciosa*;*
- (4) *"Kratom extract" means any food, food product, or dietary ingredient containing any part of the leaf of the plant *Mitragyna speciosa* that has been extracted and concentrated in order to provide more standardized dosing;*
- (5) *"Kratom processor" means any person or entity that prepares, manufactures, distributes, or maintains kratom extracts or kratom products or advertises, represents, or claims to sell, prepare, or maintain kratom extracts or kratom products;*
- (6) *"Kratom product" means a food, powder, capsule, pill, or any other product intended for oral consumption that contains any part of the leaf of the plant *Mitragyna speciosa* or any extract thereof; and*
- (7) *"Kratom retailer" means any person or entity that sells or advertises, represents, or claims to sell kratom extracts or kratom products.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO READ AS FOLLOWS:

A kratom processor or kratom retailer shall not:

- (1) *Distribute, dispense, sell, or make available for sale any kratom extract or kratom product to an individual who is under twenty-one (21) years of age; or*
- (2) *Prepare, manufacture, distribute, dispense, sell, or make available for sale any kratom extract or kratom product that:*
 - (a) *Is adulterated with a dangerous nonkratom substance that affects the quality or strength of the kratom extract or kratom product to such a degree that it may injure a consumer;*
 - (b) *Contains a poisonous or otherwise harmful nonkratom ingredient, including but not limited to any controlled substance as defined in KRS Chapter 218A;*
 - (c) *Contains a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than two percent (2%) of the overall alkaloid composition of the product;*
 - (d) *Contains any synthetic alkaloid, including synthetic mitragynine, synthetic 7-hydroxymitragynine, or any other synthetically derived compound of the plant *Mitragyna speciosa*;*
 - (e) *Contains levels of residual solvents higher than those permitted under the United States Pharmacopeia Chapter 467; or*
 - (f) *Does not meet the labeling requirements established pursuant to Section 3 of this Act an any administrative regulation promulgated thereunder.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO READ AS FOLLOWS:

All kratom extracts and kratom products sold or otherwise distributed in the Commonwealth shall be accompanied by a clear label that provides adequate information for safe and effective use by consumers that includes but is not limited to:

- (1) *A list of the ingredients used in the manufacturing of the kratom extract or kratom product;*
- (2) *The amount of mitragynine and 7-hydroxymitragynine contained in the kratom extract or kratom product;*
- (3) *The recommended serving size of the kratom extract or kratom product;*
- (4) *The number of servings per container of the kratom extract or kratom product;*
- (5) *The name and principle street address of the vendor or person responsible for distributing the kratom extract or kratom product;*

- (6) *Any precautionary statements as to the safety and effectiveness of the kratom extract or kratom product; and*
- (7) *A disclaimer that the kratom extract or kratom product is not intended to diagnose, treat, cure, or prevent any medical condition or disease.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO READ AS FOLLOWS:

The department may promulgate administrative regulations in accordance with KRS Chapter 13A to implement Sections 2, 3, and 5 of this Act.

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO READ AS FOLLOWS:

A kratom processor or kratom retailer who violates Section 2 or 3 of this Act or any administrative regulation promulgated thereunder shall be subject to a civil penalty of not more than five hundred dollars (\$500) for a first offense and not more than one thousand dollars (\$1,000) for a second or subsequent offense.

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO READ AS FOLLOWS:

*If at any time on or after the effective date of this Act, the federal government or any department or agency thereof, including but not limited to the federal Drug Enforcement Agency or Food and Drug Administration, regulates kratom, kratom extracts, kratom products, any other derivative of the plant *Mitragyna speciosa*, kratom processors, or kratom retailers, those federal regulations shall supersede and take precedence over any provision of Section 1, 2, 3, 4, or 5 of this Act and any administrative regulation promulgated thereunder to the contrary.*

Signed by Governor April 4, 2024.

CHAPTER 45

(HB 375)

AN ACT relating to motor vehicles and declaring an emergency.

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

➔Section 1. KRS 186A.035 is amended to read as follows:

- (1) All motor vehicles, including motorcycles, with a gross vehicular weight of *ten thousand (10,000)*~~six thousand (6,000)~~ pounds or less, first registered, or for which the registration is renewed~~[in this state on or after January 1, 1983]~~, shall be placed in a system of year-round registration based upon the birth *date*~~[month]~~ of the owner, in order to distribute the work of registering motor vehicles as uniformly as practicable throughout the twelve (12) months of the year.
- (2) (a) If the owner of a motor vehicle is other than an individual, the month in which the owning entity came into being shall be used for purposes of this section.
- (b) *Except for motor vehicles jointly owned by spouses under paragraph (c) of this subsection*, if a motor vehicle is jointly owned:~~[;]~~
1. *One (1) of the owners, who is a resident of Kentucky*, shall be identified as the designated owner;
 2. *The designated owner shall indicate to the county clerk his or her*~~[the]~~ birth *date*~~[month of one (1) of them]~~ to be used for purposes of this section; and
 3. *If the circumstances of ownership change and the designated owner is no longer an owner of the motor vehicle or no longer a resident of Kentucky, another owner may title the motor vehicle in his or her name if that owner is a resident of Kentucky. If none of the remaining owners are a resident of Kentucky, one (1) of the owners shall title the vehicle in that owner's state of residence.*
- (c) ~~[In addition,]~~ If a motor vehicle is jointly owned by a *married couple*~~[husband and wife]~~, the ownership shall exist as a joint tenancy with right of survivorship, unless the registration expressly states to the contrary and gives an alternative specific status. *One (1) of the owners shall indicate to the county*

clerk his or her birth date to be used for purposes of this section. Upon the death of one (1) of the spouses, the jointly-owned vehicle shall transfer to the surviving spouse free from payment of any state-required ~~transfer~~~~transferal~~ fees.

- (3) The certificate of registration and license plate issued for a motor vehicle first registered, renewed, or titled in this state ~~on or after January 1, 1983,~~ shall be valid ***until the expiration date on the registration receipt***, unless revoked in accordance with KRS 186A.040 or canceled by the cabinet in accordance with KRS Chapter 186 or this chapter~~, upon payment of the required fee, for a period beginning on the first day of the month of the year in which registration is applied for, and expiring on the last day of the next birth month of the owner following the month during which registration is applied for. Upon the owner's request, and after payment of the proper prorated fee, an owner may obtain a certificate of registration and license plate valid through the last day of his second birth month following the month and year in which he applied for a certificate of registration.~~ Any transaction relating to registration or registration renewal which would cause an unexpired Kentucky motor vehicle license plate to be surrendered shall have that unexpired fee prorated or credited against any additional fee required by a subsequent registration.
- (4) After a motor vehicle has been initially placed in the system of year-round registration, the owner shall renew the registration annually during the owner's birth month, ***either*** by making application to the county clerk ***or on the cabinet's website***, and paying the fee required for twelve (12) consecutive months of registration, which shall take effect on the first day of the month succeeding the owner's birth month and shall expire on the last day of the owner's next birth month. The county clerk shall be entitled to a registration fee of two dollars (\$2) for each registration, or if the registration exceeds a twelve (12) month period, the clerk shall receive a fee of three dollars (\$3).
- (5) At least forty-five (45) days prior to the expiration of the registration of any motor vehicle previously registered in the Commonwealth as provided by subsection (1) of this section, the owner of the vehicle shall be notified by mail ***or email*** on the same notice required by KRS 134.805(5) of the date of expiration. Nonreceipt of the notice required by this subsection shall not constitute a defense to any registration-related offense.
- (6) Any owner who fails to renew the registration of a motor vehicle during the month in which the previous registration expired shall, if he ***or she*** applies for renewal of the registration in some later month, pay the same fees that would have been required if the registration had been renewed in the month which the previous registration expired.
- (7) Fees which must be prorated in carrying out the intent of this section shall be prorated on the basis of twelfths of the annual registration fee. Any vehicle which is registered at any time during a month shall pay the fee required for that whole month plus any additional months of registration purchased consistent with the intent of the section.
- (8) The county clerk shall ensure that the certificate of registration issued to an owner displays the month and year in which the registration period begins and the month and year of its expiration, and shall issue to the owner a decal or decals corresponding to the month and year of expiration shown in the certificate of registration which shall be placed upon the corresponding license plate by the owner in the manner required by administrative regulations of the Department of Vehicle Regulation.

➔Section 2. KRS 186A.060 is amended to read as follows:

- (1) The Department of Vehicle Regulation is directed to develop, in cooperation with county clerks, auto dealers, and the Department of Revenue, Department of Insurance, and Department of Kentucky State Police, the forms required to record all information pertinent to the registration, titling, and taxation of a vehicle.
- (2) The Department of Vehicle Regulation shall make every effort to minimize and reduce the amount of paperwork required to apply for, or transfer, a vehicle title. When possible, the title document itself shall be used as the primary form used to effect a transfer of vehicle ownership. The title document shall contain space exclusively reserved for a minimum of two (2) dealer assignments.
- (3) When no in-state title exists, forms shall be designed by the department that require only the appropriate and essential information to effect the application for title.
- (4) (a) The department shall constantly review the information needs of government agencies and other organizations with the goal of reducing or eliminating unnecessary documentation. Information being sought for application for title relevant to, but not limited to, vehicle identification, owner, buyer, usage tax, county clerk, or inspector shall be set forth by the cabinet in such a way as to promote flexibility in reaching this goal.

- (b) *Subject to the limitations of paragraph (c) of this subsection*, an applicant for a motor vehicle title shall be required to provide his or her Kentucky operator's license number, Kentucky personal identification card number, or Social Security number as part of the application process.
 - (c) *If a motor vehicle is jointly owned, one (1) of the owners, who is a resident of Kentucky, shall be identified as the designated owner, and only the designated owner shall be required to provide his or her Kentucky operator's license number, Kentucky personal identification card number, or Social Security number as part of the application process.*
 - (d) Any vehicle owned by a business that is licensed by the Secretary of State shall be titled using a Federal Employer Identification Number.
- (5) The use of an electronic medium shall be employed so that forms can be printed by the automated system. Existing statutory language in this chapter and KRS Chapter 186 pertaining to application, signature, forms, or application transfer record may be construed to be electronic in nature at the discretion of the cabinet as provided for by administrative regulation.
 - (6) Any person who knowingly enters, or attests to the entry of, false or erroneous information in pursuit of a certificate of title shall be guilty of forgery in the second degree.

➔Section 3. Whereas, the law currently restricts the ability of many motor vehicle owners from properly registering their vehicles in the Commonwealth, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 4, 2024.

CHAPTER 46

(HB 439)

AN ACT relating to alcoholic beverages and declaring an emergency.

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

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

As used in KRS Chapters 241 to 244, unless the context requires otherwise:

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

- (b) "Alcohol vaporizing device" or "AWOL device" does not include an inhaler, nebulizer, atomizer, or other device that is designed and intended by the manufacturer to dispense a prescribed or over-the-counter medication or a device installed and used by a licensee under this chapter to demonstrate the aroma of an alcoholic beverage;
- (4) "Automobile race track" means a facility primarily used for vehicle racing that has a seating capacity of at least thirty thousand (30,000) people;
- (5) "Barrel-aged and batched cocktail" means an alcoholic beverage that is:
 - (a) Composed of:
 - 1. Distilled spirits that have been dispensed from their original sealed container; and
 - 2. Other ingredients or alcoholic beverages;
 - (b) Placed into a barrel or container on the premises of a retail licensee; and
 - (c) Dispensed from the barrel or container as a retail sale by the drink;
- (6) "Bed and breakfast" means a one (1) family dwelling unit that:
 - (a) Has guest rooms or suites used, rented, or hired out for occupancy or that are occupied for sleeping purposes by persons not members of the single-family unit;
 - (b) Holds a permit under KRS Chapter 219; and
 - (c) Has an innkeeper who resides on the premises or property adjacent to the premises during periods of occupancy;
- (7) "Board" means the State Alcoholic Beverage Control Board created by KRS 241.030;
- (8) "Bottle" means any container which is used for holding alcoholic beverages for the use and sale of alcoholic beverages at retail;
- (9) "Brewer" means any person who manufactures malt beverages or owns, occupies, carries on, works, or conducts any brewery, either alone or through an agent;
- (10) "Brewery" means any place or premises where malt beverages are manufactured for sale, and includes all offices, granaries, mash rooms, cooling rooms, vaults, yards, and storerooms connected with the premises; or where any part of the process of the manufacture of malt beverages is carried on; or where any apparatus connected with manufacture is kept or used; or where any of the products of brewing or fermentation are stored or kept;
- (11) "Building containing licensed premises" means the licensed premises themselves and includes the land, tract of land, or parking lot in which the premises are contained, and any part of any building connected by direct access or by an entrance which is under the ownership or control of the licensee by lease holdings or ownership;
- (12) "Caterer" means a person operating a food service business that prepares food in a licensed and inspected commissary, transports the food and alcoholic beverages to the caterer's designated and inspected banquet hall or to an agreed location, and serves the food and alcoholic beverages pursuant to an agreement with another person;
- (13) "Charitable organization" means a nonprofit entity recognized as exempt from federal taxation under section 501(c) of the Internal Revenue Code (26 U.S.C. sec. 501(c)) or any organization having been established and continuously operating within the Commonwealth of Kentucky for charitable purposes for three (3) years and which expends at least sixty percent (60%) of its gross revenue exclusively for religious, educational, literary, civic, fraternal, or patriotic purposes;
- (14) "Cider" means any fermented fruit-based beverage containing seven percent (7%) or more alcohol by volume and includes hard cider and perry cider;
- (15) "City administrator" means city alcoholic beverage control administrator;
- (16) "Commercial airport" means an airport through which more than five hundred thousand (500,000) passengers arrive or depart annually;
- (17) (a) "Commercial quadricycle" means a vehicle equipped with a minimum of ten (10) pairs of fully operative pedals for propulsion by means of human muscular power and which:

1. Has four (4) wheels;
 2. Is operated in a manner similar to that of a bicycle;
 3. Is equipped with a minimum of thirteen (13) seats for passengers;
 4. Has a unibody design;
 5. Is equipped with a minimum of four (4) hydraulically operated brakes;
 6. Is used for commercial tour purposes;
 7. Is operated by the vehicle owner or an employee of the owner; and
 8. Has an electrical assist system that shall only be used when traveling to or from its storage location while not carrying passengers.
- (b) A "commercial quadricycle" is not a motor vehicle as defined in KRS 186.010 or 189.010;
- (18) "Commissioner" means the commissioner of the Department of Alcoholic Beverage Control;
- (19) "Consumer" means a person, persons, or business organization who purchases alcoholic beverages and who:
- (a) Does not hold a license or permit issued by the department;
 - (b) Purchases the alcoholic beverages for personal consumption only and not for resale;
 - (c) Is of lawful drinking age; and
 - (d) Receives the alcoholic beverages in territory where the alcoholic beverages may be lawfully sold or received;
- (20) "Convention center" means any facility which, in its usual and customary business, provides seating for a minimum of one thousand (1,000) people and offers convention facilities and related services for seminars, training and educational purposes, trade association meetings, conventions, or civic and community events or for plays, theatrical productions, or cultural exhibitions;
- (21) "Convicted" and "conviction" means a finding of guilt resulting from a plea of guilty, the decision of a court, or the finding of a jury, irrespective of a pronouncement of judgment or the suspension of the judgment;
- (22) "County administrator" means county alcoholic beverage control administrator;
- (23) "Department" means the Department of Alcoholic Beverage Control;
- (24) "Dining car" means a railroad passenger car that serves meals to consumers on any railroad or Pullman car company;
- (25) "Discount in the usual course of business" means price reductions, rebates, refunds, and discounts given by wholesalers to distilled spirits and wine retailers pursuant to an agreement made at the time of the sale of the merchandise involved and are considered a part of the sales transaction, constituting reductions in price pursuant to the terms of the sale, irrespective of whether the quantity discount was:
- (a) Prorated and allowed on each delivery;
 - (b) Given in a lump sum after the entire quantity of merchandise purchased had been delivered; or
 - (c) Based on dollar volume or on the quantity of merchandise purchased;
- (26) "Distilled spirits" or "spirits" means any product capable of being consumed by a human being which contains alcohol ~~in excess of the amount permitted by KRS Chapter 242~~ obtained by distilling, mixed with water or other substances in solution, except wine, hard cider, and malt beverages;
- (27) "Distiller" means any person who is engaged in the business of manufacturing distilled spirits at any distillery in the state and is registered in the Office of the Collector of Internal Revenue for the United States at Louisville, Kentucky;
- (28) "Distillery" means any place or premises where distilled spirits are manufactured for sale, and which are registered in the office of any collector of internal revenue for the United States. It includes any United States government bonded warehouse;
- (29) "Distributor" means any person who distributes malt beverages for the purpose of being sold at retail;

- (30) "Dry" means a territory in which a majority of the electorate voted to prohibit all forms of retail alcohol sales through a local option election held under KRS Chapter 242;
- (31) "Election" means:
- (a) An election held for the purpose of taking the sense of the people as to the application or discontinuance of alcoholic beverage sales under KRS Chapter 242; or
 - (b) Any other election not pertaining to alcohol;
- (32) "Horse racetrack" means a facility licensed to conduct a horse race meeting under KRS Chapter 230;
- (33) "Hotel" means a hotel, motel, or inn for accommodation of the traveling public, designed primarily to serve transient patrons;
- (34) "Investigator" means any employee or agent of the department who is regularly employed and whose primary function is to travel from place to place for the purpose of visiting licensees, and any employee or agent of the department who is assigned, temporarily or permanently, by the commissioner to duty outside the main office of the department at Frankfort, in connection with the administration of alcoholic beverage statutes;
- (35) "License" means any license issued pursuant to KRS Chapters 241 to 244;
- (36) "Licensee" means any person to whom a license has been issued, pursuant to KRS Chapters 241 to 244;
- (37) "Limited restaurant" means:
- (a) A facility where the usual and customary business is the preparation and serving of meals to consumers, which has a bona fide kitchen facility, which receives at least seventy percent (70%) of its food and alcoholic beverage receipts from the sale of food, which maintains a minimum seating capacity of fifty (50) persons for dining, which has no open bar, which requires that alcoholic beverages be sold in conjunction with the sale of a meal, and which is located in a wet or moist territory under KRS 242.1244; or
 - (b) A facility where the usual and customary business is the preparation and serving of meals to consumers, which has a bona fide kitchen facility, which receives at least seventy percent (70%) of its food and alcoholic beverage receipts from the sale of food, which maintains a minimum seating capacity of one hundred (100) persons of dining, and which is located in a wet or moist territory under KRS 242.1244;
- (38) "Local administrator" means a city alcoholic beverage administrator, county alcoholic beverage administrator, or urban-county alcoholic beverage control administrator;
- (39) "Malt beverage" means any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt, and includes weak cider;
- (40) "Manufacture" means distill, rectify, brew, bottle, and operate a winery;
- (41) "Manufacturer" means a winery, distiller, rectifier, or brewer, and any other person engaged in the production or bottling of alcoholic beverages;
- (42) "Minor" means any person who is not twenty-one (21) years of age or older;
- (43) "Moist" means a territory in which a majority of the electorate voted to permit limited alcohol sales by any one (1) or a combination of special limited local option elections authorized by KRS Chapter 242;
- (44) "Population" means the population figures established by the federal decennial census for a census year or the current yearly population estimates prepared by the Kentucky State Data Center, Urban Studies Center of the University of Louisville, Louisville, Kentucky, for all other years;
- (45) "Premises" means the land and building in and upon which any business regulated by alcoholic beverage statutes is operated or carried on. "Premises" shall not include as a single unit two (2) or more separate businesses of one (1) owner on the same lot or tract of land, in the same or in different buildings if physical and permanent separation of the premises is maintained, excluding employee access by keyed entry and emergency exits equipped with crash bars, and each has a separate public entrance accessible directly from the sidewalk or parking lot. Any licensee holding an alcoholic beverage license on July 15, 1998, shall not, by reason of this subsection, be ineligible to continue to hold his or her license or obtain a renewal, of the license;
- (46) "Primary source of supply" or "supplier" means the distiller, winery, brewer, producer, owner of the commodity at the time it becomes a marketable product, bottler, or authorized agent of the brand owner. In the case of imported products, the primary source of supply means either the foreign producer, owner, bottler, or

agent of the prime importer from, or the exclusive agent in, the United States of the foreign distiller, producer, bottler, or owner;

- (47) "Private club" means a nonprofit social, fraternal, military, or political organization, club, or nonprofit or for-profit entity maintaining or operating a club room, club rooms, or premises from which the general public is excluded;
- (48) "Private selection event" means a private event with a licensed distiller during which participating consumers, retail licensees, wholesalers, distributors, or a distillery's own representatives select a single barrel or a blend of barrels of the distiller's products to be specially packaged for the participants;
- (49) "Private selection package" means a bottle of distilled spirits sourced from the barrel or barrels selected by participating consumers, retail licensees, wholesalers, distributors, microbreweries that hold a quota retail drink or quota retail package license, or a distillery's own representatives during a private selection event;
- (50) "Public nuisance" means a condition that endangers safety or health, is offensive to the senses, or obstructs the free use of property so as to interfere with the comfortable enjoyment of life or property by a community or neighborhood or by any considerable number of persons;
- (51) "Qualified historic site" means:
- (a) A contributing property with dining facilities for at least fifty (50) persons at tables, booths, or bars where food may be served within a commercial district listed in the National Register of Historic Places;
 - (b) A site that is listed as a National Historic Landmark or in the National Register of Historic Places with dining facilities for at least fifty (50) persons at tables, booths, or bars where food may be served;
 - (c) A distillery which is listed as a National Historic Landmark and which conducts souvenir retail package sales under KRS 243.0305; or
 - (d) A not-for-profit or nonprofit facility listed on the National Register of Historic Places;
- (52) "Rectifier" means any person who rectifies, purifies, or refines distilled spirits, malt, or wine by any process other than as provided for on distillery premises, and every person who, without rectifying, purifying, or refining distilled spirits by mixing alcoholic beverages with any materials, manufactures any imitations of or compounds liquors for sale under the name of whiskey, brandy, gin, rum, wine, spirits, cordials, bitters, or any other name;
- (53) "Repackaging" means the placing of alcoholic beverages in any retail container irrespective of the material from which the container is made;
- (54) "Restaurant" means a facility where the usual and customary business is the preparation and serving of meals to consumers, that has a bona fide kitchen facility, and that receives at least fifty percent (50%) of its food and alcoholic beverage receipts from the sale of food at the premises;
- (55) "Retail container" means any bottle, can, barrel, or other container which, without a separable intermediate container, holds alcoholic beverages and is suitable and destined for sale to a retail outlet, whether it is suitable for delivery or shipment to the consumer or not;
- (56) "Retail sale" means any sale of alcoholic beverages to a consumer, including those transactions taking place in person, electronically, online, by mail, or by telephone;
- (57) "Retailer" means any licensee who sells and delivers any alcoholic beverage to consumers, except for manufacturers with limited retail sale privileges and direct shipper licensees;
- (58) "Riverboat" means any boat or vessel with a regular place of mooring in this state that is licensed by the United States Coast Guard to carry **forty (40)**~~one hundred (100)~~ or more passengers for hire on navigable waters in or adjacent to this state;
- (59) "Sale" means any transfer, exchange, or barter for consideration, and includes all sales made by any person, whether principal, proprietor, agent, servant, or employee, of any alcoholic beverage;
- (60) "Service bar" means a bar, counter, shelving, or similar structure used for storing or stocking supplies of alcoholic beverages that is a workstation where employees prepare alcoholic beverage drinks to be delivered to customers away from the service bar;

- (61) "Sell" includes solicit or receive an order for, keep or expose for sale, keep with intent to sell, and the delivery of any alcoholic beverage;
- (62) "Small farm winery" means a winery whose wine production is not less than two hundred fifty (250) gallons and not greater than five hundred thousand (500,000) gallons in a calendar year;
- (63) "Souvenir package" means a special package of distilled spirits available from a licensed retailer that is:
- (a) Available for retail sale at a licensed Kentucky distillery where the distilled spirits were produced or bottled; or
 - (b) Available for retail sale at a licensed Kentucky distillery but produced or bottled at another of that distiller's licensed distilleries in Kentucky;
- (64) "State administrator" or "administrator" means the distilled spirits administrator or the malt beverages administrator, or both, as the context requires;
- (65) "State park" means a state park that has a:
- (a) Nine (9) or eighteen (18) hole golf course; or
 - (b) Full-service lodge and dining room;
- (66) "Supplemental bar" means a bar, counter, shelving, or similar structure used for serving and selling distilled spirits or wine by the drink for consumption on the licensed premises to guests and patrons from additional locations other than the main bar;
- (67) "Territory" means a county, city, district, or precinct;
- (68) "Urban-county administrator" means an urban-county alcoholic beverage control administrator;
- (69) "Valid identification document" means an unexpired, government-issued form of identification that contains the photograph and date of birth of the individual to whom it is issued;
- (70) "Vehicle" means any device or animal used to carry, convey, transport, or otherwise move alcoholic beverages or any products, equipment, or appurtenances used to manufacture, bottle, or sell these beverages;
- (71) "Vintage distilled spirit" means:
- (a) A private selection package; or
 - (b) A package or packages of distilled spirits that:
 - 1. Are in their original manufacturer's unopened container;
 - 2. Are not owned by a distillery; and
 - 3. Are not otherwise available for purchase from a licensed wholesaler within the Commonwealth;
- (72) (a) "Vintage distilled spirits seller" means a nonlicensed person at least twenty-one (21) years of age who is:
- 1. An administrator, executor, receiver, or other fiduciary who receives and sells vintage distilled spirits in execution of the person's fiduciary capacity;
 - 2. A creditor who receives or takes possession of vintage distilled spirits as security for, or in payment of, debt, in whole or in part;
 - 3. A public officer or court official who levies on vintage distilled spirits under order or process of any court or magistrate to sell the vintage distilled spirits in satisfaction of the order or process; or
 - 4. Any other person not engaged in the business of selling alcoholic beverages.
- (b) "Vintage distilled spirits seller" does not mean:
- 1. A person selling alcoholic beverages as part of an approved KRS 243.630 transfer; or
 - 2. A person selling alcoholic beverages as authorized by KRS 243.540;
- (73) "Warehouse" means any place in which alcoholic beverages are housed or stored;

- (74) "Weak cider" means any fermented fruit-based beverage containing more than one percent (1%) but less than seven percent (7%) alcohol by volume;
- (75) "Wet" means a territory in which a majority of the electorate voted to permit all forms of retail alcohol sales by a local option election under KRS 242.050 or 242.125 on the following question: "Are you in favor of the sale of alcoholic beverages in (name of territory)?";
- (76) "Wholesale sale" means a sale to any person for the purpose of resale;
- (77) "Wholesaler" means any person who distributes alcoholic beverages for the purpose of being sold at retail, but it shall not include a subsidiary of a manufacturer or cooperative of a retail outlet;
- (78) "Wine" means the product of the normal alcoholic fermentation of the juices of fruits, with the usual processes of manufacture and normal additions, and includes champagne and sparkling and fortified wine of an alcoholic content not to exceed twenty-four percent (24%) by volume. It includes sake, cider, hard cider, and perry cider and also includes preparations or mixtures vended in retail containers if these preparations or mixtures contain not more than fifteen percent (15%) of alcohol by volume. It does not include weak cider; and
- (79) "Winery" means any place or premises in which wine is manufactured from any fruit, or brandies are distilled as a by-product of wine or other fruit, or cordials are compounded, except a place or premises that manufactures wine for sacramental purposes exclusively.

➔Section 2. KRS 241.060 is amended to read as follows:

The board shall have the following functions, powers, and duties:

- (1) To promulgate reasonable administrative regulations governing procedures relative to the applications for and revocations of licenses, the supervision and control of the use, manufacture, sale, transportation, storage, advertising, and trafficking of alcoholic beverages, and all other matters over which the board has jurisdiction. The only administrative regulation that shall be promulgated in relation to the direct shipper license is to establish the license application, as set forth in KRS 243.027(4). To the extent any administrative regulation previously promulgated is contrary to the provisions of KRS 13A.120(2), the board shall repeal or amend the administrative regulation as necessary by January 1, 2022. Administrative regulations need not be uniform in their application but may vary in accordance with reasonable classifications;
- (2) To limit in its sound discretion the number of licenses of each kind or class to be issued in this state or any political subdivision, and restrict the locations of licensed premises. To this end, the board may make reasonable division and subdivision of the state or any political subdivision into districts. Administrative regulations relating to the approval, denial, and revocation of licenses may be different within the several divisions or subdivisions;
- (3) To hold hearings in accordance with the provisions of KRS Chapter 13B. The department may pay witnesses the per diem and mileage provided in KRS 421.015;
- (4) To conduct hearings and appeals under KRS 241.150, 241.200, 241.260, 243.470, and 243.520 and render final orders upon the subjects of the hearings and appeals;
- (5)
 - (a) To order the destruction of evidence, *other than contraband alcoholic beverages suitable for public auction under paragraph (b) of this subsection*, in the department's possession after all administrative and judicial proceedings are conducted.
 - (b) *To dispose of contraband alcoholic beverages through public auction if:*
 1. *A final order relating to those contraband alcoholic beverages has been entered after all administrative and judicial proceedings are conducted, if applicable;*
 2. *The entire proceeds of the public auction are donated to the alcohol wellness and responsibility education fund established in Section 15 of this Act; and*
 3. *The board deems the inventory safe to release to the public, including but not limited to the alcoholic beverages being in their original, unopened packaging;*
- (6) To suspend, revoke, or cancel for cause, after a hearing in accordance with KRS Chapter 13B, any license; and
- (7) To prohibit the issuance of a license for the premises until the expiration of two (2) years from the time the offense was committed if a violation of KRS Chapters 241 to 244 has taken place on the premises which the owner knew of or should have known of, or was committed or permitted in or on the premises owned by the licensee.

➔Section 3. KRS 241.066 is amended to read as follows:

- (1) The number of quota retail package licenses issued by the department in any wet county shall not exceed one (1) license for every two thousand three hundred (2,300) persons resident in the county, except that:
 - (a) A wet county containing a city of the first class shall be subject to the limitations in KRS 241.065;
 - (b) No fewer than two (2) quota retail package licenses shall be available for issuance by the department in any wet county;~~and~~
 - (c) Any specific county quota amounts that were issued by the department prior to January 1, 2018, in excess of the population calculations established in this section shall remain in effect, and the department shall maintain the list of specific quotas in an administrative regulation; *and*
 - (d) ***The number of quota retail package licenses issued by the department in any wet county or urban-county government, excluding a county containing a city of a first class subject to KRS 241.065, containing more than one hundred thousand (100,000) residents shall not exceed one (1) license for every two thousand (2,000) persons resident in the county.***
- (2) Nothing in this section shall be construed to prohibit license renewal or license transfers approved by the department of an existing quota retail license issued in a wet county.
- (3) In counties that have not received an increased quota license amount from the department, any quota licenses over the established amount shall be reduced as the licenses are revoked, surrendered, or not renewed by the license holder.
- (4) If a dry county that contains a wet city becomes wet, the quota established by this section shall supersede and replace any separate city quota.

➔Section 4. KRS 241.069 is amended to read as follows:

- (1) ***Any city, including any city located in a wet or dry county, county, or urban-county government***~~[A city]~~ may petition the board:
 - (a) For an increase in the number of quota ***retail package*** licenses available in its jurisdiction; *or*
 - (b) ***For an increase in the number of quota retail package licenses available in the county, if the number of quota retail package licenses is governed by Section 3 of this Act***~~[pursuant to KRS 242.021].~~

A request for an increase shall not exceed the ratio of one (1) per every one thousand five hundred (1,500) residents.

- (2) The board shall consider the following factors when deciding whether to grant the increase:
 - (a) Population served by the city, ***county, or urban-county government***;
 - (b) ***Estimated*** total retail sales of the city, ***county, or urban-county government*** for the most recent past fiscal year;
 - (c) ***Estimated*** retail sales per capita for the most recent past fiscal year;
 - (d) ***Estimated*** total alcohol sales in the city, ***county, or urban-county government*** for the most recent past fiscal year;
 - (e) Tourist destinations in the area, if applicable; and
 - (f) Other economic and commercial data offered to show the capacity to support additional licenses.
- (3) The board shall grant the request if the information supplied supports the requested increase, and shall begin the process of filing an amendment to its administrative regulation to register the increase. Additional licenses shall not be issued until the administrative regulation process is complete and the amendment is adopted.
- (4) If the board determines the information supplied does not support a quota increase, it shall notify the city, ***county, or urban-county government*** of its decision by registered mail at the address given in the request. The city, ***county, or urban-county government*** shall have thirty (30) days from the date of the mailing to file a written request for a hearing before the board regarding its request for an increase.

➔Section 5. KRS 242.021 is amended to read as follows:

- (1) A city, ***including a city located in a wet or dry county, county, or urban-county government authorized by this section*** shall not file a request with the board seeking to increase the number of quota retail ***package***

licenses for the city, *county, or urban-county government* unless at least *one (1) year* ~~has three (3) years have~~ passed since the certification of ~~the [its]~~ local option election approving alcohol sales *that resulted in the establishment of the quota retail package license number that the city, county, or urban-county government seeks to have increased.*

- (2) Prior to making its request, the city, *county, or urban-county government* shall publish a notice in the newspaper used for its legal notices, advising the general public of the city's, *county's, or urban-county government's* intent to request additional licenses from the board.
- (3) The request to the board for a quota increase shall include:
 - (a) A certified copy of the governing body's resolution approving the request;
 - (b) A certified copy of the notice referenced in subsection (2) of this section; and
 - (c) An explanation as to the reason the city, *county, or urban-county government* meets the criteria established in KRS 241.069 for a quota increase.
- (4) The city, *county, or urban-county government* shall bear the burden of showing an increase is necessary.
- (5) A city, *county, or urban-county government* shall not petition the board for an increase more than once every three (3) years.

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 243 IS CREATED TO READ AS FOLLOWS:

- (1) *Any person delivering alcohol by the package at retail on behalf of a licensee shall not sell to:*
 - (a) *A minor under twenty-one (21) years of age; or*
 - (b) *An intoxicated person.*
- (2) *Any person delivering alcoholic beverages on behalf of a retail package licensee to an individual consumer shall verify that the recipient is at least twenty-one (21) years of age by requiring the production of a valid identification document as defined in Section 1 of this Act.*
- (3) *Any person delivering alcohol by the package at retail on behalf of a licensee shall possess a physical or electronic version of the license issued by the department.*

➔Section 7. KRS 243.030 is amended to read as follows:

The following licenses that authorize traffic in distilled spirits and wine may be issued by the distilled spirits administrator. Licenses that authorize traffic in all alcoholic beverages may be issued by both the distilled spirits administrator and malt beverages administrator. The licenses and their accompanying fees are as follows:

- (1) Distiller's license:
 - (a) Class A, per annum\$3,090.00
 - (b) Class B (craft distillery), per annum\$1,000.00
 - (c) Off-premises retail sales outlet, per annum\$300.00
- (2) Rectifier's license:
 - (a) Class A, per annum\$2,580.00
 - (b) Class B (craft rectifier), per annum.....\$825.00
- (3) Winery license, per annum\$1,030.00
- (4) Small farm winery license, per annum\$110.00
 - (a) Small farm winery off-premises retail license, per annum\$30.00
- (5) Wholesaler's license, per annum\$2,060.00
- (6) Quota retail package license, per annum\$570.00
- (7) Quota retail drink license, per annum\$620.00
- (8) Transporter's license, per annum\$210.00
- (9) Special nonbeverage alcohol license, per annum\$60.00

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| (10) | Special agent's or solicitor's license, per annum | \$30.00 |
| (11) | Bottling house or bottling house storage license, per annum | \$1,030.00 |
| (12) | Special temporary license, per event | \$100.00 |
| (13) | Special Sunday retail drink license, per annum | \$520.00 |
| (14) | Caterer's license, per annum | \$830.00 |
| (15) | Special temporary alcoholic beverage
auction license, per event | \$100.00 |
| (16) | Extended hours supplemental license, per annum | \$2,060.00 |
| (17) | Hotel in-room license, per annum | \$210.00 |
| (18) | Air transporter license, per annum | \$520.00 |
| (19) | Sampling license, per annum | \$110.00 |
| (20) | Replacement or duplicate license | \$25.00 |
| (21) | Entertainment destination center license: | |
| | (a) When the licensee is a city, county, urban-county government,
consolidated local government, charter county government, or unified
local government, per annum | \$2,577.00 |
| | (b) All other licensees, per annum..... | \$7,730.00 |
| (22) | Limited restaurant license, per annum | \$780.00 |
| (23) | Limited golf course license, per annum | \$720.00 |
| (24) | Small farm winery wholesaler's license, per annum | \$110.00 |
| (25) | Qualified historic site license, per annum | \$1,030.00 |
| (26) | Nonquota type 1 license, per annum | \$4,120.00 |
| (27) | Nonquota type 2 license, per annum..... | \$830.00 |
| (28) | Nonquota type 3 license, per annum..... | \$310.00 |
| (29) | Distilled spirits and wine storage license, per annum | \$620.00 |
| (30) | Out-of-state distilled spirits and wine supplier's license, per annum..... | \$1, 550.00 |
| (31) | Limited out-of-state distilled spirits and
wine supplier's license, per annum | \$260.00 |
| (32) | Authorized public consumption license, per annum | \$250.00 |
| (33) | Direct shipper license, per annum..... | \$100.00 |
| (34) | Limited nonquota package license, per annum..... | \$300.00 |
| (35) | <i>Vintage distilled spirits license, per annum</i> | <i>\$300.00</i> |
| (36) | A nonrefundable fee of sixty dollars (\$60) shall be charged to process each new transitional license pursuant to KRS 243.045. | |
| (37) | (36) Other special licenses the board finds necessary for the proper regulation and control of the traffic in distilled spirits and wine and provides for by administrative regulation. In establishing the amount of license taxes that are required to be fixed by the board, it shall have regard for the value of the privilege granted. | |
| (38) | (37) The fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the primary retail drink license. There shall be no charge for each supplemental license issued in excess of five (5) to the same licensee at the same premises. | |

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

➔Section 8. KRS 243.110 is amended to read as follows:

- (1) Except as provided in subsection (3) of this section, each kind of license listed in KRS 243.030 shall be incompatible with every other kind listed in that section and no person or entity holding a license of any of those kinds shall apply for or hold a license of another kind listed in KRS 243.030.
- (2)
 - (a) Each kind of license listed in KRS 243.040(1), (3), or (4) shall be incompatible with every other kind listed in KRS 243.040(1), (3), or (4), and no person holding a license of any of those kinds shall apply for or hold a license of any other kind listed in KRS 243.040(1), (3), or (4).
 - (b) A brewery holding a license listed in KRS 243.040(5) or (8) shall not apply for or hold a license listed in KRS 243.040(3) or (4).
- (3)
 - (a) The holder of a quota retail package license may also hold a quota retail drink license, an NQ1 retail drink license, an NQ2 retail drink license, an NQ3 retail drink license, or a special nonbeverage alcohol license.
 - (b) The holder of a transporter's license may also hold a distilled spirits and wine storage license.
 - (c) The holder of a distiller's license may also hold a rectifier's license, a special nonbeverage alcohol license, a winery license, or a small farm winery license.
 - (d) A commercial airline system or charter flight system retail license, a commercial airline system or charter flight system transporter's license, and a retail drink license if held by a commercial airline or charter flight system may be held by the same licensee.
 - (e) A Sunday retail drink license, *vintage distilled spirits license*, and supplemental license may be held by the holder of a primary license.
 - (f) The holder of a distiller's, winery, small farm winery, brewer, microbrewery, distilled spirits and wine supplier's, or malt beverage supplier's license may also hold a direct shipper license.
 - (g) The holder of an NQ1 retail drink license, an NQ2 retail drink license, or a limited restaurant license may also hold a limited nonquota package license.
- (4) Any person may hold two (2) or more licenses of the same kind.
- (5) A person or entity shall not evade the prohibition against applying for or holding licenses of two (2) kinds by applying for a second license through or under the name of a different person or entity. The state administrator shall examine the ownership, membership, and management of applicants, and shall deny the application for a license if the applicant is substantially interested in a person or entity that holds an incompatible license.

➔Section 9. KRS 243.200 is amended to read as follows:

- (1) A transporter's license may be issued as a primary license to a motor carrier authorized to transact business in the Commonwealth by the Transportation Cabinet or the Federal Motor Carrier Safety Administration or to another person engaged in business as a common carrier. A person holding a transporter's license may transport alcoholic beverages to or from the licensed premises of any licensee under this chapter to an individual consumer if both the consignor and consignee in each case are authorized by the law of the states of their residence to sell, purchase, deliver, ship, or receive the alcoholic beverages.
- (2) A transporter may deliver or ship to consumers over twenty-one (21) years of age in packages clearly marked "Alcoholic Beverages, adult signature (21 years of age or over) required," and shall request adult-signature-only service from the carrier. Deliveries or shipments of alcoholic beverages shall only be made into areas of the state in which alcoholic beverages may be lawfully sold. When the shipper requests adult-signature-only service, it shall be a violation for a common carrier not to inspect government-issued identification for proof of age. No properly licensed common carrier or any of its employees acting on behalf of a consignor in the course and scope of a delivery or shipment of alcoholic beverages to a consumer shall be liable for a violation of this subsection or any provision of KRS 242.250, 242.260, or 242.270 prohibiting the delivery or shipment of alcoholic beverages into areas of the state in which alcoholic beverages are not lawfully sold.
- (3) Except for a common carrier that has been assigned a USDOT number issued by the Federal Motor Carrier Safety Administration, the holder of a transporter's license shall cause each truck or vehicle to display the

name of the licensee and the state license numbers in a manner prescribed by an administrative regulation promulgated by the board.

- (4) Except for an application by a common carrier that has been assigned a USDOT number issued by the Federal Motor Carrier Safety Administration, an application for a transporter's license shall include a statement that the applicant, if issued a license, shall allow any authorized investigators of the department to stop and examine the cargo of any truck or vehicle in which alcoholic beverages are being transported within the boundaries of the Commonwealth of Kentucky.
- (5) A licensee may move, within the same county, alcoholic beverages from one (1) of the licensee's licensed premises to another without a transporter's license. A licensee may move alcoholic beverages from one (1) of the licensee's licensed premises located in one (1) county to a licensed premises located in another county, without a transporter's license, with prior written approval of the administrator for good cause shown. The licensee shall keep and maintain, in one (1) of its licensed premises, adequate books and records of the transactions involved in transporting alcoholic beverages from one (1) licensed premises to another in accordance with standards established in administrative regulations promulgated by the board. The records shall be available to the department and the Department of Revenue upon request.
- (6) Distilled spirits and wine may be transported by any licensed retailer selling distilled spirits or wine, by the package or by the drink, from the premises of a licensed wholesaler to the licensed premises of the retail licensee. ~~Any retailer transporting alcoholic beverages under this subsection shall do so in a vehicle marked in conformity with administrative regulations of the board.~~ Both the wholesaler and the retailer engaging in activity under this subsection shall be responsible for maintaining records documenting the transactions.

➔Section 10. KRS 243.232 is amended to read as follows:

- (1) *A vintage distilled spirits license may be issued as a supplementary license to a licensee that holds a primary license that permits the sale of distilled spirits by the package or by the drink.*
- (2) *A vintage distilled spirits licensee shall file a monthly report with the department, which shall be established and maintained by the department, utilizing a form prescribed by the department that includes the following information:*
 - (a) *The number of vintage distilled spirits packages purchased in the preceding thirty (30) days in total, with each purchase matched to the individual from whom the vintage distilled spirits were purchased;*
 - (b) *The date of each purchase;*
 - (c) *The name, address, and phone number of each individual from whom vintage distilled spirits were purchased;*
 - (d) *A detailed description of the vintage distilled spirits purchased, including the brand name and the size of the packages; and*
 - (e) *The number of vintage distilled spirits packages that the licensee has previously purchased from the same individual and the dates of those purchases.*
- (3) *Vintage distilled spirits licensees shall purchase all vintage distilled spirits in person at its licensed premises, and at the time of purchase, the vintage distilled spirits licensee shall immediately place a conspicuous sticker, not readily removable, on the bottle or container that states "Vintage Distilled Spirit"* ~~[A person holding a license to sell distilled spirits by the drink or by the package at retail may sell vintage distilled spirits purchased from a nonlicensed person upon written notice to the department in accordance with administrative regulations promulgated by the department].~~
- (4)~~(2)~~ Vintage distilled spirits may be resold only:
 - (a) By the drink by a *vintage distilled spirits licensee with* ~~[person holding]~~ a license to sell distilled spirits by the drink; and
 - (b) By the package by a *vintage distilled spirits licensee with* ~~[person holding]~~ a license to sell distilled spirits by the package.
- (5) *A vintage distilled spirits licensee shall not purchase more than twenty-four (24) vintage distilled spirits packages from any single vintage distilled spirits seller in any given twelve (12) month period.*

(6) *A vintage distilled spirits seller shall not sell more than twenty-four (24) vintage distilled spirit packages to any single or combination of vintage distilled spirits licensees in any given twelve (12) month period. A vintage distilled spirits seller who violates the provisions of this subsection shall be subject to the penalties set forth in Section 13 of this Act.*

~~{(3) Vintage distilled spirits may be sold or resold by the package by a person holding a limited nonquota package license.~~

~~(4) A vintage distilled spirits seller shall sell no more than twenty four (24) vintage distilled spirits packages in any given twelve (12) month period.~~

~~(5) Prior to selling vintage distilled spirits purchased from a vintage distilled spirits seller to a consumer, a licensee shall provide notice of its purchase of the spirits to the department. The notice shall contain the following information:~~

~~(a) The name, address, state license number, and phone number of the licensee purchasing vintage distilled spirits;~~

~~(b) The name, address, and phone number of the vintage distilled spirits seller;~~

~~(c) The brand name and quantity of each vintage distilled spirits package purchased;~~

~~(d) The date of the purchase; and~~

~~(e) The number of packages that the licensee has previously purchased from the same vintage distilled spirits seller and the dates of those purchases.]~~

➔Section 11. KRS 243.360 is amended to read as follows:

(1) (a) All persons shall, before applying for a license, advertise by publication their intention to apply for a license in the newspaper for legal notices~~[under KRS 424.120]~~ for the county or city whose local administrator has~~[local]~~ jurisdiction over the proposed premises.

(b) *An advertisement under this subsection may be made online or in print.*

(c) *The department may prescribe the form and content of the advertisement by an administrative regulation that is promulgated in accordance with KRS Chapter 13A.*

(2) *The requirements of subsection (1) of this section*~~[This requirement]~~ shall not apply to an applicant for the same license for the same premises, or an applicant for any of the following licenses:

(a) Out-of-state malt beverage supplier's license;

(b) Limited out-of-state malt beverage supplier's license;

(c) Out-of-state distilled spirits and wine supplier's license;

(d) Limited out-of-state distilled spirits and wine supplier's license;

(e) Supplemental bar license;

(f) Extended hours supplemental license;

(g) Special agent or solicitor's license;

(h) Special nonbeverage alcohol license;

(i) Transporter's license;

(j) Special Sunday drink license;

(k) Hotel in-room license;

(l) Sampling license;

(m) Direct shipper license;~~[or]~~

(n) Special temporary drink license; *or*

(o) *Vintage distilled spirits license.*

~~(3){(2)}~~ The notice shall contain the following information:

- (a) The notice shall state: the name and address of the applicant and the name and address of each principal owner, partner, member, officer, and director if the applicant is a partnership, limited partnership, limited liability company, corporation, governmental agency, or other business entity recognized by law;
 - (b) The notice shall specifically state the location of the premises for which the license is sought, the type of business, and the type of license being requested; and
 - (c) The notice shall state the date the application will be filed and shall contain the following statement: "Any person may protest the approval of the license by writing the Department of Alcoholic Beverage Control within thirty (30) days of the date of legal publication."
- ~~(4)(3)~~ Any protest received after the thirty (30) day period has expired shall not be considered a valid legal protest by the board.
- ~~(5)(4)~~ Substantial compliance with the information listed in subsection ~~(3)(2)~~ of this section shall be sufficient to comply with this section.

➔Section 12. KRS 243.540 is amended to read as follows:

- (1) The provisions of this section shall apply to any licensee who is unable to continue in business at the licensed premises because of:
 - (a) An act of God;
 - (b) A casualty;
 - (c) An acquisition by a federal, state, city, or other governmental agency under the power of eminent domain granted to the government or agency;
 - (d) A voluntary or involuntary acquisition by any corporation or other business entity recognized by law through the power of eminent domain;
 - (e) A loss of lease because the landlord fails to renew an existing lease;
 - (f) Court action;
 - (g) Default under a security agreement;
 - (h) Default under a lease; or
 - (i) Other verifiable business reason.
- (2) If a license issued by the department has been revoked, the former licensee may, under the supervision of the state administrator, dispose of and transfer the former licensee's stock to another licensee if the disposition is completed within ninety (90) days and the licensee is a distiller, rectifier, winery, or brewer. The disposition shall be completed within thirty (30) days if the licensee is a wholesaler or distributor or within twenty (20) days if the licensee is a retailer.
- (3) A retail licensee in good standing with the department who voluntarily ceases to operate the licensed business for any reason other than revocation by the board or a court order shall dispose of all alcoholic beverage inventory within thirty (30) days of the event. The following requirements shall apply to the disposition of the licensee's inventory:
 - (a) If the premises is still open to the public and the licensee has not yet surrendered the license, the licensee shall sell alcoholic beverages only to the public and shall not sell below costs;
 - (b) If a licensee has terminated the licensed business, the licensee shall submit a written request for approval from the state administrator within ten (10) days in advance of the sale to dispose of the licensee's remaining inventory. The request shall identify the retailer who is purchasing the inventory, the proposed date of the sale, and the quantity, types, and brands of alcohol to be sold; and
 - (c) If a licensee has more than one (1) licensed retail premises and closes one (1) or more retail premises and seeks to transfer the inventory to another licensed retail premises the licensee owns, the licensee shall submit a request in writing to the state administrator at least ten (10) days before the inventory is transferred. The request shall identify the premises to which the alcohol is being transferred, the proposed date of the transfer, and the quantity, types, and brands of alcohol to be sold.

- (4) If a licensee files for bankruptcy or is directed by a court to dispose of inventory to satisfy a lien or judgment, the inventory may be sold only to a licensee holding any license that authorizes the possession and sale of those alcoholic beverages. The bankrupt licensee or the licensee subject to the court order shall notify the department of the sale and shall attach a copy of the court order or the judgment directing the sale and a list of the quantity, types, and brands of alcohol to be sold, but if the licensee fails to do so, the notification may be made by the bankruptcy trustee, the lienholder, or the judgment creditor. Any licensee who purchases the inventory shall notify the department within five (5) days after the transfer of the specific inventory sold.
- (5) A secured creditor or landlord that is in possession, custody, or control of any alcoholic beverages owned by a licensee may dispose of those alcoholic beverages ***through the department's public auction as authorized by subsection (6) of this section or*** in the following manner:
- (a) The secured creditor or landlord shall submit a written request for approval from the state administrator, within twenty (20) days in advance of the sale or destruction of the licensee's remaining inventory. The request shall identify the:
 1. Licensee who is purchasing the inventory or the business to destroy the inventory;
 2. Proposed date of the sale or destruction; and
 3. Quantity, types, and brands of alcohol to be sold or destroyed;
 - (b) The proposed transferee or transferees may be any person or persons holding any license that authorizes the possession and sale of those alcoholic beverages, or a business authorized to dispose of alcoholic beverages;
 - (c) A copy of the written request shall be mailed by the department to the licensee's registered agent or last known address on file with the department by certified mail. Within ten (10) days after the department's mailing of this request, the licensee shall file with the department and applicant any objection the licensee has to the request, or be permanently barred from objecting; and
 - (d) If a sale is approved, the licensee who purchases the inventory shall notify the department within five (5) days after the transfer of that specific inventory.
- (6) The board may promulgate administrative regulations for additional means for the transfer or disposal of alcoholic beverage inventory, ***including procedures to allow the board to dispose of the inventory through public auction if:***
- (a) ***A final order relating to those alcoholic beverages has been entered after all administrative and judicial proceedings are conducted, if applicable;***
 - (b) ***The entire proceeds of the public auction are donated to the alcohol wellness and responsibility education fund established in Section 15 of this Act; and***
 - (c) ***The board deems the inventory safe to release to the public, including but not limited to the alcoholic beverages being in their original, unopened packaging.***

➔Section 13. KRS 243.990 is amended to read as follows:

- (1) Any person who, by himself or herself or acting through another, directly or indirectly, violates any of the provisions of KRS 243.020 to 243.670, for which no other penalty is provided, shall, for the first offense, be guilty of a Class B misdemeanor; and for the second and each subsequent violation, he or she shall be guilty of a Class A misdemeanor. The penalties provided for in this subsection shall be in addition to the revocation of the offender's license.
- (2) Any person who, by himself or herself or through another, directly or indirectly, violates subsection (1) of KRS 243.020 shall, for the first offense, be guilty of a Class B misdemeanor; for the second offense, he or she shall be guilty of a Class A misdemeanor; and for the third and each subsequent offense, he or she shall be guilty of a Class D felony.
- (3) Any person who violates subsection (3) of KRS 243.020 shall be guilty of a violation.
- (4) Any person who violates KRS 243.620 with respect to a license issued under KRS 243.050 or 243.082 shall be guilty of a violation.
- (5) Any person who violates any of the provisions of KRS 243.720 or 243.730 or any regulation issued thereunder shall be guilty of a Class A misdemeanor.

- (6) Any person who violates any provision of KRS 243.710 to 243.850 shall be subject to the uniform civil penalties imposed pursuant to KRS 131.180.
- (7) In every case, any tax imposed by KRS 243.710 to 243.720 which is not paid on or before the due date shall bear interest at the tax interest rate as defined in KRS 131.010(6) from the due date until the date of payment.
- (8) Any person who, by himself or herself or acting through another, directly or indirectly, violates KRS 243.502(1) shall, for the first offense, be guilty of a Class B misdemeanor, and for the second and each subsequent violation, he or she shall be guilty of a Class A misdemeanor. The penalties provided for in this subsection shall be in addition to the suspension or revocation of the offender's license.
- (9) Any person who violates the provisions of KRS 243.897 shall be subject to a fine not to exceed one thousand dollars (\$1,000).
- (10) *Any vintage distilled spirits seller who, by himself or herself or acting through another, directly or indirectly, violates any of the provisions of subsection (6) of Section 10 of this Act shall:*
 - (a) *For the first offense, pay a five hundred dollar (\$500) fine;*
 - (b) *For the second offense, pay a two thousand five hundred dollar (\$2,500) fine; and*
 - (c) *For the third and each subsequent offense, pay a five thousand dollar (\$5,000) fine.*

➔SECTION 14. A NEW SECTION OF KRS CHAPTER 244 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *When the department seizes alcoholic beverages, within fourteen (14) days of the seizure it shall provide the licensee with notice of the violations that formed the basis for the seizure under KRS Chapters 241 to 244.*
- (b) *If the department fails to properly provide this notice, the seized alcoholic beverages shall be returned to the licensee.*
- (c) *If the department provides proper notice, the licensee may request a hearing before the board in accordance with KRS Chapter 13B to determine if the seizure was justified.*
- (2) *An aggrieved party may appeal the board's final order in the Circuit Court of the county where the seizure occurred.*

➔Section 15. KRS 211.285 is amended to read as follows:

- (1) There is hereby created the *alcohol wellness and responsibility education* ~~fund~~ ~~fund~~, which shall provide moneys on a matching basis for educational information and materials that deter or eliminate underage drinking. The fund shall consist of moneys generated from one percent (1%) of the excise tax collected from the sale and distribution of malt beverages under KRS 243.720, ~~and~~ one percent (1%) of the wholesale tax collected from distributors of malt beverages and microbreweries under KRS 243.884, *and all proceeds from public auctions conducted by the Alcoholic Beverage Control Board under Sections 2 and 12 of this Act.*
- (2) The *alcohol wellness and responsibility education* ~~fund~~ ~~fund~~ shall be established in the State Treasury as a trust and *agency* ~~revolving~~ account under KRS 45.253. Moneys in the account shall be distributed by the State Treasurer to the *Alcohol Wellness and Responsibility Education* ~~Corporation~~ ~~Corporation~~, a nonprofit organization that is organized under the laws of this state, upon the authorization of the secretary of the *Public Protection* Cabinet ~~for Health and Family Services~~. The moneys shall be awarded to the corporation solely to fund educational programs to deter or eliminate underage drinking *and promote alcohol responsibility measures.*
- (3) The secretary of the *Public Protection* Cabinet ~~for Health and Family Services~~ shall authorize that moneys from the fund be disbursed to the corporation upon the secretary's receipt of a certification from the corporation showing the moneys the corporation has received from malt beverage distributors, microbreweries, *auctions*, and other private sources since the last certification. The moneys disbursed from the fund shall be equal to the contributions that the corporation has received from its members and other private sources during that period. The moneys in the fund shall be disbursed in accordance with a schedule established by the secretary, and shall be disbursed until the moneys in the fund are exhausted or until the moneys in the fund lapse in accordance with subsection (4) of this section, whichever comes first.
- (4) Moneys that are credited to the fund and not issued to the corporation shall lapse at the end of the fiscal year and shall be returned to the general fund.

- (5) As a condition of receiving the governmental funds, the corporation's board of directors shall include the following among its directors:
- (a) *All duly elected statewide constitutional officers or designees* ~~{The Governor or his or her designee};~~
 - (b) ~~{The Attorney General or his or her designee};~~
 - (~~e~~) The President of the Senate or ~~{his or her}~~ designee, *who shall serve as a nonvoting member*;
 - (c) ~~{(d)}~~ The Speaker of the House or ~~{his or her}~~ designee, *who shall serve as a nonvoting member*;
 - (d) ~~{(e)}~~ The secretary of the *Public Protection* Cabinet ~~{for Health and Family Services}~~ or ~~{his or her}~~ designee; ~~{and}~~
 - (e) ~~{(f)}~~ The commissioner of the Department of Alcoholic Beverage Control or ~~{his or her}~~ designee;
 - (f) *A representative of the malt beverage industry submitted by the Kentucky Beer Wholesalers' Association*;
 - (g) *A representative of the malt beverage industry submitted by the Kentucky Malt Beverage Council*; and
 - (h) *A representative of the distilled spirits industry submitted by the Kentucky Distillers' Association*.
- (6) All expenditures of moneys from the fund shall be approved by a majority of those persons set out in subsection (5)(a) *and (d) to (h)* ~~{(f)}~~ of this section. If the moneys from the fund are not expended in their entirety, any moneys that remain unused by the corporation at the end of the fiscal year shall be returned to the general fund.
- (7) Any moneys from the fund that are not expended shall be returned to the general fund upon the dissolution of the corporation.
- (8) *The Alcohol Wellness and Responsibility Education Corporation may accept applications for grants by Kentucky high schools, colleges and universities, and other entities that promote alcohol responsibility, and the board of directors shall develop criteria for the awarding of any funds by application.*
- (9) Any high school in the Commonwealth of Kentucky that was registered with the Department of Education as of July 1, 2024 ~~{1997}~~, may make an application to the *Alcohol Wellness and Responsibility Education* ~~{Malt Beverage Education}~~ Corporation by February 28 of each year and shall be granted a minimum of *one thousand* ~~{five hundred}~~ dollars (*\$1,000*) ~~{(\$500)}~~ annually from the funds contributed by the *alcohol wellness and responsibility education* ~~{malt beverage education}~~ fund for the single purpose of supporting "Project Graduation" events.

➔Section 16. Whereas it is crucial to support Kentucky businesses in today's rapidly changing economy, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 4, 2024.

CHAPTER 47

(HB 470)

AN ACT relating to home solicitation sales.

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

➔Section 1. KRS 367.450 is amended to read as follows:

- (1) (a) Except as provided by the provisions on retention of goods by the buyer in KRS 367.440(3), within a reasonable time after a home solicitation sale has been canceled or an offer to purchase revoked, the buyer upon demand *shall* ~~{must}~~ tender to the seller any goods delivered by the seller pursuant to the sale but he *or she* is not obligated to tender at any place other than his *or her* residence.

- (b) If the seller fails to demand possession of goods within a reasonable time after cancellation or revocation, the goods become the property of the buyer without obligation to pay for them.
- (c) For the purpose of this section, *forty* (40) days is presumed to be a reasonable time.
- (2) The buyer has a duty to take reasonable care of the goods in his *or her* possession before cancellation or revocation and for a reasonable time thereafter, during which time the goods are otherwise at the seller's risk.
- (3) If the seller has performed any services pursuant to a home solicitation sale prior to its cancellation, the seller is entitled to no compensation.
- (4) (a) *As used in this subsection, "affiliate" means, as to any person, another person that, directly or indirectly through one (1) or more intermediaries, controls, is controlled by, or is under common control with the person.*
- (b) KRS 367.410 to 367.450 shall not apply to:
 - 1. *Any sale*~~[Sales]~~ under \$25.00;~~[- or]~~
 - 2. Any type of insurance sale; or
 - 3. *If the seller is, or the seller is an affiliate of a person that is, licensed by, registered with, or otherwise regulated by the Department of Insurance, the following:*
 - a. *Any sale of a service contract to repair, replace, or maintain consumer products; or*
 - b. *Any sale of goods or services related to insurance or a service contract to repair, replace, or maintain consumer products*~~[sales]~~.

Signed by Governor April 4, 2024.

CHAPTER 48

(HB 492)

AN ACT relating to local fiscal administration.

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

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

- (1) *"Qualified local government" means a city, county, charter county government, urban-county government, unified local government, or consolidated local government that meets the requirements for access to federal tax information as described in 26 U.S.C. sec. 6103.*
- (2) *Each employee of a qualified local government, including contract staff, who has access to or use of federal tax information directly sourced from the Internal Revenue Service under 26 U.S.C. sec. 6103 shall submit to a criminal background investigation by means of a fingerprint check by the Department of Kentucky State Police and the Federal Bureau of Investigation.*
- (3) *Any fee charged by the Department of Kentucky State Police shall be an amount no greater than the actual cost of processing the request and conducting the background check.*
- (4) *The Department of Kentucky State Police shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section.*

➔Section 2. KRS 68.197 is amended to read as follows:

- (1) The fiscal court of each county having a population of thirty thousand (30,000) or more may by ordinance impose license fees on franchises, provide for licensing any business, trade, occupation, or profession, and the using, holding, or exhibiting of any animal, article, or other thing.
- (2) License fees on business, trade, occupation, or profession for revenue purposes, except those of the common schools, may be imposed at a percentage rate not to exceed one percent (1%) of:

- (a) Salaries, wages, commissions, and other compensation earned by persons within the county for work done and services performed or rendered in the county;
 - (b) The net profits of self-employed individuals, partnerships, professional associations, or joint ventures resulting from trades, professions, occupations, businesses, or activities conducted in the county; and
 - (c) The net profits of corporations resulting from trades, professions, occupations, businesses, or activities conducted in the county.
- (3) In order to reduce administrative costs and minimize paperwork for employers, employees, and businesses, the fiscal court may provide:
- (a) For an annual fixed amount license fee which a person may elect to pay in lieu of reporting and paying the percentage rate as provided in this subsection on salaries, wages, commissions, and other compensation earned within the county for work done and services performed or rendered in the county; and
 - (b) For an annual fixed amount license fee which an individual, partnership, professional association, joint venture, or corporation may elect to pay in lieu of reporting and paying the percentage rate as provided in this subsection on net profits of businesses, trades, professions, or occupations from activities conducted in the county.
- (4)
- (a) Licenses imposed for regulatory purposes are not subject to limitations as to form and amount.
 - (b) No public service company that pays an ad valorem tax is required to pay a license tax.
 - (c)
 - 1. It is the intent of the General Assembly to continue the exemption from local license fees and occupational taxes that existed on January 1, 2006, for providers of multichannel video programming services or communications services as defined in KRS 136.602 that were taxed under KRS 136.120 prior to the effective date of this section.
 - 2. To further this intent, no company providing multichannel video programming services or communications services as defined in KRS 136.602 shall be required to pay a license tax. If only a portion of an entity's business is providing multichannel video programming services including products or services that are related to and provided in support of the multichannel video programming services or communications services, this exclusion applies only to that portion of the business that provides multichannel video programming services or communications services, including products or services that are related to and provided in support of the multichannel video programming services or communications services.
 - (d) No license tax shall be imposed upon or collected from any insurance company except as provided in KRS 91A.080, bank, trust company, combined bank and trust company, combined trust, banking, and title business in this state, or any savings and loan association whether state or federally chartered, or in other cases where the county is prohibited by law from imposing a license fee.
- (5) No license fee shall be imposed or collected on:
- (a) Income received by members of the Kentucky National Guard for active duty training, unit training assemblies, and annual field training;
 - (b) Income received by precinct workers for election training or work at election booths in state, county, and local primary, regular, or special elections;
 - (c) Any profits, earnings, or distributions of an investment fund which would qualify under KRS 154.20-250 to 154.20-284 to the extent any profits, earnings, or distributions would not be taxable to an individual investor; or
 - (d)
 - 1.
 - a. The profits earned; or
 - b. Income received for work performed;
during a disaster response period by a disaster response business or a disaster response employee.
 - 2. As used in this paragraph, "disaster response business," "disaster response employee," and "disaster response period" have the same meaning as in KRS 141.010.
- (6) Persons who pay a county license fee pursuant to this section and who also pay a license fee to a city contained in the county may, upon agreement between the county and the city, credit their city license fee against their

county license fee. As used in this subsection, "city contained in the county" shall include a city that is in more than one (1) county.

- (7) The provisions of subsection (6) of this section notwithstanding, effective with license fees imposed under the provisions of subsection (1) of this section on or after July 15, 1986, persons who pay a county license fee and a license fee to a city contained in the county shall be allowed to credit their city license fee against their county license fee. As used in this subsection, "city contained in the county" shall include a city that is in more than one (1) county.
- (8) *Notwithstanding subsection (7) of this section*, if a city annexes territory pursuant to KRS 81A.415 ~~on or after June 29, 2021~~, and both the city and the county in which the territory annexed is contained levy a license fee at the time of annexation:
- (a) *The county license fee shall no longer apply in the area annexed by the city if the city license fee is equal to or greater than the license fee rate imposed by the county at the time of the annexation;*
 - (b) *If the city license fee is less than the license fee imposed by the county at the time of the annexation, only the portion of the county license fee that exceeds the city license fee rate shall remain in effect in the annexed area;*
 - (c) *The city shall annually pay an amount to the county that guarantees that the county shall receive at least the same dollar amount of revenue that was generated by the county license fee in the territory in the tax year immediately preceding the annexation; and*
 - (d) *After the tax year in which the annexation occurs, if the revenues generated by the city license fee for the territory decrease below the amount of revenue generated by the county license fee at the time of the annexation, then the revenue received by the county from the city shall be reduced proportionately*~~, then the county shall at least receive the same dollar amount of revenue that was generated in the preceding tax year by the county license fee. After the tax year in which the annexation occurs, if the revenues generated by both the city and county license fees for that territory decrease below the amount of revenue generated in that preceding tax year by the county license fee, then the revenue received by the county shall be reduced proportionately. Any increase in the license fee rate by the city or the county after the date of the annexation shall be subject to the crediting provisions contained in subsections (6) and (7) of this section~~.
- (9) A county that enacted an occupational license fee under the authority of KRS 67.083 shall not be required to reduce its occupational tax rate when it is determined that the population of the county exceeds thirty thousand (30,000).
- (10) Notwithstanding any statute to the contrary:
- (a) In those counties where a license fee has been authorized by a public question approved by the voters, there shall be no credit of a city license fee against a county license fee except by agreement between the county and the city in accordance with subsection (6) of this section;
 - (b) Notwithstanding any provision of the KRS to the contrary, no taxpayer shall be refunded or credited for any overpayment of a license tax paid to any county to the extent the overpayment is attributable to or derives from this section as it existed at any time subsequent to July 15, 1986, and the taxpayer seeks a credit for a license tax paid to a city located within such county, if such refund claim or amended tax return claim was filed or perfected after November 18, 2004, except by agreement between the city and county in accordance with subsection (6) of this section;
 - (c) In those counties where a license fee has been authorized by a public question approved by the voters, the percentage rate of the license fee in effect on or after January 1, 2005, and any maximum salary limit upon which the license fee is calculated may be increased or decreased in subsequent fiscal years with the approval of the fiscal court through the passage of an ordinance. The percentage rate of a license fee in such counties shall at no time exceed one percent (1%) and the maximum salary limit shall at no time exceed an amount equal to the maximum Social Security contribution and benefit base established under subsection (b) of 42 U.S.C. sec. 430. Notwithstanding subsection (7) of this section, there shall be no credit of any license fee increased or decreased under this paragraph except by agreement between the county and the city in accordance with subsection (6) of this section.
 - (d) This subsection shall have retroactive application; and

- (e) If any provision of this subsection or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of this section that can be given effect without the invalid provision or application, and to this end the provisions of this subsection are severable.
- (11) Pursuant to this section, no fiscal court shall regulate any aspect of the manner in which any duly ordained, commissioned, or denominationally licensed minister of religion may perform his or her duties and activities as a minister of religion. Duly ordained, commissioned, or denominationally licensed ministers of religion shall be subject to the same license fees imposed on others in the county on salaries, wages, commissions, and other compensation earned for work done and services performed or rendered.

Signed by Governor April 4, 2024.

CHAPTER 49

(HB 528)

AN ACT relating to public safety.

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

➔Section 1. KRS 65.7631 is amended to read as follows:

- (1) The moneys in the CMRS fund shall be apportioned among the approved uses of the fund as specified in this section. The board shall make individual disbursements from the fund upon such terms and conditions necessary in view of the amount of revenues on deposit at the time each request for disbursement is reviewed and approved.
- (2) Not more than two and one-half percent (2.5%) of the total monthly revenues deposited into the CMRS fund shall be disbursed or reserved for disbursement by the board to pay the administrative costs and expenses incurred in the operation of the board in carrying out the functions and duties set forth in KRS 65.7621 to 65.7643.
- (3) (a) Prior to August 1, 2022, two and one-half percent (2.5%) of the total monthly revenues deposited into the CMRS fund shall be used solely for the purpose of establishing or maintaining statewide 911 initiatives to assist with the adoption and operation of next generation 911 services and applications. Fund disbursements shall be limited to equipment, hardware, software, or contracted services used in the preparation for, or delivery of, next generation 911 systems and services.
- (b) On and after August 1, 2022, and before July 1, ~~2025~~~~2024~~, the rate shall be five percent (5%).
- (c) On and after July 1, ~~2025~~~~2024~~, the rate shall be two and one-half percent (2.5%).
- (4) (a) Prior to August 1, 2022, ten percent (10%) of the total monthly revenues deposited into the CMRS fund shall be disbursed or reserved for disbursement to provide direct grants, matching money, or funds to PSAPs as determined by the Kentucky 911 Services Board:
1. For the establishment and improvement of 911 services in the Commonwealth, including the implementation of next generation 911 capacity;
 2. For incentives to create more efficient delivery of 911 services by local governments receiving funding under subsection (5) of this section; and
 3. For consolidation reimbursement of two hundred thousand dollars (\$200,000) per PSAP, not to exceed four hundred thousand dollars (\$400,000) per county, to any PSAP that consolidates with a CMRS-certified PSAP, or creates a newly consolidated Phase II compliant PSAP. Funds shall be applied toward the cost of consolidating. If a PSAP consolidates and receives reimbursement, the Kentucky 911 Services Board shall not certify a new PSAP within the same county for a period of ten (10) years.
- (b) On and after August 1, 2022, and before July 1, ~~2025~~~~2024~~, the rate shall be seven and one-half percent (7.5%).

(c) On and after July 1, ~~2025~~~~[2024]~~, the rate shall be ten percent (10%).

When the balance of money collected under this subsection and not yet obligated for permitted uses exceeds **three million dollars (\$3,000,000)**~~[two million five hundred thousand dollars (\$2,500,000)]~~ in any fiscal year, the excess amount shall be allocated under subsection (5) of this section.

- (5) The balance of the total monthly revenues deposited into the CMRS fund after the amounts disbursed or reserved for disbursement under subsections (2), (3), and (4) of this section have been subtracted shall be distributed to PSAPs eligible to receive disbursement from the CMRS fund under subsection (6) of this section who actually request disbursement, as follows:
- (a) Fifty percent (50%) of the remaining balance to be allocated under this subsection shall be distributed according to the "PSAP pro rata formula," whereby each state police dispatch center that previously qualified for PSAP pro rata formula funding under subsection (6)(a)2.a. of this section but subsequently qualifies under subsection (6)(a)2.b. of this section receives a percentage determined by dividing one-half (1/2) by the total number of PSAPs eligible to request and actually requesting disbursements under subsection (6) of this section. The remaining balance to be allocated under this subsection shall be distributed to all remaining qualifying PSAPs equally. Any PSAPs certified before January 1, 2004, or for more than three (3) years, that choose to consolidate their operations shall continue to receive pro-rata shares as if they remained separate and distinct entities. The consolidated entity must be certified to receive funds under subsection (6) of this section; and
- (b) Fifty percent (50%) of the remaining balance to be allocated under this subsection shall be distributed according to a method chosen by the board and based on the wireless workload of the PSAP. Methods to be considered may be based on the number of wireless 911 calls answered by each PSAP, the number of wireless phone users served by each PSAP, or any other method deemed by the board to be reasonable and equitable. The method chosen by the board shall be promulgated as a regulation under KRS 65.7633.

All amounts distributed to PSAPs under this subsection shall be used by the PSAPs solely for the purposes of answering, routing, and properly disposing of 911 calls, training PSAP staff, and public education concerning appropriate use of 911, in accordance with KRS 65.760(4) and (5). Additionally, amounts distributed to PSAPs under this subsection may be used for the purposes of complying with the wireless E911 service requirements established by the FCC order and any rules and regulations which are or may be adopted by the Federal Communications Commission pursuant to the FCC order, including the payment of costs and expenses incurred in designing, upgrading, purchasing, leasing, programming, testing, installing, or maintaining all necessary data, hardware, and software required in order to provide wireless E911 service.

- (6) (a) Notwithstanding any other provision of the law, no PSAP shall be eligible to request or receive a disbursement from the CMRS fund under subsection (4)(a) or (b) or (5) of this section unless and until the PSAP:
1. Is expressly certified as a PSAP by the Kentucky 911 Services Board, upon written application to the board;
 2. Demonstrates that the PSAP is:
 - a. Providing E911 services to a local government that has adopted an ordinance either imposing a special tax, license, or fee as authorized by KRS 65.760(3) or has established other means of funding wireline 911 emergency service; or
 - b. A state police dispatch center that actively serves as an alternate or backup PSAP for one (1) or more nonstate police PSAPs;
 3. Demonstrates that the administrator of the PSAP sent a request for wireless, E911 service to a CMRS provider, and that the infrastructure of the local exchange carrier will support wireless E911 service;
 4. Provides an accounting of the number of wireless E911 calls received by the PSAP during the prior calendar year if requested by the board;
 5. Demonstrates that the PSAP has made the investment which is necessary to allow the PSAP to receive and utilize the data elements associated with wireless E911 service; and
 6. Adopts and participates in, or provides a compatible service to, board-funded statewide next generation 911 projects, programs, and initiatives required to meet federal directives, and

supports or implements next generation 911 emergency services Internet protocol networks, core services, and geographic information services components.

- (b) In addition to the requirements of paragraph (a) of this subsection and in order to encourage the additional consolidation of PSAPs by local governments and state government agencies, ~~after January 1, 2017,~~ a PSAP shall receive priority consideration for distributions of funds from subsection (4)(a) and (b) of this section as follows:
1. A PSAP that is not a state police dispatch center and that covers all local governments within two (2) or more counties shall receive first priority in the distribution of the funds by the board;
 2. A PSAP, including any state police dispatch center, that covers all the local governments within a single county shall receive second priority in the distribution of the funds by the board; and
 3. A PSAP, including any state police dispatch center, that does not cover all of the local governments within a single county shall receive the last priority for the distribution of the funds listed in this subsection by the board.

➔Section 2. KRS 241.170 is amended to read as follows:

- (1) The city administrator in each city of the first class or the administrator in a consolidated local government, and any investigators and clerks deemed necessary for the proper conduct of this office, shall be appointed by the mayor. The city administrator in each city of the first class or the administrator in a county containing a consolidated local government, and the administrator's investigators, shall have full police powers of peace officers, and their jurisdiction shall be coextensive with boundaries of the city of the first class or the boundaries of the county in a county containing a consolidated local government. They may inspect any premises where alcoholic beverages are manufactured, sold, stored, or otherwise trafficked in, without first obtaining a search warrant.
- (2) The city administrator in each city, other than a consolidated local government, *and any investigators and clerks deemed necessary for the proper conduct of this office* shall be appointed by the city manager if there is one. If there is no city manager, the city administrator *and any investigators or clerks* shall be appointed by the mayor. *The jurisdiction of a city administrator appointed pursuant to this subsection shall be coextensive with the boundaries of the city, and the city administrator and the administrator's investigators shall have the same powers authorized under subsection (1) of this section.*
- (3) No person shall be an administrator, an investigator, or an employee of the city or a consolidated local government under the supervision of the administrator, who would be disqualified to be a member of the board under KRS 241.100.
- (4) Before entering upon official duties, each city administrator shall take the oath prescribed in Section 228 of the Constitution. An appointed city alcoholic beverage control administrator shall immediately notify the department of qualification and appointment.

Signed by Governor April 4, 2024.

CHAPTER 50

(HB 554)

AN ACT relating to insurance coverage of state property.

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

➔SECTION 1. A NEW SECTION OF KRS 164A.555 TO 164A.630 IS CREATED TO READ AS FOLLOWS:

- (1) *Notwithstanding KRS 56.065 to 56.180 and any other law to the contrary:*
 - (a) *Instead of insurance coverage provided through the state fire and tornado insurance fund, the governing board of each institution may, subject to paragraph (b) of this subsection, elect to obtain insurance under this section to cover all of the state property in the institution's possession against loss by fire and other hazards;*

- (b) *An institution whose governing board elects to obtain insurance under this section shall:*
1. *Not be required to obtain approval by the Finance and Administration Cabinet or any other state agency or official to terminate the institution's insurance coverage through the state fire and tornado insurance fund;*
 2. *Notify the secretary of the Finance and Administration Cabinet at least sixty (60) days before terminating the institution's insurance coverage through the state fire and tornado insurance fund;*
 3. *Ensure that the insurance is in place immediately following termination of the institution's insurance coverage through the state fire and tornado insurance fund;*
 4. *Comply with any bidding or advertising requirements under KRS Chapters 45A and 424; and*
 5. *Comply with subsection (2) of this section; and*
- (c) 1. *An institution that terminates the institution's insurance coverage through the state fire and tornado insurance fund under this subsection shall be permitted to resume that coverage, without any need for approval by the Finance and Administration Cabinet or any other state agency or official, by providing the following notices to the secretary of the Finance and Administration Cabinet:*
- a. *At least six (6) months prior to the effective date of the institution's resumption of coverage through the state fire and tornado insurance fund, as provided under subparagraph 2. of this paragraph, a notice that the institution intends but is not obligated to resume coverage through the fund; and*
 - b. *At least three (3) months prior to the effective date of the institution's resumption of coverage through the state fire and tornado insurance fund, as provided under subparagraph 2. of this paragraph, a notice that the institution is resuming coverage through the fund.*
2. *Upon receipt of the notices required under subparagraph 1. of this paragraph, the Finance and Administration Cabinet shall insure all of the state property in the institution's possession against loss by fire and other hazards through the state fire and tornado insurance fund, and coverage shall become effective not later than:*
- a. *The next date of renewal of the coverage provided through the fund; or*
 - b. *Any other date agreed upon by the institution and the cabinet.*
- (2) *An institution that obtains insurance under this section shall ensure that an annual inspection is made of each state building and its contents in the institution's possession, for the purpose of determining the unnecessary causes of a fire hazard therein, and recommendations are received for corrective actions, by either:*
- (a) 1. *Allowing the Finance and Administration Cabinet to have the inspection made and to make recommendations for corrective actions, consistent with the inspections and recommendations made under KRS 56.170.*
2. *The institution shall pay a fee to the Finance and Administration Cabinet for an inspection made under this paragraph if:*
- a. i. *A fee is charged; and*
 - ii. *The fee is not in excess of the fee charged;*
to agencies for an inspection made under KRS 56.170; and
 - b. *The fee is reasonable; or*
- (b) 1. *Having a qualified third party approved by the institution's insurer conduct the inspection and make recommendations for corrective actions.*
2. *The institution may pay a reasonable fee for an inspection made under this paragraph if the fee is not included in the premium charged by the insurer.*
- (3) *Insurance obtained under this section:*

- (a) *May be provided:*
 - 1. *By an authorized insurer as defined in KRS 304.1-100; or*
 - 2. *Through a self-insurance pool if the pool is:*
 - a. *Adequately reinsured by an authorized insurer as defined in KRS 304.1-100; and*
 - b. *Capable of insuring all of the state property in the institution's possession;*
 - (b) *Shall state the following for each insured building and its contents:*
 - 1. *Estimated replacement cost; and*
 - 2. *The amount of coverage provided;*
 - (c) 1. *Except as provided in subsection (4) of this section, shall insure each building and its contents for an amount equal to one hundred percent (100%) of the replacement cost determined through a certified replacement cost appraisal performed at the direction of the institution by an appraiser:*
 - a. *Licensed to perform appraisal services under KRS Chapter 324A; and*
 - b. *Experienced in appraising commercial or governmental property.*
 - 2. *As used in this paragraph, "replacement cost" includes the increased cost of construction brought about by code changes that:*
 - a. *Have occurred since the original structure was built; and*
 - b. *Are required to be incorporated within a rebuilt structure;*
 - (d) *Shall contain an agreed amount provision; and*
 - (e) *Shall include:*
 - 1. *Ordinance and law coverage at not less than five million dollars (\$5,000,000);*
 - 2. *Debris removal coverage at not less than one million dollars (\$1,000,000);*
 - 3. *Extra expense coverage at not less than five million dollars (\$5,000,000); and*
 - 4. *For any building containing a steam boiler, boiler and machinery coverage at not less than the total value of the real and personal property in the building in which the steam boiler is located.*
- (4) *A governing board may obtain actual cash value coverage of a building and its contents if a certification signed by the governing board chair is attached to the insurance policy or contract, or self-insurance pool contract, stating that it would not be fiscally responsible to provide replacement cost coverage for the building being insured.*

➔Section 2. KRS 164A.575 is amended to read as follows:

- (1) The governing boards of each institution may elect to purchase interest in real property, contractual services, rentals of all types, supplies, materials, equipment, printing, and services, except that competitive bids may not be required for:
 - (a) Contractual services where no competition exists;
 - (b) Food, clothing, equipment, supplies, or other materials to be used in laboratory and experimental studies;
 - (c) Instructional materials available from only one (1) source;
 - (d) Where rates are fixed by law or ordinance;
 - (e) Library books;
 - (f) Commercial items that are purchased for resale;
 - (g) Professional, technical, scientific, or artistic services, but contracts shall be submitted in accordance with KRS 45A.690 to 45A.725;

- (h) All other commodities, equipment, and services which, in the reasonable discretion of the board, are available from only one (1) source; and
 - (i) Interests in real property.
- (2) Nothing in this section shall deprive the boards from negotiating with vendors who maintain a General Services Administration price agreement with the United States of America or any agency thereof, provided, however, that no contract executed under this provision shall authorize a price higher than is contained in the contract between General Services Administration and the vendor affected.
 - (3) The governing board shall require the institution to take and maintain inventories of plant and equipment.
 - (4) The governing board shall establish procedures to identify items of common general usage among all departments to foster volume purchasing. It shall establish and enforce schedules for purchasing supplies, materials, and equipment.
 - (5) The governing board shall have power to salvage, to exchange, and to condemn supplies, equipment, and real property.
 - (6) Upon the approval of the secretary of the Finance and Administration Cabinet, the governing board may purchase or otherwise acquire all real property determined to be needed for the institution's use. The amount paid shall not exceed the fair market value as determined by a qualified appraiser or the value set by the eminent domain procedure. Any real property acquired under this section shall be in name of the Commonwealth for the use and benefit of the institution.
 - (7)
 - (a) Notwithstanding KRS 56.806, the governing board may renegotiate the cost of a lease after the expiration of the lease term and any renewal terms provided in the lease prior to any renewal not provided for in the terms of the lease.
 - (b) Except when a lease incorporates a lease-purchase under KRS 56.806, the governing board shall reserve the right to cancel a lease upon at least thirty (30) days' written notice.
 - (c) Notwithstanding KRS 56.823(2) and (3), any lease renewals, except automatic renewals permitted under KRS 56.803, 56.805(2), and 56.806(1), for which the annual rental cost will exceed two hundred thousand dollars (\$200,000) shall be reported to the Capital Projects and Bond Oversight Committee in the same format as set out in KRS 56.823(2).
 - (d) Notwithstanding KRS 56.813, a public college or university may pay for improvements to leased property costing in excess of ten thousand dollars (\$10,000) but less than one million dollars (\$1,000,000) in a lump sum upon approval of its board using non-general fund appropriations and without incurring debt.
 - (8) The governing board shall sell or otherwise dispose of all real or personal property of the institution which is not needed or has become unsuitable for public use, or would be more suitable consistent with the public interest for some other use, as determined by the board. The determination of the board shall be set forth in an order, and shall be reached only after review of a written request by the institution desiring to dispose of the property. Such request shall describe the property and state the reasons why the institution believes disposal should be effected. All instruments required by law to be recorded which convey any interest in any such real property so disposed of shall be executed and signed by the appropriate officer of the board. Unless the board deems it in the best interest of the institution to proceed otherwise, all such real or personal property shall be sold either by invitation of sealed bids or by public auction; provided, however, that the selling price of any interest in real property shall not be less than the fair market value thereof as determined by the Finance and Administration Cabinet or the Transportation Cabinet for such requirements of that department.
 - (9) Real property or any interest therein may, subject to the provisions of KRS Chapter 45A, be purchased, leased, or otherwise acquired from any officer or employee of any board of the institution, based upon a written application by the grantor or lessor approved by the board, that the employee has not either himself or through any other person influenced or attempted to influence either the board requesting the purchase of the property. In any case in which such an acquisition is consummated, the said request and finding shall be recorded and kept by the Secretary of State along with the other documents recorded pursuant to the provisions of KRS Chapter 56.
 - (10)
 - (a) As used in this section, "construction manager-agency," "construction management-at-risk," "design-bid-build," "design-build," and "construction manager-general contractor" shall have the same meaning as in KRS 45A.030.

- (b) For capital construction projects, the procurement may be on a total design-bid-build basis, a design-build basis, construction manager-general contractor basis, or construction management-at-risk basis, whichever in the judgment of the board offers the best value to the taxpayer. Best value shall be determined in accordance with KRS 45A.070. Proposals shall be reviewed by the institution's engineering staff to assure quality and value, and compliance with procurement procedures. All specifications shall be written to promote competition. Services for projects delivered on the design-build basis, construction manager-general contractor basis, or construction management-at-risk basis shall be procured in accordance with KRS 45A.180, KRS 45A.183, and the regulations promulgated in accordance with KRS 45A.180. Nothing in this section shall prohibit the procurement of construction manager-agency services.
 - (c) Notwithstanding KRS 45A.185, for all capital construction projects, bidder security for competitive sealed bidding for construction contracts shall only be required when the price is estimated to exceed one million dollars (\$1,000,000).
- (11) The governing board shall attempt in every practicable way to insure the institution's supplying its real needs at the lowest possible cost. To accomplish this the board may enter into cooperative agreements with other public or private institutions of education or health care.
 - (12) The governing board shall have control and supervision over all purchases of energy consuming equipment, supplies, and related equipment purchased or acquired by the institution, and shall designate by regulation the manner in which an energy consuming item will be purchased so as to promote energy conservation and acquisition of energy efficient products.
 - (13) The governing board may negotiate directly for the purchase of contractual services, supplies, materials, or equipment in bona fide emergencies regardless of estimated costs. The existence of the emergency must be fully explained, in writing, by the vice president responsible for business affairs and such explanation must be approved by the institution president. The letter and approval shall be filed with the record of all such purchases. Where practical, standard specifications shall be followed in making emergency purchases. A good faith effort shall be made to effect a competitively established price for emergency purchases.
- (14)
 - (a) All governing boards that purchase agricultural products, as defined by KRS 45A.630, shall, on or before January 1 of each year, provide a report to the Legislative Research Commission and to the Department of Agriculture describing the types, quantities, and costs of each product purchased. The report shall be completed on a form provided by the department.
 - (b) If purchasing agricultural products, a governing board shall encourage the purchase of Kentucky-grown agricultural products in accordance with KRS 45A.645. If a governing board purchases agricultural products through a contract with a vendor or food service provider, the contract shall require that if Kentucky-grown agricultural products are purchased, the products shall be purchased in accordance with KRS 45A.645. Only contracts entered into or renewed after July 15, 2008, shall be required to comply with the provisions of this subsection.
 - (c) All governing boards that purchase Kentucky-grown agricultural products shall, on or before January 1 of each year, provide a report to the Legislative Research Commission and to the Department of Agriculture describing the types, quantities, and costs of each product purchased. The report shall be completed on a form provided by the department.
- (15) Notwithstanding KRS 45.760, the governing board may authorize a capital construction project or a major item of equipment even though it is not specifically listed in any branch budget bill, subject to the following conditions and procedures:
 - (a) The full cost shall be funded solely by non-general fund appropriations;
 - (b) Moneys specifically budgeted and appropriated by the General Assembly for another purpose shall not be allotted or reallotted for expenditure on the project or major item of equipment. Moneys utilized shall not jeopardize any existing program and shall not require the use of any current general funds specifically dedicated to existing programs; and
 - (c) The institution's president, or designee, shall submit the project or major item of equipment to the Capital Projects and Bond Oversight Committee for review as provided by KRS 45.800.
- (16) Governing boards shall apply the reciprocal resident bidder preference described in KRS 45A.494 prior to the award of any contract.

(17) Governing boards may authorize the use of reverse auctions as defined in KRS 45A.070 for the procurement of goods and leases.

~~[(18) (a) Notwithstanding KRS 56.070, the governing board may obtain private insurance to cover any state property in the institution's possession against loss by fire and other hazards. The level of private insurance coverage shall be commensurate with or greater than the insurance coverage provided through the state fire and tornado insurance fund. An institution whose governing board elects to obtain private insurance shall notify the secretary of the Finance and Administration Cabinet at least six (6) months before terminating the institution's insurance coverage through the state fire and tornado insurance fund.]~~

~~(b) No later than January 1 of each year, an institution whose governing board elects to obtain private insurance instead of insurance coverage provided through the state fire and tornado insurance fund shall certify, in writing, to the secretary of the Finance and Administration Cabinet that the property is insured in accordance with paragraph (a) of this subsection and shall attach a copy of the private insurance policy.]~~

Signed by Governor April 4, 2024.

CHAPTER 51

(SB 11)

AN ACT relating to juvenile justice.

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

➔Section 1. KRS 610.345 is amended to read as follows:

- (1) When a child is adjudicated guilty of an offense which classifies him or her as a youthful offender, the judge in the court in which the matter was tried shall direct the clerk to notify the superintendent of the public school district in which the child is enrolled or the principal of any private elementary or secondary school which the child attends of the adjudication and the petition and disposition of the case.~~[The name of the complainant shall be deleted. The court shall direct the appropriate prosecuting entity to give the school district or the school a statement of facts in the case. The superintendent shall notify the principal of the school in which the child is enrolled.]~~
- (2) When a child is adjudicated guilty of an offense which would classify him or her as a violent offender under KRS 439.3401, or be a felony under KRS Chapter 218A, 508, 510, or 527 if committed by an adult, but which would not classify him or her as a youthful offender, the judge in the court in which the matter was tried shall direct the clerk to notify ~~[within five (5) days of the order]~~the superintendent of the public school district in which the child is enrolled or the principal of any private elementary or secondary school which the child attends of the charge, the adjudication, and the disposition of the case.~~[The name of the complainant shall be deleted. The court shall authorize the county attorney to give the school district or the school a statement of facts in the case. The superintendent shall notify the principal of the school in which the child is enrolled.]~~
- (3) When a *court-designated worker receives notice that a county attorney has made a determination pursuant to KRS 635.010(1) that probable cause exists to file a public offense petition alleging that the child committed an offense that, if committed by an adult, would be a:*
 - (a) *Felony; or*
 - (b) *Misdemeanor involving:*
 1. *A controlled substance;*
 2. *The possession, carrying, or use of a deadly weapon;*
 3. *Physical injury to another person;*
 4. *Sexual contact;*
 5. *Sexual intercourse; or*

6. *Deviate sexual intercourse;*

the court-designated worker shall notify the superintendent of the public school district in which the child is enrolled or the principal of any private elementary or secondary school which the child attends of the charge. If the complaint is successfully diverted, the court-designated worker shall notify the superintendent or the principal of the successful diversion, and all records of the incident or notification created in the school district or the school under this subsection shall be destroyed and shall not be included in the child's school records.

- (4) ~~When a petition is filed against a child, or a child is adjudicated guilty of an offense that meets the criteria set forth in subsection (3)(a) or (b) of this section, that would be a felony or misdemeanor if committed by an adult, and the misdemeanor involves a controlled substance or the possession, carrying, or use of a deadly weapon, or physical injury to another person,~~ the judge in the court in which the matter is considered shall direct the clerk to notify the superintendent of the public school district in which the child is enrolled or the principal of any private elementary or secondary school that the child attends of the charge, the adjudication, and the disposition of the case. *If the petition is dismissed or informally adjusted, the clerk shall notify the superintendent or the principal of the disposition, and all records of the incident or notification created in the school district or the school under this subsection shall be destroyed and shall not be included in the child's school records.*
- (5) The *notifications required in subsections (1) to (4) of this section* ~~notification~~ shall be made within twenty-four (24) hours of the *county attorney's determination pursuant to KRS 635.010(1), successful completion of diversion, or entry of the court order* ~~time when the petition is filed~~. The name of the complainant shall be deleted. ~~The court shall authorize the~~ county attorney *may, upon request by* ~~to give~~ the school district or the school, *provide* a statement of the facts in the case, not to include the complainant's name. ~~If the petition is dismissed, all records of the incident or notification created in the school district or the school under this subsection shall be destroyed, and shall not be included in the child's school records.~~
- ~~(6)(4)~~ Notice ~~of adjudication~~ to a district superintendent referenced in subsections *(1) to (4)* ~~(2) and (3)~~ of this section shall be released by the superintendent to the principal *of the school in which the child is enrolled*. A principal of a public or private school receiving notice ~~of adjudication~~ shall release the information to employees of the school having responsibility for classroom instruction or counseling of the child and may release it to other school personnel as described in subsection *(7)* ~~(5)~~ of this section, but the information shall otherwise be confidential and shall not be shared by school personnel with any other person or agency except as may otherwise be required by law. The notification in writing of the nature of the offense committed by the child and any probation requirements shall not become a part of the child's student record.
- ~~(7)(5)~~ Records or information disclosed pursuant to this section shall be limited to records of that student's criminal petition and the disposition thereof covered by this section, shall be subject to the provisions of KRS 610.320 and 610.340, and shall not be disclosed to any other person, including school personnel, except to a district superintendent, public or private elementary and secondary school administrative, transportation, and counseling personnel, and to any teacher or school employee with whom the student may come in contact. This section shall not authorize the disclosure of any other juvenile record or information relating to the child.
- ~~(8)(6)~~ The Department of Juvenile Justice shall provide a child's offense history information pursuant to this section to the superintendent of the local school district in which the child, who is committed to the department, is placed.
- ~~(9)(7)~~ Records or information received by the school pursuant to this section shall:
- (a) Be kept in a locked file, when not in use, to be opened only on permission of the administrator; *and*
 - (b) *For the purposes of destruction required in this section, not include education records, as defined in KRS 160.700, created by the school.*
- (10) *A superintendent of a public school district may designate an employee of the school district to receive notices and carry out the superintendent's responsibilities under this section. The superintendent shall provide the clerk and the court-designated worker with notice of any designation and the name and contact information for the superintendent's designee.*

➔ Section 2. KRS 158.448 is amended to read as follows:

The Kentucky Department of Education shall develop protocols for student records within the student information system which:

- (1) Provide notice to schools receiving the records ~~[of prior offenses]~~ described in *Section 1 of this Act* ~~[KRS 610.345]~~ relating to ~~[committed by]~~ a student transferring to a new school or district;
- (2) Promote expeditious enrollment and placement of students in foster care who are transferring to a new school or district, in accordance with the federal Every Student Succeeds Act of 2015, Pub. L. No. 114-95;
- (3) Promote the sharing of information regarding students in foster care among schools, districts, the Cabinet for Health and Family Services, and a child's caseworker, pursuant to applicable law; and
- (4) Protect the privacy rights of students and parents guaranteed under the federal Family Educational Rights and Privacy Act.

➔Section 3. KRS 158.153 is amended to read as follows:

- (1) Unless the action is taken pursuant to KRS 158.150, no school, school administrator, teacher, or other school employee shall expel or punish a child based on information contained in a record of an adjudication of delinquency or conviction of an offense received by the school pursuant to KRS 610.345 or from any other source. Nothing in this subsection shall be construed to prohibit a local school board or school official from instituting disciplinary proceedings against any student for violating the discipline policy of the school or school district or taking actions necessary to protect staff and students. Actions to protect staff and students may be taken only after the principal makes a determination that the conduct of the student reflected in the records of the school or obtained by the school from the court indicates a substantial likelihood of an immediate and continuing threat that the student will cause harm to students or staff, and that the restrictions to be ordered represent the least restrictive alternative available and appropriate to remedy the threat, and that the determination and supporting material be documented in the child's record. The action of the principal, in addition to or in lieu of any other procedure available, may be appealed by the child or the child's parent or guardian to the superintendent of the school system or to the Circuit Court in the county in which the school is located, and the appealing party may be represented by counsel.
- (2) *Except as provided in Section 1 of this Act*, no school, school administrator, teacher, or other school employee who has custody of records received or maintained by the school pursuant to KRS 610.345 or who has received information contained in or relating to a record received by the school pursuant to KRS 610.345 shall disclose the fact of the record's existence, or any information contained in the record or received from the record to any other person, including but not limited to other teachers, school employees, pupils, or parents other than the pupil, or parents of the pupil who is the subject of the record.
- (3) The child and his parent or guardian shall have a civil cause of action against the school board and against any school administrator violating subsection (1) or (2) of this section or divulging information in violation of KRS 610.345 or 610.340. This civil cause of action shall be in addition to any other criminal or administrative remedy provided by law.
- (4) Nothing in this section shall be construed to prohibit a local board of education from establishing districtwide standards of behavior for students who participate in extracurricular and cocurricular activities, including athletics. A school principal may deny or terminate a student's eligibility to participate in extracurricular or cocurricular activities if the student has violated the local district behavior standards or the council's criteria for participation, as described in KRS 160.345(2)(i)8. A student's right to participate in extracurricular or cocurricular activities, including athletics, may be suspended, pending investigation of an allegation that the standards of behavior have been violated.

Signed by Governor April 4, 2024.

CHAPTER 52

(SB 45)

AN ACT relating to Kentucky Alert Systems.

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

➔Section 1. KRS 16.010 is amended to read as follows:

As used in KRS 16.010 to 16.199, unless the context requires otherwise:

- (1) "Board" means the Department of Kentucky State Police Personnel Board;
- (2) "Cabinet" means the Justice and Public Safety Cabinet;
- (3) "Cadet Trooper" means an applicant for employment as an officer who is selected by the commissioner to attend the department training program, and who is employed as a trainee;
- (4) "Civilian" means experts, statisticians, clerks, and other assistants who are not peace officers;
- (5) "Commissioner" means the commissioner of the Department of Kentucky State Police;
- (6) "Continuous service" for participation in and eligibility for the promotional process for each rank of officer commissioned under this chapter means:
 - (a) For sergeant, service as a commissioned Kentucky State Police officer that has not been interrupted by actual separation from the department, whether in the form of resignation, retirement, or termination;
 - (b) For lieutenant, service in grade as a sergeant that has not been interrupted by actual separation from the department, whether in the form of resignation, retirement, termination, or by demotion in accordance with KRS 16.140; and
 - (c) For captain, service in grade as lieutenant that has not been interrupted by actual separation from the department, whether in the form of resignation, retirement, termination, or by demotion in accordance with KRS 16.140;
- (7) "CVE R Class" means any retired Kentucky State Police commercial vehicle enforcement officer commissioned under KRS 16.187 who has become reemployed with the department on a contractual basis pursuant to KRS 16.196 to 16.199;
- (8) "Department" means the Department of Kentucky State Police;
- (9) *"Missing adult" means an individual who is:*
 - (a) *At or above the age of majority pursuant to KRS 2.015; and*
 - (b) *Identified by law enforcement as a missing person who may be in immediate danger due to circumstances which indicate an abduction or kidnapping;*
- (10) *"Missing child" means an individual who is:*
 - (a) *Below the age of majority pursuant to KRS 2.015;*
 - (b) *Identified by law enforcement as missing and who may be in immediate danger; and*
 - (c) *An individual with an intellectual disability or mental illness as defined in KRS 210.005;*
- ~~(11)(9)~~ "Officer" means any member of the Department of Kentucky State Police, other than an individual employed as a Trooper R Class or CVE R Class, who possesses the powers of a peace officer;
- ~~(12)(10)~~ "Secretary" means the secretary of Justice and Public Safety Cabinet; and
- ~~(13)(11)~~ "Trooper R Class" means any retired Kentucky State Police officer commissioned under this chapter who has become reemployed with the department on a contractual basis pursuant to KRS 16.196 to 16.199.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 16.010 TO 16.199 IS CREATED TO READ AS FOLLOWS:

- (1) *The Department of Kentucky State Police, in cooperation with the Transportation Cabinet, the Division of Emergency Management, and media providers, shall create and operate a system to notify the public when any individual is determined to be a missing adult and the department determines that public notification might aid in the recovery of the individual. The system shall be known as the Kentucky Ashanti Alert System.*
- (2) *The system shall utilize existing resources, including but not limited to electronic highway signs, the Amber Alert System, the emergency broadcast system, law enforcement communications systems, and local, regional, and statewide media providers, as authorized and under conditions permitted by the federal government.*
- (3) *No public alert using the system shall be issued unless the department, in consultation with the law enforcement agency in the jurisdiction where the missing adult was reported, has determined the geographic area in which the notification shall be made, and has reasonable cause to believe:*

- (a) *That the disappearance of the missing adult may not have been voluntary, including an abduction or kidnapping, or that the physical safety of the missing adult may be endangered; and*
- (b) *That public notification is the most appropriate method of recovering the missing adult in a safe and efficient manner.*
- (4) *If it is determined by the department that public notification shall be initiated, the department shall notify and provide the public and private agencies and organizations that will provide the notification with the information that the department deems necessary.*
- (5) *All law enforcement agencies in the Commonwealth shall cooperate with the department in the provision and dissemination of information regarding any missing adult.*
- (6) *No law enforcement agency, other than the department, shall activate the notification system specified in this section without the authority of the department.*
- (7) *The system shall be operated by all agencies of the Commonwealth within existing budgetary appropriations.*

➔SECTION 3. A NEW SECTION OF KRS 16.010 TO 16.199 IS CREATED TO READ AS FOLLOWS:

- (1) *The Department of Kentucky State Police, in cooperation with the Transportation Cabinet, the Division of Emergency Management, and media providers, shall create and operate a system to notify the public when any individual is determined to be a missing child and the department determines that public notification might aid in the recovery of the individual. The system shall be known as the Kentucky Ian Alert System.*
- (2) *The system shall utilize existing resources, including but not limited to electronic highway signs, the Amber Alert System, the emergency broadcast system, law enforcement communications systems, and local, regional, and statewide media providers, as authorized and under conditions permitted by the federal government.*
- (3) *No public alert using the system shall be issued unless the department, in consultation with the law enforcement agency in the jurisdiction where the missing child was reported, has determined:*
 - (a) *That the physical safety of the missing child may be endangered;*
 - (b) *That public notification is the most appropriate method of recovering the missing child in a safe and efficient manner; and*
 - (c) *The geographic area in which the notification shall be made.*
- (4) *If it is determined by the department that public notification shall be initiated, the department shall notify and provide the public and private agencies and organizations that will provide the notification with the information that the department deems necessary.*
- (5) *All law enforcement agencies in the Commonwealth shall cooperate with the department in the provision and dissemination of information regarding any missing child.*
- (6) *No law enforcement agency, other than the department, shall activate the notification system specified in this section without the authority of the department.*
- (7) *The system shall be operated by all agencies of the Commonwealth within existing budgetary appropriations.*

Signed by Governor April 4, 2024.

CHAPTER 53

(SB 255)

AN ACT relating to social work.

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

➔Section 1. KRS 335.158 is amended to read as follows:

- (1) A ~~treating clinical~~ social worker who provides or facilitates the use of telehealth shall ~~ensure~~:
- (a) **Ensure** that the informed consent of the *client* ~~patient~~, or another appropriate person with authority to make the health care treatment decision for the *client* ~~patient~~, is obtained before services are provided through telehealth; ~~and~~
 - (b) **Ensure** that the confidentiality of the *client's* ~~patient's~~ medical information is maintained as required by this chapter and other applicable *state and federal* law. At a minimum, confidentiality shall be maintained through appropriate processes, practices, and technology ~~as designated by the board and~~ that conform to applicable *state and federal* law, **including but not limited to the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, as amended;**
 - (c) **Disclose to the client the potential risks to privacy and confidentiality of information due to the use of technology, including:**
 1. **The potential risks of disruption in the use of technology;**
 2. **When and how the social worker utilizes electronic messages;**
 3. **The circumstances in which the social worker may utilize alternative modes of communication for emergency purposes, including medical, psychiatric, and other emergencies;**
 4. **The identity of anyone who may have access to client communications with the social worker; and**
 5. **The identity of the social worker, his or her credentials, and the jurisdiction of licensed practice;**
 - (d) **Assess the client's current condition and needs to determine the appropriateness of telehealth in meeting those needs and that the client has the necessary knowledge and skill to benefit from telehealth;**
 - (e) **Adhere to the same or appropriately adapted standards of care as when treatment or services are provided in person;**
 - (f) **Not engage in fee-splitting with other telehealth providers or entities;**
 - (g) **Not engage in false, misleading, or deceptive advertising of telehealth services; and**
 - (h) **Beginning on July 1, 2025, complete a board-approved two (2) hour training course on the use of telehealth to provide social work services.**
- (2) **Each time a social worker provides or facilitates services via telehealth, the social worker shall** ~~The board shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section and as necessary to:~~
- (a) **Make a reasonable attempt to verify the identity of the client;**
 - (b) **Make a reasonable attempt to verify and document the physical location of the client at the time services are provided** ~~Prevent abuse and fraud through the use of telehealth services;~~
 - (c) ~~(b)~~ **Obtain from the client alternative means of contacting the client;** ~~Prevent fee splitting through the use of telehealth services; and~~
 - (d) ~~(e)~~ **Provide information on how communication can be directed to the social worker;** ~~Utilize telehealth in the provision of clinical social work services and in the provision of continuing education~~
 - (e) **Utilize non-public facing technology products that comply with the Health Insurance Portability and Accountability Act of 1996 standards in 42 U.S.C. secs. 1320d to 1320d-9; and**
 - (f) **Document in the client's record that a service was provided via telehealth, including any technological difficulties experienced during the provision of the service and adherence to all appropriate standards of care.**
- (3) **The provisions of this section shall not apply to a social worker employed or contracted in Kentucky to answer and respond to national 988 crisis line calls to the extent that the provisions of this section are in conflict with the requirements and training provided by the crisis line service provider.**
- (4) For purposes of this section: ~~;~~

- (a) *"Client" means:*
1. *An individual, family, or group who receives social work services from a social worker;*
 2. *A corporate entity or other organization, if the social worker is contracted to provide a social work service of benefit directly to the corporate entity or organization; or*
 3. *A legal guardian who is responsible for making decisions regarding the provision of social work services to a minor or legally incompetent adult;*
- (b) *"Social worker" means an individual licensed as a:*
1. *Certified social worker pursuant to KRS 335.080;*
 2. *Licensed social worker pursuant to KRS 335.090; or*
 3. *Licensed clinical social worker pursuant to KRS 335.100; and*
- (c) "Telehealth" means the use of interactive audio, video, or other electronic media to deliver health care. It includes the use of electronic media for diagnosis, consultation, treatment, transfer of health or medical data, and continuing education.

Signed by Governor April 4, 2024.

CHAPTER 54

(HB 17)

AN ACT relating to ophthalmic dispensers.

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

➔Section 1. KRS 326.080 is amended to read as follows:

- (1) A license to practice ophthalmic dispensing shall be renewed each year by the payment of a fee ***which shall be established by administrative regulation promulgated by the board***~~[not to exceed seventy five dollars (\$75)]~~, unless the license has been suspended or revoked by the board.
- (2) Effective January 1, 1996, as a prerequisite for license renewal, licensees shall provide adequate proof that they have obtained at least six (6) hours of continuing education credits, approved by the board, during the previous twelve (12) months.

Signed by Governor April 4, 2024.

CHAPTER 55

(HB 99)

AN ACT relating to the Kentucky Public Pensions Authority.

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

➔Section 1. KRS 61.505 is amended to read as follows:

- (1) There is created an eight (8) member Kentucky Public Pensions Authority whose purpose shall be to administer and operate:
 - (a) A single personnel system for the staffing needs of the Kentucky Retirement Systems and the County Employees Retirement System;
 - (b) A system of accounting that is developed by the Authority for the Kentucky Retirement Systems and the County Employees Retirement System;

- (c) Day-to-day administrative needs of the Kentucky Retirement Systems and the County Employees Retirement System, including but not limited to:
 - 1. Benefit counseling and administration;
 - 2. Information technology and services, including a centralized website for the Authority, the Kentucky Retirement Systems, and the County Employees Retirement System;
 - 3. Legal services;
 - 4. Employer reporting and compliance;
 - 5. Processing and distribution of benefit payments, and other financial, investment administration, and accounting duties as directed by the Kentucky Retirement Systems board of trustees or the County Employees Retirement System board of trustees;
 - 6. All administrative actions, orders, decisions, and determinations necessary to carry out benefit functions required by the Kentucky Retirement Systems and the County ~~Employees~~**Employees** Retirement System statutes, including but not limited to administration of reduced and unreduced retirement benefits, disability retirement, reemployment after retirement, service purchases, computation of sick-leave credit costs, correction of system records, qualified domestic relations orders, and pension spiking determinations; and
 - 7. Completing and compiling financial data and reports;
 - (d) Any jointly held assets used for the administration of the Kentucky Retirement Systems and the County Employees Retirement System, including but not limited to real estate, office space, equipment, and supplies;
 - (e) The hiring of a single actuarial consulting firm who shall serve both the Kentucky Retirement Systems and the County Employees Retirement System;
 - (f) The hiring of a single external certified public accountant who shall perform audits for both the Kentucky Retirement Systems and the County Employees Retirement System;
 - (g) The promulgation of administrative regulations as an authority or on behalf of the Kentucky Retirement Systems and the County Employees Retirement System, individually or collectively, provided such regulations are not inconsistent with the provisions of this section and KRS 16.505 to 16.652, 61.505, 61.510 to 61.705, and 78.510 to 78.852, necessary or proper in order to carry out the provisions of this section and duties authorized by KRS 16.505 to 16.652 and 61.510 to 61.705;
 - (h) A system of contracting management for administrative services; and
 - (i) Other tasks or duties as directed solely or jointly by the boards of the Kentucky Retirement Systems or the County Employees Retirement System.
- (2) The eight (8) member Kentucky Public Pensions Authority shall be composed of the following individuals:
- (a) The chair of the Kentucky Retirement Systems board of trustees;
 - (b) The chair of the County Employees Retirement System board of trustees;
 - (c) The investment committee chair of the Kentucky Retirement Systems board of trustees, unless the investment committee chair is also the chair of the board of trustees in which case the chair of the Kentucky Retirement Systems shall appoint an individual who serves on the investment committee;
 - (d) The investment committee chair of the County Employees Retirement System board of trustees, unless the investment committee chair is also the chair of the County Employees Retirement System board of trustees in which case the chair of the County Employees Retirement System shall appoint an individual who serves on the investment committee;
 - (e) Two additional (2) trustees of the Kentucky Retirement Systems board of trustees selected by the chair of the Kentucky Retirement Systems board of trustees of which one (1) shall be a trustee who was elected by the membership of one (1) of the systems administered by Kentucky Retirement Systems and one (1) shall be a trustee of Kentucky Retirement Systems who was appointed by the Governor; and
 - (f) Two additional (2) trustees of the County Employees Retirement System board of trustees selected by the chair of the County Employees Retirement System board of trustees of which one (1) shall be a

trustee who was elected by the membership of the County Employees Retirement System and one (1) shall be a trustee of the County Employees Retirement System who was appointed by the Governor.

- (3) The Kentucky Public Pensions Authority is hereby granted the powers and privileges of a corporation, including but not limited to the following powers:
 - (a) To sue and be sued in its corporate name;
 - (b) To make bylaws not inconsistent with the law and in accordance with its duties as provided by this section;
 - (c) To conduct the business and promote the purposes for which it was formed;
 - (d) To carry out the obligations of the Authority subject to KRS Chapters 45, 45A, 56, and 57;
 - (e) To purchase fiduciary liability insurance; and
 - (f) The Kentucky Public Pensions Authority shall reimburse any Authority member, officer, or employee for any legal expense resulting from a civil action arising out of the performance of his or her official duties. The hourly rate of reimbursement for any contract for legal services under this paragraph shall not exceed the maximum hourly rate provided in the Legal Services Duties and Maximum Rate Schedule promulgated by the Government Contract Review Committee established pursuant to KRS 45A.705, unless a higher rate is specifically approved by the secretary of the Finance and Administration Cabinet or his or her designee.
- (4) Any vacancy which may occur in an appointed position on the Kentucky Public Pensions Authority shall be filled in the same manner which provides for the selection of the particular member of the Authority. No person shall serve in more than one (1) position as a member of the Authority and if a person holds more than one (1) position as a member of the Authority, he or she shall resign a position.
- (5)
 - (a) Membership on the Authority shall not be incompatible with any other office unless a constitutional incompatibility exists. No Authority member shall serve in more than one (1) position as a member of the Authority.
 - (b) An Authority member shall be removed from office upon conviction of a felony or for a finding of a violation of any provision of KRS 11A.020 or 11A.040 by a court of competent jurisdiction.
 - (c) A current or former employee of the County Employees Retirement System, Kentucky Retirement Systems, or the Kentucky Public Pensions Authority shall not be eligible to serve as a member of the Authority.
- (6) Kentucky Public Pensions Authority members who do not otherwise receive a salary from the State Treasury shall receive a per diem of eighty dollars (\$80) for each day they are in session or on official duty, and they shall be reimbursed for their actual and necessary expenses in accordance with state administrative regulations and standards, except that the members shall not receive a per diem or receive reimbursements on the same day they receive a per diem or reimbursements for service to the Kentucky Retirement Systems board of trustees or County Employees Retirement Systems board of trustees.
- (7)
 - (a) The Authority shall meet at least once in each quarter of the year and may meet in special session upon the call of the chair or the executive director of the Authority.
 - (b) The Authority shall elect a chair and a vice chair. The chair shall not serve more than four (4) consecutive years as chair or vice chair of the Authority. The vice chair shall not serve more than four (4) consecutive years as chair or vice chair of the Authority. A member who has served four (4) consecutive years as chair or vice chair of the Authority may be elected chair or vice chair of the Authority after an absence of two (2) years from the positions.
 - (c) A majority of the Authority members shall constitute a quorum and all actions taken by the Authority shall be by affirmative vote of a majority of the Authority members present.
 - (d) The Authority shall post on the Authority's website and shall make available to the public:
 1. All meeting notices and agendas of the Authority. Notices and agendas shall be posted to the Authority's website at least seventy-two (72) hours in advance of the Authority's meetings, except in the case of special or emergency meetings as provided by KRS 61.823;

2. All Authority minutes or other materials that require adoption or ratification by the Authority. The items listed in this subparagraph shall be posted within *three (3) business days*~~seventy-two (72) hours~~ of adoption or ratification of the Authority;
 3. All bylaws, policies, or procedures adopted or ratified by the Authority; and
 4. A listing of the members of the Authority and membership on each committee established by the Authority.
- (8) (a) The Kentucky Public Pensions Authority shall appoint or contract for the services of an executive director and *a chief*~~an internal~~ auditor and fix the compensation and other terms of employment for these positions without limitation of the provisions of KRS Chapter 18A, 45A, and KRS 64.640. The executive director shall be the chief administrative officer of the Authority, the Kentucky Retirement Systems board of trustees, and the County Employees Retirement System board of trustees. The *chief*~~internal~~ auditor shall report directly to the ~~trustees of the~~ Kentucky Public Pensions Authority *members* to perform internal audit functions as directed by the Authority. The executive director and *chief*~~internal~~ auditor shall work cooperatively with the chief executive officers of the Kentucky Retirement Systems and the County Employees Retirement System. The Authority shall annually conduct a performance evaluation of the executive director and *chief*~~internal~~ auditor.
- (b) The Kentucky Public Pensions Authority shall authorize the executive director, or the *chief*~~internal~~ auditor in the case of employees under the direct supervision of the *chief*~~internal~~ auditor, to appoint the employees deemed necessary to transact the duties of the Authority for the purposes outlined in subsection (1) of this section. After April 14, 2022, approval by the Authority shall be required for a petition to the secretary of the Personnel Cabinet for the creation of any new unclassified position pursuant to KRS 18A.115(1)(e), (g), (h), and (i).
- (c) Effective April 1, 2021, the Kentucky Public Pensions Authority shall assume responsibility of administering the staff of the Kentucky Retirement Systems in order to provide the services established by this section.
- (d) 1. All employees of the Kentucky Public Pensions Authority, except for the executive director, *the chief auditor*, and no more than six (6) unclassified employees of the Office of Investments employed pursuant to KRS 18A.115(1)(e), (g), (h), and (i), shall be subject to the state personnel system established pursuant to KRS 18A.005 to 18A.204 and shall have their salaries determined by the secretary of the Personnel Cabinet.
2. The employees exempted from the classified service under this paragraph shall not be subject to the salary limitations specified in KRS 64.640(2) and (3).
3. The Kentucky Public Pensions Authority shall adopt a written salary and classification plan fixing a range of compensation and written terms of employment for any of the unclassified employees of the Office of Investments it authorizes under this paragraph. The Authority shall authorize the executive director to appoint up to six (6) unclassified employees of the Office of Investments subject to the compensation ranges and terms of employment the Authority has established. The Authority may amend the written salary and classification plan adopted under this paragraph at any time.
- (e) The Authority shall annually review, approve, and submit a report to the Public Pension Oversight Board detailing the number of employees of the Authority, the salary paid to each employee, and the change in the salaries of each individual employed by the Authority over the prior year.
- (f) The Authority shall require the executive director and the employees as it thinks proper to execute bonds for the faithful performance of their duties notwithstanding the limitations of KRS Chapter 62.
- (g) Notwithstanding any other provision of statute to the contrary, including but not limited to any provision of KRS Chapter 12, the Governor shall have no authority to change any provision of this section by executive order or action, including but not limited to reorganizing, replacing, amending, or abolishing the membership of the Kentucky Public Pensions Authority.
- (9) All employees of the Authority shall serve during its will and pleasure. Notwithstanding any statute to the contrary, employees shall not be considered legislative agents under KRS 6.611.
- (10) The Attorney General, or an assistant designated by him or her, may attend each meeting of the Authority and may receive the agenda, board minutes, and other information distributed to Authority members upon request.

The Attorney General may act as legal adviser and attorney for the Authority, and the Authority may contract for legal services, notwithstanding the limitations of KRS Chapter 12 or 13B.

- (11) (a) 1. All expenses incurred by or on behalf of the Kentucky Public Pensions Authority shall be paid by the systems administered by the Kentucky Retirement Systems or the County Employees Retirement System and shall be prorated, assigned, or allocated to each system as determined by Kentucky Public Pensions Authority.
2. Until June 30, 2024, any additional initial costs determined by the Authority to be attributable solely to establishing a separate County Employees Retirement System board and the Kentucky Public Pensions Authority as provided by this section and KRS 78.782 shall be paid by the County Employees Retirement System. Until June 30, 2024, any additional ongoing annual administrative and investment expenses that occur after the establishment of a separate County Employees Retirement System board and the Kentucky Public Pensions Authority that are determined by the Authority to be a direct result of establishing a separate County Employees Retirement System board and the Kentucky Public Pensions Authority shall be paid by the County Employees Retirement System. Beginning on and after July 1, 2024, any annual administrative and investment expenses shall be prorated, assigned, or allocated to each system as determined by the Kentucky Public Pensions Authority as provided by subparagraph 1. of this paragraph but without attribution to the establishment of a separate County Employees Retirement System board and the Kentucky Public Pensions Authority.
3. In order to evaluate the results of establishing a separate County Employees Retirement System board and the Kentucky Public Pensions Authority, on or before November 15, 2022, and on or before November 15 following the close of each successive fiscal year, the Kentucky Public Pensions Authority shall report to the Public ~~Pension~~~~Pensions~~ Oversight Board the annual administrative and investment expenses of the Kentucky Retirement Systems and the County Employees Retirement System. The report shall include but not be limited to the process or manner the Authority used to prorate, assign, or allocate to each system its share of the expenses, the amount of expenses prorated, assigned, or allocated to each system itemized by category, and any efforts by the systems or the Authority to reduce administrative costs and staffing needs.
- (b) Any other statute to the contrary notwithstanding, authorization for all expenditures relating to the administrative operations of the Kentucky Public Pensions Authority, the Kentucky Retirement Systems, and the County Employees Retirement System shall be contained in the biennial budget unit request, branch budget recommendation, and the financial plan adopted by the General Assembly pursuant to KRS Chapter 48. The Kentucky Public Pensions Authority shall approve the biennial budget unit request prior to its submission by the Authority. The request from the Kentucky Public Pensions Authority shall include any specific administrative expenses requested by the Kentucky Retirement Systems board of trustees or the County Employees Retirement System board of trustees pursuant to KRS 61.645(13) or 78.782(13), as applicable, that are not otherwise expenses specified by paragraph (a) of this subsection.
- (12) (a) An Authority member shall discharge his or her duties as a member of the Authority, including his or her duties as a member of a committee of the Authority:
1. In good faith;
 2. On an informed basis; and
 3. In a manner he or she honestly believes to be in the best interest of the County Employees Retirement System and the Kentucky Retirement Systems, as applicable.
- (b) An Authority member discharges his or her duties on an informed basis if, when he or she makes an inquiry into the business and affairs of the Authority, system, or systems or into a particular action to be taken or decision to be made, he or she exercises the care an ordinary prudent person in a like position would exercise under similar circumstances.
- (c) In discharging his or her duties, an Authority member may rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:
1. One (1) or more officers or employees of the Authority whom the Authority member honestly believes to be reliable and competent in the matters presented;

2. Legal counsel, public accountants, actuaries, or other persons as to matters the Authority member honestly believes are within the person's professional or expert competence; or
 3. A committee of the Authority of which he or she is not a member if the Authority member honestly believes the committee merits confidence.
- (d) An Authority member shall not be considered as acting in good faith if he or she has knowledge concerning the matter in question that makes reliance otherwise permitted by paragraph (c) of this subsection unwarranted.
- (e) Any action taken as a member of the Authority, or any failure to take any action as an Authority member, shall not be the basis for monetary damages or injunctive relief unless:
1. The Authority member has breached or failed to perform the duties of the member's office in compliance with this section; and
 2. In the case of an action for monetary damages, the breach or failure to perform constitutes willful misconduct or wanton or reckless disregard for human rights, safety, or property.
- (f) A person bringing an action for monetary damages under this section shall have the burden of proving by clear and convincing evidence the provisions of paragraph (e)1. and 2. of this subsection, and the burden of proving that the breach or failure to perform was the legal cause of damages suffered by the Kentucky Retirement Systems or County Employees Retirement System, as applicable.
- (g) In discharging his or her administrative duties under this section, an Authority member shall strive to administer the systems in an efficient and cost-effective manner for the taxpayers of the Commonwealth of Kentucky and shall take all actions available under the law to contain costs for the trusts, including costs for participating employers, members, and retirees.

➔Section 2. KRS 16.505 is amended to read as follows:

As used in KRS 16.505 to 16.652, unless the context otherwise requires:

- (1) "System" means the State Police Retirement System created by KRS 16.505 to 16.652;
- (2) "Board" means the board of trustees of the Kentucky Retirement Systems;
- (3) "Employer" or "State Police" means the Department of Kentucky State Police, or its successor;
- (4) "Current service" means the number of years and completed months of employment as an employee subsequent to July 1, 1958, for which creditable compensation was paid by the employer and employee contributions deducted except as otherwise provided;
- (5) "Prior service" means the number of years and completed months of employment as an employee prior to July 1, 1958, for which creditable compensation was paid to the employee by the Commonwealth. Twelve (12) months of current service in the system are required to validate prior service;
- (6) "Service" means the total of current service and prior service;
- (7) "Accumulated contributions" at any time means the sum of all amounts deducted from the compensation of a member and credited to his or her individual account in the member's account, including employee contributions picked up after August 1, 1982, pursuant to KRS 16.545(4), together with interest credited on such amounts as provided in KRS 16.505 to 16.652, and any other amounts the member shall have contributed, including interest credited. For members who begin participating on or after September 1, 2008, "accumulated contributions" shall not include employee contributions that are deposited into accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510 and 61.515, as prescribed by KRS 61.702(3)(b);
- (8) "Creditable compensation":
 - (a) Except as provided by paragraph (b) or (c) of this subsection, means all salary and wages, including payments for compensatory time, paid to the employee as a result of services performed for the employer or for time during which the member is on paid leave, which are includable on the member's federal form W-2 wage and tax statement under the heading "wages, tips, other compensation," including employee contributions picked up after August 1, 1982, pursuant to KRS 16.545(4);
 - (b) Includes:

1. Lump-sum bonuses, severance pay, or employer-provided payments for purchase of service credit, which shall be averaged over the employee's total service with the system in which it is recorded if it is equal to or greater than one thousand dollars (\$1,000);
 2. Lump-sum payments for creditable compensation paid as a result of an order of a court of competent jurisdiction, the Personnel Board, or the *Kentucky* Commission on Human Rights, or for any creditable compensation paid in anticipation of settlement of an action before a court of competent jurisdiction, the Personnel Board, or the *Kentucky* Commission on Human Rights, including notices of violations of state or federal wage and hour statutes or violations of state or federal discrimination statutes, which shall be credited to the fiscal year during which the wages were earned or should have been paid by the employer. This subparagraph shall also include lump-sum payments for reinstated wages pursuant to KRS 61.569, which shall be credited to the period during which the wages were earned or should have been paid by the employer;
 3. Amounts which are not includable in the member's gross income by virtue of the member having taken a voluntary salary reduction provided for under applicable provisions of the Internal Revenue Code; and
 4. Elective amounts for qualified transportation fringes paid or made available on or after January 1, 2001, for calendar years on or after January 1, 2001, that are not includable in the gross income of the employee by reason of 26 U.S.C. sec. 132(f)(4); and
- (c) Excludes:
1. Living allowances, expense reimbursements, lump-sum payments for accrued vacation leave, and other items determined by the board;
 2. For employees who begin participating on or after September 1, 2008, lump-sum payments for compensatory time; and
 3. Any salary or wages paid to an employee for services as a Kentucky State Police school resource officer as defined by KRS 158.441;
- (9) "Final compensation" means:
- (a) For a member who begins participating before September 1, 2008, the creditable compensation of a member during the three (3) fiscal years he or she was paid at the highest average monthly rate divided by the number of months of service credit during the three (3) year period, multiplied by twelve (12); the three (3) years may be fractional and need not be consecutive. If the number of months of service credit during the three (3) year period is less than twenty-four (24), one (1) or more additional fiscal years shall be used; or
 - (b) For a member who begins participating on or after September 1, 2008, but prior to January 1, 2014, the creditable compensation of the member during the three (3) complete fiscal years he or she was paid at the highest average monthly rate divided by three (3). Each fiscal year used to determine final compensation must contain twelve (12) months of service credit. If the member does not have three (3) complete fiscal years that each contain twelve (12) months of service credit, then one (1) or more additional fiscal years, which may contain less than twelve (12) months of service credit, shall be added until the number of months in the final compensation calculation is at least thirty-six (36) months;
- (10) "Final rate of pay" means the actual rate upon which earnings of a member were calculated during the twelve (12) month period immediately preceding the member's effective retirement date, including employee contributions picked up after August 1, 1982, pursuant to KRS 16.545(4). The rate shall be certified to the system by the employer and the following equivalents shall be used to convert the rate to an annual rate: two thousand eighty (2,080) hours for eight (8) hour workdays, one thousand nine hundred fifty (1,950) hours for seven and one-half (7-1/2) hour workdays, two hundred sixty (260) days, fifty-two (52) weeks, twelve (12) months, or one (1) year;
- (11) "Retired member" means any former member receiving a retirement allowance or any former member who has filed the necessary documents for retirement benefits and is no longer contributing to the retirement system;
- (12) "Retirement allowance" means the retirement payments to which a retired member is entitled;
- (13) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of actuarial tables adopted by the board. In cases of disability retirement, the options authorized by KRS 61.635 shall be computed by adding ten (10) years to the age of the member, unless the member has chosen the Social

Security adjustment option as provided for in KRS 61.635(8), in which case the member's actual age shall be used. For members who began participating in the system prior to January 1, 2014, no disability retirement option shall be less than the same option computed under early retirement;

- (14) "Authorized leave of absence" means any time during which a person is absent from employment but retained in the status of an employee in accordance with the personnel policy of the Department of Kentucky State Police;
- (15) "Normal retirement date" means:
 - (a) For a member who begins participating before September 1, 2008, the first day of the month following a member's fifty-fifth birthday, except that for members over age fifty-five (55) on July 1, 1958, it shall mean January 1, 1959; or
 - (b) For a member who begins participating on or after September 1, 2008, the first day of the month following a member's sixtieth birthday;
- (16) "Disability retirement date" means the first day of the month following the last day of paid employment;
- (17) "Dependent child" means a child in the womb and a natural or legally adopted child of the member who has neither attained age eighteen (18) nor married or who is an unmarried full-time student who has not attained age twenty-two (22). Solely in the cases where a member dies as a direct result of an act in line of duty as defined in this section, dies as a result of a duty-related injury as defined in KRS 61.621, becomes totally and permanently disabled as a direct result of an act in line of duty as defined in this section, or becomes disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a), "dependent child" also means a naturally or legally adopted disabled child of the member, regardless of the child's age, if the child has been determined to be eligible for federal Social Security disability benefits or is being claimed as a qualifying child for tax purposes due to the child's total and permanent disability;
- (18) "Optional allowance" means an actuarially equivalent benefit elected by the member in lieu of all other benefits provided by KRS 16.505 to 16.652;
- (19) "Act in line of duty" means:
 - (a) A single act occurring or a single thing done, which, as determined by the board, was required in the performance of the duties specified in KRS 16.060;
 - (b) For employees in hazardous positions under KRS 61.592, a single act occurring which was required in the performance of the principal duties of the position as defined by the job description; or
 - (c) For employees participating in the State Police Retirement System and for employees who are in hazardous positions under KRS 61.592, a single act of violence committed against the employee that is found to be related to his or her job duties, whether or not it occurs at his or her job site;
- (20) "Early retirement date" means:
 - (a) For a member who begins participating before September 1, 2008, the retirement date declared by a member who is not less than fifty (50) years of age and has fifteen (15) years of service; or
 - (b) For a member who begins participating on or after September 1, 2008, but prior to January 1, 2014, the retirement date declared by a member who is not less than fifty (50) years of age and has fifteen (15) years of service credited under KRS 16.543(1) or 61.543(1) or another state-administered retirement system;
- (21) "Member" means any officer included in the membership of the system as provided under KRS 16.520 whose membership has not been terminated under KRS 61.535;
- (22) "Regular full-time officers" means the occupants of positions as set forth in KRS 16.010;
- (23) "Hazardous disability" as used in KRS 16.505 to 16.652 means a disability which results in an employee's total incapacity to continue as an employee in a hazardous position, but the employee is not necessarily deemed to be totally and permanently disabled to engage in other occupations for remuneration or profit;
- (24) "Current rate of pay" means the member's actual hourly, daily, weekly, biweekly, monthly, or yearly rate of pay converted to an annual rate as defined in final rate of pay. The rate shall be certified by the employer;

- (25) "Beneficiary" means the person, persons, estate, trust, or trustee designated by the member in accordance with KRS 61.542 or 61.705 to receive any available benefits in the event of the member's death. As used in KRS 61.702, "beneficiary" does not mean an estate, trust, or trustee;
- (26) "Recipient" means the retired member, the person or persons designated as beneficiary by the member and drawing a retirement allowance as a result of the member's death, or a dependent child drawing a retirement allowance. An alternate payee of a qualified domestic relations order shall not be considered a recipient, except for purposes of KRS 61.623;
- (27) "Person" means a natural person;
- (28) "Retirement office" means the Kentucky Public Pensions Authority office building in Frankfort, unless otherwise designated by the Kentucky Public Pensions Authority;
- (29) "Vested" for purposes of determining eligibility for purchasing service credit under KRS 61.552 means the employee has at least forty-eight (48) months of service if age sixty-five (65) or older or at least sixty (60) months of service if under the age of sixty-five (65). For purposes of this subsection, "service" means service in the systems administered by the Kentucky Retirement Systems and County Employees Retirement Systems;
- (30) "Last day of paid employment" means the last date employer and employee contributions are required to be reported in accordance with KRS 16.543 or 61.543 to the retirement office in order for the employee to receive current service credit for the month. Last day of paid employment does not mean a date the employee receives payment for accrued leave, whether by lump sum or otherwise, if that date occurs twenty-four (24) or more months after previous contributions;
- (31) "Objective medical evidence" means reports of examinations or treatments; medical signs which are anatomical, physiological, or psychological abnormalities that can be observed; psychiatric signs which are medically demonstrable phenomena indicating specific abnormalities of behavior, affect, thought, memory, orientation, or contact with reality; or laboratory findings which are anatomical, physiological, or psychological phenomena that can be shown by medically acceptable laboratory diagnostic techniques, including but not limited to chemical tests, electrocardiograms, electroencephalograms, X-rays, and psychological tests;
- (32) "Fiscal year" of the system means the twelve (12) months from July 1 through the following June 30, which shall also be the plan year. The "fiscal year" shall be the limitation year used to determine contribution and benefit limits established by 26 U.S.C. sec. 415;
- (33) "Participating" means an employee is currently earning service credit in the system as provided in KRS 16.543;
- (34) "Month" means a calendar month;
- (35) "Membership date" means the date upon which the member began participating in the system as provided by KRS 16.543;
- (36) "Participant" means a member, as defined by subsection (21) of this section, or a retired member, as defined by subsection (11) of this section;
- (37) "Qualified domestic relations order" means any judgment, decree, or order, including approval of a property settlement agreement, that:
- (a) Is issued by a court or administrative agency; and
 - (b) Relates to the provision of child support, alimony payments, or marital property rights to an alternate payee;
- (38) "Alternate payee" means a spouse, former spouse, child, or other dependent of a participant, who is designated to be paid retirement benefits in a qualified domestic relations order;
- (39) "Accumulated employer credit" means the employer pay credit deposited to the member's account and interest credited on such amounts as provided by KRS 16.583;
- (40) "Accumulated account balance" means:
- (a) For members who began participating in the system prior to January 1, 2014, the member's accumulated contributions; or

- (b) For members who began participating in the system on or after January 1, 2014, in the hybrid cash balance plan as provided by KRS 16.583, the combined sum of the member's accumulated contributions and the member's accumulated employer pay credit; and
- (41) "Monthly average pay" means:
- (a) In the case of a member who dies as a direct result of an act in line of duty as defined in this section or who dies as a result of a duty-related injury as defined in KRS 61.621, the higher of the member's monthly final rate of pay or the average monthly creditable compensation earned by the deceased member during his or her last twelve (12) months of employment; or
- (b) In the case where a member becomes totally and permanently disabled as a direct result of an act in line of duty as defined in this section or becomes disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a), the higher of the member's monthly final rate of pay or the average monthly creditable compensation earned by the disabled member during his or her last twelve (12) months of employment prior to the date the act in line of duty or duty-related injury occurred.

➔Section 3. KRS 16.652 is repealed, reenacted, and amended to read as follows:

- (1) For members who begin participating in the State Police Retirement System prior to January 1, 2014, it is hereby declared that in consideration of the contributions by the member, and in further consideration of benefits received by the state from the member's employment, KRS 16.510 to 16.645 shall, ***except as provided in KRS 6.696***, constitute an inviolable contract of the Commonwealth, and the benefits provided therein shall not be subject to reduction or impairment by alteration, amendment or repeal, ~~except:~~
- (a) ~~As provided in KRS 6.696; and~~
- (b) ~~The General Assembly reserves the right to amend, reduce, or suspend any legislative changes to the provisions of KRS 16.505 to 16.652 that become effective on or after July 1, 2018.~~
- (2) (a) For members who begin participating in the State Police Retirement System on or after January 1, 2014, the General Assembly reserves the right to amend, suspend, or reduce the benefits and rights provided under KRS 16.505 to 16.652 if, in its judgment, the welfare of the Commonwealth so demands, except that the amount of benefits the member has accrued at the time of amendment, suspension, or reduction shall not be affected.
- (b) For purposes of this subsection, the amount of benefits the member has accrued at the time of amendment, suspension, or reduction shall be limited to the accumulated account balance the member has accrued at the time of amendment, suspension, or reduction.
- (c) The provisions of this subsection shall not be construed to limit the General Assembly's authority to change any other benefit or right specified by KRS 16.505 to 16.652, for members who begin participating in the State Police Retirement System on or after January 1, 2014, except the benefits specified by paragraph (b) of this subsection.
- (3) The provisions of this section shall not be construed to limit the General Assembly's authority to amend, reduce, or suspend the benefits and rights of members of the State Police Retirement System as provided by KRS 16.505 to 16.652 that the General Assembly had the authority to amend, reduce, or suspend, prior to July 1, 2013.

➔Section 4. KRS 61.510 is amended to read as follows:

As used in KRS 61.510 to 61.705, unless the context otherwise requires:

- (1) "System" means the Kentucky Employees Retirement System created by KRS 61.510 to 61.705;
- (2) "Board" means the board of trustees of the system as provided in KRS 61.645;
- (3) "Department" means any state department or board or agency participating in the system in accordance with appropriate executive order, as provided in KRS 61.520. For purposes of KRS 61.510 to 61.705, the members, officers, and employees of the General Assembly and any other body, entity, or instrumentality designated by executive order by the Governor, shall be deemed to be a department, notwithstanding whether said body, entity, or instrumentality is an integral part of state government;
- (4) "Examiner" means the medical examiners as provided in KRS 61.665;

- (5) "Employee" means the members, officers, and employees of the General Assembly and every regular full-time, appointed or elective officer or employee of a participating department, including the Department of Military Affairs. The term does not include persons engaged as independent contractors, seasonal, emergency, temporary, interim, and part-time workers. In case of any doubt, the board shall determine if a person is an employee within the meaning of KRS 61.510 to 61.705;
- (6) "Employer" means a department or any authority of a department having the power to appoint or select an employee in the department, including the Senate and the House of Representatives, or any other entity, the employees of which are eligible for membership in the system pursuant to KRS 61.525;
- (7) "State" means the Commonwealth of Kentucky;
- (8) "Member" means any employee who is included in the membership of the system or any former employee whose membership has not been terminated under KRS 61.535;
- (9) "Service" means the total of current service and prior service as defined in this section;
- (10) "Current service" means the number of years and months of employment as an employee, on and after July 1, 1956, except that for members, officers, and employees of the General Assembly this date shall be January 1, 1960, for which creditable compensation is paid and employee contributions deducted, except as otherwise provided, and each member, officer, and employee of the General Assembly shall be credited with a month of current service for each month he *or she* serves in the position;
- (11) "Prior service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employee, prior to July 1, 1956, for which creditable compensation was paid; except that for members, officers, and employees of the General Assembly, this date shall be January 1, 1960. An employee shall be credited with one (1) month of prior service only in those months he *or she* received compensation for at least one hundred (100) hours of work; provided, however, that each member, officer, and employee of the General Assembly shall be credited with a month of prior service for each month he *or she* served in the position prior to January 1, 1960. Twelve (12) months of current service in the system are required to validate prior service;
- (12) "Accumulated contributions" at any time means the sum of all amounts deducted from the compensation of a member and credited to his *or her* individual account in the members' account, including employee contributions picked up after August 1, 1982, pursuant to KRS 61.560(4), together with interest credited, on such amounts and any other amounts the member shall have contributed thereto, including interest credited thereon. For members who begin participating on or after September 1, 2008, "accumulated contributions" shall not include employee contributions that are deposited into accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510 and 61.515, as prescribed by KRS 61.702(3)(b);
- (13) "Creditable compensation":
 - (a) Means all salary, wages, tips to the extent the tips are reported for income tax purposes, and fees, including payments for compensatory time, paid to the employee as a result of services performed for the employer or for time during which the member is on paid leave, which are includable on the member's federal form W-2 wage and tax statement under the heading "wages, tips, other compensation," including employee contributions picked up after August 1, 1982, pursuant to KRS 61.560(4). For members of the General Assembly, it shall mean all amounts which are includable on the member's federal form W-2 wage and tax statement under the heading "wages, tips, other compensation," including employee contributions picked up after August 1, 1982, pursuant to KRS 6.505(4) or 61.560(4);
 - (b) Includes:
 1. Lump-sum bonuses, severance pay, or employer-provided payments for purchase of service credit, which shall be averaged over the employee's total service with the system in which it is recorded if it is equal to or greater than one thousand dollars (\$1,000);
 2. Cases where compensation includes maintenance and other perquisites, but the board shall fix the value of that part of the compensation not paid in money;
 3. Lump-sum payments for creditable compensation paid as a result of an order of a court of competent jurisdiction, the Personnel Board, or the *Kentucky* Commission on Human Rights, or for any creditable compensation paid in anticipation of settlement of an action before a court of competent jurisdiction, the Personnel Board, or the *Kentucky* Commission on Human Rights,

including notices of violations of state or federal wage and hour statutes or violations of state or federal discrimination statutes, which shall be credited to the fiscal year during which the wages were earned or should have been paid by the employer. This subparagraph shall also include lump-sum payments for reinstated wages pursuant to KRS 61.569, which shall be credited to the period during which the wages were earned or should have been paid by the employer;

4. Amounts which are not includable in the member's gross income by virtue of the member having taken a voluntary salary reduction provided for under applicable provisions of the Internal Revenue Code; and
 5. Elective amounts for qualified transportation fringes paid or made available on or after January 1, 2001, for calendar years on or after January 1, 2001, that are not includable in the gross income of the employee by reason of 26 U.S.C. sec. 132(f)(4); and
- (c) Excludes:
1. Living allowances, expense reimbursements, lump-sum payments for accrued vacation leave, and other items determined by the board;
 2. For employees who begin participating on or after September 1, 2008, lump-sum payments for compensatory time;
 3. For employees who begin participating on or after August 1, 2016, nominal fees paid for services as a volunteer; and
 4. Any salary or wages paid to an employee for services as a Kentucky State Police school resource officer as defined by KRS 158.441;

(14) "Final compensation" of a member means:

- (a) For a member who begins participating before September 1, 2008, who is employed in a nonhazardous position, the creditable compensation of the member during the five (5) fiscal years he or she was paid at the highest average monthly rate divided by the number of months of service credit during that five (5) year period multiplied by twelve (12). The five (5) years may be fractional and need not be consecutive. If the number of months of service credit during the five (5) year period is less than forty-eight (48), one (1) or more additional fiscal years shall be used;
- (b) For a member who is employed in a nonhazardous position, whose effective retirement date is between August 1, 2001, and January 1, 2009, and whose total service credit is at least twenty-seven (27) years and whose age and years of service total at least seventy-five (75), final compensation means the creditable compensation of the member during the three (3) fiscal years the member was paid at the highest average monthly rate divided by the number of months of service credit during that three (3) year period multiplied by twelve (12). The three (3) years may be fractional and need not be consecutive. If the number of months of service credit during the three (3) year period is less than twenty-four (24), one (1) or more additional fiscal years shall be used. Notwithstanding the provision of KRS 61.565, the funding for this paragraph shall be provided from existing funds of the retirement allowance;
- (c) For a member who begins participating before September 1, 2008, who is employed in a hazardous position, as provided in KRS 61.592, the creditable compensation of the member during the three (3) fiscal years he or she was paid at the highest average monthly rate divided by the number of months of service credit during that three (3) year period multiplied by twelve (12). The three (3) years may be fractional and need not be consecutive. If the number of months of service credit during the three (3) year period is less than twenty-four (24), one (1) or more additional fiscal years shall be used;
- (d) For a member who begins participating on or after September 1, 2008, but prior to January 1, 2014, who is employed in a nonhazardous position, the creditable compensation of the member during the five (5) complete fiscal years immediately preceding retirement divided by five (5). Each fiscal year used to determine final compensation must contain twelve (12) months of service credit. If the member does not have five (5) complete fiscal years that each contain twelve (12) months of service credit, then one (1) or more additional fiscal years, which may contain less than twelve (12) months of service credit, shall be added until the number of months in the final compensation calculation is at least sixty (60) months; or

- (e) For a member who begins participating on or after September 1, 2008, but prior to January 1, 2014, who is employed in a hazardous position as provided in KRS 61.592, the creditable compensation of the member during the three (3) complete fiscal years he or she was paid at the highest average monthly rate divided by three (3). Each fiscal year used to determine final compensation must contain twelve (12) months of service credit. If the member does not have three (3) complete fiscal years that each contain twelve (12) months of service credit, then one (1) or more additional fiscal years, which may contain less than twelve (12) months of service credit, shall be added until the number of months in the final compensation calculation is at least thirty-six (36) months;
- (15) "Final rate of pay" means the actual rate upon which earnings of an employee were calculated during the twelve (12) month period immediately preceding the member's effective retirement date, including employee contributions picked up after August 1, 1982, pursuant to KRS 61.560(4). The rate shall be certified to the system by the employer and the following equivalents shall be used to convert the rate to an annual rate: two thousand eighty (2,080) hours for eight (8) hour workdays, nineteen hundred fifty (1,950) hours for seven and one-half (7-1/2) hour workdays, two hundred sixty (260) days, fifty-two (52) weeks, twelve (12) months, one (1) year;
- (16) "Retirement allowance" means the retirement payments to which a member is entitled;
- (17) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of the actuarial tables that are adopted by the board. In cases of disability retirement, the options authorized by KRS 61.635 shall be computed by adding ten (10) years to the age of the member, unless the member has chosen the Social Security adjustment option as provided for in KRS 61.635(8), in which case the member's actual age shall be used. For members who began participating in the system prior to January 1, 2014, no disability retirement option shall be less than the same option computed under early retirement;
- (18) "Normal retirement date" means the sixty-fifth birthday of a member, unless otherwise provided in KRS 61.510 to 61.705;
- (19) "Fiscal year" of the system means the twelve (12) months from July 1 through the following June 30, which shall also be the plan year. The "fiscal year" shall be the limitation year used to determine contribution and benefit limits as established by 26 U.S.C. sec. 415;
- (20) "Officers and employees of the General Assembly" means the occupants of those positions enumerated in KRS 6.150. The term shall also apply to assistants who were employed by the General Assembly for at least one (1) regular legislative session prior to July 13, 2004, who elect to participate in the retirement system, and who serve for at least six (6) regular legislative sessions. Assistants hired after July 13, 2004, shall be designated as interim employees;
- (21) "Regular full-time positions," as used in subsection (5) of this section, shall mean all positions that average one hundred (100) or more hours per month determined by using the number of months actually worked within a calendar or fiscal year, including all positions except:
 - (a) Seasonal positions, which although temporary in duration, are positions which coincide in duration with a particular season or seasons of the year and which may recur regularly from year to year, the period of time shall not exceed nine (9) months;
 - (b) Emergency positions which are positions utilized by the employer during:
 - 1. An emergency as determined by the employer for a period not exceeding thirty (30) working days and are nonrenewable; or
 - 2. A state of emergency declared by the President of the United States or the Governor of the Commonwealth of Kentucky that are created or filled specifically for addressing the employer's needs during and as a result of the declared emergency;
 - (c) Temporary positions which are positions of employment with a participating department for a period of time not to exceed nine (9) months and are nonrenewable;
 - (d) Part-time positions which are positions which may be permanent in duration, but which require less than a calendar or fiscal year average of one hundred (100) hours of work per month, determined by using the number of months actually worked within a calendar or fiscal year, in the performance of duty; and
 - (e) Interim positions which are positions established for a one-time or recurring need not to exceed nine (9) months;

- (22) "Vested" for purposes of determining eligibility for purchasing service credit under KRS 61.552 means the employee has at least forty-eight (48) months of service if age sixty-five (65) or older or at least sixty (60) months of service if under the age of sixty-five (65). For purposes of this subsection, "service" means service in the systems administered by the Kentucky Retirement Systems and County Employees Retirement System;
- (23) "Parted employer" means a department, portion of a department, board, or agency, such as Outwood Hospital and School, which previously participated in the system, but due to lease or other contractual arrangement is now operated by a publicly held corporation or other similar organization, and therefore is no longer participating in the system. The term "parted employer" shall not include a department, board, or agency that ceased participation in the system pursuant to KRS 61.522;
- (24) "Retired member" means any former member receiving a retirement allowance or any former member who has filed the necessary documents for retirement benefits and is no longer contributing to the retirement system;
- (25) "Current rate of pay" means the member's actual hourly, daily, weekly, biweekly, monthly, or yearly rate of pay converted to an annual rate as defined in final rate of pay. The rate shall be certified by the employer;
- (26) "Beneficiary" means the person or persons or estate or trust or trustee designated by the member in accordance with KRS 61.542 or 61.705 to receive any available benefits in the event of the member's death. As used in KRS 61.702, "beneficiary" does not mean an estate, trust, or trustee;
- (27) "Recipient" means the retired member or the person or persons designated as beneficiary by the member and drawing a retirement allowance as a result of the member's death or a dependent child drawing a retirement allowance. An alternate payee of a qualified domestic relations order shall not be considered a recipient, except for purposes of KRS 61.623;
- (28) "Level percentage of payroll amortization method" means a method of determining the annual amortization payment on the unfunded actuarial accrued liability as expressed as a percentage of payroll over a set period of years but that may be converted to a dollar value for purposes of KRS 61.565(1)(d). Under this method, the percentage of payroll shall be projected to remain constant for all years remaining in the set period of time and the unfunded actuarially accrued liability shall be projected to be fully amortized at the conclusion of the set period of years;
- (29) "Increment" means twelve (12) months of service credit which are purchased. The twelve (12) months need not be consecutive. The final increment may be less than twelve (12) months;
- (30) "Person" means a natural person;
- (31) "Retirement office" means the Kentucky Public Pensions Authority's office building in Frankfort, unless otherwise designated by the Kentucky Public Pensions Authority;
- (32) "Last day of paid employment" means the last date employer and employee contributions are required to be reported in accordance with KRS 16.543, 61.543, or 78.615 to the retirement office in order for the employee to receive current service credit for the month. Last day of paid employment does not mean a date the employee receives payment for accrued leave, whether by lump sum or otherwise, if that date occurs twenty-four (24) or more months after previous contributions;
- (33) "Objective medical evidence" means reports of examinations or treatments; medical signs which are anatomical, physiological, or psychological abnormalities that can be observed; psychiatric signs which are medically demonstrable phenomena indicating specific abnormalities of behavior, affect, thought, memory, orientation, or contact with reality; or laboratory findings which are anatomical, physiological, or psychological phenomena that can be shown by medically acceptable laboratory diagnostic techniques, including but not limited to chemical tests, electrocardiograms, electroencephalograms, X-rays, and psychological tests;
- (34) "Participating" means an employee is currently earning service credit in the system as provided in KRS 61.543;
- (35) "Month" means a calendar month;
- (36) "Membership date" means:
 - (a) The date upon which the member began participating in the system as provided in KRS 61.543;
 - (b) For a member electing to participate in the system pursuant to KRS 196.167(4) or 311A.022(2) who has not previously participated in the system or the Kentucky Teachers' Retirement System, the date the

- member began participating in a defined contribution plan that meets the requirements of 26 U.S.C. sec. 403(b); or
- (c) For members bound by an educational contract as a conditional employee to the state of Kentucky prior to December 31, 2003, the date on which the educational contract became effective;
- (37) "Participant" means a member, as defined by subsection (8) of this section, or a retired member, as defined by subsection (24) of this section;
- (38) "Qualified domestic relations order" means any judgment, decree, or order, including approval of a property settlement agreement, that:
- (a) Is issued by a court or administrative agency; and
- (b) Relates to the provision of child support, alimony payments, or marital property rights to an alternate payee;
- (39) "Alternate payee" means a spouse, former spouse, child, or other dependent of a participant, who is designated to be paid retirement benefits in a qualified domestic relations order;
- (40) "Accumulated employer credit" mean the employer pay credit deposited to the member's account and interest credited on such amounts as provided by KRS 16.583 and 61.597;
- (41) "Accumulated account balance" means:
- (a) For members who began participating in the system prior to January 1, 2014, the member's accumulated contributions; or
- (b) For members who began participating in the system on or after January 1, 2014, in the hybrid cash balance plan as provided by KRS 16.583 and 61.597, the combined sum of the member's accumulated contributions and the member's accumulated employer credit;
- (42) "Volunteer" means an individual who:
- (a) Freely and without pressure or coercion performs hours of service for an employer participating in one (1) of the systems administered by Kentucky Retirement Systems without receipt of compensation for services rendered, except for reimbursement of actual expenses, payment of a nominal fee to offset the costs of performing the voluntary services, or both; and
- (b) If a retired member, does not become an employee, leased employee, or independent contractor of the employer for which he or she is performing volunteer services for a period of at least twelve (12) months following the retired member's most recent retirement date;
- (43) "Nominal fee" means compensation earned for services as a volunteer that does not exceed five hundred dollars (\$500) per month with each participating employer. Compensation earned for services as a volunteer from more than one (1) participating employer during a month shall not be aggregated to determine whether the compensation exceeds the five hundred dollars (\$500) per month maximum provided by this subsection;
- (44) "Nonhazardous position" means a position that does not meet the requirements of KRS 61.592 or has not been approved by the board as a hazardous position;
- (45) "Monthly average pay" means:
- (a) In the case of a member who dies as a direct result of an act in line of duty as defined in KRS 16.505 or who dies as a result of a duty-related injury as defined in KRS 61.621, the higher of the member's monthly final rate of pay or the average monthly creditable compensation earned by the deceased member during his or her last twelve (12) months of employment; or
- (b) In the case where a member becomes totally and permanently disabled as a direct result of an act in line of duty as defined in KRS 16.505 or becomes disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a), the higher of the member's monthly final rate of pay or the average monthly creditable compensation earned by the disabled member during his or her last twelve (12) months of employment prior to the date the act in line of duty or duty-related injury occurred;
- (46) "Authority" means the Kentucky Public Pensions Authority as provided by KRS 61.505;
- (47) "Executive director" means the executive director of the Kentucky Public Pensions Authority; ~~and~~

- (48) "Instructional staff" means the employees of a state college or university participating under KRS 61.520 who are:
- (a) Faculty;
 - (b) Staff responsible for teaching; or
 - (c) Other individuals employed in an administrative position that is eligible for participation in the Teachers' Insurance and Annuity Association (TIAA) of the Teachers' Retirement System;
- (49) *"Agency reporting official" means the person designated by the participating employer who shall be responsible for forwarding all employer and employee contributions and a record of the contributions to the system and for performing other administrative duties pursuant to KRS 61.510 to 61.705; and*
- (50) *"Gainful employment" means work in any capacity that is or may be performed with regularity and is or may be usually done for pay, whether pay is received or not received, including seasonal, volunteer, part-time, and on-call work.*

➔ Section 5. KRS 78.510 is amended to read as follows:

As used in KRS 78.510 to 78.852, unless the context otherwise requires:

- (1) "System" means the County Employees Retirement System ***created by KRS 78.510 to 78.852***;
- (2) "Board" means the board of trustees of the system as provided in KRS 78.782;
- (3) "County" means any county, or nonprofit organization created and governed by a county, counties, or elected county officers, sheriff and his or her employees, county clerk and his or her employees, circuit clerk and his or her deputies, former circuit clerks or former circuit clerk deputies, or political subdivision or instrumentality, including school boards, cities, charter county governments, urban-county governments, consolidated local governments, or unified local governments participating in the system by order appropriate to its governmental structure, as provided in KRS 78.530, and if the board is willing to accept the agency, organization, or corporation, the board being hereby granted the authority to determine the eligibility of the agency to participate;
- (4) "School board" means:
 - (a) Any board of education participating in the system by order appropriate to its governmental structure, as provided in KRS 78.530, and if the board is willing to accept the agency or corporation, the board being hereby granted the authority to determine the eligibility of the agency to participate; or
 - (b) A public charter school as defined in KRS 160.1590 if the public charter school satisfies the criteria set by the Internal Revenue Service to participate in a governmental retirement plan;
- (5) "Examiner" means the medical examiners as provided in KRS 61.665;
- (6) "Employee" means every regular full-time appointed or elective officer or employee of a participating county and the coroner of a participating county, whether or not he or she qualifies as a regular full-time officer. The term shall not include persons engaged as independent contractors, seasonal, emergency, temporary, and part-time workers. In case of any doubt, the board shall determine if a person is an employee within the meaning of KRS 78.510 to 78.852;
- (7) "Employer" means a county, as defined in subsection (3) of this section, the elected officials of a county, or any authority of the county having the power to appoint or elect an employee to office or employment in the county;
- (8) "Member" means any employee who is included in the membership of the system or any former employee whose membership has not ceased under KRS 78.535;
- (9) "Service" means the total of current service and prior service as defined in this section;
- (10) "Current service" means the number of years and months of employment as an employee, on and after July 1, 1958, for which creditable compensation is paid and employee contributions deducted, except as otherwise provided;
- (11) "Prior service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employee, prior to July 1, 1958, for which creditable compensation was paid. An employee shall be credited with one (1) month of prior service only in those months he ***or she*** received compensation for

at least one hundred (100) hours of work. Twelve (12) months of current service in the system shall be required to validate prior service;

- (12) "Accumulated contributions" means the sum of all amounts deducted from the compensation of a member and credited to his *or her* individual account in the members' account, including employee contributions picked up after August 1, 1982, pursuant to KRS 78.610(4), together with interest credited, on the amounts, and any other amounts the member shall have contributed thereto, including interest credited thereon. "Accumulated contributions" shall not include employee contributions that are deposited into accounts established pursuant to 26 U.S.C. sec. 401(h) within the fund established in KRS 78.520, as prescribed by KRS 78.5536(3)(b);
- (13) "Creditable compensation":
- (a) Except as limited by paragraph (c) of this subsection, means all salary, wages, and fees, including payments for compensatory time, paid to the employee as a result of services performed for the employer or for time during which the member is on paid leave, which are includable on the member's federal form W-2 wage and tax statement under the heading "wages, tips, other compensation", including employee contributions picked up after August 1, 1982, pursuant to KRS 78.610(4). The creditable compensation of fee officers who receive salary, fees, maintenance, or other perquisites as a result of their official duties is the gross amount received decreased by the cost of salary paid deputies and clerks and the cost of office supplies and other official expenses;
- (b) Includes:
1. Lump-sum bonuses, severance pay, or employer-provided payments for purchase of service credit, which shall be averaged over the employee's service with the system in which it is recorded if it is equal to or greater than one thousand dollars (\$1,000);
 2. Cases where compensation includes maintenance and other perquisites, but the board shall fix the value of that part of the compensation not paid in money;
 3. Lump-sum payments for creditable compensation paid as a result of an order of a court of competent jurisdiction, the Personnel Board, or the *Kentucky* Commission on Human Rights, or for any creditable compensation paid in anticipation of settlement of an action before a court of competent jurisdiction, the Personnel Board, or the *Kentucky* Commission on Human Rights, including notices of violations of state or federal wage and hour statutes or violations of state or federal discrimination statutes, which shall be credited to the fiscal year during which the wages were earned or should have been paid by the employer. This subparagraph shall also include lump-sum payments for reinstated wages pursuant to KRS 61.569, which shall be credited to the period during which the wages were earned or should have been paid by the employer;
 4. Amounts which are not includable in the member's gross income by virtue of the member having taken a voluntary salary reduction provided for under applicable provisions of the Internal Revenue Code; and
 5. Elective amounts for qualified transportation fringes paid or made available on or after January 1, 2001, for calendar years on or after January 1, 2001, that are not includable in the gross income of the employee by reason of 26 U.S.C. sec. 132(f)(4); and
- (c) Excludes:
1. Living allowances, expense reimbursements, lump-sum payments for accrued vacation leave, sick leave except as provided in KRS 78.616(5), and other items determined by the board;
 2. For employees who begin participating on or after September 1, 2008, lump-sum payments for compensatory time;
 3. Training incentive payments for city officers paid as set out in KRS 64.5277 to 64.5279;
 4. For employees who begin participating on or after August 1, 2016, nominal fees paid for services as a volunteer; and
 5. Any salary or wages paid to an employee for services as a Kentucky State Police school resource officer as defined by KRS 158.441;
- (14) "Final compensation" means:

- (a) For a member who begins participating before September 1, 2008, who is employed in a nonhazardous position, the creditable compensation of the member during the five (5) fiscal years he or she was paid at the highest average monthly rate divided by the number of months of service credit during that five (5) year period multiplied by twelve (12). The five (5) years may be fractional and need not be consecutive. If the number of months of service credit during the five (5) year period is less than forty-eight (48), one (1) or more additional fiscal years shall be used;
 - (b) For a member who is employed in a nonhazardous position, whose effective retirement date is between August 1, 2001, and January 1, 2009, and whose total service credit is at least twenty-seven (27) years and whose age and years of service total at least seventy-five (75), final compensation means the creditable compensation of the member during the three (3) fiscal years the member was paid at the highest average monthly rate divided by the number of months of service credit during that three (3) year period multiplied by twelve (12). The three (3) years may be fractional and need not be consecutive. If the number of months of service credit during the three (3) year period is less than twenty-four (24), one (1) or more additional fiscal years shall be used;
 - (c) For a member who begins participating before September 1, 2008, who is employed in a hazardous position, as provided in ~~KRS 78.5520(61.592)~~, the creditable compensation of the member during the three (3) fiscal years he or she was paid at the highest average monthly rate divided by the number of months of service credit during that three (3) year period multiplied by twelve (12). The three (3) years may be fractional and need not be consecutive. If the number of months of service credit during the three (3) year period is less than twenty-four (24), one (1) or more additional fiscal years, which may contain less than twelve (12) months of service credit, shall be used;
 - (d) For a member who begins participating on or after September 1, 2008, but prior to January 1, 2014, who is employed in a nonhazardous position, the creditable compensation of the member during the five (5) complete fiscal years immediately preceding retirement divided by five (5). Each fiscal year used to determine final compensation must contain twelve (12) months of service credit. If the member does not have five (5) complete fiscal years that each contain twelve (12) months of service credit, then one (1) or more additional fiscal years, which may contain less than twelve (12) months of service credit, shall be added until the number of months in the final compensation calculation is at least sixty (60) months; or
 - (e) For a member who begins participating on or after September 1, 2008, but prior to January 1, 2014, who is employed in a hazardous position as provided in ~~KRS 78.5520(61.592)~~, the creditable compensation of the member during the three (3) complete fiscal years he or she was paid at the highest average monthly rate divided by three (3). Each fiscal year used to determine final compensation must contain twelve (12) months of service credit. If the member does not have three (3) complete fiscal years that each contain twelve (12) months of service credit, then one (1) or more additional fiscal years, which may contain less than twelve (12) months of service credit, shall be added until the number of months in the final compensation calculation is at least thirty-six (36) months;
- (15) "Final rate of pay" means the actual rate upon which earnings of an employee were calculated during the twelve (12) month period immediately preceding the member's effective retirement date, and shall include employee contributions picked up after August 1, 1982, pursuant to KRS 78.610(4). The rate shall be certified to the system by the employer and the following equivalents shall be used to convert the rate to an annual rate: two thousand eighty (2,080) hours for eight (8) hour workdays, one thousand nine hundred fifty (1,950) hours for seven and one-half (7.5) hour workdays, two hundred sixty (260) days, fifty-two (52) weeks, twelve (12) months, one (1) year;
- (16) "Retirement allowance" means the retirement payments to which a member is entitled;
- (17) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of the actuarial tables adopted by the board. In cases of disability retirement, the options authorized by KRS 61.635 shall be computed by adding ten (10) years to the age of the member, unless the member has chosen the Social Security adjustment option as provided for in KRS 61.635(8), in which case the member's actual age shall be used. For members who begin participating in the system prior to January 1, 2014, no disability retirement option shall be less than the same option computed under early retirement;
- (18) "Normal retirement date", unless otherwise provided in KRS 78.510 to 78.852, means:
- (a) For a member with service in a nonhazardous position, the sixty-fifth birthday of a member;

- (b) For a member with service in a hazardous position who begins participating before September 1, 2008, the first day of the month following a member's fifty-fifth birthday; or
 - (c) For a member with service in a hazardous position who begins participating on or after September 1, 2008, the first day of the month following a member's sixtieth birthday;
- (19) "Fiscal year" of the system means the twelve (12) months from July 1 through the following June 30, which shall also be the plan year. The "fiscal year" shall be the limitation year used to determine contribution and benefits limits as set out in 26 U.S.C. sec. 415;
- (20) "Agency reporting official" means the person designated by the participating employer who shall be responsible for forwarding all employer and employee contributions and a record of the contributions to the system and for performing other administrative duties pursuant to ~~the provisions of~~ KRS 78.510 to 78.852;
- (21) "Regular full-time positions," as used in subsection (6) of this section, shall mean all positions that average one hundred (100) or more hours per month, determined by using the number of hours actually worked in a calendar or fiscal year, or eighty (80) or more hours per month in the case of noncertified employees of school boards, determined by using the number of hours actually worked in a calendar or school year, unless otherwise specified, except:
- (a) Seasonal positions, which although temporary in duration, are positions which coincide in duration with a particular season or seasons of the year and that may recur regularly from year to year, in which case the period of time shall not exceed nine (9) months, except for employees of school boards, in which case the period of time shall not exceed six (6) months;
 - (b) Emergency positions which are positions utilized by the employer during:
 1. An emergency as determined by the employer for a period not exceeding thirty (30) working days and are nonrenewable; or
 2. A state of emergency declared by the President of the United States or the Governor of the Commonwealth of Kentucky that are created or filled specifically for addressing the employer's needs during and as a result of the declared emergency;
 - (c) Temporary positions that are positions of employment with a participating agency for a period of time not to exceed twelve (12) months and not renewable;
 - (d) Probationary positions which are positions of employment with a participating employer that do not exceed twelve (12) months and that are used uniformly by the participating agency on new employees who would otherwise be eligible for participation in the system. Probationary positions shall not be renewable by the participating employer for the same employee, unless the employee has not been employed with the participating employer for a period of at least twelve (12) months; or
 - (e) Part-time positions that are positions that may be permanent in duration, but that require less than a calendar or fiscal year average of one hundred (100) hours of work per month, determined by using the number of months actually worked within a calendar or fiscal year, in the performance of duty, except in case of noncertified employees of school boards, the school term average shall be eighty (80) hours of work per month, determined by using the number of months actually worked in a calendar or school year, in the performance of duty;
- (22) "Alternate participation plan" means a method of participation in the system as provided for by KRS 78.530(3);
- (23) "Retired member" means any former member receiving a retirement allowance or any former member who has on file at the retirement office the necessary documents for retirement benefits and is no longer contributing to the system;
- (24) "Current rate of pay" means the member's actual hourly, daily, weekly, biweekly, monthly, or yearly rate of pay converted to an annual rate as defined in final rate of pay. The rate shall be certified by the employer;
- (25) "Beneficiary" means the person, persons, estate, trust, or trustee designated by the member in accordance with KRS 61.542 or 61.705 to receive any available benefits in the event of the member's death. As used in KRS 78.5536, beneficiary shall not mean an estate, trust, or trustee;
- (26) "Recipient" means the retired member, the person or persons designated as beneficiary by the member and drawing a retirement allowance as a result of the member's death, or a dependent child drawing a retirement

allowance. An alternate payee of a qualified domestic relations order shall not be considered a recipient, except for purposes of KRS 61.623;

- (27) "Person" means a natural person;
- (28) "School term or year" means the twelve (12) months from July 1 through the following June 30;
- (29) "Retirement office" means the Kentucky Public Pensions Authority office building in Frankfort, unless otherwise designated by the Kentucky Public Pensions Authority;
- (30) "Vested" for purposes of determining eligibility for purchasing service credit under KRS 61.552 means the employee has at least forty-eight (48) months of service if age sixty-five (65) or older or at least sixty (60) months of service if under the age of sixty-five (65). For purposes of this subsection, "service" means service in the systems administered by the Kentucky Retirement Systems and County Employees Retirement System;
- (31) "Participating" means an employee is currently earning service credit in the system as provided in KRS 78.615;
- (32) "Month" means a calendar month;
- (33) "Membership date" means the date upon which the member began participating in the system as provided in KRS 78.615;
- (34) "Participant" means a member, as defined by subsection (8) of this section, or a retired member, as defined by subsection (23) of this section;
- (35) "Qualified domestic relations order" means any judgment, decree, or order, including approval of a property settlement agreement, that:
 - (a) Is issued by a court or administrative agency; and
 - (b) Relates to the provision of child support, alimony payments, or marital property rights to an alternate payee;
- (36) "Alternate payee" means a spouse, former spouse, child, or other dependent of a participant, who is designated to be paid retirement benefits in a qualified domestic relations order;
- (37) "Accumulated employer credit" means the employer pay credit deposited to the member's account and interest credited on such amounts as provided by KRS 78.5512 and 78.5516;
- (38) "Accumulated account balance" means:
 - (a) For members who began participating in the system prior to January 1, 2014, the member's accumulated contributions; or
 - (b) For members who began participating in the system on or after January 1, 2014, in the hybrid cash balance plan as provided by KRS 78.5512 and 78.5516, the combined sum of the member's accumulated contributions and the member's accumulated employer credit;
- (39) "Volunteer" means an individual who:
 - (a) Freely and without pressure or coercion performs hours of service for an employer participating in one (1) of the systems administered by Kentucky Retirement Systems or the County Employees Retirement System without receipt of compensation for services rendered, except for reimbursement of actual expenses, payment of a nominal fee to offset the costs of performing the voluntary services, or both; and
 - (b) If a retired member, does not become an employee, leased employee, or independent contractor of the employer for which he or she is performing volunteer services for a period of at least twelve (12) months following the retired member's most recent retirement date;
- (40) "Nominal fee" means compensation earned for services as a volunteer that does not exceed five hundred dollars (\$500) per month with each participating employer. Compensation earned for services as a volunteer from more than one (1) participating employer during a month shall not be aggregated to determine whether the compensation exceeds the five hundred dollars (\$500) per month maximum provided by this subsection;
- (41) "Nonhazardous position" means a position that does not meet the requirements of KRS 78.5520 or has not been approved by the board as a hazardous position;

- (42) "Hazardous position" means a position that meets the requirements of KRS 78.5520 and has been approved by the board as hazardous;
- (43) "Level-percentage-of-payroll amortization method" means a method of determining the annual amortization payment on the unfunded actuarial accrued liability as expressed as a percentage of payroll over a set period of years. Under this method, the percentage of payroll shall be projected to remain constant for all years remaining in the set period and the unfunded actuarially accrued liability shall be projected to be fully amortized at the conclusion of the set period;
- (44) "Increment" means twelve (12) months of service credit which are purchased. The twelve (12) months need not be consecutive. The final increment may be less than twelve (12) months;
- (45) "Last day of paid employment" means the last date employer and employee contributions are required to be reported in accordance with KRS 16.543, 61.543, or 78.615 to the retirement office in order for the employee to receive current service credit for the month. Last day of paid employment does not mean a date the employee receives payment for accrued leave, whether by lump sum or otherwise, if that date occurs twenty-four (24) or more months after previous contributions;
- (46) "Objective medical evidence" means reports of examinations or treatments; medical signs which are anatomical, physiological, or psychological abnormalities that can be observed; psychiatric signs which are medically demonstrable phenomena indicating specific abnormalities of behavior, affect, thought, memory, orientation, or contact with reality; or laboratory findings which are anatomical, physiological, or psychological phenomena that can be shown by medically acceptable laboratory diagnostic techniques, including but not limited to chemical tests, electrocardiograms, electroencephalograms, X-rays, and psychological tests;
- (47) "Hazardous disability" as used in KRS 78.510 to 78.852 means a disability which results in an employee's total incapacity to continue as an employee in a hazardous position, but the employee is not necessarily deemed to be totally and permanently disabled to engage in other occupations for remuneration or profit;
- (48) "Act in line of duty" means, for employees in hazardous positions under KRS 78.5520:
- (a) A single act occurring which was required in the performance of the principal duties of the hazardous position as defined by the job description; or
 - (b) A single act of violence committed against the employee that is found to be related to his or her job duties, whether or not it occurs at his or her job site;
- (49) "Dependent child" means a child in the womb and a natural or legally adopted child of the member who has neither attained age eighteen (18) nor married or who is an unmarried full-time student who has not attained age twenty-two (22). Solely in the case of a member who dies as a direct result of an act in line of duty as defined in this section, dies as a result of a duty-related injury as defined in KRS 61.621, becomes totally and permanently disabled as a direct result of an act in the line of duty as defined in this section, or becomes disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a), "dependent child" also means a naturally or legally adopted disabled child of the member, regardless of the child's age, if the child has been determined to be eligible for federal Social Security disability benefits or is being claimed as a qualifying child for tax purposes due to the child's total and permanent disability;
- (50) "Normal retirement age" means the age at which the member meets the requirements for his or her normal retirement date as provided by subsection (18) of this section;
- (51) "Disability retirement date" means the first day of the month following the last day of paid employment;
- (52) "Monthly average pay" means:
- (a) In the case of a member who dies as a direct result of an act in line of duty as defined in KRS 16.505 or who dies as a result of a duty-related injury as defined in KRS 61.621, the higher of the member's monthly final rate of pay or the average monthly creditable compensation earned by the deceased member during his or her last twelve (12) months of employment; or
 - (b) In the case where a member becomes totally and permanently disabled as a direct result of an act in line of duty as defined in KRS 16.505 or becomes disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a), the higher of the member's monthly final rate of pay or the average monthly creditable compensation earned by the disabled

member during his or her last twelve (12) months of employment prior to the date the act in line of duty or duty-related injury occurred;

- (53) "Authority" means the Kentucky Public Pensions Authority as provided by KRS 61.505;~~and~~
- (54) "Executive director" means the executive director of the Kentucky Public Pensions Authority; *and*
- (55) ***"Gainful employment" means work in any capacity that is or may be performed with regularity and is or may be usually done for pay, whether pay is received or not received, including seasonal, volunteer, part-time, and on-call work.***

➔Section 6. KRS 61.525 is amended to read as follows:

Membership in the system shall consist of the following:

- (1) All persons who become employees of a participating department after the date such department first participates in the system;
- (2) ~~{(a)—}~~All persons who are employees of a department on the date the department first participates in the system, either in service or on authorized leave from service, and who elect within thirty (30) days following the department's participation, or in the case of persons on authorized leave, within thirty (30) days of their return to active service, to become members and thereby agree to make contributions as provided in KRS 61.515 to 61.705;
~~{(b)— All persons who are employees of a department who did not elect to participate within thirty (30) days of the date the department first participated in the system or within thirty (30) days of their return to active service and who subsequently elect to participate the first day of a month after the department's date of participation;}~~
- (3) All persons who are employees of any credit union whose membership was initially limited to employees of state government and their families and which subsequently may have been extended to local government employees and their families;
- (4) All persons who were professional staff employees of the Council on Postsecondary Education or the Higher Education Assistance Authority and were contributing to the system on the effective date of Executive Order 74-762 or 75-964, respectively, and file a written election of their desire to continue in the system and all administrative and professional staff employees of the Higher Education Assistance Authority who, on or after January 1, 1993, are not participating in another retirement plan sponsored by the Higher Education Assistance Authority;
- (5) All persons who were professional staff employees of the Kentucky Authority for Educational Television on and after July 1, 1974;
- (6) All persons who are employees of the Teachers' Retirement System except employees who are required to participate under the Teachers' Retirement System under KRS 161.220(4)(d);
- (7) Membership in the system shall not include persons who are not eligible to participate in the system as provided by KRS 61.522 or those employees who are simultaneously participating in another state-administered defined benefit plan within Kentucky other than those administered by the Kentucky Retirement Systems, except for employees who have ceased to contribute to one (1) of the state-administered retirement plans as provided in KRS 21.360; and
- (8) Effective January 1, 1998, employees of the Kentucky Community and Technical College System who were previously contributing members and are not required to participate in the Teachers' Retirement System as a member; employees who were previously contributing members transferred from the former Cabinet for Workforce Development as provided in KRS 164.5805(1)(a) and who have not exercised the option to participate in the new Kentucky Community and Technical College personnel system as provided in KRS 164.5805(1)(e); and new employees as of July 1, 1997, who are not eligible under the Teachers' Retirement System or who are not contributing to an optional retirement plan established by the board of regents for the Kentucky Community and Technical College System.

➔Section 7. KRS 61.546 is repealed, reenacted, and amended to read as follows:

- (1) Except as otherwise provided by this section, any member of the Kentucky Employees Retirement System or the State Police Retirement System whose retirement date is July 14, 1984, or thereafter, shall receive credit for unused sick leave accrued while contributing to the retirement system from which the retirement benefit is to be paid in accordance with this section.

- (2) (a) Upon the member's notification of retirement as prescribed in KRS 16.576 or 61.590, the employer shall certify the retiring member's unused, accumulated sick leave balance to the system.
- (b) The member's sick leave balance, expressed in days, shall be divided by the average number of working days per month in the state service and rounded to the nearest number of whole months.
- (c) Except as provided by ~~subsection~~~~subsections~~ (3) ~~and (4)~~ of this section, the member's sick leave balance, expressed in months, shall upon retirement be added to his **or her** service credit for the purpose of determining his **or her** annual retirement allowance under KRS 16.505 to 16.652 or 61.510 to 61.705 and for the purpose of determining whether the member is eligible to receive a retirement allowance under KRS 16.505 to 16.652 or 61.510 to 61.705.
- (3) For a member who begins participating in the Kentucky Employees Retirement System or the State Police Retirement System on or after September 1, 2008:
- (a) The member shall receive no more than twelve (12) months of service credit upon retirement for accumulated unused sick leave accrued while contributing to the retirement system or systems from which the retirement benefit is to be paid;
- (b) The service credited for accumulated unused sick leave as limited by this section and added to the member's service credit shall be used for purposes of determining the member's annual retirement allowance under KRS 16.505 to 16.652 and 61.510 to 61.705; and
- (c) The service credited for accumulated unused sick leave and added to the member's service credit shall not be used to determine whether a member is eligible to receive a retirement allowance under any of the provisions of KRS 16.505 to 16.652 and 61.510 to 61.705 ~~or to reduce any applicable actuarial reductions~~.
- ~~(4) [For a member who began participating in the Kentucky Employees Retirement System or the State Police Retirement System prior to September 1, 2008, who retires on or after July 1, 2023, the service credited for accumulated unused sick leave and added to the member's service credit shall not be used to determine whether a member is eligible to receive a retirement allowance under any of the provisions of KRS 16.505 to 16.652 and 61.510 to 61.705 or to reduce any applicable actuarial reductions.~~
- ~~(5)]Notwithstanding any other provision of this section to the contrary, the value of any accumulated sick leave that is added to the member's service credit in the Kentucky Employees Retirement System or the State Police Retirement System on or after July 1, 2010, shall be paid to the retirement system by the last participating Kentucky Employees Retirement System or State Police Retirement System employer based upon a formula adopted by the board.~~
- ~~(5)(6)] The provisions of this section shall not apply to a participating agency whose employees are not employed by the Commonwealth until the agency certifies to the system that a sick leave program has been formally adopted and is universally administered within the agency~~, except that any agency participating in the Kentucky Employees Retirement System who has not adopted a sick leave program prior to August 1, 2018, shall not be eligible to adopt a sick leave program under this section~~.~~
- ~~(6)(7)] This section shall not apply to members who begin participating in the systems administered by Kentucky Retirement Systems on or after January 1, 2014.~~

➔Section 8. KRS 61.552 is amended to read as follows:

- (1) Called to Active Duty Military Service. An employee of an employer participating in the system who is called to active military duty in the Armed Forces of the United States shall be credited in accordance with 38 U.S.C. sec. 4318 with service credit, creditable compensation, and in the case of employees participating in the hybrid cash balance plan, employee contributions, employer credits, and interest credits, for a period of active military duty of up to six (6) years, provided:
- (a) The employee was called to active military duty in the Armed Forces of the United States:
1. After **the employee's membership date**~~the or she began participating~~ in the system and provided the employee was on leave of absence from the employer and did not withdraw his or her accumulated account balance; or
 2. Prior to the **employee's membership date**~~he or she began participating~~ in the system and **the date the employee** terminated employment with his or her employer;

- (b) The employee entered active military service within three (3) months of his or her last day of paid employment;
- (c) *The employee's* ~~His or her~~ discharge military service was terminated in a manner other than as described in 38 U.S.C. sec. 4304; ~~and~~
- (d) *The employee* ~~He or she~~ returns to work with an employer participating in the system within two (2) years after completion of the period of active military duty, or upon the subsequent termination of any total disability which existed at the expiration of the two (2) years after discharge; **and**
- (e) ***For an employee whose membership date is on or after January 1, 2014, who is participating in the hybrid cash balance plan under KRS 16.583, 61.597, 78.5512, or 78.5516, the employee pays the employee contributions on the credited compensation as provided under KRS 16.543, 61.543, and 78.615.***

For periods of active military duty that meet the requirements of this subsection, the employer shall pay the employer contributions payable under KRS 61.565, 61.702, 78.5536, and 78.635.

- (2) (a) Omitted Service. Any person who is entitled to service credit for employment which was not reported by the employer in accordance with KRS 16.543, 61.543, or 78.615 may obtain credit for the service subject to the provisions of this subsection.
- (b) Provided the person pays for the omitted service with within six (6) months of notification by the system, the cost of the service shall be equal to the employee contributions that would have been paid if the person had been correctly reported in accordance with KRS 16.543, 61.543, or 78.615.
- (c) Any employee participating in one (1) of the state-administered retirement systems entitled to service credit under paragraph (a) of this subsection who has not repaid the employee contributions due within six (6) months of notification by the system may purchase the credit after the six (6) months by paying to the system the employee contributions plus interest at the actuarially assumed rate from the date of initial notification under paragraph (b) of this subsection.
- (d) Omitted service purchased under this subsection shall:
 1. Be considered service credited under KRS 16.543(1), 61.543(1), or 78.615(1) for purposes of determining eligibility for retirement benefits under KRS 78.510 to 78.852; and
 2. Not be credited to the member's account until the employer contributions due and any interest or penalties on the delinquent employer contributions for the period of omitted service are received by the system.
- (e) Employees who begin participating on or after January 1, 2014, in the hybrid cash balance plan provided by KRS 16.583 or 61.597 or 78.5512 or 78.5516 shall, upon payment of the employee and employer contributions due under this subsection, have their accumulated account balance increased by the employee contributions, employer pay credits, and interest credits that would have been credited to their member's account if the contributions had been paid on time.
- (f) Contributions payable by the employer under this subsection for omitted service shall be considered delinquent from the date the employee should have been reported and received service credit in accordance with KRS 16.543, 61.543, and 78.615.
- (3) (a) Recontribution of a Refund. Any employee participating in one (1) of the state-administered retirement systems who has been refunded his or her accumulated account balance under the provisions of KRS 61.625, thereby losing service credit in the system, may regain the credit by paying to the system the amount or amounts refunded by the system with interest at a rate determined by the board. Service purchased under this subsection on or after January 1, 2014, shall not be used to determine the member's ***membership*** ~~participation~~ date in the systems.
- (b) Recontribution of a refund purchased under this subsection shall not be used in determining a retirement allowance until the member has accrued at least six (6) months of service credit in a state-administered retirement system, excluding the service purchased under this subsection. If the member does not accrue at least six (6) months of service credit in a state-administered retirement system, excluding service purchased under this subsection, then the payment plus interest as provided in KRS 16.560, 61.575, or 78.640 shall be refunded upon retirement, death, or written request following termination of employment. The service requirement shall be waived if the member dies or becomes disabled as provided for by KRS 16.582, 61.600, 61.621, 78.5522, or 78.5524.

- (4) (a) Summer Months. Any employee participating in one (1) of the state-administered retirement systems who is or has been employed by a school board or community action agency participating in the County Employees Retirement System or a state-operated school under KRS Chapter 167 or an institution of higher learning participating in the Kentucky Employees Retirement System, who receives service credit for less than twelve (12) months each year, may purchase the additional months of service credit needed to total one (1) year of service credit, except the amount purchased for any specific year shall not exceed three (3) months.
- (b) The cost of the summer months service credit shall be determined by the formula established by subsection (10) of this section and may be purchased by the employee, or the employer on behalf of the employee, or the cost may be paid by both the employer and employee in which case the employer and employee shall each pay fifty percent (50%) of the cost. Service credit shall not be credited to the member's account until both the employer's and employee's payment are received by the system.
- (c) If the employee has purchased service credit under this subsection based on months reported by the employer for the fiscal year, and an audit of the employee's account reduces the number of months of service credit for which the employee is eligible to no fewer than nine (9) months, the employee shall retain credit for the months purchased unless the employee is ineligible for any service in the fiscal year. The employee shall be eligible to purchase the additional months under this subsection to total one (1) year.
- (d) This subsection shall not apply to members who began participating in the County Employees Retirement System on or after January 1, 2014.
- (5) Vested Service Purchases. Any employee who began participating in the County Employees Retirement System, the Kentucky Employees Retirement System, or the State Police Retirement System prior to January 1, 2014, who is vested may purchase service credit for:
- (a) Past service. "Past service" means periods of employment:
1. Between July 1, 1956, in the case of the Kentucky Employees Retirement System, or July 1, 1958, in the case of the County Employees Retirement System, and the effective date of participation by the employer; *or*
 2. ~~{Where the employee did not participate in the system due to the employee not electing to participate as provided in KRS 61.525(2) or 78.540(1); and~~
 3. ~~—~~With a public agency that did not participate in the Kentucky Employees Retirement System but would have been eligible to participate under KRS 61.520 or a political subdivision that did not participate in the County Employees Retirement System but would have been eligible to participate under KRS 78.530, provided the public agency or political subdivision has merged with or been taken over by a participating employer;
- (b) State university service, provided the university does not participate in a state-administered retirement system and the university service being purchased was in a nonteaching position that did not participate in a defined benefit retirement program;
- (c) 1. Up to ten (10) years of out-of-state service. "Out-of-state" means service credited to a state or local government-administered public defined benefit plan in another state that is not a defined benefit plan for teachers.
2. Up to ten (10) years of out-of-state hazardous service. "Out-of-state hazardous service" means service in a regular full-time position that was credited to a defined benefit retirement plan administered by a state or local government in another state, if the service could be certified as hazardous pursuant to KRS 61.592 or 78.5520, as applicable. The employee may purchase out-of-state hazardous service under this subparagraph provided the employee is vested to receive benefits from the State Police Retirement System or hazardous duty benefits from the Kentucky Employees Retirement System or the County Employees Retirement System.
- The employee must purchase out-of-state service or out-of-state hazardous service in the system in which he or she is vested based solely upon the service in that system;
- (d) Active military duty, which means periods of active military duty in the Armed Forces of the United States, provided:

1. The employee's military service was terminated in a manner other than as described in 38 U.S.C. sec. 4304; and
 2. The service has not been credited as free military service under subsection (1) of this section;
- (e) National Guard service. An employee may purchase one (1) month of service for each six (6) months of service in the National Guard or the military reserves of the United States. The service shall be treated as service earned prior to participation in the system;
- (f) Federal service. "Federal service" means service with the United States government, that is not service in the Armed Forces;
- (g) Seasonal, emergency, interim, probationary, or temporary employment or part-time employment as provided by KRS 61.510(21) or 78.510(21) averaging one hundred (100) or more hours of work per month on a calendar or fiscal year basis. If the average number of hours of work is less than one hundred (100) per month, the member may purchase credit for only those months he or she receives creditable compensation for one hundred (100) hours of work;
- (h) Part-time employment in a noncertified position at a school board prior to the 1990-91 school year which averaged eighty (80) or more hours of work per month on a calendar or fiscal year basis. If the average number of hours of work is less than eighty (80) per month, the noncertified employee of a school board shall be allowed to purchase credit only for those months he or she receives creditable compensation for eighty (80) hours of work;
- (i) Any period of:
1. Authorized maternity leave without pay or sick leave without pay;
 2. Unpaid leave authorized under the federal Family and Medical Leave Act;
 3. Approved educational leave; and
 4. Agency-approved leave to work for a work-related labor organization if the agency subsequently participated in the County Employees Retirement System, but only if the board receives a favorable private letter ruling from the United States Internal Revenue Service or a favorable opinion letter from the United States Department of Labor;
- (j) Non-participating employer service, which means periods of employment with the following types of agencies provided the agency does not participate in a state-administered retirement system:
1. A regional community services program for mental health organized and operated under the provisions of KRS 210.370 to 210.480;
 2. A community action agency created under KRS 273.405 to 273.453. The service provided by this subparagraph shall be purchased in the County Employees Retirement System;
 3. An area development district created pursuant to KRS 147A.050; or
 4. A business development corporation created pursuant to KRS 155.001 to 155.230, provided the system receives a favorable private letter ruling from the United States Internal Revenue Service or a favorable opinion letter from the United States Department of Labor;
- (k) Urban-county government service, which means employment in an urban-county government position that would qualify for hazardous duty coverage under KRS 61.592 or 78.5520. The provisions of this paragraph shall only be applicable to vested members participating in the State Police Retirement System or in a hazardous position in the Kentucky Employees Retirement System or the County Employees Retirement System;
- (l) Periods of service as assistants to officers and employees of the General Assembly for persons who were unable to acquire service under KRS 61.510(20) for service performed after January 1, 1960;
- (m) Service as a volunteer in the Kentucky Peace Corps, created by KRS 154.1-720; and
- (n) Employment with a vocational technical school in a noncertified part-time position averaging eighty (80) or more hours per month, determined by using the number of months actually worked within a calendar or fiscal year. The service provided by this paragraph shall be purchased in the Kentucky Employees Retirement System.

- (6) Non-qualified service. Provided the employee's ~~membership~~~~participation~~ date in the system is prior to July 15, 2002, and provided the employee has total service in all state-administered retirement systems of at least one hundred eighty (180) months of service credit, the employee may purchase a combined maximum total of five (5) years of service credit, known as non-qualified service, which is not otherwise purchasable under any of the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852. The service purchased under this paragraph shall not be used in determining a retirement allowance until the member has accrued at least two hundred forty (240) months of service, excluding service purchased under this subsection. If the member does not accrue at least two hundred forty (240) months of service, excluding service purchased under this subsection, upon retirement, death, or written request following termination, the payment, plus interest as provided in KRS 16.560, 61.575, or 78.640, as applicable, shall be refunded.
- (7) For purposes of service purchased under subsections (2) to (6) of this section:
- (a) Except for subsection (6) of this section, the service must qualify as regular full-time as provided by KRS 61.510 and 78.510;
 - (b) No service credit may be purchased for periods already credited to the system or another public defined benefit retirement fund, including non-qualified service purchased in another state-administered retirement system;
 - (c) Except as provided by paragraph (a)2.a. of subsection (9) of this section, the employee payment for service purchases shall not be picked up, as described in KRS 16.545(4), 61.560(4), or 78.610(4), by the employer;
 - (d) Except for service purchased under subsection (2) or (3) of this section, service purchases made pursuant to this section may be purchased by the entire amount of service available or by increments. Service purchases made pursuant to subsections (2) and (3) of this section shall only be purchased by the entire amount of service available; and
 - (e) Service purchases as provided by subsections (5)(b), ~~((5))(d) to (f), and~~~~((5))(j)1.~~ and (6) of this section may be purchased in any system in which the member has service credit.
- (8) (a) Employer purchase of past service. Any employer participating in the system may purchase service credit, between July 1, 1956, in the case of the Kentucky Employees Retirement System, or July 1, 1958, in the case of the County Employees Retirement System, and the participation date of the employer, for present employees of the county or department who have elected coverage under KRS 61.525(2) or 78.540(1), provided the employee began participating in the system prior to January 1, 2014.
- (b) A Kentucky Employees Retirement System employer shall pay the cost of the service credit within the fiscal year the election is made to purchase the service credit. A County Employees Retirement System employer may purchase the service, with interest at the rate actuarially assumed by the board, over a period not to exceed ten (10) years.
 - (c) If an employer elects to purchase service under the provisions of this subsection, any present employee who would be eligible to receive service credit under the provisions of this subsection and has purchased service credit under subsection (5)(a) of this section shall have his or her payment for the service credit refunded with interest at the rate paid under KRS 61.575 or 78.640. ~~and~~
 - (d) Any payments made by an employer under this subsection shall be deposited to the retirement allowance account of the system and these funds shall not be considered accumulated contributions of the individual members.
- (9) (a) An employee participating in the system may purchase service credit under any of the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852 for which he or she is eligible to purchase, or as otherwise required by 38 U.S.C. ch. 43, by:
1. Making a lump-sum payment on a before-tax basis as provided in subparagraph 3. of this paragraph, or on an after-tax basis if the employee is purchasing service credit under subsection (1) or (3) of this section, service available pursuant to 38 U.S.C. ch. 43 not otherwise provided for in this section, or grandfathered service as defined in paragraph (b) of this subsection;
 2. Entering into an agreement to purchase service credit through an installment purchase of service agreement with the systems as provided by paragraph (c) of this subsection:

- a. On a before-tax basis in which the service is purchased pursuant to the employer pick-up provisions in 26 U.S.C. sec. 414(h)(2); or
 - b. On an after-tax basis if the employee is purchasing service credit under subsection (1) or (3) of this section, service available pursuant to 38 U.S.C. ch. 43 not otherwise provided for in this section, or grandfathered service as defined in paragraph (b) of this subsection; or
3. Transferring funds to the system through a direct trustee-to-trustee transfer as permitted under the applicable sections of the Internal Revenue Code and any regulations or rulings issued thereunder, through a direct rollover as contemplated by and permitted under 26 U.S.C. sec. 401(a)(31) and any regulations or rulings issued thereunder, or through a rollover of funds pursuant to and permitted under the rules specified in 26 U.S.C. secs. 402(c) and 408(d)(3). The system shall accept the transfer or rollover to the extent permitted under the rules specified in the applicable provisions of the Internal Revenue Code and any regulations and rulings issued thereunder.
- (b) For purposes of this subsection, "grandfathered service" means service purchases for which a member, whose membership date in the system is prior to July 1, 1999, is eligible to purchase under KRS 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852, that were available for all members of the system to purchase on August 5, 1997.
- (c)
 1. For service purchased under a before-tax or after-tax installment purchase of service agreement as provided by paragraph (a)2. of this subsection, the cost of the service shall be computed in the same manner as for a lump-sum payment which shall be the principal, except that interest compounded annually at the actuarial rate in effect at the time the member elects to make the purchase shall be added for the period that the installments are to be made.
 2. Multiple service purchases may be combined under a single installment agreement, except that no employee may make more than one (1) installment purchase at the same time.
 3. For after-tax installment purchase of service agreements, the employee may elect to stop the installment payments by notifying the system; may have the installment purchase recalculated to add one (1) or more additional service purchases; or may pay by lump sum the remaining principal or a portion of the remaining principal.
 4. Before-tax installment purchase of service agreements shall be irrevocable, and the employee shall not be able to stop installment payments or to pay off the remaining balance of the purchase of service agreement, except upon termination of employment or death.
 5. One (1) year of installment payments shall be made for each one thousand dollars (\$1,000) or any part thereof of the total cost, except that the total period allowed for installments shall not be less than one (1) year and shall not exceed five (5) years.
 6. The employee shall pay the installments by payroll deduction for after-tax purchase of service agreements, and the employer shall pick up installments for before-tax purchase of service agreements. Upon notification by the system, the employer shall report the installment payments monthly continuously over each twelve (12) month period at the same time as, but separate from, regular employee contributions on the forms or by the computer format specified by the board.
 7. The system shall determine how much of the total cost represents payment for one (1) month of the service to be purchased and shall credit one (1) month of service to the member's account each time this amount has been paid. The first service credited shall represent the first calendar month of the service to be purchased and each succeeding month of service credit shall represent the succeeding months of that service.
 8. If the employee utilizing an installment purchase of service agreement dies, retires, does not continue employment in a position required to participate in the system, or elects to stop an after-tax installment purchase of service agreement, the member, or in the case of death, the beneficiary, shall have sixty (60) days to pay the remaining principal or a portion of the remaining principal of the installment purchase of service agreement by lump sum, subject to the restrictions of paragraph (a)1. of this subsection, or by transfer of funds under paragraph (a)3. of this subsection, except that payment by the member shall be filed with the system prior to the member's effective retirement date. If the member or beneficiary does not pay the remaining

cost, the system shall refund to the member or the beneficiary the payment, payments, or portion of a payment that does not represent a full month of service purchased, except as provided by subsection (6) of this section.

9. If the employer does not report installment payments on an employee for sixty (60) days for an after-tax installment purchase of service agreement, except in the case of employees on military leave or sick leave without pay, the installment purchase shall cease and the system shall refund to the employee the payment, payments, or portion of a payment that does not represent a full month of service purchased.
 10. Installment payments of employees on military leave or sick leave without pay shall be suspended during the period of leave and shall resume without recalculation upon the employee's return from leave.
 11. If payments have ceased under subparagraph 8. or 9. of this paragraph and the member later becomes a participating employee in the County Employees Retirement System, Kentucky Employees Retirement System, or State Police Retirement System, the employee may complete the adjusted original installment purchase by lump sum or installment payments, subject to the restrictions of this subsection. If the employee elects to renew the installment purchase, the cost of the remaining service shall be recalculated in accordance with subsection (10) of this section.
- (d) Member payments, including interest, properly received pursuant to this subsection, shall be deposited to the member's account and considered as accumulated contributions of the individual member.
- (10) (a) The cost of purchasing service credit under any provision of this section, except as provided by subsections (1) to (3) of this section, shall be determined by multiplying the higher of the employee's current rate of pay, final rate of pay, or final compensation as of the end of the month in which the purchase is made times the actuarial factor times the number of years of service being purchased. The actuarial factor used to determine the cost of purchasing service credit shall assume the earliest date the member may retire without a reduction in benefits and the cost-of-living adjustments provided to members upon retirement.
- (b) Service purchased on or after August 1, 2004, under the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852, except for service purchased under subsections (1) to (3) of this section or service purchased as described by paragraph (d) of this subsection, shall not be used to determine eligibility for or the amount of the monthly insurance contribution under KRS 61.702 or 78.5536.
- (c) For a member whose **membership date is** ~~[participation begins]~~ on or after August 1, 2004, service purchased under the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852, except for service purchased under subsections (1) to (3) of this section or service purchased as described by paragraph (d) of this subsection:
1. Shall not be used to determine eligibility for a retirement allowance under disability retirement, early retirement, normal retirement, or upon death of the member under any of the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852; and
 2. Shall only be used to determine the amount of the retirement allowance of a member who is eligible for a retirement allowance under disability, early retirement, normal retirement, or upon death of the member under any of the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852, based on service earned as a participating employee.
- (d) Paragraphs (b) and (c) of this subsection shall not apply to a member who was bound by an educational contract as a conditional employee to the state of Kentucky prior to December 31, 2003, regardless of ~~participation date or~~ membership date in the system. Educational leave, seasonal service, or any other qualified service purchased by a member with this classification under this section shall be used to determine eligibility for benefits, membership dates ~~[or participation dates]~~, and the amount of benefit for:
1. A retirement allowance under disability retirement, early retirement, normal retirement, or death under any of the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852; and
 2. The monthly insurance contribution under KRS 61.702 or 78.5536.

➔ Section 9. KRS 61.569 is amended to read as follows:

- (1) (a) ***The employer of*** a reinstated employee who has been ordered reinstated by the Personnel Board under authority of KRS 18A.095 or by court order or by order of the ~~Kentucky Human Rights~~ Commission ***on Human Rights*** shall ***deduct from the employee's reinstated creditable compensation and remit*** ~~to the system the member contribution~~ ***the employee*** ~~would have paid on the creditable compensation~~ ***the employee*** ~~would have earned as defined under KRS 18A.105 had~~ ***the employee*** ~~not been dismissed.~~
- (b) The employer shall pay the employer contributions as defined under KRS 18A.105 on the member's creditable compensation.
- (2) No service credit shall be allowed for any time that the member ***and employer*** contributions are not paid.
- ➔Section 10. KRS 61.615 is amended to read as follows:
- (1) (a) ***The Authority may contract for the services of one (1) or more vocational experts upon terms and conditions it prescribes to:***
1. ***Review and investigate all employment information and forms submitted by a disability recipient under this section and KRS 61.610; and***
 2. ***Report in writing to the Authority the conclusions and recommendations upon all matters referred for review and investigation.***
- (b) ***A vocational expert providing services to the Authority shall have a master's degree or higher degree in counseling or rehabilitation, an American Board of Vocational Experts certification, or a certification as a Certified Rehabilitation Counselor, Certified Disability Management Specialist, Associate Disability Case Manager, Licensed Rehabilitation Counselor, or Certified Case Manager.***
- (2) (a) ***Each recipient of a disability retirement allowance who is engaged in gainful employment shall notify the Authority upon beginning the employment. If the member fails to notify the Authority of the gainful employment, the Authority may recover the payment of a disability retirement allowance made during the gainful employment.***
- (b) ***The system may reduce or discontinue a disability retirement allowance if the Authority's***~~Board's~~ ***medical examiner selected under Section 14 of this Act or vocational expert selected under this section determines that:***
1. A recipient of a disability retirement allowance is, prior to his or her normal retirement date, ***gainfully*** employed in a position with the same or similar duties, or in a position with duties requiring greater residual functional capacity and physical exertion, as the position from which he or she was disabled, except where the recipient has returned to work on a trial basis not to exceed nine (9) months; ***or***
 2. ***A recipient of a disability allowance resulting solely from mental illness is, prior to his or her normal retirement date, gainfully employed in a position with the same or similar duties, or in a position with duties requiring greater residual functional capacity, as the position from which he or she was disabled***~~, the system may reduce or discontinue the retirement allowance. Each recipient of a disability retirement allowance who is engaged in gainful employment shall notify the system of any employment; otherwise, the system shall have the right to recover payments of a disability retirement allowance made during the employment.~~
- (3)~~(2)~~ ***The system may reduce or discontinue a disability retirement allowance if the Authority's***~~Board's~~ ***medical examiner determines that a recipient of a disability retirement allowance is, prior to his or her normal retirement date, no longer incapacitated by the bodily injury, mental illness, or disease for which he or she receives a disability retirement allowance***~~, the board may reduce or discontinue the retirement allowance.~~
- (4) (a)~~(3)~~ The system shall have full power and exclusive authority to reduce or discontinue a disability retirement allowance, and the ***Authority***~~system~~ shall utilize the services of a medical examiner as provided in KRS 61.665 ***or a vocational expert selected under this section***, in determining whether to continue, reduce, or discontinue a disability retirement allowance under this section.
- (b)~~(a)~~ The ***Authority***~~system~~ shall select ***one (1)***~~a~~ medical examiner to evaluate the forms and ***employment and*** medical information submitted by the person. ***If only employment information is submitted, the Authority may select one (1) vocational expert to evaluate the forms and employment information submitted by the person.*** If there is objective medical evidence of a mental impairment, the

medical examiner may request the *Authority's*~~[boards]~~ licensed mental health professional to assist in determining the level of the mental impairment.

- (c)~~(b)~~ The medical *examiner or vocational expert*~~[examiners]~~ shall be paid a reasonable amount by the *Authority*~~[retirement system]~~ for each case evaluated.
- (d) ~~1.(c)~~ The medical examiner *or vocational expert* shall recommend that disability retirement allowance be continued, reduced, or discontinued.
- 2.~~(1)~~ If the medical examiner *or vocational expert* recommends that the disability retirement allowance be continued, the system shall make retirement payments in accordance with the retirement plan selected by the person.
3. ~~a.(2)~~ If the medical examiner *or vocational expert* recommends that the disability retirement allowance be reduced or discontinued, the *Authority*~~[system]~~ shall send notice of the recommendation by United States first-class mail to the person's last address on file in the retirement office, by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means.
- ~~b.(a)~~ The person shall have sixty (60) days from the day that the *Authority*~~[system]~~ sent the notice to file at the retirement office additional supporting employment or medical information and certify to the retirement office that the forms and additional supporting employment information or medical information are ready to be evaluated by the medical examiner *or vocational expert* or to appeal the recommendation of the medical examiner *or vocational expert* to reduce or discontinue the disability retirement allowance by filing at the retirement office a request for a formal hearing.
- ~~c.(b)~~ If the person fails or refuses to file at the retirement office the forms, the additional supporting employment information, and current medical information or to appeal the recommendation of the medical *examiner or vocational expert*~~[examiners]~~ to reduce or discontinue the disability retirement allowance, his or her retirement allowance shall be discontinued on the first day of the month following the expiration of the period of the sixty (60) days from the day the *Authority*~~[system]~~ sent the notice of the recommendation by United States first-class mail to the person's last address on file in the retirement office, by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means.
- (e) ~~1.(d)~~ The medical examiner shall make a recommendation based upon the evaluation of additional supporting *employment and* medical information submitted in accordance with paragraph ~~(d)3.b.(e)2.a.~~ of this subsection, ***or the vocational expert shall make a recommendation upon the evaluation of additional supporting employment information submitted in accordance with paragraph (d)3.b. of this subsection.***
- 2.~~(1)~~. If the medical examiner *or vocational expert* recommends that the disability retirement allowance be continued, the system shall make disability retirement payments in accordance with the retirement plan selected by the person.
3. ~~a.(2)~~ If the medical examiner recommends that the disability retirement allowance be reduced or discontinued based upon the evaluation of additional supporting *employment information and* medical information, ***or if the vocational expert recommends that the disability allowance be reduced or discontinued based upon the evaluation of additional supporting employment information, the Authority***~~[the system]~~ shall send notice of this recommendation by United States first-class mail to the person's last address on file in the retirement office, by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means.
- ~~b.(a)~~ The person shall have sixty (60) days from the day that the *Authority*~~[system]~~ sent the notice of the recommendation to appeal the recommendation to reduce or discontinue the disability retirement allowance by filing at the retirement office a request for formal hearing.
- ~~c.(b)~~ If the person fails or refuses to appeal the recommendation of the medical *examiner or vocational expert*~~[examiners]~~ to reduce or discontinue the disability retirement allowance, his or her retirement allowance shall be discontinued on the first day of the month

following the expiration of the period of the sixty (60) days from the day the **Authority**~~[system]~~ sent the notice of the recommendation by United States first-class mail to the person's last address on file in the retirement office, by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means.

- ~~(f)~~~~(e)~~ Any person whose disability benefits have been reduced or discontinued, pursuant to paragraph ~~(d)3.a. or (e)3.a.~~~~[(e)2. or (d)2.]~~ of this subsection, may file at the retirement office a request for formal hearing to be conducted in accordance with KRS Chapter 13B. The right to demand a formal hearing shall be limited to a period of sixty (60) days after the person had notice, as described in paragraph ~~(e)~~ ~~or~~ (d) or (e) of this subsection. The request for formal hearing shall be filed with the **Authority**~~[system]~~, at the retirement office in Frankfort. The request for formal hearing shall include a short and plain statement of the reasons the reduction, discontinuance, or denial of disability retirement is being contested.
- ~~(g)~~~~(f)~~ Failure of the person to request a formal hearing within the period of time specified shall preclude the person from proceeding any further with contesting the reduction or discontinuation of disability retirement allowance, except as provided in subsection ~~(7)~~~~[(6)]~~(d) of this section. This paragraph shall not limit the person's right to appeal to a court.
- ~~(h)~~~~(g)~~ A final order of the board shall be based on substantial evidence appearing in the record as a whole and shall set forth the decision of the board and the facts and law upon which the decision is based. If the board orders that the person's disability retirement allowance be discontinued or reduced, the order shall take effect on the first day of the month following the day the system sent the order by United States first-class mail to the person's last address on file in the retirement office, by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means. Judicial review of the final board order shall not operate as a stay and the system shall discontinue or reduce the person's disability retirement allowance as provided in this section.
- ~~(i)~~~~(h)~~ Notwithstanding any other provisions of this section, the system may require the person to submit to one (1) or more medical or psychological examinations at any time. The system shall be responsible for any costs associated with any examinations of the person requested by the medical examiner or the system for the purpose of providing medical information deemed necessary by the medical examiner or the system. Notice of the time and place of the examination shall be provided to the person or his or her legal representative. If the person fails or refuses to submit to one (1) or more medical examinations, his or her rights to further disability retirement allowance shall cease.
- ~~(j)~~~~(i)~~ All requests for a hearing pursuant to this section shall be made in writing.
- ~~(5)~~~~(4)~~ The board may establish an appeals committee whose members shall be appointed by the chair and who shall have the authority to act upon the recommendations and reports of the hearing officer pursuant to this section on behalf of the board.
- ~~(6)~~~~(5)~~ Any person aggrieved by a final order of the board may seek judicial review after all administrative appeals have been exhausted by filing a petition for judicial review in the Franklin Circuit Court in accordance with KRS Chapter 13B.
- ~~(7)~~~~(6)~~ If a disability retirement allowance is reduced or discontinued for a person who began participating in the system prior to January 1, 2014, the person may apply for early retirement benefits as provided under KRS 61.559, subject to the following provisions:
- (a) The person may not change his or her beneficiary or payment option, except as provided by KRS 61.542(5);
 - (b) If the person has returned to employment with an employer participating in *the Kentucky Employees Retirement System, State Police Retirement System, or County Employees Retirement System*~~one (1) of the systems administered by Kentucky Retirement Systems],~~ the service and creditable compensation shall be used in recomputing his or her benefit, except that the person's final compensation shall not be less than the final compensation last used in determining his or her retirement allowance;
 - (c) The benefit shall be reduced as provided by KRS 61.595(2);
 - (d) *I.* The person shall remain eligible for reinstatement of his or her disability allowance upon reevaluation ~~[by the medical review board]~~ until his or her normal retirement age. The person

shall apply for reinstatement of disability benefits in accordance with the provisions of this ~~paragraph~~~~section~~.

2. An application for reinstatement of disability benefits shall be administered as an application under KRS 61.600, *except*:~~and~~
 - a. Only the bodily injuries, mental illnesses, diseases, or conditions for which the person was originally approved for disability benefits shall be considered. Bodily injuries, mental illnesses, diseases, or conditions that came into existence after the person's last day of paid employment shall not be considered as a basis for reinstatement of disability benefits. Bodily injuries, mental illnesses, diseases, or conditions alleged by the person as being incapacitating, but which were not the basis for the award of disability retirement benefits, shall not be considered;~~and~~
 - b. *A person whose disability allowance was discontinued under subsection (2) of this section, who is still employed in the same position on which his or her disability allowance was discontinued, shall submit with the application employment information detailing the changes to the position evidencing cause for reinstatement;*
 - c. *A person whose disability allowance was discontinued under subsection (3) of this section shall provide with the application new objective medical evidence not previously considered by the Authority's medical examiner; and*
 - d. *The application for reinstatement shall be reviewed by one (1) medical examiner or vocational expert.*
3. If the person establishes that the disability benefits should be reinstated, the retirement system shall pay disability benefits effective from the first day of the month following the month in which the person applied for reinstatement of the disability benefits; and
 - (e) Upon attaining normal retirement age, the person shall receive the higher of either his or her disability retirement allowance or his or her early retirement allowance.
- ~~(8)~~~~(7)~~ If a disability retirement allowance is reduced or discontinued for a person who began participating in the system on or after January 1, 2014, the person shall remain eligible for reinstatement of his or her disability allowance as provided under subsection ~~(7)~~~~(6)~~(d) of this section.
- ~~(9)~~~~(8)~~ No disability retirement allowance shall be reduced or discontinued by the system after the person's normal retirement date except in case of reemployment as provided for by KRS 61.637. If a disability retirement allowance has been reduced or discontinued, except if the person is reemployed as provided for by KRS 61.637, the retirement allowance shall be reinstated upon attainment of the person's normal retirement date to the retirement allowance prior to adjustment. No reinstated payment shall be less than the person is receiving upon attainment of the person's normal retirement date.

➔Section 11. KRS 61.625 is amended to read as follows:

- (1) (a) Prior to the member's effective retirement date, a member if living, or if not living, his *or her* designated beneficiary, shall have the right to request a refund of his *or her* accumulated account balance if the member's employment has been terminated and the member is not participating in the same system.
- (b) Upon the death of a member occurring on or after his or her effective retirement date, the member's beneficiary shall have the right to request a refund of the member's accumulated contributions, reduced by the amount of any retirement allowances previously received.
- (c) *If a member receives a refund of his or her accumulated account balance in error while the member is employed or participating in the same system from which the refund was issued in error:*
 1. *The Authority shall notify the member;*
 2. *The member shall repay the system the full amount of his or her refunded accumulated account balance by lump sum or by incremental payments made under an incremental payment agreement with the Authority within twelve (12) months of the date the Authority sent the notice; and*
 3. *Upon full repayment of the accumulated account balance to the system, the Authority shall reinstate the member's previous membership date and associated service credit and take all*

other actions necessary to correct the member's records to reflect the reinstated membership date in accordance with Section 15 of this Act.

- (2) Payments made under this section shall be in lieu of any other benefits due for the period of service under any of the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852, unless the period of service is regained as provided under KRS 61.552. Payments of taxable distributions made pursuant to this section shall be subject to state and federal tax as appropriate.
- (3) A refund of contributions of members whose benefits have been terminated pursuant to KRS 6.696 shall be governed by that section.
- (4) A refund of contributions to members whose benefits have been terminated pursuant to KRS 61.535(3) shall be governed by the provisions of that subsection.
- (5) ***If a member receives a refund of his or her accumulated account balance under subsection (1) of this section, but is later reinstated without loss of pay by order of the Personnel Board under KRS 18A.095, by order of the Kentucky Commission on Human Rights, or by court order:***
 - (a) ***The member shall repay the system the full amount of his or her refunded accumulated account balance by lump sum or by incremental payments made under an incremental payment agreement with the Authority within twelve (12) months of the date of the final order by the Personnel Board, the Kentucky Commission on Human Rights, or the court;***
 - (b) ***Upon full repayment of the accumulated account balance to the system, the Authority shall reinstate the member's previous membership date and associated service credit; and***
 - (c) ***A member's failure to pay the full amount of his or her refunded accumulated account balance as required under this subsection shall be treated as an overpayment of benefits under Section 15 of this Act.***

➔Section 12. KRS 61.637 is amended to read as follows:

- (1) A retired member who is receiving monthly retirement payments under any of the provisions of KRS 61.510 to 61.705 and 78.510 to 78.852 and who is reemployed as an employee by a participating agency prior to August 1, 1998, shall have his or her retirement payments suspended for the duration of reemployment. Monthly payments shall not be suspended for a retired member who is reemployed if he or she anticipates that he or she will receive less than the maximum permissible earnings as provided by the Federal Social Security Act in compensation as a result of reemployment during the calendar year. The payments shall be suspended at the beginning of the month in which the reemployment occurs.
- (2) Employer and employee contributions shall be made as provided in KRS 61.510 to 61.705 and 78.510 to 78.852 on the compensation paid during reemployment, except where monthly payments were not suspended as provided in subsection (1) of this section or would not increase the retired member's last monthly retirement allowance by at least one dollar (\$1), and the member shall be credited with additional service credit.
- (3) In the month following the termination of reemployment, retirement allowance payments shall be reinstated under the plan under which the member was receiving payments prior to reemployment.
- (4)
 - (a) Notwithstanding the provisions of this section, the payments suspended in accordance with subsection (1) of this section shall be paid retroactively to the retired member, or his or her estate, if he or she does not receive more than the maximum permissible earnings as provided by the Federal Social Security Act in compensation from participating agencies during any calendar year of reemployment.
 - (b) If the retired member is paid suspended payments retroactively in accordance with this section, employee contributions deducted during his or her period of reemployment, if any, shall be refunded to the retired employee, and no service credit shall be earned for the period of reemployment.
 - (c) If the retired member is not eligible to be paid suspended payments for his or her period of reemployment as an employee, his or her retirement allowance shall be recomputed under the plan under which the member was receiving payments prior to reemployment as follows:
 1. The retired member's final compensation shall be recomputed using creditable compensation for his or her period of reemployment; however, the final compensation resulting from the recalculation shall not be less than that of the member when his or her retirement allowance was last determined;

2. If the retired member initially retired on or subsequent to his or her normal retirement date, his or her retirement allowance shall be recomputed by using the formula in KRS 61.595(1);
 3. If the retired member initially retired prior to his or her normal retirement date, his or her retirement allowance shall be recomputed using the formula in KRS 61.595(2), except that the member's age used in computing benefits shall be his or her age at the time of his or her initial retirement increased by the number of months of service credit earned for service performed during reemployment;
 4. The retirement allowance payments resulting from the recomputation under this subsection shall be payable in the month following the termination of reemployment in lieu of payments under subparagraph 3. of this paragraph. The member shall not receive less in benefits as a result of the recomputation than he or she was receiving prior to reemployment or would receive as determined under KRS 61.691; and
 5. Any retired member who was reemployed prior to March 26, 1974, shall begin making contributions to the system in accordance with the provisions of this section on the first day of the month following March 26, 1974.
- (5) A retired member, or his or her estate, shall pay to the retirement fund the total amount of payments which are not suspended in accordance with subsection (1) of this section if the member received more than the maximum permissible earnings as provided by the Federal Social Security Act in compensation from participating agencies during any calendar year of reemployment, except the retired member or his or her estate may repay the lesser of the total amount of payments which were not suspended or fifty cents (\$.50) of each dollar earned over the maximum permissible earnings during reemployment if under age sixty-five (65), or one dollar (\$1) for every three dollars (\$3) earned if over age sixty-five (65).
- (6) (a) "Reemployment" or "reinstatement" as used in this section shall not include a retired member who has been ordered reinstated by the Personnel Board under authority of KRS 18A.095.
- (b) *1. A retired member who has been ordered reinstated **without loss of pay** by the Personnel Board under authority of KRS 18A.095 or by court order or by order of the ~~Kentucky Human Rights~~ Commission **on Human Rights** and accepts employment by an agency participating in the Kentucky Employees Retirement System, **State Police Retirement System**, or County Employees Retirement System shall void his or her retirement by reimbursing the system in the full amount of his or her retirement allowance payments received, **including any health insurance benefits paid to or on behalf of the member.***
- 2. **Within twelve (12) months of the date of the final order of the Personnel Board, the Kentucky Commission on Human Rights, or the court, the member shall repay the system the full amount of his or her retirement allowance payments and health insurance benefits by lump sum or enter into an agreement with the Authority for repayment by installments.***
- 3. **Once the system has been fully reimbursed for the benefits paid to the member and on the member's behalf, additional contributions and service credit based on the reinstated employment shall be added to the member's account.***
- (7) (a) Effective August 1, 1998, the provisions of subsections (1) to (4) of this section shall no longer apply to a retired member who is reemployed in a position covered by the same retirement system from which the member retired. Reemployed retired members shall be treated as new members upon reemployment. Any retired member whose reemployment date preceded August 1, 1998, who does not elect, within sixty (60) days of notification by the retirement systems, to remain under the provisions of subsections (1) to (4) of this section shall be deemed to have elected to participate under this subsection.
- (b) A retired member whose disability retirement was discontinued pursuant to KRS 61.615 and who is reemployed in one (1) of the systems administered by the Kentucky Retirement Systems or County Employees Retirement System prior to his or her normal retirement date shall have his or her accounts combined upon termination for determining eligibility for benefits. If the member is eligible for retirement, the member's service and creditable compensation earned as a result of his or her reemployment shall be used in the calculation of benefits, except that the member's final compensation shall not be less than the final compensation last used in determining his or her retirement allowance. The member shall not change beneficiary or payment option designations. This provision shall apply to members reemployed on or after August 1, 1998.

- (8) If a retired member accepts employment or begins serving as a volunteer with an employer participating in the systems administered by Kentucky Retirement Systems or County Employees Retirement System within twelve (12) months of his or her retirement date, the retired member shall notify the Authority and the participating employer shall submit the information required or requested by the Authority to confirm the individual's employment or volunteer status. The retired member shall not be required to notify the Authority regarding any employment or volunteer service with a participating agency that is accepted after twelve (12) months following his or her retirement date.
- (9) If the retired member is under a contract to provide services as an independent contractor or leased employee to an employer participating in the systems administered by Kentucky Retirement Systems or County Employees Retirement System within twelve (12) months of his or her retirement date, the member shall submit a copy of that contract to the Authority, and the Authority shall determine if the member is an independent contractor or leased employee for purposes of retirement benefits. The retired member and the participating employer shall submit the information required or requested by the Authority to confirm the individual's status as an independent contractor or leased employee. The retired member shall not be required to notify the Authority regarding any services entered into as an independent contractor or leased employee with a participating agency that the employee enters into after twelve (12) months following his or her retirement date.
- (10) If a member is receiving a retirement allowance, or has filed the forms required for a retirement allowance, and is employed within one (1) month of the member's initial retirement date in a position that is required to participate in the same retirement system from which the member retired, the member's retirement shall be voided and the member shall repay to the retirement system all benefits received. The member shall contribute to the member account established for him or her prior to his or her voided retirement. The retirement allowance for which the member shall be eligible upon retirement shall be determined by total service and creditable compensation.
- (11)
 - (a) If a member of the Kentucky Employees Retirement System retires from a department which participates in more than one (1) retirement system and is reemployed within one (1) month of his or her initial retirement date by the same department in a position participating in another retirement system, the retired member's retirement allowance shall be suspended for the first month of his or her retirement, and the member shall repay to the retirement system all benefits received for the month.
 - (b) A retired member of the County Employees Retirement System who after initial retirement is hired by the county from which the member retired shall be considered to have been hired by the same employer.
- (12)
 - (a) If a hazardous member who retired prior to age fifty-five (55), or a nonhazardous member who retired prior to age sixty-five (65), is reemployed within six (6) months of the member's termination by the same employer, the member shall obtain from his or her previous and current employers a copy of the job description established by the employers for the position and a statement of the duties performed by the member for the position from which he or she retired and for the position in which he or she has been reemployed.
 - (b) The job descriptions and statements of duties shall be filed with the retirement office.
- (13) If the retirement system determines that the retired member has been employed in a position with the same principal duties as the position from which the member retired:
 - (a) The member's retirement allowance shall be suspended during the period that begins on the month in which the member is reemployed and ends six (6) months after the member's termination;
 - (b) The retired member shall repay to the retirement system all benefits paid from systems administered by Kentucky Retirement Systems or County Employees Retirement System under reciprocity, including medical insurance benefits, that the member received after reemployment began;
 - (c) Upon termination, or subsequent to expiration of the six (6) month period from the date of termination, the retired member's retirement allowance based on his or her initial retirement account shall no longer be suspended, and the member shall receive the amount to which he or she is entitled, including an increase as provided by KRS 61.691;
 - (d) Except as provided in subsection (7) of this section, if the position in which a retired member is employed after initial retirement is a regular full-time position, the retired member shall contribute to a

second member account established for him or her in the retirement system. Service credit gained after the member's date of reemployment shall be credited to the second member account; and

- (e) Upon termination, the retired member shall be entitled to benefits payable from his or her second retirement account.
- (14) (a) If the retirement system determines that the retired member has not been reemployed in a position with the same principal duties as the position from which he or she retired, the retired member shall continue to receive his or her retirement allowance.
- (b) If the position is a regular full-time position, the member shall contribute to a second member account in the retirement system.
- (15) (a) If a retired member is reemployed at least one (1) month after initial retirement in a different position, or at least six (6) months after initial retirement in the same position, and prior to normal retirement age, the retired member shall contribute to a second member account in the retirement system and continue to receive a retirement allowance from the first member account.
- (b) Service credit gained after reemployment shall be credited to the second member account. Upon termination, the retired member shall be entitled to benefits payable from the second member account.
- (16) A retired member who is reemployed and contributing to a second member account shall not be eligible to purchase service credit under any of the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852 which he or she was eligible to purchase prior to his or her initial retirement.
- (17) Notwithstanding any provision of subsections (1) to (7)(a) and (10) to (15) of this section, the following shall apply to retired members who are reemployed by an agency participating in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System on or after September 1, 2008:
- (a) If a member is receiving a retirement allowance from one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System, or has filed the forms required to receive a retirement allowance from one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System, and is employed in a regular full-time position required to participate in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System or is employed in a position that is not considered regular full-time with an agency participating in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System within one (1) month following the member's initial retirement date, the member's retirement shall be voided, and the member shall repay to the retirement system all benefits received, including any health insurance benefits. If the member is returning to work in a regular full-time position required to participate in one (1) of the systems administered by Kentucky Retirement Systems:
 - 1. The member shall contribute to a member account established for him or her in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System, and employer contributions shall be paid on behalf of the member by the participating employer; and
 - 2. Upon subsequent retirement, the member shall be eligible for a retirement allowance based upon total service and creditable compensation, including any additional service or creditable compensation earned after his or her initial retirement was voided;
 - (b) If a member is receiving a retirement allowance from one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System and is employed in a regular full-time position required to participate in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System after a one (1) month period following the member's initial retirement date, the member may continue to receive his or her retirement allowance during the period of reemployment subject to the following provisions:
 - 1. If a member is reemployed by a participating agency within twelve (12) months of the member's retirement date, the participating agency shall certify in writing on a form prescribed by the Authority that no prearranged agreement existed between the employee and agency prior to the employee's retirement for the employee to return to work with the participating agency. If an elected official is reelected to a new term of office in the same position as the elected official held prior to retirement and takes office within twelve (12) months of his or her retirement date,

he or she shall be deemed by the Authority as having a prearranged agreement under the provisions of this subparagraph and shall have his or her retirement voided. If the participating agency fails to complete the certification, the member's retirement shall be voided and the provisions of paragraph (a) of this subsection shall apply to the member and the employer. Employment that is accepted by the retired member after twelve (12) months following the member's retirement date shall not constitute a prearranged agreement under this paragraph;

2. Notwithstanding any other provision of KRS Chapter 16, 61, or 78 to the contrary, the member shall not contribute to the systems and shall not earn any additional benefits for any work performed during the period of reemployment;
 3. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, the employer shall pay employer contributions as specified by KRS 61.565, 61.702, and 78.635, as applicable, on all creditable compensation earned by the employee during the period of reemployment. The additional contributions paid shall be used to reduce the unfunded actuarial liability of the systems; and
 4. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, the employer shall be required to reimburse the systems for the cost of the health insurance premium paid by the systems to provide coverage for the retiree, not to exceed the cost of the single premium. Effective July 1, 2015, local school boards shall not be required to pay the reimbursement required by this subparagraph for retirees employed by the board for eighty (80) days or less during the fiscal year;
- (c) Notwithstanding paragraphs (a) and (b) of this subsection, a retired member who qualifies as a volunteer for an employer participating in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System and who is receiving reimbursement of actual expenses, a nominal fee for his or her volunteer services, or both, shall not be considered an employee of the participating employer and shall not be subject to paragraphs (a) and (b) of this subsection if:
1. Prior to the retired member's most recent retirement date, he or she did not receive creditable compensation from the participating employer in which the retired member is performing volunteer services;
 2. Any reimbursement or nominal fee received prior to the retired member's most recent retirement date has not been credited as creditable compensation to the member's account or utilized in the calculation of the retired member's benefits;
 3. The retired member has not purchased or received service credit under any of the provisions of KRS 61.510 to 61.705 or 78.510 to 78.852 for service with the participating employer for which the retired member is performing volunteer services; and
 4. Other than the status of volunteer, the retired member does not become an employee, leased employee, or independent contractor of the employer for which he or she is performing volunteer services for a period of at least twelve (12) months following the retired member's most recent retirement date.

If a retired member, who provided volunteer services with a participating employer under this paragraph violates any provision of this paragraph, then he or she shall be deemed an employee of the participating employer as of the date he or she began providing volunteer services and both the retired member and the participating employer shall be subject to paragraphs (a) and (b) of this subsection for the period of volunteer service;

- (d) Notwithstanding any provision of this section, any mayor or member of a city legislative body shall not be required to resign from his or her position as mayor or as a member of the city legislative body in order to begin drawing benefits from the systems administered by Kentucky Retirement Systems or subject to any provision of this section as it relates solely to his or her service as a mayor or member of the city legislative body if the mayor or member of a city legislative body:
1. Has not participated in the County Employees Retirement System prior to retirement, but is otherwise eligible to retire from the Kentucky Employees Retirement System or the State Police Retirement System; or

2. Has been or is participating in the County Employees Retirement System and is at least sixty-two (62) years of age. If a mayor or member of a city legislative body who is at least sixty-two (62) years of age retires from the systems administered by Kentucky Retirement Systems but remains in office after his or her effective retirement date, the mayor or member of the city legislative body shall not accrue any further service credit or benefits in the systems administered by Kentucky Retirement Systems for any employment occurring on or after the effective retirement date;
- (e) Notwithstanding any provision of this section, any current or future part-time adjunct instructor for the Kentucky Fire Commission who has not participated in the Kentucky Employees Retirement System prior to retirement, but who is otherwise eligible to retire from the County Employees Retirement System, shall not be:
1. Required to resign from his or her position as a part-time adjunct instructor for the Kentucky Fire Commission in order to begin drawing benefits from the County Employees Retirement System; or
 2. Subject to any provision of this section as it relates solely to his or her service as a part-time adjunct instructor for the Kentucky Fire Commission;
- (f) If a member is receiving a retirement allowance from any of the retirement systems administered by the Kentucky Retirement Systems or County Employees Retirement System and enters into a contract or becomes a leased employee of an employer under contract with an employer participating in one (1) of the systems administered by the Kentucky Retirement Systems or County Employees Retirement System:
1. At any time following retirement, if the Authority determines the employment arrangement does qualify as an independent contractor or leased employee, the member may continue to receive his or her retirement allowance during the period of the contract;
 2. Within one (1) month following the member's initial retirement date, if the Authority determines the employment arrangement does not qualify as an independent contractor or leased employee, the member's retirement shall be voided in accordance with paragraph (a) of this subsection;
 3. After one (1) month but within twelve (12) months following the member's initial retirement, if the Authority determines the employment arrangement does not qualify as an independent contractor or leased employee and that a prearranged agreement existed between the member and the agency for the member to return to work with the agency, the member's retirement shall be voided in accordance with paragraph (a) of this subsection;~~and~~
 4. After a twelve (12) month period following the member's initial retirement, the member may continue to receive his or her retirement allowance during the period of the contract and the member shall not be required to notify the system or submit any documentation for purposes of this section to the system; ~~and~~
 5. ***After twelve (12) months or more following the retired member's retirement date,*** ~~[]~~ the initiation of a contract or the initial date of the leased employment of a retired member by a participating agency ~~[that occurs after twelve (12) months or more following the retired member's retirement date]~~ shall not constitute a prearranged agreement under this subsection; and
- (g) The Authority shall issue a final determination regarding a certification of the absence of a prearranged agreement or the retired member's qualification as an independent contractor or leased employee as required under this section no later than thirty (30) days after the retired member and participating employer provide all required forms and additional information required by the Authority.
- (18) The Authority shall promulgate administrative regulations to implement the requirements of this section, including incorporating by reference board-prescribed forms that a retired member and participating agency shall provide the systems under subsections (8), (9), and (17) of this section.

➔Section 13. KRS 61.645 is amended to read as follows:

- (1) The Kentucky Employees Retirement System and State Police Retirement System shall be administered by the board of trustees of the Kentucky Retirement Systems composed of nine (9) members, who shall be selected as follows:

- (a) One (1) trustee, who shall be a member or retired from the State Police Retirement System, elected by the members and retired members of the State Police Retirement System;
 - (b) Two (2) trustees, who shall be members or retired from the Kentucky Employees Retirement System, elected by the members and retired members of the Kentucky Employees Retirement System;
 - (c) Six (6) trustees, appointed by the Governor of the Commonwealth, subject to Senate confirmation in accordance with KRS 11.160 for each appointment or reappointment. Of the six (6) trustees appointed by the Governor, three (3) trustees shall have investment experience and three (3) trustees shall have retirement experience;
 - (d) For purposes of paragraph (c) of this subsection, a trustee with "investment experience" means an individual who does not have a conflict of interest, as provided by KRS 61.655, and who has at least ten (10) years of experience in one (1) of the following areas of expertise:
 - 1. A portfolio manager acting in a fiduciary capacity;
 - 2. A professional securities analyst or investment consultant;
 - 3. A current or retired employee or principal of a trust institution, investment or finance organization, or endowment fund acting in an investment-related capacity;
 - 4. A chartered financial analyst in good standing as determined by the CFA Institute; or
 - 5. A university professor, teaching investment-related studies; and
 - (e) For purposes of paragraph (c) of this subsection, a trustee with "retirement experience" means an individual who does not have a conflict of interest, as provided by KRS 61.655, and who has at least ten (10) years of experience in one (1) of the following areas of expertise:
 - 1. Experience in retirement or pension plan management;
 - 2. A certified public accountant with relevant experience in retirement or pension plan accounting;
 - 3. An actuary with relevant experience in retirement or pension plan consulting;
 - 4. An attorney licensed to practice law in the Commonwealth of Kentucky with relevant experience in retirement or pension plans; or
 - 5. A current or former university professor whose primary area of emphasis is economics or finance.
- (2) The board is hereby granted the powers and privileges of a corporation, including but not limited to the following powers:
- (a) To sue and be sued in its corporate name;
 - (b) To make bylaws not inconsistent with the law;
 - (c) To conduct the business and promote the purposes for which it was formed;
 - (d) Except as provided in KRS 61.650(6), to contract for investment counseling, auditing, medical, and other professional or technical services as required to carry out the obligations of the board subject to KRS Chapters 45, 45A, 56, and 57. Actuarial consulting services shall be provided by a firm hired by the Kentucky Public Pensions Authority;
 - (e) To purchase fiduciary liability insurance;
 - (f) Except as provided in KRS 61.650(6), to acquire, hold, sell, dispose of, pledge, lease, or mortgage, the goods or property necessary to exercise the board's powers and perform the board's duties subject to KRS Chapters 45, 45A, and 56; and
 - (g) The board shall reimburse any trustee, officer, or employee for any legal expense resulting from a civil action arising out of the performance of his or her official duties. The hourly rate of reimbursement for any contract for legal services under this paragraph shall not exceed the maximum hourly rate provided in the Legal Services Duties and Maximum Rate Schedule promulgated by the Government Contract Review Committee established pursuant to KRS 45A.705, unless a higher rate is specifically approved by the secretary of the Finance and Administration Cabinet or his or her designee.

- (3) (a) Notwithstanding the provisions of subsection (1) of this section, each trustee shall serve a term of four (4) years or until his or her successor is duly qualified except as otherwise provided in this section. An elected trustee or a trustee appointed by the Governor under subsection (1)(c) of this section, shall not serve more than three (3) consecutive four (4) year terms. An elected trustee or a trustee appointed by the Governor under subsection (1)(c) of this section, who has served three (3) consecutive terms may be elected or appointed again after an absence of four (4) years from the board.
- (b) The term limits established by paragraph (a) of this subsection shall apply to trustees serving on or after July 1, 2012, and all terms of office served prior to July 1, 2012, shall be used to determine if the trustee has exceeded the term limits provided by paragraph (a) of this subsection.
- (4) (a) The trustees selected by the membership of each of the various retirement systems shall be elected by ballot. For each trustee to be elected, the board may nominate, not less than six (6) months before a term of office of a trustee is due to expire, three (3) constitutionally eligible individuals.
- (b) Individuals may be nominated by the retirement system members which are to elect the trustee by presenting to the executive director, not less than four (4) months before a term of office of a trustee is due to expire, a petition, bearing the name, last four (4) digits of the Social Security number, and signature of no less than one-tenth (1/10) of the number voting in the last election by the retirement system members.
- (c) Within four (4) months of the nominations made in accordance with paragraphs (a) and (b) of this subsection, the executive director shall cause to be prepared an official ballot. The ballot shall include the name, address, and position title of each individual nominated by the board and by petition. Provisions shall also be made for write-in votes.
- (d) Except as provided by paragraph (j) of this subsection, the ballots shall be distributed to the eligible voters by mail to their last known residence address on file with the Kentucky Public Pensions Authority. Ballots shall not be distributed by mail to member addresses reported as invalid to the Kentucky Public Pensions Authority.
- (e) The ballots shall be addressed to the Kentucky Retirement Systems in care of a predetermined box number at a United States Post Office or submitted electronically *or by telephone* as provided by paragraph (j) of this subsection. Access to this post office box shall be limited to the board's contracted firm. The individual receiving a plurality of votes shall be declared elected.
- (f) The eligible voter shall cast his or her ballot by selecting the candidate of his or her choice. He or she shall sign and mail the ballot *or cast the ballot online, by telephone, or by any other electronic means made available by the Authority*~~for submit the electronic ballot~~ at least thirty (30) days prior to the date the term to be filled is due to expire. The latest mailing date, or date *to cast telephonic or*~~of submission in the case of~~ electronic ballots, shall be provided on the ballot.
- (g) The board's contracted firm shall report in writing the outcome to the chair of the board of trustees. Cost of an election shall be payable from the funds of the system for which the trustee is elected.
- (h) For purposes of this subsection, an eligible voter shall be a person who was a member of the retirement system on December 31 of the year preceding the election year.
- (i) Each individual who submits a request to be nominated by the board under paragraph (a) of this subsection and each individual who is nominated by the membership under paragraph (b) of this subsection shall:
1. Complete an application developed by the retirement systems which shall include but not be limited to a disclosure of any prior felonies and any conflicts of interest that would hinder the individual's ability to serve on the board;
 2. Submit a resume detailing the individual's education and employment history and a cover letter detailing the member's qualifications for serving as trustee to the board; and
 3. Authorize the systems to have a criminal background check performed. The criminal background check shall be performed by the Department of Kentucky State Police.
- (j) In lieu of the ballots mailed to members and retired members as provided by this subsection, the systems may by promulgation of administrative regulation pursuant to KRS Chapter 13A conduct trustee elections using electronic ballots *or by telephone*, except that the systems shall mail a paper ballot upon request of any eligible voter.

- (5) (a) Any vacancy which may occur in an appointed position during a term of office shall be filled in the same manner which provides for the selection of the particular trustee, and any vacancy which may occur in an elected position during a term of office shall be filled by appointment by a majority vote of the remaining elected trustees with a person selected from the system in which the vacancy occurs; however, any vacancy shall be filled only for the duration of the unexpired term. In the event of a vacancy of an elected trustee during a term of office, Kentucky Retirement Systems shall notify members of the system in which the vacancy occurs of the vacancy and the opportunity to be considered for the vacant position. Any vacancy during a term of office shall be filled within ninety (90) days of the position becoming vacant.
- (b) Any appointments or reappointments to an appointed position on the board shall be made no later than thirty (30) days prior to an appointed member's term of office ending.
- (6) (a) Membership on the board of trustees shall not be incompatible with any other office unless a constitutional incompatibility exists. No trustee shall serve in more than one (1) position as trustee on the board; and if a trustee holds more than one (1) position as trustee on the board, he or she shall resign a position.
- (b) A trustee shall be removed from office upon conviction of a felony or for a finding of a violation of any provision of KRS 11A.020 or 11A.040 by a court of competent jurisdiction.
- (c) A current or former employee of Kentucky Retirement Systems, County Employees Retirement System, or the Kentucky Public Pensions Authority shall not be eligible to serve as a member of the board.
- (7) Trustees who do not otherwise receive a salary from the State Treasury shall receive a per diem of eighty dollars (\$80) for each day they are in session or on official duty, and they shall be reimbursed for their actual and necessary expenses in accordance with state administrative regulations and standards.
- (8) (a) The board shall meet at least once in each quarter of the year and may meet in special session upon the call of the chair or the chief executive officer.
- (b) The board shall elect a chair and a vice chair. The chair shall not serve more than four (4) consecutive years as chair or vice-chair of the board. The vice-chair shall not serve more than four (4) consecutive years as chair or vice-chair of the board. A trustee who has served four (4) consecutive years as chair or vice-chair of the board may be elected chair or vice-chair of the board after an absence of two (2) years from the positions.
- (c) A majority of the trustees shall constitute a quorum and all actions taken by the board shall be by affirmative vote of a majority of the trustees present.
- (9) (a) The board of trustees shall appoint or contract for the services of a chief executive officer and general counsel and fix the compensation and other terms of employment for these positions without limitation of the provisions of KRS Chapters 18A and 45A and KRS 64.640. The chief executive officer shall serve as the legislative and executive adviser to the board. The general counsel shall serve as legal adviser to the board. The chief executive officer and general counsel shall work with the executive director of the Kentucky Public Pensions Authority to carry out the provisions of KRS 16.505 to 16.652 and 61.510 to 61.705. The executive director of the Kentucky Public Pensions Authority shall be the chief administrative officer of the board.
- (b) Prior to April 1, 2021, the board of trustees shall authorize the executive director to appoint the employees deemed necessary to transact the business of the system. Effective April 1, 2021, the responsibility of appointing employees and managing personnel needs shall be transferred to the Kentucky Public Pensions Authority established by KRS 61.505.
- (c) The board shall require the chief executive officer and may require the general counsel to execute bonds for the faithful performance of his or her duties notwithstanding the limitations of KRS Chapter 62.
- (d) The board shall have a system of accounting established by the Kentucky Public Pensions Authority.
- (e) The board shall do all things, take all actions, and promulgate all administrative regulations, not inconsistent with the provisions of KRS 16.505 to 16.652 and 61.510 to 61.705, necessary or proper in order to carry out the provisions of KRS 16.505 to 16.652 and 61.510 to 61.705. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that the provisions of KRS 16.505 to 16.652 and 61.510 to 61.705 conform with federal statute or regulation

and meet the qualification requirements under 26 U.S.C. sec. 401(a), applicable federal regulations, and other published guidance. Provisions of KRS 16.505 to 16.652 and 61.510 to 61.705 which conflict with federal statute or regulation or qualification under 26 U.S.C. sec. 401(a), applicable federal regulations, and other published guidance shall not be available. The board shall have the authority to promulgate administrative regulations to conform with federal statute and regulation and to meet the qualification requirements under 26 U.S.C. sec. 401(a), including an administrative regulation to comply with 26 U.S.C. sec. 401(a)(9).

- (f) Notwithstanding any other provision of statute to the contrary, including but not limited to any provision of KRS Chapter 12, the Governor shall have no authority to change any provision of KRS 16.505 to 16.652 and 61.510 to 61.705 by executive order or action, including but not limited to reorganizing, replacing, amending, or abolishing the membership of the Kentucky Retirement Systems board of trustees.
- (10) Notwithstanding any statute to the contrary, employees shall not be considered legislative agents under KRS 6.611.
- (11) The Attorney General, or an assistant designated by him or her, may attend each meeting of the board and may receive the agenda, board minutes, and other information distributed to trustees of the board upon request. The Attorney General may act as legal adviser and attorney for the board, and the board may contract for legal services, notwithstanding the limitations of KRS Chapter 12 or 13B.
- (12)
 - (a) The Kentucky Public Pensions Authority shall publish an annual financial report showing all receipts, disbursements, assets, and liabilities for the systems. The annual report shall include a copy of an audit conducted in accordance with generally accepted auditing standards. Except as provided by paragraph (b) of this subsection, the board may select the independent certified public accountant hired by the Kentucky Public Pensions Authority or the Auditor of Public Accounts to perform the audit. If the audit is performed by an independent certified public accountant, the Auditor of Public Accounts shall not be required to perform an audit pursuant to KRS 43.050(2)(a), but may perform an audit at his or her discretion. All proceedings and records of the board shall be open for inspection by the public. The Kentucky Public Pensions Authority shall make copies of the audit required by this subsection available for examination by any member, retiree, or beneficiary in the offices of the Kentucky Public Pensions Authority and in other places as necessary to make the audit available to all members, retirees, and beneficiaries. A copy of the annual audit shall be sent to the Legislative Research Commission no later than ten (10) days after receipt by the board.
 - (b) At least once every five (5) years, the Auditor of Public Accounts shall perform the audit described by this subsection, and the system shall reimburse the Auditor of Public Accounts for all costs of the audit. The Auditor of Public Accounts shall determine which fiscal year during the five (5) year period the audit prescribed by this paragraph will be completed.
- (13) All expenses incurred by or on behalf of the system and the board in the administration of the system during a fiscal year shall be paid from the retirement allowance account, including any administrative expenses for the Kentucky Public Pensions Authority that are assigned to the Kentucky Retirement Systems by KRS 61.505. The board shall submit any administrative expenses that are specific to the Kentucky Retirement Systems that are not otherwise covered by KRS 61.505(11)(a).
- (14) Any person adversely affected by a decision of the board, except as provided under subsection (16) of this section or KRS 61.665, involving KRS 16.505 to 16.652 and 61.510 to 61.705, may appeal the decision of the board to the Franklin Circuit Court within sixty (60) days of the board action.
- (15)
 - (a) A trustee shall discharge his or her duties as a trustee, including his or her duties as a member of a committee:
 - 1. In good faith;
 - 2. On an informed basis; and
 - 3. In a manner he or she honestly believes to be in the best interest of the Kentucky Retirement Systems.
 - (b) A trustee discharges his or her duties on an informed basis if, when he or she makes an inquiry into the business and affairs of the Kentucky Retirement Systems or into a particular action to be taken or decision to be made, he or she exercises the care an ordinary prudent person in a like position would exercise under similar circumstances.

- (c) In discharging his or her duties, a trustee may rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:
 - 1. One (1) or more officers or employees of the Kentucky Retirement Systems whom the trustee honestly believes to be reliable and competent in the matters presented;
 - 2. Legal counsel, public accountants, actuaries, or other persons as to matters the trustee honestly believes are within the person's professional or expert competence; or
 - 3. A committee of the board of trustees of which he or she is not a member if the trustee honestly believes the committee merits confidence.
 - (d) A trustee shall not be considered as acting in good faith if he or she has knowledge concerning the matter in question that makes reliance otherwise permitted by paragraph (c) of this subsection unwarranted.
 - (e) Any action taken as a trustee, or any failure to take any action as a trustee, shall not be the basis for monetary damages or injunctive relief unless:
 - 1. The trustee has breached or failed to perform the duties of the trustee's office in compliance with this section; and
 - 2. In the case of an action for monetary damages, the breach or failure to perform constitutes willful misconduct or wanton or reckless disregard for human rights, safety, or property.
 - (f) A person bringing an action for monetary damages under this section shall have the burden of proving by clear and convincing evidence the provisions of paragraph (e)1. and 2. of this subsection, and the burden of proving that the breach or failure to perform was the legal cause of damages suffered by the Kentucky Retirement Systems.
 - (g) Nothing in this section shall eliminate or limit the liability of any trustee for any act or omission occurring prior to July 15, 1988.
 - (h) In discharging his or her administrative duties under this section, a trustee shall strive to administer the retirement system in an efficient and cost-effective manner for the taxpayers of the Commonwealth of Kentucky and shall take all actions available under the law to contain costs for the trusts, including costs for participating employers, members, and retirees.
- (16) When an order by the system substantially impairs the benefits or rights of a member, retired member, or recipient, except action which relates to entitlement to disability benefits, or when an employer disagrees with an order of the system as provided by KRS 61.598, the affected member, retired member, recipient, or employer may request a hearing to be held in accordance with KRS Chapter 13B. The board may establish an appeals committee whose members shall be appointed by the chair and who shall have authority to act upon the recommendations and reports of the hearing officer on behalf of the board. The member, retired member, recipient, or employer aggrieved by a final order of the board following the hearing may appeal the decision to the Franklin Circuit Court, in accordance with KRS Chapter 13B. The board may establish a joint administrative appeals committee with the County Employees Retirement System and may also establish a joint disability appeals committee with the County Employees Retirement System.
- (17) The board shall give the Kentucky Education Support Personnel Association twenty-four (24) hours notice of the board meetings, to the extent possible.
- (18) The board shall establish a formal trustee education program for all trustees of the board. The program shall include but not be limited to the following:
- (a) A required orientation program for all new trustees elected or appointed to the board. The orientation program shall include training on:
 - 1. Benefits and benefits administration;
 - 2. Investment concepts, policies, and current composition and administration of retirement systems investments;
 - 3. Laws, bylaws, and administrative regulations pertaining to the retirement systems and to fiduciaries; and
 - 4. Actuarial and financial concepts pertaining to the retirement systems.

If a trustee fails to complete the orientation program within one (1) year from the beginning of his or her first term on the board, the retirement systems shall withhold payment of the per diem and travel expenses due to the board member under this section and KRS 16.640 until the trustee has completed the orientation program;

- (b) Annual required training for board members on the administration, benefits, financing, and investing of the retirement systems. If a trustee fails to complete the annual required training during the calendar or fiscal year, the retirement systems shall withhold payment of the per diem and travel expenses due to the board member under this section and KRS 16.640 until the board member has met the annual training requirements; and
 - (c) The retirement systems shall incorporate by reference in an administrative regulation, pursuant to KRS 13A.2251, the trustee education program.
- (19) In order to improve public transparency regarding the administration of the systems, the board of trustees shall adopt a best practices model by posting the following information to the Kentucky Public Pensions Authority's website and shall make available to the public:
- (a) Meeting notices and agendas for all meetings of the board. Notices and agendas shall be posted to the Kentucky Public Pensions Authority's website at least seventy-two (72) hours in advance of the board or committee meetings, except in the case of special or emergency meetings as provided by KRS 61.823;
 - (b) The Annual Comprehensive Financial Report with the information as follows:
 1. A general overview and update on the retirement systems by the executive director;
 2. A listing of the board of trustees;
 3. A listing of key staff;
 4. An organizational chart;
 5. Financial information, including a statement of plan net assets, a statement of changes in plan net assets, an actuarial value of assets, a schedule of investments, a statement of funded status and funding progress, and other supporting data;
 6. Investment information, including a general overview, a list of the retirement system's professional consultants, a total net of fees return on retirement systems investments over a historical period, an investment summary, contracted investment management expenses, transaction commissions, and a schedule of investments;
 7. The annual actuarial valuation report on the pension benefit and the medical insurance benefit; and
 8. A general statistical section, including information on contributions, benefit payouts, and retirement systems' demographic data;
 - (c) All external audits;
 - (d) All board minutes or other materials that require adoption or ratification by the board of trustees. The items listed in this paragraph shall be posted within **three (3) business days** ~~seventy-two (72) hours~~ of adoption or ratification of the board;
 - (e) All bylaws, policies, or procedures adopted or ratified by the board of trustees;
 - (f) The retirement systems' summary plan description;
 - (g) A document containing an unofficial copy of the statutes governing the systems administered by Kentucky Retirement Systems;
 - (h) A listing of the members of the board of trustees and membership on each committee established by the board, including any investment committees;
 - (i) All investment holdings in aggregate, fees, and commissions for each fund administered by the board, which shall be updated on a quarterly basis for fiscal years beginning on or after July 1, 2017. The systems shall request from all managers, partnerships, and any other available sources all information regarding fees and commissions and shall, based on the requested information received:

1. Disclose the dollar value of fees and commissions paid to each individual manager or partnership;
2. Disclose the dollar value of any profit sharing, carried interest, or any other partnership incentive arrangements, partnership agreements, or any other partnership expenses received by or paid to each manager or partnership; and
3. As applicable, report each fee or commission by manager or partnership consistent with standards established by the Institutional Limited Partners Association (ILPA).

In addition to the requirements of this paragraph, the systems shall also disclose the name and address of all individual underlying managers or partners in any fund of funds in which system assets are invested;

- (j) An update of net of fees investment returns, asset allocations, and the performance of the funds against benchmarks adopted by the board for each fund, for each asset class administered by the board, and for each manager. The update shall be posted on a quarterly basis for fiscal years beginning on or after July 1, 2017;
 - (k) A searchable database of the systems' expenditures and a listing of each individual employed by the systems along with the employee's salary or wages. In lieu of posting the information required by this paragraph to the Kentucky Public Pensions Authority's website, the systems may provide the information through a website established by the executive branch to inform the public about executive branch agency expenditures and public employee salaries and wages;
 - (l) All contracts or offering documents for services, goods, or property purchased or utilized by the systems;
 - (m) Information regarding the systems' financial and actuarial condition that is easily understood by the members, retired members, and the public; and
 - (n) All proxy vote reports as provided by KRS 61.650(7).
- (20) Notwithstanding the requirements of subsection (19) of this section, the retirement systems shall not be required to furnish information that is protected under KRS 61.661, exempt under KRS 61.878, or that, if disclosed, would compromise the retirement systems' ability to competitively invest in real estate or other asset classes, except that no provision of this section or KRS 61.878 shall exclude disclosure and review of all contracts, including investment contracts, by the board, the Auditor of Public Accounts, and the Government Contract Review Committee established pursuant to KRS 45A.705 or the disclosure of investment fees and commissions as provided by this section. If any public record contains material which is not excepted under this section, the systems shall separate the excepted material by removal, segregation, or redaction, and make the nonexcepted material available for examination.
- (21) Notwithstanding any other provision of KRS 16.505 to 16.652 and 61.510 to 61.705 to the contrary, no funds of the systems administered by Kentucky Retirement Systems, including fees and commissions paid to an investment manager, private fund, or company issuing securities, who manages systems assets, shall be used to pay fees and commissions to placement agents. For purposes of this subsection, "placement agent" means a third-party individual, who is not an employee, or firm, wholly or partially owned by the entity being hired, who solicits investments on behalf of an investment manager, private fund, or company issuing securities.

➔Section 14. KRS 61.665 is amended to read as follows:

- (1) The Authority shall employ or contract for the services of at least three (3) physicians, licensed in the state and not members of the system, upon terms and conditions it prescribes to serve as medical examiners, whose duty it shall be to pass upon all medical examinations required under KRS 61.510 to 61.705, 16.505 to 16.652, and 78.510 to 78.852, to investigate all health or medical statements and certificates made by or in behalf of any person in connection with the payment of money to the person under KRS 61.510 to 61.705, 16.505 to 16.652, and 78.510 to 78.852, and who shall report in writing to the system the conclusions and recommendations upon all matters referred to them. The Authority may employ or contract for the services of one (1) or more licensed mental health professionals in making recommendations regarding mental impairments.
- (2) (a) Each person requesting disability retirement shall file at the retirement office:
 - I. An application for disability retirement and supporting medical information to report the person's physical and mental condition; ~~[- The person shall also file at the retirement office]~~

2. A complete description of the job and duties from which he or she received his or her last pay, **including** ~~as well as~~ information regarding whether the person has made a request for reasonable accommodation **pursuant to** ~~as provided for in~~ 42 U.S.C. sec. 12111(9) and 29 C.F.R. pt. 1630 or **whether** reasonable accommodation as provided ~~for~~ in 42 U.S.C. sec. 12111(9) and 29 C.F.R. pt. 1630 has been offered to the person; **and**
 3. A **certification** ~~The person shall certify to the retirement office~~ that the application for disability retirement and supporting medical information are ready to be evaluated by the medical examiners in accordance with ~~paragraph (d) of this~~ subsection (3) **of this section**.
- (b) If, after good faith efforts, the person informs the Authority that he or she has been unable to obtain the employment or medical information, the Authority shall assist the person in obtaining the records and may use the authority granted pursuant to KRS 61.685(1) to obtain the records. If the person fails to file, at the retirement office within one hundred eighty (180) days of the date the person filed his or her notification of retirement, any of the forms, certifications, or information required by this subsection, the person's application for disability retirement shall be void. Any subsequent filing of an application for disability retirement or supporting medical information shall not be evaluated, except as provided in **subsection (3)(g) of this section** ~~paragraph (f) of this subsection~~ or KRS 61.600(2), 78.5522, or 78.5524.
 - (c) ~~(b)~~ The employer shall file at the retirement office a complete description of the job and duties for which the person was last paid and shall submit a detailed description of any reasonable accommodations attempted.
 - (d) ~~(e)~~ The cost of medical examinations and the filing of the medical information, reports, or data with the retirement office shall be paid by the person applying for disability retirement.
- (3) (a) ~~(d)~~ The Authority shall select **one (1)** ~~three (3)~~ medical **examiner** ~~examiners~~ to evaluate the medical evidence submitted by the person. The medical **examiner** ~~examiners~~ shall recommend that disability retirement be approved, or that disability retirement be denied. If there is evidence of a mental impairment, the medical **examiner** ~~examiners~~ may request the Authority's licensed mental health professional to assist in determining the level of the mental impairment.
 - (b) ~~(e)~~ If ~~the two (2) or more of the three (3)~~ medical **examiner selected under paragraph (a) of this subsection recommends** ~~examiners recommend~~ that the person be approved for disability retirement, the system shall make retirement payments in accordance with the retirement plan selected by the person.
 - (c) ~~(f)~~ If ~~the two (2) or more of the three (3)~~ medical **examiner selected under paragraph (a) of this subsection recommends** ~~examiners recommend~~ that the person be denied disability retirement, the Authority shall **select one (1) medical examiner other than the medical examiner selected under paragraph (a) of this subsection to evaluate the medical evidence submitted by the person. The second medical examiner selected under this paragraph shall recommend that the disability retirement be approved, or that disability retirement be denied. If there is evidence of a mental impairment, the second medical examiner may request the Authority's licensed mental health professional to assist in determining the level of mental impairment.**
 - (d) **If the second medical examiner selected under paragraph (c) of this subsection recommends that the person be denied disability retirement, the Authority shall** send notice of this recommendation by United States first-class mail to the person's last address on file in the retirement office, by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means. The person shall have one hundred eighty (180) days from the day that the Authority sent the notice to file at the retirement office additional supporting medical information and certify to the retirement office that the application for disability retirement and supporting medical information are ready to be evaluated **under subsection (4) of this section** ~~by the medical examiners~~ or to appeal his or her denial of disability retirement by filing at the retirement office a request for a formal hearing. Any subsequent filing of an application for disability retirement or supporting medical information shall not be evaluated, except as provided in KRS 61.600(2), 78.5522, or 78.5524.
 - (e) **If the second medical examiner selected under paragraph (c) of this subsection recommends that the person be approved for disability retirement, the Authority shall select one (1) medical examiner other than the first and second medical examiners selected under paragraphs (a) and (c) of this subsection to evaluate the medical evidence submitted by the person. The third medical examiner**

selected under this paragraph shall recommend that disability retirement be approved, or that disability retirement be denied. If there is evidence of a mental impairment, the third medical examiner may request the Authority's licensed mental health professional to assist in determining the level of the mental impairment.

- (f) *If the third medical examiner selected under paragraph (e) of this subsection recommends that the person be approved for disability retirement, the system shall make retirement payments in accordance with the retirement plan selected by the person.*
 - (g) *If the third medical examiner selected under paragraph (e) of this subsection recommends that the person be denied disability retirement, the Authority shall send notice of this recommendation by United States first-class mail to the person's last address on file in the retirement office, by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means. The person shall have one hundred eighty (180) days from the day that the Authority sent the notice to file at the retirement office additional supporting medical evidence and certify to the retirement office that the application for disability retirement and additional supporting medical evidence are ready to be evaluated under subsection (4) of this section or to appeal his or her denial of disability retirement by filing at the retirement office a request for a formal hearing.*
- (4)
- (a) *The Authority shall select one (1) medical examiner to evaluate the additional supporting medical evidence submitted by the person in accordance with subsection (3)(d) and (g) of this section. The medical examiner selected under this paragraph shall recommend that disability retirement be approved, or that disability retirement be denied. If there is evidence of a mental impairment, the medical examiner may request the Authority's licensed mental health professional to assist in determining the level of the mental impairment.*
 - (b) *If the first medical examiner selected under paragraph (a) of this subsection recommends that the person be approved for disability retirement, the system shall make retirement payments in accordance with the retirement plan selected by the person.*
 - (c) *If the first medical examiner selected under paragraph (a) of this subsection recommends that the person be denied disability retirement, the Authority shall select one (1) medical examiner other than the medical examiner selected under paragraph (a) of this subsection to evaluate the additional supporting medical evidence. The second medical examiner selected under this paragraph shall recommend that disability retirement be approved, or that disability retirement be denied. If there is evidence of a mental impairment, the second medical examiner may request the Authority's licensed mental health professional to assist in determining the level of the mental impairment.*
 - (d) *If the second medical examiner selected under paragraph (c) of this subsection recommends that the person be denied disability retirement, the Authority shall send notice of this recommendation by United States first-class mail to the person's last address on file in the retirement office, by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means. The person shall have one hundred eighty (180) days from the day that the Authority sent the notice to appeal his or her denial of disability retirement by filing at the retirement office a request for a formal hearing.*
 - (e) *If the second medical examiner selected under paragraph (c) of this subsection recommends that the person be approved for disability retirement, the Authority shall select one (1) medical examiner other than the first and second medical examiners selected under paragraphs (a) and (c) of this subsection to evaluate the additional supporting medical evidence. The third medical examiner selected under this paragraph shall recommend that disability retirement be approved, or that disability retirement be denied. If there is evidence of a mental impairment, the third medical examiner may request the Authority's licensed mental health professional to assist in determining the level of the mental impairment.*
 - (f) *If the third medical examiner selected under paragraph (e) of this subsection recommends that the person be approved for disability retirement, the system shall make retirement payments in accordance with the retirement plan selected by the person.*
 - (g) *If the third medical examiner selected under paragraph (e) of this subsection recommends that the person be denied disability retirement, the Authority shall send notice of this recommendation by United States first-class mail to the person's last address on file in the retirement office, by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic*

means. The person shall have one hundred eighty (180) days from the day that the Authority sent the notice to appeal his or her denial of disability retirement by filing at the retirement office a request for a formal hearing~~{(g) If two (2) or more of the three (3) medical examiners recommend that the person be approved for disability retirement based upon the evaluation of additional supporting medical information in accordance with paragraph (f) of this subsection, the system shall make retirement payments in accordance with the retirement plan selected by the person.~~

- ~~(h)~~ If two (2) or more of the three (3) [medical examiners recommend that the person be denied disability retirement based upon the evaluation of additional supporting medical information in accordance with paragraph (f) of this subsection, the Authority shall send notice of this recommendation by United States first class mail to the person's last address on file in the retirement office, by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means. The person shall have one hundred eighty (180) days from the day that the Authority sent the notice to appeal his or her denial of disability retirement by filing at the retirement office a request for a formal hearing].
- ~~(5){(i)}~~ The medical examiners shall be paid a reasonable amount by the retirement system for each case evaluated.
- ~~(6){(j)}~~ Notwithstanding the foregoing provisions of this section, the Authority may pay for one (1) or more medical examinations of the person requested by the medical examiners for the purpose of providing medical information deemed necessary by the medical examiners. The system may require the person to submit to one (1) or more medical examinations.
- ~~(7){(3)}~~ (a) Any person whose disability benefits have been reduced, discontinued, or denied pursuant to subsection ~~(3)(g){(2)(f)}~~ or ~~(4)(g){(2)(h)}~~ of this section may file at the retirement office a request for a formal hearing to be conducted in accordance with KRS Chapter 13B. The right to demand a formal hearing shall be limited to a period of one hundred eighty (180) days after the person had notice of the system's determination, as described in subsection ~~(3)(g){(2)(f)}~~ or ~~(4)(g){(2)(h)}~~ of this section. The request for a formal hearing shall be filed with the executive director, at the retirement office in Frankfort. The request for a formal hearing shall include a short and plain statement of the reasons the denial of disability retirement is being contested.
- (b) Failure of the person to request a formal hearing within the period of time specified shall preclude the person from proceeding any further with the application for disability retirement, except as provided in KRS 61.600(2), 78.5522, or 78.5524. This paragraph shall not limit the person's right to appeal to a court.
- (c) The system may require the person requesting the formal hearing to submit to one (1) or more medical or psychological examinations. Notice of the time and place of the examination shall be provided to the person or his or her legal representative. The system shall be responsible for the cost of the examination.
- (d) A final order of the board shall be based on substantial evidence appearing in the record as a whole and shall set forth the decision of the board and the facts and law upon which the decision is based.
- (e) All requests for a hearing pursuant to this section shall be made in writing.
- ~~(8){(4)}~~ The boards of the Kentucky Retirement Systems and the County Employees Retirement Systems may each establish an appeals committee whose members shall be appointed by the chair and that shall have the authority to act upon the recommendations and reports of the hearing officer pursuant to this section on behalf of each respective board. The boards of the Kentucky Retirement Systems and the County Employees Retirement System may establish a joint appeals committee that shall be authorized to select a chair from among its committee members and to act upon the recommendations and reports of the hearing officer pursuant to this section on behalf of both boards.
- ~~(9){(5)}~~ Any person aggrieved by a final order of the board may seek judicial review after all administrative appeals have been exhausted by filing a petition for judicial review in the Franklin Circuit Court in accordance with KRS Chapter 13B.
- ➔Section 15. KRS 61.685 is amended to read as follows:
- (1) (a) Notwithstanding the provisions of KRS Chapter 413, upon discovery of any error or omission in system records, the ~~Authority~~~~system~~ shall correct all **system** records, including but not limited to membership in the system, service credit, member and employer contributions, and benefits paid or payable.

- (b) The **Authority**~~[system]~~ may conduct audits to detect possible fraud, misrepresentation, and change in circumstance, which may result in errors or omissions in the system's records.
- (c) The **Authority**~~[system]~~, by its executive director or by representatives appointed in writing by the executive director, may take testimony or depositions, and may examine records, documents, or files of any person whose records, documents, or files may furnish knowledge concerning any system records, when the executive director or representative deems this reasonably necessary for purposes incident to the performance of the system's functions.
- (d) The **Authority**~~[system]~~ may enforce these powers by application to the Franklin Circuit Court, which court may compel compliance with the orders of the executive director or representatives appointed by the executive director.
- (2) Neither the board nor any of its individual members shall be liable to any person for any claim arising from the failure of any participating employer, or any employer who should have been participating in any retirement system operated by the board, to make retirement contributions on behalf of the person.
- (3) (a) For purposes of this subsection:
1. "Knowingly" means, with respect to conduct or to a circumstance described by this subsection, that a person is aware that his or her conduct is of that nature or that the circumstance exists; and
 2. "Person" means a natural person, individual, county, city, agency, board or commission, sole proprietorship, partnership, corporation, limited liability company, organization, association, business, trust, or other legal entity. "Person" may be construed as singular or plural.
- (b) A person shall be liable under this subsection if he or she knowingly:
1. Submits or causes to be submitted a false or fraudulent claim for the payment or receipt of any benefit provided under KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852;
 2. Makes, uses, or causes to be made or used a false record or statement material to a false or fraudulent claim to obtain benefits provided under KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852;~~[-or]~~
 3. Possesses or otherwise has custody or control of money, records, or property used or to be used by the Kentucky Public Pensions Authority or the systems it administers and fails to deliver or delivers less than all of the money, records, or property to which the authority or the retirement systems it administers are entitled, including but not limited to member agencies failing to report and remit employer and employee contributions and employment records to the authority; **or**
 4. **Receives a retirement allowance or health insurance benefit to which he or she is not entitled.**
- (c) A person found to have committed one (1) or more of the actions under paragraph (b) of this subsection by a preponderance of the evidence in an administrative process before the Authority or in an action before the Franklin Circuit Court in conformity with all due process protections shall be liable for:
1. Restitution of any payments **or other benefits** received ~~that~~~~[-for which]~~ the person was not entitled to receive **pursuant to**~~[-by reason of violation of]~~ KRS 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852 and interest at the maximum legal rate pursuant to KRS 360.010 in effect on the date any payment was made for the period from the date payment was made to the date of repayment to the Authority;
 2. A civil payment in an amount up to three (3) times the amount of the excess payments;
 3. A civil payment of five hundred dollars (\$500) for each false or fraudulent claim submitted for the payment of benefits under KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852; and
 4. Legal fees and costs of investigation and enforcement of civil remedies, including all attorneys' fees and costs of litigation.
- (d) Upon the written request of the authority, the Attorney General shall investigate and file the necessary actions to enforce civil penalties for violations of this subsection and, if funds are recovered by or on behalf of the authority in any legal action, may recover reasonable costs of litigation as determined by the court as provided by KRS 48.005.

- (e) Civil payments, interest, and costs of investigation and enforcement of civil remedies, including attorneys' fees and other costs not included under paragraph (d) of this subsection, recovered on behalf of the authority under this subsection shall be made payable to the State Treasurer and remitted to the Kentucky Public Pensions Authority for deposit in the affected trusts administered by the Kentucky Public Pension Authority. The affected trusts shall be made whole, and any additional penalties and fees shall be distributed to the trusts as a whole consistent with the methods used to distribute administrative expenses between the trusts.
- (f) The remedies under this section are separate from and cumulative to any other administrative, civil, or criminal remedies available to the authority and the systems it administers under federal or state law or regulation.

➔Section 16. KRS 61.692 is repealed, reenacted, and amended to read as follows:

- (1) For members who begin participating in the Kentucky Employees Retirement System prior to January 1, 2014, it is hereby declared that in consideration of the contributions by the members and in further consideration of benefits received by the state from the member's employment, KRS 61.510 to 61.705 shall, ***except as provided in KRS 6.696***, constitute an inviolable contract of the Commonwealth, and the benefits provided therein shall not be subject to reduction or impairment by alteration, amendment, or repeal, ~~except:~~
 - ~~(a) As provided in KRS 6.696; and~~
 - ~~(b) The General Assembly reserves the right to amend, reduce, or suspend any legislative changes to the provisions of KRS 61.510 to 61.705 that become effective on or after July 1, 2018.~~
- (2) (a) For members who begin participating in the Kentucky Employees Retirement System on or after January 1, 2014, the General Assembly reserves the right to amend, suspend, or reduce the benefits and rights provided under KRS 61.510 to 61.705 if, in its judgment, the welfare of the Commonwealth so demands, except that the amount of benefits the member has accrued at the time of amendment, suspension, or reduction shall not be affected.
 - (b) For purposes of this subsection, the amount of benefits the member has accrued at the time of amendment, suspension, or reduction shall be limited to the accumulated account balance the member has accrued at the time of amendment, suspension, or reduction.
 - (c) The provisions of this subsection shall not be construed to limit the General Assembly's authority to change any other benefit or right specified by KRS 61.510 to 61.705, except the benefits specified by paragraph (b) of this subsection, for members who begin participating in the Kentucky Employees Retirement System on or after January 1, 2014.
- (3) The provisions of this section shall not be construed to limit the General Assembly's authority to amend, reduce, or suspend the benefits and rights of members of the Kentucky Employees Retirement System as provided by KRS 61.510 to 61.705 that the General Assembly had the authority to amend, reduce, or suspend, prior to July 1, 2013.

➔Section 17. KRS 61.702 is amended to read as follows:

- (1) For purposes of this section:
 - (a) "Hospital and medical insurance plan" may include, at the board's discretion, any one (1) or more of the following:
 1. Any hospital and medical expense policy or certificate, provider-sponsored integrated health delivery network, self-insured medical plan, health maintenance organization contract, or other health benefit plan;
 2. Any health savings account as permitted by 26 U.S.C. sec. 223 or health reimbursement arrangement or a similar account as may be permitted by 26 U.S.C. sec. 105 or 106. Such arrangement or account, at the board's discretion, may reimburse any medical expense permissible under 26 U.S.C. sec. 213; or
 3. A medical insurance reimbursement program established by the board through the promulgation of administrative regulation under which members purchase individual health insurance coverage through a health insurance exchange established under 42 U.S.C. sec. 18031 or 18041;
 - (b) "Monthly contribution rate" is the amount determined by the board based upon the requirements of subsection (4)(a) to (d) of this section, except that for members who began participating in the system

on or after July 1, 2003, the term shall mean the amount determined in subsection (4)(e) of this section; and

- (c) "Months of service" means the total months of combined service used to determine benefits under the system, except service added to determine disability benefits or service otherwise prohibited from being used to determine retiree health benefits under KRS 16.505 to 16.652 or 61.510 to 61.705 shall not be counted as "months of service." For current and former employees of the Council on Postsecondary Education who were employed prior to January 1, 1993, and who earn at least fifteen (15) years of service credit in the Kentucky Employees Retirement System, "months of service" shall also include vested service in another retirement system other than the Kentucky Teachers' Retirement System sponsored by the Council on Postsecondary Education.
- (2) (a) 1. The board of trustees of the system shall arrange by appropriate contract or on a self-insured basis to provide a group hospital and medical insurance plan coverage for:
 - a. Present and future recipients of a retirement allowance from the Kentucky Employees Retirement System and the State Police Retirement System; and
 - b. The spouse and each qualified dependent of a recipient who is a former member or the beneficiary, provided the spouse and dependent meet the requirements to participate in the hospital and medical insurance plans established, contracted, or authorized by the system.
 - 2. Any recipient who chooses coverage under a hospital and medical insurance plan shall pay, by payroll deduction from the retirement allowance, electronic funds transfer, or by another method, the difference between the premium cost of the hospital and medical insurance plan coverage selected and the monthly contribution rate to which he or she would be entitled under this section.
 - (b) 1. For present and future recipients of a retirement allowance from the system who are not eligible for Medicare and for those recipients described in subparagraph 3.b. of this paragraph, the board may authorize these participants to be included in the Kentucky Employees Health Plan as provided by KRS 18A.225 to 18A.2287 and shall provide benefits for recipients in the plan equal to those provided to state employees having the same Medicare hospital and medical insurance eligibility status. Notwithstanding the provisions of any other statute except subparagraph 3.b. of this paragraph, system recipients shall be included in the same class as current state employees for purposes of determining medical insurance policies and premiums in the Kentucky Employees Health Plan as provided by KRS 18A.225 to 18A.2287.
 - 2. Regardless of age, if a recipient or the spouse or dependent child of a recipient who elects coverage becomes eligible for Medicare, he or she shall participate in the plans offered by the systems for Medicare eligible recipients. Individuals participating in the Medicare eligible plans may be required to obtain and pay for Medicare Part A and Part B coverage, in order to participate in the Medicare eligible plans offered by the system.
 - 3. The system shall continue to provide the same hospital and medical insurance plan coverage for recipients and qualifying dependents after the age of sixty-five (65) as before the age of sixty-five (65), if:
 - a. The recipient is not eligible for Medicare coverage; or
 - b. The recipient would otherwise be eligible for Medicare coverage but is subject to the Medicare Secondary Payer Act under 42 U.S.C. sec. 1395y(b) and has been reemployed by a participating agency which offers the recipient a hospital and medical insurance benefit or by a participating agency which is prevented from offering a hospital and medical benefit to the recipient as a condition of reemployment under KRS 70.293, 95.022, or 164.952. Individuals who are eligible, pursuant to this subdivision, to be included in the Kentucky Employees Health Plan as provided by KRS 18A.225 to 18A.2287 may be rated as a separate class from other eligible employees and retirees for the purpose of determining medical insurance premiums.
 - (c) For recipients of a retirement allowance who are not eligible for the same level of hospital and medical benefits as recipients living in Kentucky having the same Medicare hospital and medical insurance eligibility status, the board shall provide a medical insurance reimbursement plan as described in subsection (6) of this section.

- (d) Notwithstanding anything in KRS Chapter 16 or 61 to the contrary, the board of trustees, in its discretion, may take necessary steps to ensure compliance with 42 U.S.C. secs. 300bb-1 et seq.
- (3) (a) Each employer participating in the Kentucky Employees Retirement System or the State Police Retirement System as provided in KRS 16.505 to 16.652 or 61.510 to 61.705 shall contribute to the insurance trust fund established under KRS 61.701 the amount necessary to provide the monthly contribution rate as provided for under this section. Such employer contribution rate shall be developed by appropriate actuarial method as a part of the determination of each respective employer contribution rate determined under KRS 61.565.
- (b) 1. Each employer described in paragraph (a) of this subsection shall deduct from the creditable compensation of each member whose membership date begins on or after September 1, 2008, an amount equal to one percent (1%) of the member's creditable compensation. The deducted amounts shall, at the discretion of the board, be credited to accounts established pursuant to 26 U.S.C. sec. 401(h), within the funds established in KRS 16.510 and 61.515, or the insurance trust fund established under KRS 61.701. Notwithstanding the provisions of this paragraph, a transfer of assets between the accounts established pursuant to 26 U.S.C. sec. 401(h), within the funds established in KRS 16.510 and 61.515, and the insurance trust fund established under KRS 61.701 shall not be allowed.
2. The employer shall file the contributions as provided by subparagraph 1. of this paragraph at the retirement office in accordance with KRS 61.675. Any interest or penalties paid on any delinquent contributions shall be credited to accounts established pursuant to 26 U.S.C. sec. 401(h), within the funds established in KRS 16.510 and 61.515, or the insurance trust fund established under KRS 61.701. Notwithstanding any minimum compensation requirements provided by law, the deductions provided by this paragraph shall be made, and the compensation of the member shall be reduced accordingly.
3. Each employer shall submit payroll reports, contributions lists, and other data as may be required by administrative regulation promulgated by the board of trustees pursuant to KRS Chapter 13A.
4. Every member shall be deemed to consent and agree to the deductions made pursuant to this paragraph, and the payment of salary or compensation less the deductions shall be a full and complete discharge of all claims for services rendered by the person during the period covered by the payment, except as to any benefits provided by KRS 16.505 to 16.652 or 61.510 to 61.705. No member may elect whether to participate in, or choose the contribution amount to accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510 and 61.515, or the insurance trust fund established under KRS 61.701. The member shall have no option to receive the contribution required by this paragraph directly instead of having the contribution paid to accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510 and 61.515, or the insurance trust fund established under KRS 61.701. No member may receive a rebate or refund of contributions. If a member establishes a membership date prior to September 1, 2008, pursuant to KRS 61.552(2) or (3), then this paragraph shall not apply to the member and all contributions previously deducted in accordance with this paragraph shall be refunded to the member without interest. The contribution made pursuant to this paragraph shall not act as a reduction or offset to any other contribution required of a member or recipient under KRS 16.505 to 16.652 or 61.510 to 61.705.
5. The board of trustees, at its discretion, may direct that the contributions required by this paragraph be accounted for within accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510 and 61.515, or the insurance trust fund established under KRS 61.701, through the use of separate accounts.
- (4) (a) The premium required to provide hospital and medical insurance plan coverage under this section shall be paid wholly or partly from funds contributed by:
1. The recipient of a retirement allowance, by payroll deduction from his or her retirement allowance, or by other method;
 2. The insurance trust fund established under KRS 61.701 or accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510 and 61.515;
 3. Another state-administered retirement system, including the County Employees Retirement System, under a reciprocal arrangement, except that any portion of the premium paid from the

funds specified by subparagraph 2. of this paragraph under a reciprocal agreement shall not exceed the amount that would be payable under this section if all the member's service were in the systems administered by the Kentucky Retirement Systems. If the board provides for cross-referencing of insurance premiums, the employer's contribution for the working member or spouse shall be applied toward the premium, and the insurance trust fund established under KRS 61.701 or accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510 and 61.515 shall pay the balance; or

4. A combination of the fund sources described by subparagraphs 1. to 3. of this paragraph.

Group rates under the hospital and medical insurance plan shall be made available to the spouse, each dependent child, and each disabled child, regardless of the disabled child's age, of a recipient who is a former member or the beneficiary, if the premium for the hospital and medical insurance for the spouse, each dependent child, and each disabled child, or beneficiary is paid by payroll deduction from the retirement allowance, electronic funds transfer, or by another method. For purposes of this subsection only, a child shall be considered disabled if he or she has been determined to be eligible for federal Social Security disability benefits or meets the dependent disability standard established by the Department of Employee Insurance in the Personnel Cabinet.

- (b) For a member who began participating in the system prior to July 1, 2003, the monthly contribution rate shall be paid by the system from the funds specified under paragraph (a)2. of this subsection and shall be equal to a percentage of the single premium to cover the retired member as follows:
 1. One hundred percent (100%) of the monthly premium for single coverage shall be paid for a retired member who had two hundred forty (240) months of service or more upon retirement or for a retired member who when he or she was an employee became disabled as a direct result of an act in line of duty as defined in KRS 16.505 or as a result of a duty-related injury as defined in KRS 61.621;
 2. Seventy-five percent (75%) of the monthly premium for single coverage shall be paid for a retired member who had less than two hundred forty (240) months of service but at least one hundred eighty (180) months of service upon retirement, provided such retired member agrees to pay the remaining twenty-five percent (25%) by payroll deduction from his or her retirement allowance, electronic funds transfer, or by another method;
 3. Fifty percent (50%) of the monthly premium for single coverage shall be paid for a retired member who had less than one hundred eighty (180) months of service but had at least one hundred twenty (120) months of service upon retirement, provided such retired member agrees to pay the remaining fifty percent (50%) by payroll deduction from his or her retirement allowance, electronic funds transfer, or by another method; or
 4. Twenty-five percent (25%) of the monthly premium for single coverage shall be paid for a retired member who had less than one hundred twenty (120) months of service but had at least forty-eight (48) months of service upon retirement, provided such retired member agrees to pay the remaining seventy-five percent (75%) by payroll deduction from his or her retirement allowance, electronic funds transfer, or by another method.
- (c) Notwithstanding paragraph (b) of this subsection, for a member participating in the system prior to July 1, 2003, who:
 1. Dies as a direct result of an act in line of duty as defined in KRS 16.505 or dies as a result of a duty-related injury as defined in KRS 61.621, the monthly premium shall be paid for his or her spouse so long as the spouse remains eligible for a monthly retirement benefit;
 2. Becomes totally and permanently disabled as defined in KRS 16.582 as a direct result of an act in line of duty as defined in KRS 16.505 or becomes disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a), the monthly premium shall be paid for his or her spouse so long as the member and the spouse individually remain eligible for a monthly retirement benefit; and
 3. Dies as a direct result of an act in line of duty as defined in KRS 16.505, dies as a result of a duty-related injury as defined in KRS 61.621, becomes totally and permanently disabled as defined in KRS 16.582 as a direct result of an act in line of duty as defined in KRS 16.505, or becomes disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for

the benefits provided by KRS 61.621(5)(a), the monthly premium shall be paid for each dependent child as defined in KRS 16.505, so long as the member remains eligible for a monthly retirement benefit, unless deceased, and each dependent child individually remains eligible under KRS 16.505.

- (d) 1. For a member who began participating in the system prior to July 1, 2003, who was determined to be in a hazardous position in the Kentucky Employees Retirement System or in a position in the State Police Retirement System, *or who is receiving a retirement allowance based on General Assembly service*, the funds specified under paragraph (a)2. of this subsection shall also pay a percentage of the monthly contribution rate sufficient to fund the premium costs for hospital and medical insurance coverage for the spouse and for each dependent child of a recipient.
2. The percentage of the monthly contribution rate paid for the spouse and each dependent child of a recipient who was in a hazardous position *or who is receiving a retirement allowance based on General Assembly service* in accordance with subparagraph 1. of this paragraph shall be based solely on the member's service in a hazardous position using the formula in paragraph (b) of this subsection.
- (e) For members who begin participating in the system on or after July 1, 2003:
1. Participation in the insurance benefits provided under this section shall not be allowed until the member has earned at least one hundred twenty (120) months of service in the state-administered retirement systems, except that for members who begin participating in the system on or after September 1, 2008, participation in the insurance benefits provided under this section shall not be allowed until the member has earned at least one hundred eighty (180) months of service credited under KRS 16.543(1) or 61.543(1), or another state-administered retirement system.
 2. A member who meets the minimum service requirements as provided by subparagraph 1. of this paragraph shall upon retirement be eligible for the following monthly contribution rate to be paid on his or her behalf, *or on behalf of the spouse or dependent of a member with service in a hazardous position*, from the funds specified under paragraph (a)2. of this subsection:
 - a. For members with service in a nonhazardous position, a monthly insurance contribution of ten dollars (\$10) for each year of service as a participating employee in a nonhazardous position;~~and~~
 - b. For members with service in a hazardous position or who participate in the State Police Retirement System, a monthly insurance contribution of fifteen dollars (\$15) for each year of service as a participating employee in a hazardous position or the State Police Retirement System; ~~and~~
 - c. Upon the death of the retired member, the beneficiary, if the beneficiary is the member's spouse, shall be entitled to a monthly insurance contribution of ten dollars (\$10) for each year of service the member attained as a participating employee in a hazardous position.
 3. The minimum service requirement to participate in benefits as provided by subparagraph 1. of this paragraph shall be waived for a member who receives a satisfactory determination of a hazardous disability that is a direct result of an act in line of duty as defined in KRS 16.505, and the member shall be entitled to the benefits payable under this subsection as though the member had twenty (20) years of service in a hazardous position.
 4. The minimum service required to participate in benefits as provided by subparagraph 1. of this paragraph shall be waived for a member who is disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS 61.621(5)(b), and the member shall be entitled to the benefits payable under this subsection as though the member had twenty (20) years of service in a nonhazardous position.
 5. Notwithstanding the provisions of this paragraph, the minimum service requirement to participate in benefits as provided by subparagraph 1. of this paragraph shall be waived for a for a member who dies as a direct result of an act in line of duty as defined in KRS 16.505, who becomes totally and permanently disabled as defined in KRS 16.582 as a direct result of an act in line of duty as defined in KRS 16.505, who dies as a result of a duty-related injury as defined in KRS 61.621, or who becomes disabled as a result of a duty-related injury as defined in KRS

61.621 and is eligible for the benefits provided by KRS 61.621(5)(a), and the premium for the member, the member's spouse, and for each dependent child as defined in KRS 16.505 shall be paid in full by the systems so long as the member, member's spouse, or dependent child individually remains eligible for a monthly retirement benefit.

6. Except as provided by subparagraph 5. of this paragraph, the monthly insurance contribution amount shall be increased:
 - a. On July 1 of each year by one and one-half percent (1.5%). The increase shall be cumulative and shall continue to accrue after the member's retirement for as long as a monthly insurance contribution is payable to the retired member or beneficiary but shall not apply to any increase in the contribution attributable to the increase specified by subdivision b. of this subparagraph; and
 - b. On January 1 of each year by five dollars (\$5) for members who have accrued an additional full year of service as a participating employee beyond the career threshold, subject to the following restrictions:
 - i. The additional insurance contribution provided by this subdivision shall only be applied to the monthly contribution amounts provided under subparagraph 2.a. and b. of this paragraph;
 - ii. The additional insurance contribution provided by this subdivision shall only be payable towards the health plans offered by the system to retirees who are not eligible for Medicare or for reimbursements provided to retirees not eligible for Medicare pursuant to subsection (6)(a)2. of this section; and
 - iii. In order for the annual increase to occur as provided by this subdivision, the funding level of retiree health benefits for the system in which the employee is receiving the additional insurance contribution shall be at least ninety percent (90%) as of the most recent actuarial valuation and be projected by the actuary to remain ninety percent (90%) for the year in which the increase is provided.
 7. The benefits of this paragraph provided to a member whose participation begins on or after July 1, 2003, shall not be considered as benefits protected by the inviolable contract provisions of KRS 16.652 or 61.692. The General Assembly reserves the right to suspend or reduce the benefits conferred in this paragraph if in its judgment the welfare of the Commonwealth so demands.
 8. An employee whose membership date is on or after September 1, 2008, who retires and is reemployed in a regular full-time position required to participate in the system or the County Employees Retirement System shall not be eligible for health insurance coverage or benefits provided by this section and shall take coverage with his or her employing agency during the period of reemployment in a regular full-time position.
 9. For purposes of this paragraph:
 - a. "Career threshold" for a member with service in a nonhazardous position means twenty-seven (27) years of service credited under KRS 16.543(1), 61.543(1), 78.615(1), or another state-administered retirement system and for a member with service in a hazardous position means the service requirements specified by KRS 16.577(2) or (3) or 16.583(6)(b), as applicable; and
 - b. "Funding level" means the actuarial value of assets divided by the actuarially accrued liability expressed as a percentage that is determined and reported by the system's actuary in the annual actuarial valuation.
- (f) For members with service in another state-administered retirement system who select hospital and medical insurance plan coverage through the system:
1. The system shall compute the member's combined service, including service credit in another state-administered retirement system, and calculate the portion of the member's premium monthly contribution rate to be paid by the funds specified under paragraph (a)2. of this subsection according to the criteria established in paragraphs (a) to (e) of this subsection. Each state-administered retirement system shall pay annually to the insurance trust fund established

under KRS 61.701 the portion of the system's cost of the retiree's monthly contribution for single coverage for hospital and medical insurance plan which shall be equal to the percentage of the member's number of months of service in the other state-administered retirement plan divided by his or her total combined service and in conjunction with the reciprocal agreement established between the system and the other state-administered retirement systems. The amounts paid by the other state-administered retirement plans and by the Kentucky Retirement Systems from funds specified under paragraph (a)2. of this subsection shall not be more than one hundred percent (100%) of the monthly contribution adopted by the respective boards of trustees;

2. A member may not elect coverage for hospital and medical benefits through more than one (1) of the state-administered retirement systems; and
 3. A state-administered retirement system shall not pay any portion of a member's monthly contribution for medical insurance unless the member is a recipient or annuitant of the plan.
- (5) Premiums paid for hospital and medical insurance coverage procured under authority of this section shall be exempt from any premium tax which might otherwise be required under KRS Chapter 136. The payment of premiums by the funds described by subsection (4)(a)2. of this section shall not constitute taxable income to an insured recipient. No commission shall be paid for hospital and medical insurance procured under authority of this section.
- (6) (a) The board shall promulgate an administrative regulation to establish a medical insurance reimbursement plan to provide reimbursement for hospital and medical insurance plan premiums of recipients of a retirement allowance who:
1. Are not eligible for the same level of hospital and medical benefits as recipients living in Kentucky and having the same Medicare hospital and medical insurance eligibility status; or
 2. Are eligible for retiree health subsidies as provided by subsection ~~(4)(e)~~~~[(4)(d)]~~ of this section, except for those recipients eligible for full premium subsidies under subsection (4)(e)5. of this section. The reimbursement program as provided by this subparagraph shall be available to the recipient regardless of the hospital and medical insurance plans offered by the systems.
- (b) An eligible recipient shall file proof of payment for hospital and medical insurance plan coverage with the retirement office. Reimbursement to eligible recipients shall be made on a quarterly basis. The recipient shall be eligible for reimbursement of substantiated medical insurance premiums for an amount not to exceed the total monthly contribution rate determined under subsection (4) of this section.
- (c) For purposes of recipients described by paragraph (a)1. of this subsection, the plan shall not be made available if all recipients are eligible for the same coverage as recipients living in Kentucky.

➔Section 18. KRS 61.705 is amended to read as follows:

- (1) (a) Upon the death of a retired member of the Kentucky Employees Retirement System or State Police Retirement System who was receiving a monthly retirement allowance based on a minimum of forty-eight (48) months of service or whose retirement allowance based on a minimum of forty-eight (48) months was suspended in accordance with KRS 61.637, a death benefit *for the beneficiary* of five thousand dollars (\$5,000) shall be paid.
 - (b) If the retired member had more than one (1) account in the Kentucky Employees Retirement System or State Police Retirement System, or was eligible for a benefit under KRS 78.5538 from the County Employees Retirement System, the systems shall pay only one (1) five thousand dollar (\$5,000) death benefit *to the named beneficiary*. Each system's cost shall be prorated between the systems based upon the level of service credit in each system.
 - (c) Application for the death benefit made to the Kentucky Retirement Systems shall include acceptable evidence of death and of the eligibility of the applicant to *receive the death benefit*~~act on the deceased retired member's behalf~~.
- (2) (a) The death benefit shall be paid to a beneficiary named by the retired member. Upon retirement or any time thereafter, the retired member may designate on the form prescribed by the board, death benefit designation, a person, the retired member's estate, a trust or trustee, or a licensed funeral home, as the beneficiary of the death benefit provided by this section or KRS 78.5538. The beneficiary for the death benefit may or may not be the same beneficiary designated in accordance with KRS 61.590(1) but only

one (1) designation shall be available to a retired member who has service in both the County Employees Retirement System and the Kentucky Retirement Systems.

- (b) If the beneficiary designated under this section is a person and that person dies prior to the member, or if the beneficiary was the retired member's spouse and they were divorced on the date of the retired member's death, then the retired member's estate shall become the beneficiary, unless the retired member has filed a subsequent death benefit designation.
 - (c) If a licensed funeral home is designated as beneficiary and the licensed funeral home cannot be reasonably identified or located by Kentucky Retirement Systems at the time of the retired member's death, then the retired member's estate shall become the beneficiary of the death benefit.
- (3) ***The five thousand dollar (\$5,000) death benefit paid to the designated beneficiary shall not be subject to garnishment as an asset of the retired member's estate, except if:***
- (a) ~~He,~~ At the time of the retired member's death, a debt to the Kentucky Retirement Systems remains on his or her account, the balance owed shall be deducted from the five thousand ~~dollar~~ ~~{dollars}~~ (\$5,000) death benefit;
 - (b) ***After the death of the retired member, an overpayment of benefits occurs, the balance owed for the overpayment may be deducted from the five thousand dollar (\$5,000) death benefit; or***
 - (c) ***At the time of the retired member's death, the designated beneficiary is the retired member's estate.***
- (4) Upon the death of a retired member, the death benefit provided pursuant to this section may be assigned by the designated beneficiary to a bank or licensed funeral home.

➔Section 19. KRS 78.530 is amended to read as follows:

- (1) (a) Each county and school board, as defined in KRS 78.510, will participate in the system by appropriate order authorizing such participation which has been entered and duly recorded in the records of the governing body of the county or school board. In cases where general purpose county government does not participate, but the sheriff and his or her employees or the county clerk and his or her employees do, the sheriff or the clerk shall retain the order in his or her office. The authority to issue and properly record such order of participation being hereby granted, permits such county to participate in the system. The effective date of such participation shall be fixed in the order.
 - (b) Notwithstanding any statute to the contrary, after April 9, 2002, the systems shall deny the request for participation of any agency which does not have an irrevocable contract with the state Personnel Cabinet for health insurance coverage under KRS 18A.225 to 18A.229 for its active employees, except that:
 1. County governments entering the system between April 9, 2002, and July 1, 2003, under this section shall be excluded from this requirement;
 2. Agencies entering the system on or after April 9, 2002, which were established by a merger or an interlocal agreement to provide public services shall be excluded from this requirement if any agencies entering into the merger or interlocal agreement had an initial participation date with the system prior to April 9, 2002; and
 3. Any consolidated emergency services district.
- (2) Once a county or school board participates, it shall thereafter continue to participate, except as provided in KRS 78.535.
- (3) (a) Concurrent with the adoption of the appropriate resolution to participate in the system, a county may elect the alternate participation plan which will require the county to purchase on behalf of each employee electing coverage, at the time the county elected to participate in the system as provided under KRS 78.540(1)(b) ~~and (e)~~, current service credit for employment in regular full-time positions between July 1, 1958, and the participation date of the county. Cities which participate in the system pursuant to subsection (6) of this section, KRS 79.080, 90.400, 90.410, 95.520, 95.621, 95.761, 95.768, 95.852, or 96.180 shall be required to purchase on behalf of each employee electing coverage only as much service credit as the employee has accumulated in the city-administered plan, up to the participation date of the city. Accumulated service shall include service for which an employee received a refund pursuant to KRS 95.620 or 95.866, if such refund has been repaid. If the employee has not yet repaid the refund, he ***or she*** may make payment to the system by any method acceptable to the system,

and the requirement of five (5) years of continuous reemployment prior to repayment of refunds shall not apply. Upon the employee's repayment, the city shall purchase the associated service credit for the employee. Cost of such service credit over and above that which would be funded within the existing employer contribution rate shall be determined by the board's consulting actuary. The expense of such actuarial service shall be paid by the county.

- (b) The county shall establish a payment schedule subject to approval by the board for payment of the cost of such service over and above that which would be funded within the existing employer contribution rate. The maximum period allowed in a payment schedule shall be thirty (30) years, with interest at the rate actuarially assumed by the board. A shorter period is desirable and the board may approve any payment schedule provided it is not longer than a thirty (30) year period, except that cities which participate in the system pursuant to subsection (6) of this section, KRS 79.080, 90.400, 90.410, 95.520, 95.621, 95.761, 95.768, 95.852, or 96.180 may, at their option, extend the payment schedule to a maximum of thirty (30) years, may choose to make level payments at the interest rate actuarially assumed by the board over the life of the payment schedule chosen, and may retain employer contributions and the earnings thereon attributable to employees electing coverage.
- (c) A city entering the system under the alternate participation plan, may, by ordinance, levy a special property tax to pay for current service credit purchased for the period between July 1, 1958, and the participation date of the city. The special tax shall be to pay, within a period of no more than fifteen (15) years, for the cost of such service credit over that which would be funded within the existing employer contribution rate, as determined by the board's consulting actuary. The reason for levying the special tax and the disposition of the proceeds shall be part of the ordinance levying the tax. The special tax shall be rescinded when the unfunded prior service liability has been amortized, and shall not be subject to the provisions of KRS 132.017 or 132.027. In addition, the city may maintain any tax, the proceeds of which had been devoted to funding pension obligations under the locally administered plan prior to participation in the system, for the purpose of funding current service costs incurred after the date of participation. The city may increase the tax to pay current service costs which exceed the local pension system costs to which the tax had been devoted, but the city shall not collect from the tax more revenues than are necessary to pay current service costs incurred after the date of participation. The city may continue the tax so long as it participates in the system, and the tax shall not be subject to the provisions of KRS 132.017 or 132.027. The city shall not collect either tax authorized by this paragraph if its participation has been terminated pursuant to KRS 78.535.
- (d) The county may at a later date purchase current service credit from July 1, 1958, to the participation date of the county by alternate participation plan for those employees who rejected membership in the system at the time the county first participated. In addition, the employer shall pay the employer contributions on the creditable compensation of the employees who later elect membership from the participation date of the county to the date the member elects participation. The employee shall pay the employee contributions on his or her creditable compensation from the participation date of the county to the date he or she elects membership plus interest at the current actuarial rate compounded annually on the employee and employer contributions. Cost of the service credit over and above that which would be funded within the existing employer contribution rate shall be determined by the board's consulting actuary. The expense of the actuarial service shall be paid by the county. The county shall pay the cost of the service by lump sum or by adding it to the existing payment schedule established under paragraph (b) of this subsection.
- (e) A county which did not participate by alternate participation may, until July 1, 1991, purchase current service credit for those employees who rejected membership in the system at the time the county first participated. The employer shall pay the employer contributions on the creditable compensation of the employees who later elect membership from the participation date of the county to the date the member elects participation. The employee shall pay the employee contributions on his or her creditable compensation from the participation date of the county to the date he or she elects membership plus interest at the current actuarial rate compounded annually on the employee and employer contributions. The county shall pay the cost of the service credit by lump sum or by establishing a payment schedule under paragraph (b) of this subsection.
- (f) A county which participated in the system but did not elect the alternate participation plan may at a later date elect the alternate participation plan. In this case, the county shall purchase on behalf of each employee participating in the system current service credit for employment in regular full-time positions between July 1, 1958, or a later date selected by the county government, and the participation date of the county. The county shall also purchase, for employees who decide to participate when the

county elects the alternate participation plan, current service credit for employment in regular full-time positions between July 1, 1958, or the later date selected by the county government, and the participation date of the county. In addition, the county shall pay the employer contributions on the creditable compensation of the employees who later elect membership from the participation date of the county to the date the member elects participation. The employee shall pay the employee contributions on his or her creditable compensation from the participation date of the county to the date he or she elects membership plus interest at the current actuarial rate compounded annually on the employee and employer contributions. Cost of the service credit over that which would be funded within the existing employer contribution rate shall be determined by the board's consulting actuary. The expense of the actuarial service shall be paid by the county. The county shall pay the cost of the service by lump sum or by a payment schedule established under paragraph (b) of this subsection.

- (g) Notwithstanding any other provision of the Kentucky Revised Statutes to the contrary, this subsection shall not apply to members who begin participating in the system on or after January 1, 2014, and no county that elects to participate in the system on or after January 1, 2014, shall be eligible to participate under the alternate participation plan.
- (4) Every school board not participating on June 21, 1974, shall enact a resolution of participation no later than July 1, 1976.
- (5) The order of the governing body of a county, as provided for in subsection (1) of this section, may exclude from participation in the system hospitals and any other semi-independent agency. Each such excluded agency shall be identified in the order authorizing participation and such excluded agency may participate in the system as a separate agency.
- (6) (a) After August 1, 1988, except as permitted by KRS 65.156, no local government retirement system shall be created pursuant to KRS 70.580 to 70.598 and any local government retirement systems created pursuant to KRS 79.080, 90.400, 90.410, 95.768, and KRS Chapter 96 shall be closed to new members. New employees who would have been granted membership in such retirement systems shall instead be granted membership in the County Employees Retirement System. Employees who would have been granted membership in retirement systems created pursuant to KRS 95.768, or any other policemen or firefighters who would have been granted membership in retirement systems created pursuant to KRS 79.080, 90.400, or 90.410, or any such policemen or firefighter members employed on or prior to August 1, 1988, who transfer to the County Employees Retirement System, shall be certified by their employers as working in hazardous positions. Each city participating in the County Employees Retirement System pursuant to this subsection shall execute the appropriate order authorizing such participation, shall select the alternate participation plan as described in subsection (3) of this section, and shall pay for the actuarial services necessary to determine the additional costs of alternate participation. Cities which closed their local pension systems to new members and participated in the system prior to July 15, 1988, whose employees at the time of transition were given the option to join the system shall not be required to offer said employees a second option to join the system.
- (b) Notwithstanding any statute to the contrary, after April 9, 2002, the system shall deny the request for participation of any agency which does not have an irrevocable contract with the state Personnel Cabinet for health insurance coverage under KRS 18A.225 to 18A.229 for its active employees, except that agencies entering the system on or after April 9, 2002, which were established by a merger or an interlocal agreement to provide public services shall be excluded from this requirement if all agencies entering into the merger or interlocal agreement had an initial participation date with the system prior to April 9, 2002.
- (7) Any city which closed a police and firefighter pension plan to new members between January 1, 1988, and July 15, 1988, and participated in the system under the alternate participation plan shall, if its police and firefighters were not covered by Social Security, or any city which operates a pension under KRS 90.400 or 90.410, shall be required to certify that its police and firefighters are working in hazardous positions, and shall offer its police and firefighters in service at the time of entry a second option to participate under hazardous duty coverage if they were not offered hazardous duty coverage at the time of their first option. The provisions of subsection (3)(b) of this section notwithstanding, a city affected by this subsection may, at its option, extend its payment schedule to the County Employees Retirement System for alternate participation to thirty (30) years at the rate actuarially assumed by the board.

➔Section 20. KRS 78.540 is amended to read as follows:

Membership in the system shall consist of the following:

- (1) (a) All persons who become employees of a participating county after the date the county first participates in the system, except that:
1. Mayors and members of city legislative bodies may decline prior to their participation in the system; and
 2. City managers or other appointed local government executives who participate in a retirement system, other than Social Security, may decline prior to their participation in the system;
- (b) All persons who are employees of a county on the date the county first participates in the system, either in service or on authorized leave from service, and who elect within thirty (30) days next following the county's participation, or in the case of persons on authorized leave, within thirty (30) days of their return to active service, to become members and thereby agree to make contributions as provided in KRS 78.520 to 78.852; *and*
- (c) ~~{All persons who are employees of a county who did not elect to participate within thirty (30) days of the date the county first participated in the system or within thirty (30) days of their return to active service and who subsequently elect to participate the first day of a month after the county's date of participation;~~
- ~~(d) All persons who declined participation as provided by paragraph (a) of this subsection and who later elect to participate. Persons who elect to participate under this paragraph may purchase service credit for any prior years in accordance with KRS 61.552(5)(a), provided the person began participating in the system prior to January 1, 2014. The service shall not be included in the member's total service for purposes of determining benefits under KRS 78.5536; and~~
- ~~(e) }All persons electing coverage in the system under KRS 78.530(3)(d).~~
- (2) The provisions of subsection (1)(a) *and* ~~(b) to (e)}~~ of this section notwithstanding, cities which participate in the CERS and close existing local pension systems to new, or all members pursuant to the provisions of KRS 78.530, 95.520, 95.621, or 95.852 shall not be required to provide membership in the County Employees Retirement System to employees in any employee category not covered by a city pension system at the date of participation.
- (3) Membership in the system shall not include:
- (a) Persons who are not eligible to participate in the system as provided by KRS 78.535; or
 - (b) Employees who are simultaneously participating in another state-administered defined benefit plan within Kentucky other than those administered by the Kentucky Retirement Systems or the County Employees Retirement System.
- (4) (a) The membership of any person in the system shall cease:
1. Upon withdrawal of his or her accumulated account balance at or any time after termination of employment, regardless of length of service;
 2. Upon retirement;
 3. Upon death;
 4. For persons hired prior to August 1, 2000, upon termination of employment with prejudice, as defined by paragraph (b) of this subsection; or
 5. For persons hired on or after August 1, 2000, upon conviction of a felony relating to the person's employment as provided in paragraph (c) of this subsection.
- (b) For purposes of KRS 78.510 to 78.852, termination of employment with prejudice shall mean termination as the result of conviction of the member in a court of competent jurisdiction of embezzlement or larceny of public funds or property or malfeasance in office, or the forcing of a member to make restitution for any funds or property criminally taken by the member at the time of termination of employment.
- (c) Notwithstanding any provision of law to the contrary, an employee hired on or after August 1, 2000, who participates in the system and who is convicted, in any state or federal court of competent jurisdiction, of a felony related to his or her employment shall forfeit rights and benefits earned under the system, except for the return of his or her accumulated contributions and interest credited on those contributions. The payment of retirement benefits ordered forfeited shall be stayed pending any appeal

of the conviction. If the conviction is reversed on final judgment, no retirement benefit shall be forfeited. The employer shall notify the system when an employee is convicted under the provisions of this subsection.

- (d) When membership ceases, except in the case of retirement, the member shall thereafter lose all right to any retirement allowance or benefits under KRS 78.510 to 78.852 arising from service prior to the date of such cessation of membership.

➔Section 21. KRS 78.5528 is amended to read as follows:

- (1) (a) *The Authority may contract for the services of one (1) or more vocational experts upon terms and conditions it prescribes to:*
1. *Review and investigate all employment information and forms submitted by a disability recipient under this section and KRS 78.5526; and*
 2. *Report in writing to the Authority the conclusions and recommendations upon all matters referred for review and investigation.*
- (b) *A vocational expert providing services to the Authority shall have a master's degree or higher degree in counseling or rehabilitation, an American Board of Vocational Experts certification, or a certification as a Certified Rehabilitation Counselor, Certified Disability Management Specialist, Associate Disability Case Manager, Licensed Rehabilitation Counselor, or Certified Case Manager.*
- (2) (a) *Each recipient of a disability retirement allowance who is engaged in gainful employment shall notify the Authority upon beginning the employment. If the member fails to notify the Authority of the gainful employment, the Authority may recover the payments of a disability retirement allowance made during the gainful employment.*
- (b) *The system may reduce or discontinue a recipient's disability allowance if the Authority's medical examiner selected under Section 14 of this Act or vocational expert selected under this section determines that:*
1. *A recipient of a disability retirement allowance is, prior to his or her normal retirement date, gainfully employed in a position with the same or similar duties, or in a position with duties requiring greater residual functional capacity and physical exertion, as the position from which he or she was disabled, except where the recipient has returned to work on a trial basis not to exceed nine (9) months; or*
 2. *A recipient of a disability retirement allowance resulting solely from mental illness is, prior to his or her normal retirement date, employed in a position with the same or similar duties, or in a position with duties requiring greater residual functional capacity, as the position from which he or she was disabled*~~[, the system may reduce or discontinue the retirement allowance. Each recipient of a disability retirement allowance who is engaged in gainful employment shall notify the Authority of any employment; otherwise, the system shall have the right to recover payments of a disability retirement allowance made during the employment].~~
- (3)~~(2)~~ *The system may reduce or discontinue a recipient's disability allowance if the Authority's medical examiner determines that a recipient of a disability retirement allowance is, prior to his or her normal retirement date, no longer incapacitated by the bodily injury, mental illness, or disease for which he or she receives a disability retirement allowance~~[, the system may reduce or discontinue the retirement allowance].~~*
- (4) (a)~~(3)~~ *The system shall have full power and authority to reduce or discontinue a disability retirement allowance and the Authority shall utilize the services of a medical examiner as provided in KRS 61.665 or a vocational expert selected under this section, in determining whether to continue, reduce, or discontinue a disability retirement allowance under this section.*
- (b)~~(a)~~ *The Authority shall select one (1)~~(a)~~ medical examiner to evaluate the forms and employment and medical information submitted by the person. If only employment information is submitted, the Authority may select one (1) vocational expert to evaluate the forms and employment information submitted by the person.* If there is objective medical evidence of a mental impairment, the medical examiner may request the Authority's licensed mental health professional to assist in determining the level of the mental impairment.
- (c)~~(b)~~ *The medical examiner or vocational expert~~(examiners)~~ shall be paid a reasonable amount by the Authority~~(retirement system)~~ for each case evaluated.*

- (d) 1.~~(e)~~ The medical examiner *or vocational expert* shall recommend that the disability retirement allowance be continued, reduced, or discontinued.
- 2.~~(1)~~ If the medical examiner *or vocational expert* recommends that the disability retirement allowance be continued, the system shall make retirement payments in accordance with the retirement plan selected by the person.
3. a.~~(2)~~ If the medical examiner *or vocational expert* recommends that the disability retirement allowance be reduced or discontinued, the Authority shall send notice of the recommendation by United States first-class mail to the person's last address on file in the retirement office, *by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means.*
- b.~~(a)~~ The person shall have sixty (60) days from the day that the Authority ~~sent~~~~mailed~~ the notice to file at the retirement office additional supporting employment or medical information and certify to the Authority that the forms and additional supporting employment information or medical information are ready to be evaluated by the medical examiner *or vocational expert* or to appeal the recommendation of the medical examiner *or vocational expert* to reduce or discontinue the disability retirement allowance by filing at the retirement office a request for a formal hearing.
- c.~~(b)~~ If the person fails or refuses to file at the retirement office the forms, the additional supporting employment information, and current medical information or to appeal the recommendation of the medical *examiner or vocational expert*~~examiners~~ to reduce or discontinue the disability retirement allowance, his or her retirement allowance shall be discontinued on the first day of the month following the expiration of the period of the sixty (60) days from the day the Authority ~~sent~~~~mailed~~ the notice of the recommendation to the person's last address on file in the retirement office, *by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means.*
- (e) 1.~~(d)~~ The medical examiner shall make a recommendation based upon the evaluation of additional supporting *employment and* medical information submitted in accordance with paragraph (d)3.b.~~(e)2.a.~~ of this subsection, *or the vocational expert shall make a recommendation based upon the additional supporting employment information submitted in accordance with paragraph (d)3.b. of this subsection.*
- 2.~~(1)~~ If the medical examiner *or vocational expert* recommends that the disability retirement allowance be continued, the system shall make disability retirement payments in accordance with the retirement plan selected by the person.
3. a.~~(2)~~ If the medical examiner recommends that the disability retirement allowance be reduced or discontinued based upon the evaluation of additional supporting *employment information and* medical information, *or if the vocational expert recommends that the disability retirement allowance be reduced or discontinued based upon the evaluation of additional employment information,* the Authority shall send notice of this recommendation by United States first-class mail to the person's last address on file in the retirement office, *by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means.*
- b.~~(a)~~ The person shall have sixty (60) days from the day that the Authority ~~sent~~~~mailed~~ the notice of the recommendation to appeal the recommendation to reduce or discontinue the disability retirement allowance by filing at the retirement office a request for formal hearing.
- c.~~(b)~~ If the person fails or refuses to appeal the recommendation of the medical *examiner or vocational expert*~~examiners~~ to reduce or discontinue the disability retirement allowance, his or her retirement allowance shall be discontinued on the first day of the month following the expiration of the period of the sixty (60) days from the day the Authority ~~sent~~~~mailed~~ the notice of the recommendation to the person's last address on file in the retirement office, *by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means.*

- ~~(f)(e)~~ Any person whose disability benefits have been reduced or discontinued, pursuant to paragraph ~~(d)3.a. or (e)3.a.~~ ~~(e)2. or (d)2.~~ of this subsection, may file at the retirement office a request for formal hearing to be conducted in accordance with KRS Chapter 13B. The right to demand a formal hearing shall be limited to a period of sixty (60) days after the person had notice, as described in paragraph ~~(e)~~ ~~or~~ (d) or (e) of this subsection. The request for formal hearing shall be filed with the Authority, at the retirement office in Frankfort. The request for formal hearing shall include a short and plain statement of the reasons the reduction, discontinuance, or denial of disability retirement is being contested.
- ~~(g)(f)~~ Failure of the person to request a formal hearing within the period of time specified shall preclude the person from proceeding any further with contesting the reduction or discontinuation of disability retirement allowance, except as provided in subsection ~~(7)(6)~~(d) of this section. This paragraph shall not limit the person's right to appeal to a court.
- ~~(h)(g)~~ A final order of the board shall be based on substantial evidence appearing in the record as a whole and shall set forth the decision of the board and the facts and law upon which the decision is based. If the board orders that the person's disability retirement allowance be discontinued or reduced, the order shall take effect on the first day of the month following the day the Authority ~~sent~~ ~~mailed~~ the order to the person's last address on file in the retirement office, **by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means**. Judicial review of the final board order shall not operate as a stay and the system shall discontinue or reduce the person's disability retirement allowance as provided in this section.
- ~~(i)(h)~~ Notwithstanding any other provisions of this section, the ~~system~~ ~~Authority~~ may require the person to submit to one (1) or more medical or psychological examinations at any time. The system shall be responsible for any costs associated with any examinations of the person requested by the medical examiner or the system for the purpose of providing medical information deemed necessary by the medical examiner or the system. Notice of the time and place of the examination shall be **provided** ~~mailed~~ to the person or his or her legal representative. If the person fails or refuses to submit to one (1) or more medical examinations, his or her rights to further disability retirement allowance shall cease.
- ~~(j)(i)~~ All requests for a hearing pursuant to this section shall be made in writing.
- ~~(5)(4)~~ The board may establish an appeals committee whose members shall be appointed by the chair and who shall have the authority to act upon the recommendations and reports of the hearing officer pursuant to this section on behalf of the board. The board may also establish a joint appeals committee with the Kentucky Retirement Systems.
- ~~(6)(5)~~ Any person aggrieved by a final order of the board may seek judicial review after all administrative appeals have been exhausted by filing a petition for judicial review in the Franklin Circuit Court in accordance with KRS Chapter 13B.
- ~~(7)(6)~~ If a disability retirement allowance is reduced or discontinued for a person who began participating prior to January 1, 2014, the person may apply for early retirement benefits as provided under KRS 78.5510 or 78.5514, as applicable, subject to the following provisions:
- (a) The person may not change his or her beneficiary or payment option;
 - (b) If the person has returned to employment with an employer participating in the County Employees Retirement System, **Kentucky Employees Retirement System, or State Police Retirement System** ~~or the Kentucky Retirement Systems~~, the service and creditable compensation shall be used in recomputing his or her benefit, except that the person's final compensation shall not be less than the final compensation last used in determining his or her retirement allowance;
 - (c) The benefit shall be reduced as provided by KRS 78.5510(4) or 78.5514(4);
 - (d)
 1. The person shall remain eligible for reinstatement of his or her disability allowance upon reevaluation ~~by the medical examiners~~ until his or her normal retirement age. The person shall apply for reinstatement of disability benefits in accordance with the provisions of this ~~paragraph~~ ~~section~~.
 2. An application for reinstatement of disability benefits shall be administered as an application under KRS 78.5524 or 78.5526, as applicable, ~~except~~ ~~and~~.

- a. Only the bodily injuries, mental illnesses, diseases, or conditions for which the person was originally approved for disability benefits shall be considered. Bodily injuries, mental illnesses, diseases, or conditions that came into existence after the person's last day of paid employment shall not be considered as a basis for reinstatement of disability benefits. Bodily injuries, mental illnesses, diseases, or conditions alleged by the person as being incapacitating, but which were not the basis for the award of disability retirement benefits, shall not be considered;[-]
 - b. *A person whose disability allowance was discontinued under subsection (2) of this section, who is still employed in the same position on which his or her disability allowance was discontinued, shall submit with the application employment information detailing the changes to the position evidencing cause for reinstatement;*
 - c. *A person whose disability allowance was discontinued under subsection (3) of this section shall provide with the application new objective medical evidence not previously considered by the Authority's medical examiner; and*
 - d. *The application for reinstatement shall be reviewed by one (1) medical examiner or vocational expert.*
3. If the person establishes that the disability benefits should be reinstated, the system shall pay disability benefits effective from the first day of the month following the month in which the person applied for reinstatement of the disability benefits; and
- (e) Upon attaining normal retirement age, the person shall receive the higher of either his or her disability retirement allowance or his or her early retirement allowance.
- ~~(8)(7)~~ ***If a disability retirement allowance is reduced or discontinued for a person who began participating in the system on or after January 1, 2014, the person shall remain eligible for reinstatement of his or her disability allowance as provided under subsection (7)(d) of this section.***
- (9) No disability retirement allowance shall be reduced or discontinued by the system after the person's normal retirement date except in case of reemployment as provided for by KRS 78.5540. If a disability retirement allowance has been reduced or discontinued, except if the person is reemployed as provided for by KRS 78.5540, the retirement allowance shall be reinstated upon attainment of the person's normal retirement date to the retirement allowance prior to adjustment. No reinstated payment shall be less than the person is receiving upon attainment of the person's normal retirement date.
- ➔Section 22. KRS 78.5536 is amended to read as follows:
- (1) For purposes of this section:
- (a) "Hospital and medical insurance plan" may include, at the board's discretion, any one (1) or more of the following:
 - 1. Any hospital and medical expense policy or certificate, provider-sponsored integrated health delivery network, self-insured medical plan, health maintenance organization contract, or other health benefit plan;
 - 2. Any health savings account as permitted by 26 U.S.C. sec. 223 or health reimbursement arrangement or a similar account as may be permitted by 26 U.S.C. sec. 105 or 106. Such arrangement or account, at the board's discretion, may reimburse any medical expense permissible under 26 U.S.C. sec. 213; or
 - 3. A medical insurance reimbursement program established by the board through the promulgation of administrative regulation under which members purchase individual health insurance coverage through a health insurance exchange established under 42 U.S.C. sec. 18031 or 18041;
 - (b) "Monthly contribution rate" shall be the amount determined by the board based upon the requirements of subsection (4)(a) to (d) of this section, except that for members who began participating in the system on or after July 1, 2003, the term shall mean the amount determined in subsection (4)(e) of this section; and
 - (c) "Months of service" shall mean the total months of combined service used to determine benefits under the system, except service added to determine disability benefits or service otherwise prohibited from

being used to determine retiree health benefits under KRS 78.510 to 78.852 shall not be counted as "months of service."

- (2) (a) 1. The board of trustees of the system shall arrange by appropriate contract or on a self-insured basis to provide a group hospital and medical insurance plan coverage for:
 - a. Present and future recipients of a retirement allowance from the County Employees Retirement System; and
 - b. The spouse and each qualified dependent of a recipient who is a former member or the beneficiary, provided the spouse and dependent meet the requirements to participate in the hospital and medical insurance plans established, contracted, or authorized by the system.
2. Any recipient who chooses coverage under a hospital and medical insurance plan shall pay, by payroll deduction from the retirement allowance, electronic funds transfer, or by another method, the difference between the premium cost of the hospital and medical insurance plan coverage selected and the monthly contribution rate to which he or she would be entitled under this section.
- (b) 1. For present and future recipients of a retirement allowance from the system who are not eligible for Medicare and for those recipients described in subparagraph 3.b. of this paragraph, the board may authorize these participants to be included in the Kentucky Employees Health Plan as provided by KRS 18A.225 to 18A.2287 and shall provide benefits for recipients in the plan equal to those provided to state employees having the same Medicare hospital and medical insurance eligibility status. Notwithstanding the provisions of any other statute except subparagraph 3.b. of this paragraph, system recipients shall be included in the same class as current state employees for purposes of determining medical insurance policies and premiums in the Kentucky Employees Health Plan as provided by KRS 18A.225 to 18A.2287.
2. Regardless of age, if a recipient or the spouse or dependent child of a recipient who elects coverage becomes eligible for Medicare, he or she shall participate in the plans offered by the systems for Medicare eligible recipients. Individuals participating in the Medicare eligible plans may be required to obtain and pay for Medicare Part A and Part B coverage in order to participate in the Medicare eligible plans offered by the system.
3. The system shall continue to provide the same hospital and medical insurance plan coverage for recipients and qualifying dependents after the age of sixty-five (65) as before the age of sixty-five (65), if:
 - a. The recipient is not eligible for Medicare coverage; or
 - b. The recipient would otherwise be eligible for Medicare coverage but is subject to the Medicare Secondary Payer Act under 42 U.S.C. sec. 1395y(b) and has been reemployed by a participating agency which offers the recipient a hospital and medical insurance benefit or by a participating agency which is prevented from offering a hospital and medical benefit to the recipient as a condition of reemployment under KRS 70.293, 95.022, or 164.952. Individuals who are eligible, pursuant to this subdivision, to be included in the Kentucky Employees Health Plan as provided by KRS 18A.225 to 18A.2287 may be rated as a separate class from other eligible employees and retirees for the purpose of determining medical insurance premiums.
- (c) For recipients of a retirement allowance who are not eligible for the same level of hospital and medical benefits as recipients living in Kentucky having the same Medicare hospital and medical insurance eligibility status, the board shall provide a medical insurance reimbursement plan as described in subsection (6) of this section.
- (d) Notwithstanding anything in KRS Chapter 78 to the contrary, the board of trustees, in its discretion, may take necessary steps to ensure compliance with 42 U.S.C. secs. 300bb-1 et seq.
- (3) (a) Each employer participating in the County Employees Retirement System as provided in KRS 78.510 to 78.852 shall contribute to the insurance trust fund established by KRS 61.701 the amount necessary to provide the monthly contribution rate as provided for under this section. Such employer contribution rate shall be developed by appropriate actuarial method as a part of the determination of each respective employer contribution rate determined under KRS 78.635.

- (b)
 1. Each employer described in paragraph (a) of this subsection shall deduct from the creditable compensation of each member whose membership date begins on or after September 1, 2008, an amount equal to one percent (1%) of the member's creditable compensation. The deducted amounts shall, at the discretion of the board, be credited to accounts established pursuant to 26 U.S.C. sec. 401(h), within the funds established in KRS 78.520, or the insurance trust fund established under KRS 61.701. Notwithstanding the provisions of this paragraph, a transfer of assets between the accounts established pursuant to 26 U.S.C. sec. 401(h), within the funds established in KRS 78.520, and the insurance trust fund established under KRS 61.701 shall not be allowed.
 2. The employer shall file the contributions as provided by subparagraph 1. of this paragraph at the retirement office in accordance with KRS 78.625. Any interest or penalties paid on any delinquent contributions shall be credited to accounts established pursuant to 26 U.S.C. sec. 401(h), within the funds established in KRS 78.520, or the insurance trust fund established under KRS 61.701. Notwithstanding any minimum compensation requirements provided by law, the deductions provided by this paragraph shall be made, and the compensation of the member shall be reduced accordingly.
 3. Each employer shall submit payroll reports, contributions lists, and other data as may be required by administrative regulation promulgated by the board of trustees pursuant to KRS Chapter 13A.
 4. Every member shall be deemed to consent and agree to the deductions made pursuant to this paragraph, and the payment of salary or compensation less the deductions shall be a full and complete discharge of all claims for services rendered by the person during the period covered by the payment, except as to any benefits provided by KRS 78.510 to 78.852. No member may elect whether to participate in, or choose the contribution amount to accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 78.520, or the insurance trust fund established under KRS 61.701. The member shall have no option to receive the contribution required by this paragraph directly instead of having the contribution paid to accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 78.520, or the insurance trust fund established under KRS 61.701. No member may receive a rebate or refund of contributions. If a member establishes a membership date prior to September 1, 2008, pursuant to KRS 61.552(2) or (3), then this paragraph shall not apply to the member and all contributions previously deducted in accordance with this paragraph shall be refunded to the member without interest. The contribution made pursuant to this paragraph shall not act as a reduction or offset to any other contribution required of a member or recipient under KRS 78.510 to 78.852.
 5. The board of trustees, at its discretion, may direct that the contributions required by this paragraph be accounted for within accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 78.520, or the insurance trust fund established under KRS 61.701, through the use of separate accounts.
- (4) (a) The premium required to provide hospital and medical insurance plan coverage under this section shall be paid wholly or partly from funds contributed by:
 1. The recipient of a retirement allowance, by payroll deduction from his or her retirement allowance, electronic funds transfer, or by other method;
 2. The insurance trust fund established by KRS 61.701 or accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 78.520;
 3. Another state-administered retirement system, including the systems administered by Kentucky Retirement Systems, under a reciprocal arrangement, except that any portion of the premium paid from the funds specified by subparagraph 2. of this paragraph under a reciprocal agreement shall not exceed the amount that would be payable under this section if all the member's service were in the County Employees Retirement System. If the board provides for cross-referencing of insurance premiums, the employer's contribution for the working member or spouse shall be applied toward the premium, and the insurance trust fund established under KRS 61.701 or accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 78.520, shall pay the balance; or
 4. A combination of the fund sources described by subparagraph 1. to 3. of this paragraph.

Group rates under the hospital and medical insurance plan shall be made available to the spouse, each dependent child, and each disabled child, regardless of the disabled child's age, of a recipient who is a former member or the beneficiary, if the premium for the hospital and medical insurance for the spouse, each dependent child, and each disabled child, or beneficiary is paid by payroll deduction from the retirement allowance, electronic funds transfer, or by another method. For purposes of this subsection only, a child shall be considered disabled if he or she has been determined to be eligible for federal Social Security disability benefits or meets the dependent disability standard established by the Department of Employee Insurance in the Personnel Cabinet.

- (b) For a member who began participating in the system prior to July 1, 2003, the monthly contribution rate shall be paid by the system from the funds specified under paragraph (a)2. of this subsection and shall be equal to a percentage of the single premium to cover the retired member as follows:
1. One hundred percent (100%) of the monthly premium for single coverage shall be paid for a retired member who had two hundred forty (240) months of service or more upon retirement or for a retired member who when he or she was an employee was disabled as a direct result of an act in line of duty as defined in KRS 78.510(48) or as a result of a duty-related injury as defined in KRS 61.621;
 2. Seventy-five percent (75%) of the monthly premium for single coverage shall be paid for a retired member who had less than two hundred forty (240) months of service but at least one hundred eighty (180) months of service upon retirement, provided such retired member agrees to pay the remaining twenty-five percent (25%) by payroll deduction from his or her retirement allowance, electronic funds transfer, or by another method;
 3. Fifty percent (50%) of the monthly premium for single coverage shall be paid for a retired member who had less than one hundred eighty (180) months of service but had at least one hundred twenty (120) months of service upon retirement, provided such retired member agrees to pay the remaining fifty percent (50%) by payroll deduction from his or her retirement allowance, electronic funds transfer, or by another method; or
 4. Twenty-five percent (25%) of the monthly premium for single coverage shall be paid for a retired member who had less than one hundred twenty (120) months of service but had at least forty-eight (48) months of service upon retirement, provided such retired member agrees to pay the remaining seventy-five percent (75%) by payroll deduction from his or her retirement allowance, electronic funds transfer, or by another method.
- (c) Notwithstanding paragraph (b) of this subsection, for a member participating in the system prior to July 1, 2003, who:
1. Dies as a direct result of an act in line of duty as defined in KRS 78.510 or dies as a result of a duty-related injury as defined in KRS 61.621, the monthly premium shall be paid for his or her spouse so long as the spouse remains eligible for a monthly retirement benefit;
 2. Becomes totally and permanently disabled as defined in KRS 78.5524 as a direct result of an act in line of duty as defined in KRS 78.510 or becomes disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a), the monthly premium shall be paid for his or her spouse so long as the member and the spouse individually remain eligible for a monthly retirement benefit; and
 3. Dies as a direct result of an act in line of duty as defined in KRS 78.510, dies as a result of a duty-related injury as defined in KRS 61.621, becomes totally and permanently disabled as defined in KRS 78.5524 as a direct result of an act in line of duty as defined in KRS 78.510, or becomes disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a), the monthly premium shall be paid for each dependent child as defined in KRS 78.510, so long as the member remains eligible for a monthly retirement benefit, unless deceased, and each dependent child individually remains eligible under KRS 78.510.
- (d) 1. For a member who began participating in the system prior to July 1, 2003, who was determined to be in a hazardous position in the County Employees Retirement System, ***or who is receiving a retirement allowance based on General Assembly service***, the funds specified under paragraph (a)2. of this subsection shall also pay a percentage of the monthly contribution rate sufficient to

fund the premium costs for hospital and medical insurance coverage for the spouse and for each dependent child of a recipient.

2. The percentage of the monthly contribution rate paid for the spouse and each dependent child of a recipient who was in a hazardous position *or who is receiving a retirement allowance based on General Assembly service* in accordance with subparagraph 1. of this paragraph shall be based solely on the member's service in a hazardous position using the formula in paragraph (b) of this subsection, except that for any recipient of a retirement allowance from the County Employees Retirement System who was contributing to the system on January 1, 1998, for service in a hazardous position, the percentage of the monthly contribution shall be based on the total of hazardous service and any nonhazardous service as a police or firefighter with the same agency, if that agency was participating in the County Employees Retirement System but did not offer hazardous duty coverage for its police and firefighters at the time of initial participation.
- (e) For members who begin participating in the system on or after July 1, 2003:
1. Participation in the insurance benefits provided under this section shall not be allowed until the member has earned at least one hundred twenty (120) months of service in the state-administered retirement systems, except that for members who begin participating in the system on or after September 1, 2008, participation in the insurance benefits provided under this section shall not be allowed until the member has earned at least one hundred eighty (180) months of service credited under KRS 78.615(1) or another state-administered retirement system;~~;~~
 2. A member who meets the minimum service requirements as provided by subparagraph 1. of this paragraph shall upon retirement be eligible for the following monthly contribution rate to be paid on his or her behalf, *or on behalf of the spouse or dependent of a member with service in a hazardous position*, from the funds specified under paragraph (a)2. of this subsection:
 - a. For members with service in a nonhazardous position, a monthly insurance contribution of ten dollars (\$10) for each year of service as a participating employee in a nonhazardous position;
 - b. For members with service in a hazardous position, a monthly insurance contribution of fifteen dollars (\$15) for each year of service as a participating employee in a hazardous position; and
 - c. Upon the death of the retired member, the beneficiary, if the beneficiary is the member's spouse, shall be entitled to a monthly insurance contribution of ten dollars (\$10) for each year of service the member attained as a participating employee in a hazardous position;~~;~~
 3. The minimum service requirement to participate in benefits as provided by subparagraph 1. of this paragraph shall be waived for a member who receives a satisfactory determination of a hazardous disability that is a direct result of an act in line of duty as defined in KRS 78.510(48) and the member shall be entitled to the benefits payable under this subsection as though the member had twenty (20) years of service in a hazardous position;~~;~~
 4. The minimum service required to participate in benefits as provided by subparagraph 1. of this paragraph shall be waived for a member who is disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS 61.621(5)(b), and the member shall be entitled to the benefits payable under this subsection as though the member had twenty (20) years of service in a nonhazardous position;~~;~~
 5. Notwithstanding the provisions of this paragraph, the minimum service requirement to participate in benefits as provided by subparagraph 1. of this paragraph shall be waived for a member who dies as a direct result of an act in line of duty as defined in KRS 78.510(48), who becomes totally and permanently disabled as defined in KRS 78.5524 as a direct result of an act in line of duty as defined in KRS 78.510, who dies as a result of a duty-related injury as defined in KRS 61.621, or who becomes disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a), and the premium for the member, the member's spouse, and for each dependent child as defined in KRS 78.510 shall be paid in full by the systems so long as the member, member's spouse, or dependent child individually remains eligible for a monthly retirement benefit;~~;~~

6. Except as provided by subparagraph 4. of this paragraph, the monthly insurance contribution amount shall be increased:
 - a. On July 1 of each year by one and one-half percent (1.5%). The increase shall be cumulative and shall continue to accrue after the member's retirement for as long as a monthly insurance contribution is payable to the retired member or beneficiary but shall not apply to any increase in the contribution attributable to the increase specified by subdivision b. of this subparagraph; and
 - b. On January 1 of each year by five dollars (\$5) for members who have accrued an additional full year of service as a participating employee beyond the career threshold, subject to the following restrictions:
 - i. The additional insurance contribution provided by this subdivision shall only be applied to the monthly contribution amounts provided under subparagraph 2.a. and b. of this paragraph;
 - ii. The additional insurance contribution provided by this subdivision shall only be payable towards the health plans offered by the system to retirees who are not eligible for Medicare or for reimbursements provided to retirees not eligible for Medicare pursuant to subsection (6)(a)2. of this section; and
 - iii. In order for the annual increase to occur as provided by this subdivision, the funding level of retiree health benefits for the system in which the employee is receiving the additional insurance contribution shall be at least ninety percent (90%) as of the most recent actuarial valuation and be projected by the actuary to remain ninety percent (90%) for the year in which the increase is provided;~~+~~
7. The benefits of this paragraph provided to a member whose participation begins on or after July 1, 2003, shall not be considered as benefits protected by the inviolable contract provisions of KRS 78.852. The General Assembly reserves the right to suspend or reduce the benefits conferred in this paragraph if in its judgment the welfare of the Commonwealth so demands;~~+~~
8. An employee whose membership date is on or after September 1, 2008, who retires and is reemployed in a regular full-time position required to participate in the system or the Kentucky Retirement Systems shall not be eligible for health insurance coverage or benefits provided by this section and shall take coverage with his or her employing agency during the period of reemployment in a regular full-time position; **and**~~+~~
9. For purposes of this paragraph:
 - a. "Career threshold" for a member with service in a nonhazardous position means twenty-seven (27) years of service credited under KRS 16.543(1), 61.543(1), 78.615(1), or another state-administered retirement system and for a member with service in a hazardous position means the service requirements specified by KRS 78.5514(2)(a)2. or (3)(b), or 78.5516(6)(b), as applicable; and
 - b. "Funding level" means the actuarial value of assets divided by the actuarially accrued liability expressed as a percentage that is determined and reported by the system's actuary in the annual actuarial valuation.
- (f) For members with service in another state-administered retirement system who select hospital and medical insurance plan coverage through the system:
 1. The system shall compute the member's combined service, including service credit in another state-administered retirement system, and calculate the portion of the member's premium monthly contribution rate to be paid by the funds specified under paragraph (a)2. of this subsection according to the criteria established in paragraphs (a) to (e) of this subsection. Each state-administered retirement system shall pay annually to the insurance trust fund established under KRS 61.701 the portion of the system's cost of the retiree's monthly contribution for single coverage for hospital and medical insurance plan which shall be equal to the percentage of the member's number of months of service in the other state-administered retirement plan divided by his or her total combined service and in conjunction with the reciprocal agreement established between the system and the other state-administered retirement systems. The amounts paid by the other state-administered retirement plans and by the County Employees Retirement System

- from funds specified under paragraph (a)2. of this subsection shall not be more than one hundred percent (100%) of the monthly contribution adopted by the respective boards of trustees;
2. A member may not elect coverage for hospital and medical benefits through more than one (1) of the state-administered retirement systems; and
 3. A state-administered retirement system shall not pay any portion of a member's monthly contribution for medical insurance unless the member is a recipient or annuitant of the plan.
- (5) Premiums paid for hospital and medical insurance coverage procured under authority of this section shall be exempt from any premium tax which might otherwise be required under KRS Chapter 136. The payment of premiums by the funds described by subsection (4)(a)2. of this section shall not constitute taxable income to an insured recipient. No commission shall be paid for hospital and medical insurance procured under authority of this section.
- (6) (a) The board shall promulgate an administrative regulation to establish a medical insurance reimbursement plan to provide reimbursement for hospital and medical insurance plan premiums of recipients of a retirement allowance who:
1. Are not eligible for the same level of hospital and medical benefits as recipients living in Kentucky and having the same Medicare hospital and medical insurance eligibility status; or
 2. Are eligible for retiree health subsidies as provided by subsection (4)(e) of this section, except for those recipients eligible for full premium subsidies under subsection (4)(e)5. of this section. The reimbursement program as provided by this subparagraph shall be available to the recipient regardless of the hospital and medical insurance plans offered by the systems.
- (b) An eligible recipient shall file proof of payment for hospital and medical insurance plan coverage with the retirement office. Reimbursement to eligible recipients shall be made on a quarterly basis. The recipient shall be eligible for reimbursement of substantiated medical insurance premiums for an amount not to exceed the total monthly contribution rate determined under subsection (4) of this section.
- (c) For purposes of recipients described by paragraph (a)1. of this subsection, the plan shall not be made available if all recipients are eligible for the same coverage as recipients living in Kentucky.

➔Section 23. KRS 78.5538 is amended to read as follows:

- (1) (a) Upon the death of a retired member of the system, who was receiving a monthly retirement allowance based on a minimum of forty-eight (48) months of service, a death benefit **for the beneficiary** of five thousand dollars (\$5,000) shall be paid.
 - (b) If the retired member had more than one (1) account in the County Employees Retirement System or is eligible for a benefit from the Kentucky Retirement Systems under the provisions of KRS 61.705, the combined payment from the County Employees Retirement System under this section and the Kentucky Retirement Systems under KRS 61.705 **to the named beneficiary** shall not exceed five thousand dollars (\$5,000). Each system's cost shall be prorated between the systems based upon the level of service credit in each system.
 - (c) Application for the death benefit made to the system shall include acceptable evidence of death and of the eligibility of the applicant to **receive the death benefit**~~act on the deceased retired member's behalf~~.
- (2) (a) The death benefit shall be paid to a beneficiary named by the retired member. Upon retirement or any time thereafter, the retired member may designate on the form prescribed by the board, death benefit designation, a person, the retired member's estate, a trust or trustee, or a licensed funeral home, as the beneficiary of the death benefit provided by this section or KRS 61.705. The beneficiary for the death benefit may or may not be the same beneficiary designated in accordance with KRS 61.590(1) but only one (1) designation shall be available to a retired member who has service in both the County Employees Retirement System and the Kentucky Retirement Systems.
 - (b) If the beneficiary designated under this section is a person and that person dies prior to the member, or if the beneficiary was the retired member's spouse and they were divorced on the date of the retired member's death, then the retired member's estate shall become the beneficiary, unless the retired member has filed a subsequent death benefit designation.

- (c) If a licensed funeral home is designated as beneficiary and the licensed funeral home cannot be reasonably identified or located by the system at the time of the retired member's death, then the retired member's estate shall become the beneficiary of the death benefit.
- (3) ***The five thousand dollar (\$5,000) death benefit paid to the designated beneficiary shall not be subject to garnishment as an asset of the retired member's estate, except if:***
- (a) ~~He, -~~At the time of the retired member's death, a debt to the County Employees Retirement System remains on his or her account, the balance owed shall be deducted from the five thousand ~~dollar~~~~dollars~~ (\$5,000) death benefit;
- (b) ***After the death of the retired member, an overpayment of benefits occurs, the balance owed for the overpayment shall be deducted from the five thousand dollar (\$5,000) death benefit; or***
- (c) ***At the time of the retired member's death, the designated beneficiary is the retired member's estate.***
- (4) Upon the death of a retired member, the death benefit provided pursuant to this section may be assigned by the designated beneficiary to a bank or licensed funeral home.

➔Section 24. KRS 78.5540 is amended to read as follows:

- (1) A retired member whose disability retirement was discontinued pursuant to KRS 78.5528 and who is reemployed by an employer participating in the system or the Kentucky Retirement Systems prior to his or her normal retirement date shall have his or her accounts combined upon termination for determining eligibility for benefits. If the member is eligible for retirement, the member's service and creditable compensation earned as a result of his or her reemployment shall be used in the calculation of benefits, except that the member's final compensation shall not be less than the final compensation last used in determining his or her retirement allowance. The member shall not change beneficiary or payment option designations.
- (2) (a) If a retired member accepts employment or begins serving as a volunteer with an employer participating in the systems administered by Kentucky Retirement Systems or the County Employees Retirement System within twelve (12) months of his or her retirement date, the retired member shall notify the Authority and the participating employer shall submit the information required or requested by the Authority to confirm the individual's employment or volunteer status. The retired member shall not be required to notify the Authority regarding any employment or volunteer service with a participating agency that is accepted after twelve (12) months following his or her retirement date.
- (b) If the retired member is under a contract to provide services as an independent contractor or leased employee to an employer participating in the systems administered by Kentucky Retirement Systems or the County Employees Retirement System within twelve (12) months of his or her retirement date, the member shall submit a copy of that contract to the Authority, and the Authority shall determine if the member is an independent contractor or leased employee for purposes of retirement benefits. The retired member and the participating employer shall submit the information required or requested by the Authority to confirm the individual's status as an independent contractor or leased employee. The retired member shall not be required to notify the Authority regarding any services entered into as an independent contractor or leased employee with a participating agency that the employee enters into after twelve (12) months following his or her retirement date.
- (3) Retired members of the County Employees Retirement System who returned to work with an employer that participates in the County Employees Retirement System or Kentucky Retirement Systems prior to September 1, 2008, shall be governed by the provisions of KRS 61.637(1) to (16).
- (4) The following shall apply to retired members of the County Employees Retirement System who are reemployed on or after September 1, 2008, by an agency participating in the systems administered by the County Employees Retirement System or the Kentucky Retirement Systems:
- (a) If a retired member is receiving a retirement allowance from the County Employees Retirement System, or has filed the forms required to receive a retirement allowance from the County Employees Retirement System, and is employed in a regular full-time position required to participate in the County Employees Retirement System or one (1) of the systems administered by the Kentucky Retirement Systems or is employed in a position that is not considered regular full-time with an employer participating in the County Employees Retirement System or in one (1) of the systems administered by the Kentucky Retirement Systems within one (1) month following the member's initial retirement date, the member's retirement shall be voided, and the member shall repay to the system all benefits received,

including any health insurance benefits. If the retired member is returning to work in a regular full-time position required to participate in the County Employees Retirement System:

1. The member shall contribute to a member account established for him or her in the County Employees Retirement System or in one (1) of the systems administered by the Kentucky Retirement Systems, and employer contributions shall be paid on behalf of the member by the participating employer to the system; and
 2. Upon subsequent retirement, the member shall be eligible for a retirement allowance based upon total service and creditable compensation, including any additional service or creditable compensation earned after his or her initial retirement was voided;
- (b) If a retired member is receiving a retirement allowance from the County Employees Retirement System and is employed in a regular full-time position required to participate in the County Employees Retirement System or in one (1) of the systems administered by the Kentucky Retirement Systems after a one (1) month period following the member's initial retirement date, the member may continue to receive his or her retirement allowance during the period of reemployment subject to the following provisions:
1. If a member is reemployed by a participating employer within twelve (12) months of the member's retirement date, the participating employer shall certify in writing on a form prescribed by the Authority that no prearranged agreement existed between the employee and employer prior to the employee's retirement for the employee to return to work with the participating employer. If the participating employer fails to complete the certification or the Authority determines a prearranged agreement exists, the member's retirement shall be voided and the provisions of paragraph (a) of this subsection shall apply to the member and the employer. For purposes of this paragraph:
 - a. If an elected official is reelected to a new term of office in the same position as the elected official held prior to retirement and takes office within twelve (12) months of his or her retirement date, he or she shall be deemed by the Authority as having a prearranged agreement; and
 - b. Employment that is accepted by the retired member after twelve (12) months following the member's retirement date shall not constitute a prearranged agreement under this paragraph;
 2. Notwithstanding any other provision of KRS Chapter 78 to the contrary, the member shall not contribute to the system and shall not earn any additional benefits for any work performed during the period of reemployment;
 3. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, the employer shall pay employer contributions as specified by KRS 78.5536 and 78.635 on all creditable compensation earned by the employee during the period of reemployment. The additional contributions paid shall be used to reduce the unfunded actuarial liability of the system; and
 4. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, the employer shall be required to reimburse the system for the cost of the health insurance premium paid by the system to provide coverage for the retiree, not to exceed the cost of the single premium. Effective July 1, 2015, local school boards shall not be required to pay the reimbursement required by this subparagraph for retirees employed by the board for eighty (80) days or less during the fiscal year;
- (c) Notwithstanding paragraphs (a) and (b) of this subsection, a retired member who qualifies as a volunteer for an employer participating in the County Employees Retirement System or the Kentucky Retirement Systems and who is receiving reimbursement of actual expenses, a nominal fee for his or her volunteer services, or both, shall not be considered an employee of the participating employer and shall not be subject to paragraphs (a) and (b) of this subsection if:
1. Prior to the retired member's most recent retirement date, he or she did not receive creditable compensation from the participating employer in which the retired member is performing volunteer services;

2. Any reimbursement or nominal fee received prior to the retired member's most recent retirement date has not been credited as creditable compensation to the member's account or utilized in the calculation of the retired member's benefits;
3. The retired member has not purchased or received service credit under any of the provisions of KRS 78.510 to 78.852 for service with the participating employer for which the retired member is performing volunteer services; and
4. Other than the status of volunteer, the retired member does not become an employee, leased employee, or independent contractor of the employer for which he or she is performing volunteer services for a period of at least twelve (12) months following the retired member's most recent retirement date.

If a retired member, who provided volunteer services with a participating employer under this paragraph violates any provision of this paragraph, then he or she shall be deemed an employee of the participating employer as of the date he or she began providing volunteer services and both the retired member and the participating employer shall be subject to paragraphs (a) and (b) of this subsection for the period of volunteer service;

- (d) Notwithstanding any provision of this section, any mayor or member of a city legislative body shall not be required to resign from his or her position as mayor or as a member of the city legislative body in order to begin drawing benefits from the systems administered by the Kentucky Retirement Systems or the County Employees Retirement System or subject to any provision of this section as it relates solely to his or her service as a mayor or member of the city legislative body, if the mayor or member of a city legislative body:
1. Has not participated in the County Employees Retirement System prior to retirement, but is otherwise eligible to retire from the Kentucky Employees Retirement System or the State Police Retirement System; or
 2. Has been or is participating in the County Employees Retirement System and is at least sixty-two (62) years of age. If a mayor or member of a city legislative body who is at least sixty-two (62) years of age retires from the systems administered by Kentucky Retirement Systems or the County Employees Retirement System but remains in office after his or her effective retirement date, the mayor or member of the city legislative body shall not accrue any further service credit or benefits in the systems administered by Kentucky Retirement Systems or the County Employees Retirement System for any employment occurring on or after the effective retirement date;
- (e) Notwithstanding any provision of this section, any current or future part-time adjunct instructor for the Kentucky Fire Commission who has not participated in the Kentucky Employees Retirement System prior to retirement, but who is otherwise eligible to retire from the County Employees Retirement System, shall not be:
1. Required to resign from his or her position as a part-time adjunct instructor for the Kentucky Fire Commission in order to begin drawing benefits from the County Employees Retirement System; or
 2. Subject to any provision of this section as it relates solely to his or her service as a part-time adjunct instructor for the Kentucky Fire Commission;
- (f) If a member is receiving a retirement allowance from the County Employees Retirement System and enters into a contract or becomes a leased employee of an employer under contract with an employer participating in the County Employees Retirement System or one (1) of the systems administered by the Kentucky Retirement Systems:
1. At any time following retirement, if the Authority determines the employment arrangement does qualify as an independent contractor or leased employee, the member may continue to receive his or her retirement allowance during the period of the contract;
 2. Within one (1) month following the member's initial retirement date, if the Authority determines the employment arrangement does not qualify as an independent contractor or leased employee, the member's retirement shall be voided in accordance with paragraph (a) of this subsection;

3. After one (1) month but within twelve (12) months following the member's initial retirement, if the Authority determines the employment arrangement does not qualify as an independent contractor or leased employee and that a prearranged agreement existed between the member and the agency for the member to return to work with the agency, the member's retirement shall be voided in accordance with paragraph (a) of this subsection; ~~and~~
 4. After a twelve (12) month period following the member's initial retirement, the member may continue to receive his or her retirement allowance during the period of the contract and the member shall not be required to notify the Authority or submit any documentation for purposes of this section to the Authority; ~~and~~
 5. *After twelve (12) months or more following the retired member's retirement date*, the initiation of a contract or the initial date of the leased employment of a retired member by a participating agency ~~that occurs after twelve (12) months or more following the retired member's retirement date~~ shall not constitute a prearranged agreement under this subsection;
- (g) The Authority shall issue a final determination regarding a certification of the absence of a prearranged agreement or the retired member's qualification as an independent contractor or leased employee as required under this section no later than thirty (30) days after the retired member and participating employer provide all required forms and additional information required by the Authority; and
 - (h) Retired members of one (1) of the systems administered by Kentucky Retirement Systems who are reemployed by an employer in the County Employees Retirement System on or after September 1, 2008, shall not be eligible to earn a second retirement account in the County Employees Retirement System for his or her service to the employer.
- (5) The Authority shall promulgate administrative regulations to implement the requirements of this section, including incorporating by reference Authority-prescribed forms that a retired member and participating agency shall provide the systems under subsections (1) and (4) of this section.
 - (6) (a) "Reemployment" or "reinstatement" as used in this section shall not include a retired member who has been ordered reinstated by the Personnel Board under authority of KRS 18A.095.
 - (b) 1. A retired member who has been ordered reinstated *without loss of pay* by the Personnel Board under authority of KRS 18A.095 or by court order or by order of the ~~Kentucky Human Rights~~ Commission *on Human Rights* and accepts employment by an agency participating in the Kentucky Employees Retirement System, *State Police Retirement System*, or County Employees Retirement System shall void his or her retirement by reimbursing the system in the full amount of his or her retirement allowance payments received, *including any health insurance benefits paid to or on behalf of the member*.
 2. *Within twelve (12) months of the date of the final order of the Personnel Board, the Kentucky Commission on Human Rights, or the court, the member shall repay the system the full amount of his or her retirement allowance payments and health insurance benefits by lump sum or enter into an agreement with the Authority for repayment by installments.*
 3. *Once the system has been fully reimbursed for the benefits paid to the member and on the member's behalf, additional contributions and service credit based on the reinstated employment shall be added to the member's account.*

➔Section 25. KRS 78.640 is amended to read as follows:

- (1) The members' account shall be the account to which:
 - (a) All members' contributions, or contributions picked up by the employer after August 1, 1982, and interest allowances as provided in KRS 78.510 to 78.852 shall be credited, except as provided by KRS 78.5536(3)(b); and
 - (b) For members who begin participating in the system on or after January 1, 2014, the employer pay credit and interest credited on such amounts as provided by KRS 78.5512 and 78.5516 shall be credited.

Only funds from this account shall be used to return the accumulated contributions or accumulated account balances of a member when required to be returned to him or her by reason of any provision of KRS 78.510 to 78.852. Prior to the member's retirement, death, or refund in accordance with KRS 61.625, no funds shall be made available from the member account.

- (2) Each member's contribution or contribution picked up by the employer shall be credited to the individual account of the contributing member, except as provided by KRS 78.5536(3)(b).
- (3)
 - (a) Each member shall have his or her individual account credited with interest on June 30 of each year.
 - (b) For a member who begins participating before September 1, 2008, interest shall be credited to his or her individual account at a rate determined by the board but not less than two percent (2%) per annum on the accumulated account balance of the member on June 30 of the preceding fiscal year.
 - (c) For a member who begins participating on or after September 1, 2008, but prior to January 1, 2014, interest shall be credited to his or her individual account at a rate of two and one-half percent (2.5%) per annum on the accumulated contributions of the member on June 30 of the preceding fiscal year.
 - (d) For a member who begins participating on or after January 1, 2014, in the hybrid cash balance plan, interest shall be credited in accordance with KRS ~~78.5512~~~~{46.583}~~ and ~~78.5516~~~~{61.597}~~.
 - (e) The amounts of interest credited to a member's account under this subsection shall be transferred from the retirement allowance account.
- (4)
 - (a) Upon the retirement of a member who began participating in the system prior to January 1, 2014, his or her accumulated account balance shall be transferred from the members' account to the retirement allowance account.
 - (b) Upon the retirement of a member who began participating in the system on or after January 1, 2014, who elects to annuitize his or her accumulated account balance as prescribed by KRS 78.5512(7)(a) or (b) or 78.5516(7)(a) or (b), the member's accumulated account balance shall be transferred to the retirement allowance account.

➔Section 26. KRS 78.782 is amended to read as follows:

- (1) The County Employees Retirement System shall be administered by the board of trustees composed of nine (9) members, who shall be selected as follows:
 - (a) Three (3) trustees, who shall be members or retired from the County Employees Retirement System, elected by the members and retired members of the County Employees Retirement System, of which:
 - 1. Two (2) shall have a majority of his or her service credit earned in the County Employees Retirement System in a nonhazardous position; and
 - 2. One (1) shall have a majority of his or her service credit earned in the County Employees Retirement System in a hazardous position;
 - (b) Six (6) trustees appointed by the Governor, subject to Senate confirmation in accordance with KRS 11.160 for each appointment or reappointment. Of the six (6) trustees appointed by the Governor:
 - 1. One (1) trustee with retirement experience shall be appointed from a list of three (3) applicants submitted by the Kentucky League of Cities;
 - 2. One (1) trustee with investment experience shall be appointed from a list of three (3) applicants submitted by the Kentucky League of Cities;
 - 3. One (1) trustee with retirement experience shall be appointed from a list of three (3) applicants submitted by the Kentucky Association of Counties;
 - 4. One (1) trustee with investment experience shall be appointed from a list of three (3) applicants submitted by the Kentucky Association of Counties;
 - 5. One (1) trustee with retirement experience shall be appointed from a list of three (3) applicants submitted by the Kentucky School Boards Association; and
 - 6. One (1) trustee with investment experience shall be appointed from a list of three (3) applicants submitted by the Kentucky School Boards Association.

Notwithstanding the provisions of KRS 12.070(3), the Governor shall appoint each individual trustee described by subparagraphs 1. to 6. of this paragraph solely from each corresponding individual list required to be submitted by the Kentucky League of Cities, the Kentucky Association of Counties, or the Kentucky School Boards Association as provided by subparagraphs 1. to 6. of this paragraph, and the Governor shall not be able to reject the list of applicants submitted, request that another list be

- provided, or use a list different from the one (1) individual list required to be submitted for each specific appointment or reappointment;
- (c) For purposes of paragraph (b) of this subsection, a trustee with "investment experience" means an individual who does not have a conflict of interest, as provided by KRS 61.655, and who has at least ten (10) years of experience in one (1) of the following areas of expertise:
1. A portfolio manager acting in a fiduciary capacity;
 2. A professional securities analyst or investment consultant;
 3. A current or retired employee or principal of a trust institution, investment or finance organization, or endowment fund acting in an investment-related capacity;
 4. A chartered financial analyst in good standing as determined by the CFA Institute; or
 5. A university professor, teaching investment-related studies; and
- (d) For purposes of paragraph (b) of this subsection, a trustee with "retirement experience" means an individual who does not have a conflict of interest, as provided by KRS 61.655, and who has at least ten (10) years of experience in one (1) of the following areas of expertise:
1. Experience in retirement or pension plan management;
 2. A certified public accountant with relevant experience in retirement or pension plan accounting;
 3. An actuary with relevant experience in retirement or pension plan consulting;
 4. An attorney licensed to practice law in the Commonwealth of Kentucky with relevant experience in retirement or pension plans; or
 5. A current or former university professor whose primary area of emphasis is economics or finance.
- (2) The board is hereby granted the powers and privileges of a corporation, including but not limited to the following powers:
- (a) To sue and be sued in its corporate name;
 - (b) To make bylaws not inconsistent with the law;
 - (c) To conduct the business and promote the purposes for which it was formed;
 - (d) Except as provided in KRS 78.790(6), to contract for investment counseling, auditing, medical, and other professional or technical services as required to carry out the obligations of the board subject to the provisions of KRS Chapters 45, 45A, 56, and 57. Actuarial consulting services shall be provided by a firm hired by the Kentucky Public Pensions Authority;
 - (e) To purchase fiduciary liability insurance;
 - (f) Except as provided in KRS 78.790(6), to acquire, hold, sell, dispose of, pledge, lease, or mortgage, the goods or property necessary to exercise the board's powers and perform the board's duties subject to KRS Chapters 45, 45A, and 56; and
 - (g) The board shall reimburse any trustee, officer, or employee for any legal expense resulting from a civil action arising out of the performance of his or her official duties. The hourly rate of reimbursement for any contract for legal services under this paragraph shall not exceed the maximum hourly rate provided in the Legal Services Duties and Maximum Rate Schedule promulgated by the Government Contract Review Committee established pursuant to KRS 45A.705, unless a higher rate is specifically approved by the secretary of the Finance and Administration Cabinet or his or her designee.
- (3) Notwithstanding the provisions of subsection (1) of this section, each trustee shall serve a term of four (4) years or until his or her successor is duly qualified except as otherwise provided in this section. An elected or appointed trustee shall not serve more than three (3) consecutive four (4) year terms. An elected or appointed trustee who has served three (3) consecutive terms may be elected or appointed again after an absence of four (4) years from the board.
- (4) (a) The trustees selected by the membership of the system shall be elected by ballot. For each trustee to be elected, the board may nominate, not less than six (6) months before a term of office of a trustee is due to expire, three (3) constitutionally eligible individuals.

- (b) Individuals may be nominated by the system members by presenting to the executive director, not less than four (4) months before a term of office of a trustee is due to expire, a petition, bearing the name, last four (4) digits of the Social Security number, and signature of no less than one-tenth (1/10) of the number voting in the last election by the system members.
 - (c) Within four (4) months of the nominations made in accordance with paragraphs (a) and (b) of this subsection, the executive director shall cause to be prepared an official ballot. The ballot shall carry the name, address, and position title of each individual nominated by the board and by petition. Provision shall also be made for write-in votes.
 - (d) Except as provided by paragraph (j) of this subsection, the ballots shall be distributed to the eligible voters by mail to their last known residence address on file with the Kentucky Public Pensions Authority. Ballots shall not be distributed by mail to member addresses reported as invalid to the Kentucky Public Pensions Authority.
 - (e) The ballots shall be addressed to the County Employees Retirement System in care of a predetermined box number at a United States Post Office or submitted electronically *or by telephone* as provided by paragraph (j) of this subsection. Access to this post office box shall be limited to the board's contracted firm. The individual receiving a plurality of votes shall be declared elected.
 - (f) The eligible voter shall cast his or her ballot by selecting the candidate of his or her choice. He or she shall sign and mail the ballot *or cast the ballot online, by telephone, or by any other electronic means made available by the Authority* ~~or submit the electronic ballot~~ at least thirty (30) days prior to the date the term to be filled is due to expire. The latest mailing date, or date *to cast telephonic or* ~~of submission in the case of~~ electronic ballots, shall be provided on the ballot.
 - (g) The board's contracted firm shall report in writing the outcome to the chair of the board of trustees. Costs of an election shall be payable from the funds of the system.
 - (h) For purposes of this subsection, an eligible voter shall be a person who was a member of the system on December 31 of the year preceding the election year.
 - (i) Each individual who submits a request to be nominated by the board under paragraph (a) of this subsection and each individual who is nominated by the membership under paragraph (b) of this subsection shall:
 1. Complete an application developed by the system which shall include but not be limited to a disclosure of any prior felonies and any conflicts of interest that would hinder the individual's ability to serve on the board;
 2. Submit a resume detailing the individual's education and employment history and a cover letter detailing the member's qualifications for serving as trustee to the board; and
 3. Authorize the system to have a criminal background check performed. The criminal background check shall be performed by the Department of Kentucky State Police.
 - (j) In lieu of the ballots mailed to members and retired members as provided by this subsection, the systems may by promulgation of administrative regulation pursuant to KRS Chapter 13A conduct trustee elections using electronic ballots *or by telephone*, except that the systems shall mail a paper ballot upon request of any eligible voter.
- (5) (a) Any vacancy which may occur in an appointed position during a term of office shall be filled in the same manner which provides for the selection of the particular trustee, and any vacancy which may occur in an elected position during a term of office shall be filled by appointment by a majority vote of the remaining elected trustees; however, any vacancy shall be filled only for the duration of the unexpired term. In the event of a vacancy of an elected trustee during a term of office, the system shall notify members of the vacancy and the opportunity to be considered for the vacant position. Any vacancy shall be filled within ninety (90) days of the position becoming vacant.
 - (b) Any appointments or reappointments to an appointed position on the board shall be made at least thirty (30) days prior to an appointed member's term of office ending. The Governor's Office shall, with each appointment or reappointment, request lists to be submitted and base selections on those lists solely under the procedures and requirements provided by subsection (1)(b) of this section.
- (6) (a) Membership on the board of trustees shall not be incompatible with any other office unless a constitutional incompatibility exists. No trustee shall serve in more than one (1) position as trustee on

- the board and, if a trustee holds more than one (1) position as trustee on the board, he or she shall resign a position.
- (b) A trustee shall be removed from office upon conviction of a felony or for a finding of a violation of any provision of KRS 11A.020 or 11A.040 by a court of competent jurisdiction.
 - (c) A current or former employee of the County Employees Retirement System, Kentucky Retirement Systems, or the Kentucky Public Pensions Authority shall not be eligible to serve as a member of the board.
- (7) Trustees who do not otherwise receive a salary from the State Treasury shall receive a per diem of eighty dollars (\$80) for each day they are in session or on official duty, and they shall be reimbursed for their actual and necessary expenses in accordance with state administrative regulations and standards.
- (8) (a) The board shall meet at least once in each quarter of the year and may meet in special session upon the call of the chair or the chief executive officer.
- (b) The board shall elect a chair and a vice chair. The chair shall not serve more than four (4) consecutive years as chair or vice chair of the board. The vice chair shall not serve more than four (4) consecutive years as chair or vice chair of the board. A trustee who has served four (4) consecutive years as chair or vice chair of the board may be elected chair or vice chair of the board after an absence of two (2) years from the positions.
- (c) A majority of the trustees shall constitute a quorum, and all actions taken by the board shall be by affirmative vote of a majority of the trustees present.
- (9) (a) The board of trustees shall appoint or contract for the services of a chief executive officer and general counsel and fix the compensation and other terms of employment for these positions without limitation of the provisions of KRS Chapters 18A and 45A and KRS 64.640. The chief executive officer shall serve as the legislative and executive adviser to the board. The general counsel shall serve as legal adviser to the board. The chief executive officer and general counsel shall work with the executive director of the Kentucky Public Pensions Authority to carry out the provisions of KRS 78.510 to 78.852. The executive director of the Kentucky Public Pensions Authority shall be the chief administrative officer of the board.
- (b) The board shall require the chief executive officer and may require the general counsel to execute bonds for the faithful performance of his or her duties notwithstanding the limitations of KRS Chapter 62.
- (c) The board shall have a system of accounting established by the Kentucky Public Pensions Authority.
- (d) The board shall do all things, take all actions, and promulgate all administrative regulations, not inconsistent with the provisions of KRS 78.510 to 78.852, necessary or proper in order to carry out the provisions of KRS 78.510 to 78.852. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that the provisions of KRS 78.510 to 78.852 conform with federal statute or regulation and meet the qualification requirements under 26 U.S.C. sec. 401(a), applicable federal regulations, and other published guidance. Provisions of KRS 78.510 to 78.852 which conflict with federal statute or regulation or qualification under 26 U.S.C. sec. 401(a), applicable federal regulations, and other published guidance shall not be available. The board shall have the authority to promulgate administrative regulations to conform with federal statute and regulation and to meet the qualification requirements under 26 U.S.C. sec. 401(a), including an administrative regulation to comply with 26 U.S.C. sec. 401(a)(9).
- (e) Notwithstanding any other provision of statute to the contrary, including but not limited to any provision of KRS Chapter 12, the Governor shall have no authority to change any provision of KRS 78.510 to 78.852 by executive order or action, including but not limited to reorganizing, replacing, amending, or abolishing the membership of the County Employees Retirement System board of trustees.
- (10) The chief executive officer and general counsel of the board shall serve during its will and pleasure. Notwithstanding any statute to the contrary, the chief executive officer shall not be considered a legislative agent under KRS 6.611.
- (11) The Attorney General, or an assistant designated by him or her, may attend each meeting of the board and may receive the agenda, board minutes, and other information distributed to trustees of the board upon request. The

Attorney General may act as legal adviser and attorney for the board, and the board may contract for legal services, notwithstanding the limitations of KRS Chapter 12 or 13B.

- (12) (a) The Kentucky Public Pensions Authority shall publish an annual financial report showing all receipts, disbursements, assets, and liabilities for the systems. The annual report shall include a copy of an audit conducted in accordance with generally accepted auditing standards. Except as provided by paragraph (b) of this subsection, the board may select the independent certified public accountant hired by the Kentucky Public Pensions Authority or the Auditor of Public Accounts to perform the audit. If the audit is performed by an independent certified public accountant, the Auditor of Public Accounts shall not be required to perform an audit pursuant to KRS 43.050(2)(a), but may perform an audit at his or her discretion. All proceedings and records of the board shall be open for inspection by the public. The Kentucky Public Pensions Authority shall make copies of the audit required by this subsection available for examination by any member, retiree, or beneficiary in the offices of the County Employees Retirement System and in other places as necessary to make the audit available to all members, retirees, and beneficiaries. A copy of the annual audit shall be sent electronically to the Legislative Research Commission no later than ten (10) days after receipt by the board.
- (b) At least once every five (5) years, the Auditor of Public Accounts shall perform the audit described by this subsection, and the system shall reimburse the Auditor of Public Accounts for all costs of the audit. The Auditor of Public Accounts shall determine which fiscal year during the five (5) year period the audit prescribed by this paragraph will be completed.
- (13) All expenses incurred by or on behalf of the system and the board in the administration of the system during a fiscal year shall be paid from the retirement allowance account, including any administrative expenses for the Kentucky Public Pensions Authority that are assigned to the County Employees Retirement System by KRS 61.505. The board shall submit any administrative expenses that are specific to the County Employees Retirement System that are not otherwise covered by KRS 61.505(11)(a).
- (14) Except as provided under subsection (16) of this section or KRS 61.665, any person adversely affected by a decision of the board involving KRS 78.510 to 78.852 may appeal the decision of the board to the Franklin Circuit Court within sixty (60) days of the board action.
- (15) (a) A trustee shall discharge his or her duties as a trustee, including his or her duties as a member of a committee:
1. In good faith;
 2. On an informed basis; and
 3. In a manner he or she honestly believes to be in the best interest of the County Employees Retirement System.
- (b) A trustee discharges his or her duties on an informed basis if, when he or she makes an inquiry into the business and affairs of the system or into a particular action to be taken or decision to be made, he or she exercises the care an ordinary prudent person in a like position would exercise under similar circumstances.
- (c) In discharging his or her duties, a trustee may rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:
1. One (1) or more officers or employees of the system or Authority whom the trustee honestly believes to be reliable and competent in the matters presented;
 2. Legal counsel, public accountants, actuaries, or other persons as to matters the trustee honestly believes are within the person's professional or expert competence; or
 3. A committee of the board of trustees of which he or she is not a member if the trustee honestly believes the committee merits confidence.
- (d) A trustee shall not be considered as acting in good faith if he or she has knowledge concerning the matter in question that makes reliance otherwise permitted by paragraph (c) of this subsection unwarranted.
- (e) Any action taken as a trustee, or any failure to take any action as a trustee, shall not be the basis for monetary damages or injunctive relief unless:

1. The trustee has breached or failed to perform the duties of the trustee's office in compliance with this section; and
 2. In the case of an action for monetary damages, the breach or failure to perform constitutes willful misconduct or wanton or reckless disregard for human rights, safety, or property.
- (f) A person bringing an action for monetary damages under this section shall have the burden of proving by clear and convincing evidence the provisions of paragraph (e)1. and 2. of this subsection, and the burden of proving that the breach or failure to perform was the legal cause of damages suffered by the system.
- (g) In discharging his or her administrative duties under this section, a trustee shall strive to administer the system in an efficient and cost-effective manner for the taxpayers of the Commonwealth of Kentucky and shall take all actions available under the law to contain costs for the trusts, including costs for participating employers, members, and retirees.
- (16) When an order by the system substantially impairs the benefits or rights of a member, retired member, or recipient, except action which relates to entitlement to disability benefits, or when an employer disagrees with an order of the system as provided by KRS 61.598, the affected member, retired member, recipient, or employer may request a hearing to be held in accordance with KRS Chapter 13B. The board may establish an appeals committee whose members shall be appointed by the chair and who shall have authority to act upon the recommendations and reports of the hearing officer on behalf of the board. The member, retired member, recipient, or employer aggrieved by a final order of the board following the hearing may appeal the decision to the Franklin Circuit Court, in accordance with KRS Chapter 13B. The board may establish a joint administrative appeals committee with the Kentucky Retirement Systems and may also establish a joint disability appeals committee with the Kentucky Retirement Systems.
- (17) The board shall establish a formal trustee education program for all trustees of the board. The program shall include but not be limited to the following:
- (a) A required orientation program for all new trustees elected or appointed to the board. The orientation program shall include training on:
 1. Benefits and benefits administration;
 2. Investment concepts, policies, and current composition and administration of system investments;
 3. Laws, bylaws, and administrative regulations pertaining to the system and to fiduciaries; and
 4. Actuarial and financial concepts pertaining to the system.

If a trustee fails to complete the orientation program within one (1) year from the beginning of his or her first term on the board, the system shall withhold payment of the per diem and travel expenses due to the board member under this section until the trustee has completed the orientation program;
 - (b) Annual required training for board members on the administration, benefits, financing, and investing of the system. If a trustee fails to complete the annual required training during the calendar or fiscal year, the retirement system shall withhold payment of the per diem and travel expenses due to the board member under this section until the board member has met the annual training requirements; and
 - (c) The system shall incorporate by reference in an administrative regulation, pursuant to KRS 13A.2251, the trustee education program.
- (18) In order to improve public transparency regarding the administration of the system, the board of trustees shall adopt a best practices model by posting the following information to the Kentucky Public Pensions Authority's website and shall make available to the public:
- (a) Meeting notices and agendas for all meetings of the board. Notices and agendas shall be posted to the Kentucky Public Pensions Authority's website at least seventy-two (72) hours in advance of the board or committee meetings, except in the case of special or emergency meetings as provided by KRS 61.823;
 - (b) The Annual Comprehensive Financial Report with the information as follows:
 1. A general overview and update on the system by the executive director;
 2. A listing of the board of trustees;

3. A listing of key staff;
 4. An organizational chart;
 5. Financial information, including a statement of plan net assets, a statement of changes in plan net assets, an actuarial value of assets, a schedule of investments, a statement of funded status and funding progress, and other supporting data;
 6. Investment information, including a general overview, a list of the system's professional consultants, a total net of fees return on system investments over a historical period, an investment summary, contracted investment management expenses, transaction commissions, and a schedule of investments;
 7. The annual actuarial valuation report on the pension benefit and the medical insurance benefit; and
 8. A general statistical section, including information on contributions, benefit payouts, and retirement system demographic data;
- (c) All external audits;
- (d) All board minutes or other materials that require adoption or ratification by the board of trustees. The items listed in this paragraph shall be posted within **three (3) business days** ~~seventy-two (72) hours~~ of adoption or ratification of the board;
- (e) All bylaws, policies, or procedures adopted or ratified by the board of trustees;
- (f) The system's summary plan description;
- (g) A document containing an unofficial copy of the statutes governing the system;
- (h) A listing of the members of the board of trustees and membership on each committee established by the board, including any investment committees;
- (i) All investment holdings in aggregate, fees, and commissions for each fund administered by the board, which shall be updated on a quarterly basis for fiscal years beginning on or after July 1, 2021. The system shall request from all managers, partnerships, and any other available sources all information regarding fees and commissions and shall, based on the requested information received:
1. Disclose the dollar value of fees and commissions paid to each individual manager or partnership;
 2. Disclose the dollar value of any profit sharing, carried interest, or any other partnership incentive arrangements, partnership agreements, or any other partnership expenses received by or paid to each manager or partnership; and
 3. As applicable, report each fee or commission by manager or partnership consistent with standards established by the Institutional Limited Partners Association (ILPA).
- In addition to the requirements of this paragraph, the system shall also disclose the name and address of all individual underlying managers or partners in any fund of funds in which system assets are invested;
- (j) An update of net of fees investment returns, asset allocations, and the performance of the funds against benchmarks adopted by the board for each fund, for each asset class administered by the board, and for each manager. The update shall be posted on a quarterly basis for fiscal years beginning on or after July 1, 2021;
- (k) A searchable database of the system's expenditures and a listing of each individual employed by the system along with the employee's salary or wages. In lieu of posting the information required by this paragraph to the Kentucky Public Pensions Authority's website, the system may provide the information through a website established by the executive branch to inform the public about public employee salaries and wages;
- (l) All contracts or offering documents for services, goods, or property purchased or utilized by the system for contracts or offering documents entered into on or after July 1, 2021;
- (m) Information regarding the system's financial and actuarial condition that is easily understood by the members, retired members, and the public; and

- (n) All proxy vote reports as provided by KRS 78.790(7).
- (19) Notwithstanding the requirements of subsection (18) of this section, the system shall not be required to furnish information that is protected under KRS 61.661, exempt under KRS 61.878, or that, if disclosed, would compromise the system's ability to competitively invest in real estate or other asset classes, except that no provision of this section or KRS 61.878 shall exclude disclosure and review of all contracts, including investment contracts, by the board, the Auditor of Public Accounts, and the Government Contract Review Committee established pursuant to KRS 45A.705 or the disclosure of investment fees and commissions as provided by this section. If any public record contains material which is not excepted under this section, the system shall separate the excepted material by removal, segregation, or redaction, and make the nonexcepted material available for examination.
- (20) Notwithstanding any other provision of KRS 78.510 to 78.852 to the contrary, no funds of the County Employees Retirement System, including fees and commissions paid to an investment manager, private fund, or company issuing securities, who manages systems assets, shall be used to pay fees and commissions to placement agents. For purposes of this subsection, "placement agent" means a third-party individual, who is not an employee, or firm, wholly or partially owned by the entity being hired, who solicits investments on behalf of an investment manager, private fund, or company issuing securities.

➔Section 27. KRS 78.852 is amended to read as follows:

- (1) For members who begin participating in the County Employees Retirement System prior to January 1, 2014, it is hereby declared that in consideration of the contributions by the members and in further consideration of benefits received by the county from the member's employment, KRS 78.510 to 78.852 shall, except as provided in KRS 6.696~~[effective September 16, 1993]~~, constitute an inviolable contract of the Commonwealth, and the benefits provided therein shall not be subject to reduction or impairment by alteration, amendment, or repeal.
- (2) (a) For members who begin participating in the County Employees Retirement System on or after January 1, 2014, the General Assembly reserves the right to amend, suspend, or reduce the benefits and rights provided under KRS 78.510 to 78.852 if, in its judgment, the welfare of the Commonwealth so demands, except that the amount of benefits the member has accrued at the time of amendment, suspension, or reduction shall not be affected.
- (b) For purposes of this subsection, the amount of benefits the member has accrued at the time of amendment, suspension, or reduction shall be limited to the accumulated account balance the member has accrued at the time of amendment, suspension, or reduction.
- (c) The provisions of this subsection shall not be construed to limit the General Assembly's authority to change any other benefit or right specified by KRS 78.510 to 78.852, except the benefits specified by paragraph (b) of this subsection, for members who begin participating in the County Employees Retirement System on or after January 1, 2014.
- (3) The provisions of this section shall not be construed to limit the General Assembly's authority to amend, reduce, or suspend the benefits and rights of members of the County Employees Retirement System as provided by KRS 78.510 to 78.852 that the General Assembly had the authority to amend, reduce, or suspend, prior to July 1, 2013.
- (4) The responsibility for funding the provisions of KRS 78.510 to 78.852 shall be the responsibility of the employers participating in the County Employees Retirement System. For any employer failing to fund the requirements of KRS 78.510 to 78.852, the board shall have the full authority under the law to:
- (a) Require the employer to involuntarily cease participating and pay all costs for ceasing participation as provided by KRS 78.535; or
- (b) Suspend benefit payments and refunds or to seek legal action as provided by KRS 78.625 for any employer failing to fund the requirements of KRS 78.510 to 78.852.

Signed by Governor April 4, 2024.

(HB 482)

AN ACT relating to the Kentucky Law Enforcement Council.

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

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

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

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

Signed by Governor April 4, 2024.

CHAPTER 57**(HB 493)**

AN ACT relating to assisted living communities.

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

➔Section 1. KRS 194A.705 is amended to read as follows:

- (1) The assisted living community shall provide each resident with access to the following services according to the lease agreement:

- (a) Assistance with activities of daily living and instrumental activities of daily living;
 - (b) Three (3) meals and snacks made available each day, with flexibility in a secured dementia care unit to meet the needs of residents with cognitive impairments who may eat outside of scheduled dining hours;
 - (c) Scheduled daily social activities that address the general preferences of residents;
 - (d) Assistance with self-administration of medication; and
 - (e) Housing.
- (2) (a) The assisted living community may provide residents with access to basic health and health-related services.
 - (b) If an assisted living community chooses to provide basic health and health-related services, the assisted living community shall supervise the residents.
 - (c) Notwithstanding KRS 194A.700(4)(e), in ***an assisted living community or nursing home as defined in KRS 205.510 and licensed under KRS Chapter 216B***~~[a long term care facility]~~ that provides basic health and ***health-related services***~~[health-related services]~~ or dementia care services, a certified medication aide or an unlicensed staff person who has successfully completed a medication aide training and skills competency evaluation program approved by the Kentucky Board of Nursing may administer oral or topical medication, or preloaded injectable insulin to a resident under the authority of an available licensed practical nurse, registered nurse, or advanced practice registered nurse.
 - (d) Unlicensed personnel who administer oral or topical medications to residents of an apartment-style personal care home required by KRS 194A.704 to convert to a licensed assisted living community shall comply with the medication aide requirements of paragraph (c) of this subsection no later than six (6) months from June 29, 2023.
- (3) (a) Residents of an assisted living community may arrange for additional services under direct contract or arrangement with an outside agent, professional, provider, or other individual designated by the resident if permitted by the policies of the assisted living community.
 - (b) Permitted services for which a resident may arrange or contract include but are not limited to health services, hospice services provided by a hospice program licensed under KRS Chapter 216B, and other end-of-life services.
- (4) Upon entering into a lease agreement, an assisted living community shall inform the resident in writing about policies relating to the provision of services by the assisted living community and the contracting or arranging for additional services.
- (5) A resident issued a move-out notice shall receive the notice in writing and the assisted living community shall assist each resident upon a move-out notice to find appropriate living arrangements. Each assisted living community shall share information provided from the cabinet regarding options for alternative living arrangements at the time a move-out notice is given to the resident.
- (6) An assisted living community shall complete and provide to the resident:
 - (a) Upon move-in, a copy of a functional needs assessment pertaining to the resident's ability to perform activities of daily living and instrumental activities of daily living and any other topics the assisted living community determines to be necessary; and
 - (b) After move-in, a copy of an updated functional needs assessment pertaining to the resident's ability to perform activities of daily living and instrumental activities of daily living, the service plan designed to meet identified needs, and any other topics the assisted living community determines to be necessary.

Signed by Governor April 4, 2024.

CHAPTER 58

(HB 635)

AN ACT relating to fiscal impact statements.

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

➔Section 1. KRS 6.350 is amended to read as follows:

- (1) A bill which would increase or decrease the benefits or increase or decrease participation in the benefits or change the actuarial accrued liability of any state-administered retirement system shall not be reported from a legislative committee of either house of the General Assembly for consideration by the full membership of that house unless the bill is accompanied by an actuarial analysis.
- (2) (a) An actuarial analysis required by this section shall show the economic effect of the bill on the state-administered retirement system over a thirty (30) year period, including:
 1. An estimate of the effect on the unfunded actuarial accrued liabilities and funding levels of the affected systems; and
 2. A projection of the annual employer costs to the systems of implementing the legislation over the thirty (30) year period. The annual employer cost projection shall include the effect on the contributions of participating employers as a percentage of total payroll and in total dollars of contributions.
- (b) If a bill affects more than one (1) state-administered retirement system, the actuarial analysis shall project costs for each affected state-administered retirement system.
- (c) A statement that the cost is negligible or indeterminable shall not be considered in compliance with this section. If a cost cannot be determined by the actuary in accordance with paragraph (a) of this subsection, then the systems shall certify in writing:
 1. The estimated number of individuals affected;
 2. The estimated change in benefit payments;
 3. The estimated change to employer costs; and
 4. The estimated change to administrative expenses.
- (d) An actuarial analysis shall state the actuarial assumptions and methods of computation used in the analysis and shall state whether or not the bill or resolution, if enacted, would, in the opinion of the actuary, make the affected state-administered retirement system actuarially unsound or, in the case of a system already actuarially unsound, more unsound. Actuarial cost methods and assumptions that meet actuarial standards of practice established by the Actuarial Standards Board shall be used in all cost projections.
- (e) An actuarial analysis required by this section shall be prepared by an actuary who is a fellow of the Conference of Consulting Actuaries or a member of the American Academy of Actuaries.
- (3) (a) An actuary commissioned to make an actuarial analysis that is required by this section, or for the purpose of seeking appropriations for a state-administered retirement system, shall include in the analysis a complete definition of each actuarial term used in the analysis and, either in the analysis or in a separate actuarial valuation report made available as a public record, an enumeration and explanation of each actuarial assumption used to complete the actuarial analysis.
- (b) If the actuary commissioned to complete the actuarial analysis is relying upon assumptions *or methods* that have not been previously established by the actuary in an actuarial valuation of the affected state-administered retirement system, the actuary shall clearly note and describe the new assumption *or method* and the basis for selecting the assumption *or method, including any documentation, studies, written opinions, calculations, and citations the actuary used to support the use of the assumption or method.*
- (4) The actuarial analysis required by this section:
 - (a) Shall be completed by the actuary retained by the affected state-administered retirement system. The state-administered retirement systems shall provide the analysis without cost to the General Assembly;
 - (b) Shall be provided in a uniform format established by the Legislative Research Commission;~~and~~
 - (c) Shall include on the front page a summary of relevant data from the analysis, including but not limited to:
 1. The total nominal dollar savings or costs over the thirty (30) year period;

2. The net present value of savings or costs over the thirty (30) year period; and
3. The estimated change in the normal cost, if applicable; *and*

(d) Shall include a certification by the actuary that the information provided is accurate.

(5) For purposes of this section, the terms:

(a) "State-administered retirement system" shall include:

1. The Kentucky Employees Retirement System and the State Police Retirement System administered by the Kentucky Retirement Systems and established under the provisions of KRS 16.505 to 16.652 and 61.510 to 61.705;
2. The Kentucky Teachers' Retirement System established under KRS 161.220 to 161.716;
3. The Judicial Retirement Plan established under KRS 21.345 to 21.580;
4. The Legislators' Retirement Plan established under KRS 6.500 to 6.577; and
5. The County Employees Retirement System established under KRS 78.510 to 78.852; and

(b) "Funding level" means the actuarial value of assets divided by the actuarially accrued liability expressed as a percentage.

➔Section 2. KRS 6.948 is amended to read as follows:

(1) For purposes of this section, "mandated health benefit" means any requirement that any health benefit plan, as defined in KRS 304.17A-005:

- (a) Provide a specified benefit;
- (b) Include a specified coverage;
- (c) Pay, indemnify, or reimburse for a specified medical service; or
- (d) Pay, indemnify, or reimburse specified health care providers for specific health care services.

(2) (a) On and after June 24, 2003, in the General Assembly, a sponsor of a bill or an amendment that contains a mandated health benefit shall cause a financial impact statement to be prepared and attached to the measure before final consideration by the standing committee to which the measure has been referred.

(b) A bill in the orders of the day in the House or the Senate which does not have attached a financial impact statement as required by this section shall be retained in the orders of the day but passed over in the orders of the day until the financial impact statement is attached. Members may require, by a majority vote, that a financial impact statement be prepared on any bill and on any amendment in the orders of the day. Any member proposing an amendment from the floor which contains a mandated health benefit shall cause a financial impact statement to be prepared and attached to the amendment. Until the time a financial impact statement is prepared and attached to an amendment that contains a mandated health benefit, action on the proposed amendment shall not be in order.

(3) The financial impact statement shall be prepared by the Department of Insurance as provided in subsection (6) of this section.

(4) The sponsor of a bill or amendment that contains a mandated health benefit shall request the Department of Insurance, as soon as practicable, to prepare a financial impact statement. If the sponsor submits a request prior to filing the measure with the clerk of the House or Senate, the department shall keep the measure confidential until the sponsor authorizes public distribution. The department shall keep all financial impact statements and all requests for statements confidential until the person requesting the financial impact statement authorizes public distribution.

(5) A majority of the members present at a meeting of any standing committee of the General Assembly, acting through the committee chair, may request the commissioner of the Department of Insurance to prepare a financial impact statement for any measure before the committee and submit the statement in accordance with subsection (6) of this section.

(6) (a) The financial impact statement shall be in writing and signed by the commissioner of the Department of Insurance or the commissioner's designee, and shall determine the extent to which:

1. The mandated health benefit will increase or decrease the administrative expenses of insurers;

2. The mandated health benefit will increase or decrease premiums; and
 3. The mandated health benefit will impact the total cost of health care in the Commonwealth, **which shall include**~~including~~ any potential **future** cost savings that may be realized.
- (b) ***In addition to the requirements of paragraph (a) of this subsection, the financial impact statement shall:***
1. ***Provide any documentation, studies, written opinions, calculations, and citations in support of the commissioner's or his or her designee's findings and conclusions;***
 2. ***Include in the statement an estimate of any potential future cost savings, with an explanation why the bill would or would not provide future cost savings; and***
 3. ***Include a certification by the commissioner or his or her designee that the information provided is accurate.***
- (c)
1. If the sponsor of a bill that contains a mandated health benefit submits the request for a financial impact statement prior to filing the bill, the financial impact statement shall be completed as soon as possible, but no later than thirty (30) days after the request by the sponsor, unless the sponsor and the commissioner of the Department of Insurance agree otherwise.
 2. The financial impact statement shall be completed as soon as possible, but no later than thirty (30) days after the request by the sponsor of a measure before a standing committee under subsection (2) of this section or by the committee chair under subsection (5) of this section.
 3. The financial impact statement shall be completed as soon as possible after the request by a majority vote of the House or Senate or by the sponsor of a floor amendment pursuant to subsection (2)(b) of this section.

➔Section 3. KRS 6.949 is amended to read as follows:

- (1) Any bill, amendment, or committee substitute that creates a new crime, increases the penalty for an existing crime, decreases the penalty for an existing crime, changes the elements of the offense for an existing crime, repeals an existing crime, or proposes to increase, decrease, or otherwise impact incarceration shall be identified by the staff of the Legislative Research Commission as having a corrections impact on a "Corrections Impact Statement" form specified by the Legislative Research Commission.
- (2) If a bill, amendment, or committee substitute is identified as having a corrections impact under subsection (1) of this section, the staff of the Legislative Research Commission shall notify the sponsor of the bill, amendment, or committee substitute that a corrections impact is required.
- (3) If a bill, amendment, or committee substitute is identified as having a corrections impact, a "Corrections Impact Statement" shall be prepared by the staff of the Department of Corrections with the assistance of the Department of Kentucky State Police, Administrative Office of the Courts, Parole Board, and other persons, agencies, or organizations deemed necessary by the Department of Corrections staff assigned to prepare the corrections impact statement. The Department of Kentucky State Police, Administrative Office of the Courts, Parole Board, and other persons, agencies, and organizations that have been requested to provide information for the corrections impact statement shall do so within the period of time specified by the Department of Corrections staff person requesting the information, which in no case shall exceed two (2) business days unless an extension is granted by the requesting staff person.
- (4) The corrections impact statement shall contain the estimated costs, estimated savings, and necessary appropriations based upon:
 - (a) Incarceration in jail prior to trial and during trial based on the available information about persons granted bail or other form of pretrial release and the length of time spent in jail prior to release;
 - (b) Supervision of a person who has been granted bail or pretrial release based on the average time spent between the time of release until the time of trial for the offense;
 - (c) Incarceration in jail for a misdemeanor following conviction based on the maximum time of incarceration authorized for the offense;
 - (d) Incarceration in a state correctional facility for a capital offense, or felony offense based on the maximum and minimum length of incarceration authorized for the offense, except for offenses in which incarceration in a county jail for a Class D felony is required;

- (e) Incarceration in a county jail for a Class D felony for which incarceration in a county jail is authorized based on the maximum and minimum sentence of incarceration authorized for a Class D felony;
 - (f) Probation or conditional discharge supervision based on the maximum time of probation or conditional discharge authorized for the offense;
 - (g) Parole supervision based on the minimum expiration of sentence; and
 - (h) Treatment, education, and other programs which are to be paid by the state based on the average costs actually paid by the Department of Corrections during the previous fiscal year.
- (5) Insofar as possible, costs and savings for a change to an existing crime shall be calculated using:
- (a) Arrest data for the crime from the Department of Kentucky State Police;
 - (b) Pretrial incarceration data from the Administrative Office of the Courts;
 - (c) Preconviction jail data from the Administrative Office of the Courts;
 - (d) Conviction data from the Administrative Office of the Courts;
 - (e) Postconviction jail and imprisonment data from the Department of Corrections;
 - (f) Probation and parole data from the Department of Corrections; and
 - (g) Data from applicable agencies or organizations providing treatment, education, or other mandated programs.
- (6) Insofar as possible, costs or savings for a new crime shall be calculated in the same manner as specified in subsection (5) of this section using data for similar crimes unless that is determined by the Department of Corrections staff person to be impractical or impossible in which case the estimate for a new crime may be prepared using:
- (a) The maximum and minimum length of incarceration for the offense;
 - (b) An estimate of cost based on ten (10) persons being charged with the offense, and based on one hundred (100) persons being charged with the offense;
 - (c) An estimate of cost based on ten (10) persons and one hundred (100) persons being convicted of the offense and sent to jail if the offense is a misdemeanor using the criteria specified in subsection (7) of this section; and
 - (d) An estimate of cost based on ten (10) persons and one hundred (100) persons being convicted of a felony offense requiring imprisonment in a state-operated correctional facility unless the offense is a Class D felony for which imprisonment in a county jail is required in which case the cost shall be based on the amount paid by the Department of Corrections for a person incarcerated in a county jail for a Class D felony.
- (7) Costs or savings shall be based on the average costs actually paid by the Department of Corrections during the previous fiscal year for incarceration of a person in a state correctional facility, the average cost for supervision of a person placed on probation without electronic monitoring, the average cost of a person placed on probation with electronic monitoring, the average cost of parole supervision without electronic monitoring, and the average cost of parole supervision with electronic monitoring.
- (8) ***In addition to the requirements of subsections (4) to (7) of this section, the corrections impact statement shall contain:***
- (a) ***Any documentation, studies, written opinions, calculations, and citations in support of the department's findings and conclusions:***
 - (b) ***An estimate of potential future cost savings, if not already in the statement, with an explanation why the bill would or would not result in future cost savings; and***
 - (c) ***Certification by the commissioner of the department that the information provided is accurate.***
- (9) If an amendment to a bill is combined into a committee substitute or a GA version of the bill is created incorporating a floor amendment, a new corrections impact statement shall be prepared combining the information in the original bill as modified by the amendment.

Signed by Governor April 4, 2024.

CHAPTER 59**(HB 715)**

AN ACT relating to the Kentucky National Guard and declaring an emergency.

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

➔Section 1. KRS 36.474 is amended to read as follows:

- (1) During active duty of a regular member of the United States Armed Forces deployed outside the United States who names Kentucky as home of record for military purposes~~};~~ or any member of a state National Guard or a Reserve component who names Kentucky as home of record for military purposes~~}; and for one hundred eighty (180) days following the end of deployment under Title 10 or 32 of the United States Code or KRS 38.030~~, as appropriate, trust fund moneys shall be used to support:
 - (a) The person who names Kentucky as home of record for military purposes;
 - (b) The person's Kentucky resident spouse;
 - (c) The person's dependent or dependents; or
 - (d) A group of several members of the military or their families as described in paragraphs (a) to (c) of this subsection.
- (2) An application for a trust fund grant may be filed by the member who names Kentucky as home of record for military purposes or his or her Kentucky resident spouse. The application shall be accompanied by an appropriate authorization to access personnel information contained in the military database Defense Enrollment Reporting System (DEERS) for verification purposes.
- (3) Subject to the availability of trust fund moneys, the adjutant general shall award a grant to an applicant described in paragraphs (a) to (c) of subsection (1) of this section if that person's application is need-based, and the amount of the grant does not exceed the dollar cap established by the board through the promulgation of administrative regulations under KRS Chapter 13A. An application shall be need-based if:
 - (a) Funds are requested for necessary expenses incurred, or to be incurred. Necessary expenses shall include but not be limited to:
 1. Housing;
 2. Utilities;
 3. Groceries;
 4. Health insurance copay; and
 5. Child care;
 - (b) The necessary expenses created, or will create, an undue hardship on a person referred to in subsection (1) of this section;
 - (c) The applicant does not have reasonable access to any other funding source, whether public or private; and
 - (d) The military family assistance trust fund is the last resort.
- (4) Subject to the availability of trust fund moneys, the adjutant general may expend trust fund money, in amounts not to exceed the dollar cap established by the board through the promulgation of administrative regulations under KRS Chapter 13A, to benefit individuals described in subsection (1)(d) of this section if:
 - (a) The individuals have a demonstrated need that affects their health, safety, or well-being; and
 - (b) A majority of the members of the military family assistance trust fund board has approved the expenditure, verbally or in writing.

- (5) Subject to the availability of trust fund moneys, the director of the Kentucky National Guard Family Services Program ~~[within the Kentucky Department of Military Affairs]~~ may expend trust fund money, in amounts not to exceed the dollar cap established by the board through the promulgation of administrative regulations under KRS Chapter 13A, to benefit individuals described in subsection (1) of this section if:
- (a) The individuals have a demonstrated need that affects their health, safety, or well-being; and
 - (b) A majority of the members of the military family assistance trust fund board has approved the expenditure, verbally or in writing.
- (6) Subject to the availability of military family assistance trust fund moneys, the adjutant general shall expend trust fund money to eligible applicants to the Kentucky National Guard Adoption Assistance Program as provided in KRS 36.477. Eligible applicants to the Kentucky National Guard Adoption Assistance Program shall not be subject to the requirements of subsection (1) of this section.
- (7)
 - (a) The adjutant general shall award or decline to award a grant within sixty (60) days of receiving an application.
 - (b) If the adjutant general awards or declines to award a grant, he or she shall state in writing the reason for the decision and keep the writing on file.
 - (c) If the adjutant general declines to award a grant, he or she shall provide the applicant with a copy of the writing referred to in paragraph (b) of this subsection. In addition, if the adjutant general declines to award a grant due to the availability of public or private funds, the adjutant general shall identify the source of available funds for the applicant and provide assistance with regard to seeking funds from that source.
- (8) The military family assistance trust fund board shall promulgate administrative regulations under KRS Chapter 13A to carry out the provisions of this section. These regulations shall, at a minimum, enhance administrative efficiency and limit the dollar amount that a person may receive in grants per twelve (12) month period.

➔Section 2. KRS 36.477 is amended to read as follows:

- (1) There is hereby established the Kentucky National Guard Adoption Assistance Program to be administered by the Kentucky Department of Military Affairs.
- (2) Any **current or former** member of the Kentucky National Guard who finalizes a legal adoption procedure for the adoption of a child ~~[, other than the child of a spouse, on or after July 12, 2012,]~~ shall be eligible to receive reimbursement from the military family assistance trust fund as provided in KRS 36.474 for actual costs associated with the adoption of the child, including a child with special needs. For the purposes of this section, a child with special needs means the same as defined in KRS 199.555(1).
- (3) The eligible **current or former** member of the Kentucky National Guard shall receive:
 - (a) Up to seven thousand dollars (\$7,000) in unreimbursed direct costs related to the adoption of a child with special needs; or
 - (b) Up to five thousand dollars (\$5,000) in unreimbursed direct costs related to the adoption of any other child.
- (4) Unreimbursed direct costs related to the adoption of a child with special needs or other child shall include:
 - (a) Licensed adoption agency fees;
 - (b) Legal fees;
 - (c) Medical costs;
 - (d) Court costs; and
 - (e) Other fees or costs associated with the child adoption in accordance with state and federal law and after review and approval by the court at the finalization of the adoption.
- (5) Application for financial assistance shall be made by submitting a completed Kentucky National Guard adoption assistance application to the adjutant general along with documentary evidence of:
 - (a) Finalization of the adoption; and
 - (b) Certification by the secretary of the Cabinet for Health and Family Services that the adopted child is a child with special needs, if reimbursement for special needs adoption is sought.

- (6) If both adoptive parents are **current or former** members of the Kentucky National Guard, the application for financial assistance shall be made jointly and the amount of reimbursement shall be limited to that specified in ~~subsection (2) of~~ this section.
- (7) Upon approval of the application for financial assistance, the adjutant general shall dispense funds from the military family assistance trust fund to the eligible applicant.
- (8) The Department of Military Affairs shall promulgate administrative regulations in accordance with KRS Chapter 13A to carry out the provisions of this section.

➔Section 3. Whereas time is of the essence when a United States military service member and their family are in need of assistance, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 4, 2024.

CHAPTER 60

(HB 583)

AN ACT relating to environmental emergencies.

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

➔Section 1. KRS 224.1-401 is amended to read as follows:

Within seven (7) days of declaring that an environmental emergency exists that requires implementation of a contingency plan established in KRS 224.1-400(14), the cabinet shall send a copy of the declaration of emergency to the **following officials serving a jurisdiction within which the environmental emergency exists:**

- (1) **The mayor of the city;**
- (2) **The county/judge executive of the county; and ~~or~~**
- (3) **The chief executive officer of the urban-county government, consolidated local government, charter county government, or unified local government ~~within which the environmental emergency exists~~.**

Signed by Governor April 4, 2024.

CHAPTER 61

(HB 3)

AN ACT relating to human trafficking.

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

➔Section 1. KRS 529.110 is amended to read as follows:

- (1) A person is guilty of promoting human trafficking when the person intentionally:
 - (a) Benefits financially or receives anything of value from knowing participation in human trafficking; or
 - (b) Recruits, entices, harbors, transports, provides, ~~or~~ obtains, **advertises, maintains, patronizes, or solicits** by any means, or attempts to recruit, entice, harbor, transport, provide, ~~or~~ obtain, **advertise, maintain, patronize, or solicit** by any means, another person, knowing that the person will be subject to human trafficking.
- (2) Promoting human trafficking is a Class D felony unless a victim of the trafficking is under eighteen (18), in which case it is a Class C felony.

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

- (1) *The Office of the Attorney General may establish a working group to address all aspects of human trafficking, including commercial sexual activity and forced labor or services.*
- (2) *If established, the working group shall be chaired by the Attorney General or his or her designee and may be composed of representatives from the following organizations:*
- (a) *A Commonwealth's attorney or his or her designee appointed by the Attorney General;*
 - (b) *A county attorney or his or her designee appointed by the Attorney General;*
 - (c) *A United States Attorney or his or her designee from either federal district in Kentucky appointed by the Attorney General;*
 - (d) *The commissioner of the Department for Community Based Services or his or her designee;*
 - (e) *The commissioner of the Department of Juvenile Justice or his or her designee;*
 - (f) *The commissioner of the Department of Corrections or his or her designee;*
 - (g) *The commissioner of the Department of Criminal Justice Training or his or her designee;*
 - (h) *The commissioner of the Department of Kentucky State Police or his or her designee;*
 - (i) *A representative from the Kentucky Association of Chiefs of Police appointed by the Attorney General;*
 - (j) *A representative from the Kentucky Sheriffs' Association appointed by the Attorney General;*
 - (k) *A representative from a federal law enforcement agency that operates within the Commonwealth appointed by the Attorney General;*
 - (l) *The executive director of the Administrative Office of the Courts or his or her designee;*
 - (m) *Two (2) victim advocates, employed by a Commonwealth's attorney, county attorney, or law enforcement agency, appointed by the Attorney General;*
 - (n) *The following nongovernmental service providers who regularly provide services or advocacy to human trafficking victims, all appointed by the Attorney General:*
 - 1. *A community-based victim advocate;*
 - 2. *A community service provider;*
 - 3. *A health care professional;*
 - 4. *A mental health care professional; and*
 - 5. *A juvenile runaway or homeless shelter provider;*
 - (o) *The executive director of the Children's Advocacy Centers of Kentucky or his or her designee;*
 - (p) *A victim of sex trafficking appointed by the Attorney General;*
 - (q) *A victim of labor trafficking appointed by the Attorney General;*
 - (r) *A representative from the Kentucky Coalition Against Domestic Violence appointed by the Attorney General;*
 - (s) *A representative from the Kentucky Association of Sexual Assault Programs appointed by the Attorney General; and*
 - (t) *A college or university professor specializing in human trafficking appointed by the Attorney General.*
- (3) *Any working group created by the Attorney General shall meet at the call of the chair and make recommendations regarding:*
- (a) *Identification of human trafficking victims;*
 - (b) *Delivery of comprehensive services;*
 - (c) *Identification, investigation, and successful prosecution of offenders;*
 - (d) *Training criminal justice system professionals on trauma-informed practices;*

- (e) *Collection of data to assess barriers to assisting victims of human trafficking;*
- (f) *Facilitating collaborative decision making, coordinated planning, and cooperative implementation among agencies and relevant partners;*
- (g) *Supporting the fair, efficient, and effective operation of the criminal justice system to improve public safety and homeland security while respecting the privacy of citizens;*
- (h) *Allowing agencies to share appropriate information securely and efficiently; and*
- (i) *Identifying gaps in the ability of the Commonwealth to adequately respond to human trafficking.*

➔Section 3. KRS 15.706 is amended to read as follows:

- (1) The Prosecutors Advisory Council shall collect statistical data regarding the investigation, prosecution, dismissal, conviction, or acquittal of any person charged with committing, attempting to commit, or complicity to a sexual offense defined by KRS Chapter 510 involving a minor, human trafficking offenses involving a minor engaged in commercial sexual activity *or forced labor*, incest involving a minor, use of a minor in a sexual performance, or unlawful transaction with a minor.
- (2) Each Commonwealth's attorney, each county attorney, the secretary of the Cabinet for Health and Family Services, the commissioner of the Department of Kentucky State Police, each Circuit Court clerk, and the Administrative Office of the Courts shall provide any data requested by the council for this purpose, on a form prescribed by the council, at intervals as the council may direct.
- (3) The council may contract with any other public agency to collect the data in lieu of collecting the data itself.
- (4) The Prosecutors Advisory Council may promulgate administrative regulations to specify information to be reported.
- (5) The information required to be reported by this section shall be provided by each Commonwealth's attorney and county attorney at the end of each quarter of the calendar year or as otherwise directed by the Prosecutors Advisory Council.
- (6) The Prosecutors Advisory Council and the Office of the Attorney General shall compile the information by county and issue a public report at least annually.
- (7) The public report shall not contain the name or identifying information of a victim or person not formally charged with the commission of child sexual abuse or human trafficking of a child. Information collected by the Commonwealth's attorney or county attorney or by the Prosecutors Advisory Council containing data which cannot be published shall be excluded from inspection, unless by court order, from the Open Records Law.
- (8) Any Commonwealth's attorney or any county attorney who fails to report information as defined by this section or administrative regulation shall be subject to salary reduction as authorized by KRS 61.120.

➔Section 4. KRS 620.029 is amended to read as follows:

- (1) In order to provide the most effective treatment for children who are victims of human trafficking, as defined in KRS 529.010, *and to ensure that law enforcement and prosecutorial agencies have the resources and tools necessary to combat human trafficking*, the cabinet shall:
 - (a) Investigate a report alleging a child is a victim of human trafficking pursuant to KRS 620.030(3);
 - (b) Provide or ensure the provision of appropriate treatment, housing, and services consistent with the status of the child as a victim of human trafficking; and
 - (c) Proceed in the case in accordance with applicable statutes governing cases involving dependency, neglect, or abuse regardless of whether the person believed to have caused the human trafficking of the child is a parent, guardian, or person exercising custodial control or supervision.
- (2) In order to effectuate the requirements of this section, the cabinet shall:
 - (a) Consult with agencies serving victims of human trafficking to promulgate administrative regulations for the treatment of children who are reported to be victims of human trafficking as dependent, neglected, or abused children, including providing for appropriate screening, assessment, treatment, services, temporary and long-term placement of these children, training of staff, the designation of specific staff, and collaboration with service providers and law enforcement;~~and~~

- (b) By November 1 of each year ~~[-, beginning in 2013]~~, submit to the Legislative Research Commission a comprehensive report detailing:
1. The number of reports the cabinet has received regarding child victims of human trafficking; ~~[-]~~
 2. The number of reports in which the cabinet has investigated and determined that a child is the victim of human trafficking; ~~[-]~~ and
 3. The number of cases in which services were provided; *and*
- (c) 1. *Beginning in 2025, in addition to the information required under paragraph (b) of this subsection, include in its annual report to the Legislative Research Commission for referral to the Interim Joint Committee on Families and Children and the Interim Joint Committee on Judiciary to the extent possible:*
- a. *Information related to state enforcement of human trafficking involving children in the Commonwealth, including the number of:*
 - i. *Arrests as compiled by the Kentucky State Police; and*
 - ii. *Criminal charges and convictions, delineated by county or district, as compiled by the Administrative Office of the Courts;*
 - b. *The frequency at which services were made available to child victims of human trafficking;*
 - c. *Recommendations for improving data collection so that information may be obtained and analyzed in a larger percentage of cases;*
 - d. *Recommendations for improving data sharing among service providers, nongovernmental organizations, and government agencies; and*
 - e. *Any other information that may assist in understanding the causation of human trafficking of children in Kentucky and stakeholders' abilities to provide services to victims.*
2. *If, after making reasonably diligent efforts to obtain the information described in subparagraph 1. of this paragraph, the cabinet is unable to obtain any of the information, the cabinet may submit an annual report omitting that information, but shall provide an explanation for the omission in the annual report.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 219 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "hotel" means every establishment kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered to guests, and includes motels.*
- (2) *Every hotel shall post:*
 - (a) *In its lobby, stairwells, elevators, or on or beside exit doors, a printed sign in English and Spanish at least eight and one-half (8-1/2) by eleven (11) inches in size, with letters in at least sixteen (16) point font; and*
 - (b) *In all of its publicly accessible restrooms, either:*
 1. *A printed sign in English and Spanish at least eight and one-half (8-1/2) by eleven (11) inches in size, with letters in at least sixteen (16) point font; or*
 2. *A printed transparent static window cling in English and Spanish at least three (3) inches by three (3) inches in size, with letters in at least ten (10) point font;*
displaying the current telephone hotline number of the National Human Trafficking Resource Center or any federally funded successor entity.
- (3) *The sign or window cling shall be:*
 - (a) *Created using gender-neutral language supplied by the Office of the Attorney General, the National Human Trafficking Hotline, or the United States Department of Homeland Security's Blue Campaign; and*
 - (b) *Posted in a prominent place easily seen by patrons.*

- (4) *A hotel in violation of this section shall be subject to a warning on the first violation and a fine not to exceed fifty dollars (\$50.00) for each subsequent violation. Each day of noncompliance with this section shall constitute a separate violation. Moneys collected under this subsection shall be paid to the human trafficking victims fund.*

➔Section 6. KRS 176.415 is amended to read as follows:

- (1) The Department of Highways shall display the following flags at each rest area along the Commonwealth's interstate and turnpike system:
- (a) The flag of the United States of America, to honor our country and the democratic ideals of our forefathers;
 - (b) The flag of the Commonwealth of Kentucky, as specified by KRS 2.030, to honor the Commonwealth and its citizens; and
 - (c) The flag of the National League of Families of American Prisoners of War and Missing in Southeast Asia, the black and white banner commonly known as the POW/MIA flag, which symbolizes America's missing service members and our unwavering determination to account for them.
- (2) The Department of Highways shall post in every restroom located on the premises of each rest area in the Commonwealth *either*:
- (a) A printed sign in English and Spanish at least *eight and one-half (8-1/2) inches by* eleven (11) inches ~~by fourteen (14) inches~~ in size, with letters *in* at least *sixteen (16) point font*; ~~or one (1) inch high,~~
 - (b) *A printed transparent static window cling in English and Spanish at least three (3) inches by three (3) inches in size, with letters in at least ten (10) point font*;

displaying the current telephone hotline number of the National Human Trafficking Resource Center or any federally funded successor entity.

- (3) The sign *or window cling* shall be:
- (a) Created using gender-neutral language supplied to the Department of Highways by the *Office of the Attorney General, the National Human Trafficking Hotline, or the United States Department of Homeland Security's Blue Campaign* ~~[Cabinet for Health and Family Services]~~; and
 - (b) Posted in a prominent place easily seen by patrons.

➔Section 7. KRS 183.075 is amended to read as follows:

- (1) As used in this section, "airport" has the same meaning as in KRS 183.011.
- (2) An airport shall post in all of its publicly accessible restrooms *either*:
- (a) A printed sign in English and Spanish at least *eight and one-half (8-1/2) inches by* eleven (11) inches ~~by fourteen (14) inches~~ in size, with letters *in* at least *sixteen (16) point font*; ~~or one (1) inch high,~~
 - (b) *A printed transparent static window cling in English and Spanish at least three (3) inches by three (3) inches in size, with letters in at least ten (10) point font*;

displaying the current telephone hotline number of the National Human Trafficking Resource Center or any federally funded successor entity.

- (3) The sign *or window cling* shall be:
- (a) Created using gender-neutral language supplied by the Office of the Attorney General, *the National Human Trafficking Hotline, or the United States Department of Homeland Security's Blue Campaign*; and
 - (b) Posted in a prominent place easily seen by patrons.

- (4) *An airport in violation of this section shall be subject to a warning on the first violation and a fine not to exceed fifty dollars (\$50.00) for each subsequent violation. Each day of noncompliance with this section shall constitute a separate violation. Moneys collected under this subsection shall be paid to the human trafficking victims fund.*

➔Section 8. KRS 277.410 is amended to read as follows:

- (1) Every passenger train station shall post in all of its restrooms *either*:

- (a) A printed sign in English and Spanish at least ***eight and one-half (8-1/2) inches*** by eleven (11) inches [~~by fourteen (14) inches~~] in size, with letters ***in*** at least ***sixteen (16) point font***; or [~~one (1) inch high,~~]
- (b) ***A printed transparent static window cling in English and Spanish at least three (3) inches by three (3) inches in size, with letters in at least ten (10) point font;***

displaying the current telephone hotline number of the National Human Trafficking Resource Center or any federally funded successor entity.

- (2) The sign ***or window cling*** shall be:

(a) [~~(1)~~] Created using gender-neutral language supplied by the Office of the Attorney General, ***the National Human Trafficking Hotline, or the United States Department of Homeland Security's Blue Campaign***; and

(b) [~~(2)~~] Posted in a prominent place easily seen by patrons.

- (3) ***A passenger train station in violation of this section shall be subject to a warning on the first violation and a fine not to exceed fifty dollars (\$50.00) for each subsequent violation. Each day of noncompliance with this section shall constitute a separate violation. Moneys collected under this subsection shall be paid to the human trafficking victims fund.***

➔Section 9. KRS 281.767 is amended to read as follows:

- (1) As used in this section:

(a) "Truck stop" means a privately owned and operated facility that provides services, including but not limited to:

1. Food;
2. Fuel;
3. Showers or other sanitary facilities; and
4. Lawful overnight parking for motor carriers; and

(b) "Bus station" means a fixed structure where a bus delivers and receives passengers that has a restroom.

- (2) Every truck stop and bus station shall post in all of its restrooms ***either***:

- (a) A printed sign in English and Spanish at least ***eight and one-half (8-1/2) by*** eleven (11) inches [~~by fourteen (14) inches~~] in size, with letters ***in*** at least ***sixteen (16) point font***; or [~~one (1) inch high,~~]
- (b) ***A printed transparent static window cling in English and Spanish at least three (3) inches by three (3) inches in size, with letters in at least ten (10) point font;***

displaying the current telephone hotline number of the National Human Trafficking Resource Center or any federally funded successor entity.

- (3) The sign ***or window cling*** shall be:

(a) Created using gender-neutral language supplied by the Office of the Attorney General, ***the National Human Trafficking Hotline, or the United States Department of Homeland Security's Blue Campaign***; and

(b) Posted in a prominent place easily seen by patrons.

- (4) ***A truck stop or bus station in violation of this section shall be subject to a warning on the first violation and a fine not to exceed fifty dollars (\$50.00) for each subsequent violation. Each day of noncompliance with this section shall constitute a separate violation. Moneys collected under this subsection shall be paid to the human trafficking victims fund.***

➔Section 10. KRS 529.140 is amended to read as follows:

- (1) The "human trafficking victims fund," referred to in this section as the "fund," is created as a separate revolving fund within the Office of the Attorney General.

- (2) The fund shall consist of proceeds from assets seized and forfeited pursuant to KRS 529.150; [~~;~~] proceeds from the fee in KRS 529.130; [~~;~~] ***proceeds from penalties collected under Sections 5, 7, 8, and 9 of this Act;***

grants;[+] contributions;[+] appropriations;[+] and any other moneys that may be made available for purposes of the fund.

- (3) Moneys in the fund shall be distributed to agencies serving victims of human trafficking, including but not limited to law enforcement agencies, prosecutorial agencies, and victim service agencies. The Office of the Attorney General shall promulgate administrative regulations to develop procedures for distributing funds pursuant to this section. The administrative regulations shall require that:
 - (a) The Office of the Attorney General use funds received to maintain programs for the prevention of human trafficking, provide education, training, or public outreach programs about human trafficking, and conduct human trafficking investigations. The Office of the Attorney General may recoup costs for conducting any programs or trainings; and
 - (b) The Cabinet for Health and Family Services use funds received to serve minor victims of human trafficking under KRS 620.029.
- (4) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the fiscal year shall not lapse but shall be carried forward into the succeeding fiscal year to be used for the purposes set forth in this section.
- (5) Any interest earnings on moneys in the fund shall become a part of the fund and shall not lapse to the general fund.
- (6) Moneys in the fund are hereby appropriated for the purposes set forth in this section.

Signed by Governor April 4, 2024.

CHAPTER 62

(HB 206)

AN ACT relating to the Uniform Collaborative Law Act.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 403 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 16 of this Act:

- (1) *"Collaborative law communication" means a statement, whether verbal or nonverbal, that:*
 - (a) *Is made to conduct, participate in, continue, or reconvene a collaborative law process; and*
 - (b) *Occurs after the parties sign a collaborative law participation agreement and before the collaborative law process is concluded;*
- (2) *"Collaborative law participation agreement" means an agreement by persons to participate in a collaborative law process;*
- (3) *"Collaborative law process" means a procedure intended to resolve a collaborative matter without intervention by a court in which persons:*
 - (a) *Sign a collaborative law participation agreement; and*
 - (b) *Are represented by collaborative lawyers;*
- (4) *"Collaborative lawyer" means a lawyer who represents a party in a collaborative law process;*
- (5) *"Collaborative matter" means a dispute, transaction, claim, problem, or issue for resolution, including a dispute, claim, or issue in a proceeding, which is described in a collaborative law participation agreement and arises under the family or domestic relations law of this state, including:*
 - (a) *Marriage, divorce, dissolution, annulment, and property distribution;*
 - (b) *Child custody, visitation, and parenting time;*
 - (c) *Alimony, maintenance, and child support;*

- (d) *Adoption;*
- (e) *Parentage; and*
- (f) *Premarital, marital, and post-marital agreements;*
- (6) *"Immediate family member" has the same meaning as in KRS 205.8451;*
- (7) *"Law firm" means:*
 - (a) *Lawyers who practice law together in a:*
 - 1. *Partnership;*
 - 2. *Professional corporation;*
 - 3. *Sole proprietorship;*
 - 4. *Limited liability company; or*
 - 5. *Association; and*
 - (b) *Lawyers employed in a:*
 - 1. *Legal services organization;*
 - 2. *Legal department of a corporation;*
 - 3. *Other organization; or*
 - 4. *Legal department of a:*
 - a. *Government;*
 - b. *Governmental subdivision;*
 - c. *Agency; or*
 - d. *Instrumentality;*
- (8) *"Nonparty participant" means a person, other than a party and the party's collaborative lawyer, that participates in a collaborative law process;*
- (9) *"Party" means a person that signs a collaborative law participation agreement and whose consent is necessary to resolve a collaborative matter;*
- (10) *"Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity;*
- (11) *"Proceeding" means:*
 - (a) *A judicial, administrative, arbitral, or other adjudicative process before a court, including related prehearing and post-hearing motions, conferences, and discovery; or*
 - (b) *A legislative hearing or similar process;*
- (12) *"Prospective party" means a person that discusses with a prospective collaborative lawyer the possibility of signing a collaborative law participation agreement;*
- (13) *"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;*
- (14) *"Related to a collaborative matter" means involving the same parties, transaction or occurrence, nucleus of operative fact, dispute, claim, or issue as the collaborative matter; and*
- (15) *"Sign" means, with present intent to authenticate or adopt a record:*
 - (a) *To execute or adopt a tangible symbol; or*
 - (b) *To attach to or logically associate with the record an electronic symbol, sound, or process.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 403 IS CREATED TO READ AS FOLLOWS:

Sections 1 to 16 of this Act apply to a collaborative law participation agreement that meets the requirements of Sections 1 to 16 of this Act, signed on or after the effective date of the Act.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 403 IS CREATED TO READ AS FOLLOWS:

- (1) *A collaborative law participation agreement must:*
- (a) *Be in a record;*
 - (b) *Be signed by the parties;*
 - (c) *State the parties' intention to resolve a collaborative matter through a collaborative law process under Sections 1 to 16 of this Act;*
 - (d) *Describe the nature and scope of the matter;*
 - (e) *Identify the collaborative lawyer who represents each party in the process; and*
 - (f) *Contain a statement by each collaborative lawyer confirming the lawyer's representation of a party in the collaborative law process.*
- (2) *Parties may agree to include additional provisions in a collaborative law participation agreement not inconsistent with Sections 1 to 16 of this Act that may:*
- (a) *Require disclosures pursuant to the Kentucky Rules of Civil Procedure; and*
 - (b) *Outline discovery requests which exceed those required under the Kentucky Rules of Civil Procedure.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 403 IS CREATED TO READ AS FOLLOWS:

- (1) *A collaborative law process begins when the parties sign a collaborative law participation agreement.*
- (2) *A court may not order a party to participate in a collaborative law process over that party's objection.*
- (3) *A collaborative law process is concluded by a:*
- (a) *Resolution of a collaborative matter as evidenced by a signed record;*
 - (b) *Resolution of a part of the collaborative matter, evidenced by a signed record, in which the parties agree that the remaining parts of the matter will not be resolved in the process; or*
 - (c) *Termination of the process.*
- (4) *A collaborative law process terminates:*
- (a) *When a party gives notice to other parties in a record that the process is ended; or*
 - (b) *When a party:*
 - 1. *Begins a proceeding related to a collaborative matter without the agreement of all parties;*
 - 2. *In a pending proceeding related to the matter:*
 - a. *Initiates a pleading, motion, order to show cause, or request for a conference with the court;*
 - b. *Requests that the proceeding be put on the court's active calendar; or*
 - c. *Takes similar action requiring notice to be sent to the parties; or*
 - 3. *Except as otherwise provided by subsection (7) of this section, discharges a collaborative lawyer or a collaborative lawyer withdraws from further representation of a party.*
- (5) *A party's collaborative lawyer shall give prompt notice to all other parties in a record of a discharge or withdrawal.*
- (6) *A party may terminate a collaborative law process with or without cause.*
- (7) *Notwithstanding the discharge or withdrawal of a collaborative lawyer, a collaborative law process continues if, not later than thirty (30) days after the date that the notice of the discharge or withdrawal of a collaborative lawyer required by subsection (5) of this section is sent to the parties:*
- (a) *The unrepresented party engages a successor collaborative lawyer; and*

(b) In a signed record:

1. *The parties' consent to continue the process by reaffirming the collaborative law participation agreement;*
 2. *The agreement is amended to identify the successor collaborative lawyer; and*
 3. *The successor collaborative lawyer confirms the lawyer's representation of a party in the collaborative process.*
- (8) *A collaborative law process does not conclude if, with the consent of the parties, a party requests a court to approve a resolution of the collaborative matter or any part thereof as evidenced by a signed record.*
- (9) *A collaborative law participation agreement may provide additional methods of concluding a collaborative law process.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 403 IS CREATED TO READ AS FOLLOWS:

- (1) *Persons in a proceeding pending before a court may sign a collaborative law participation agreement to seek to resolve a collaborative matter related to the proceeding. The parties shall file promptly with the court a notice of the agreement after it is signed. Subject to subsections (3) and (6) of this section, the filing operates as an application for a stay of the proceeding.*
- (2) *The parties shall file promptly with the court notice in a record when a collaborative law process concludes. The stay of the proceeding under subsection (1) of this section is lifted when the notice is filed. The notice shall not specify any reason for termination of the process.*
- (3) *A court in which a proceeding is stayed under subsection (1) of this section may require the parties and collaborative lawyers to provide a status report on the collaborative law process and the proceeding. A status report may include only information on whether the process is ongoing or concluded. It may not include a report, assessment, evaluation, recommendation, finding, or other communication regarding a collaborative law process or collaborative law matter.*
- (4) *A court may not consider a communication made in violation of subsection (3) of this section.*
- (5) *A court shall provide parties notice and an opportunity to be heard before dismissing a proceeding in which a notice of collaborative process is filed based on delay or failure to prosecute.*
- (6) *During a collaborative law process, a court may issue emergency orders to protect the health, safety, welfare, or interest of a party or an immediate family member that resides in the party's home.*

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 403 IS CREATED TO READ AS FOLLOWS:

- (1) *Except as otherwise provided in subsection (3) of this section, a collaborative lawyer is disqualified from appearing before a court to represent a party in a proceeding related to the collaborative matter.*
- (2) *Except as otherwise provided in subsection (3) of this section and Sections 7 and 8 of this Act, a lawyer in a law firm with which the collaborative lawyer is associated is disqualified from appearing before a court to represent a party in a proceeding related to the collaborative matter if the collaborative lawyer is disqualified from doing so under subsection (1) of this section.*
- (3) *A collaborative lawyer or a lawyer in a law firm with which the collaborative lawyer is associated may represent a party:*
 - (a) *To ask a court to approve an agreement resulting from the collaborative law process; or*
 - (b) *To seek or defend an emergency order to protect the health, safety, welfare, or interest of a party, or an immediate family member that resides in the party's home if a successor lawyer is not immediately available to represent that person.*
- (4) *If subsection (3)(b) of this section applies, a collaborative lawyer, or lawyer in a law firm with which the collaborative lawyer is associated, may represent a party or an immediate family member that resides in the party's home only until the person is represented by a successor lawyer or reasonable measures are taken to protect the health, safety, welfare, or interest of the person.*

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 403 IS CREATED TO READ AS FOLLOWS:

- (1) *Subsection (1) of Section 6 of this Act applies to a collaborative lawyer representing a party with or without fee.*

- (2) *After a collaborative law process concludes, another lawyer in a law firm with which a collaborative lawyer disqualified under subsection (1) of Section 6 of this Act is associated may represent a party without fee in the collaborative matter or a matter related to the collaborative matter if:*
- (a) *The party has an annual income that qualifies the party for free legal representation under the criteria established by the law firm for free legal representation;*
 - (b) *The collaborative law participation agreement so provides; and*
 - (c) *The collaborative lawyer is isolated from any participation in the collaborative matter or a matter related to the collaborative matter through procedures within the law firm which are reasonably calculated to isolate the collaborative lawyer from such participation.*

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 403 IS CREATED TO READ AS FOLLOWS:

- (1) *Subsection (1) of Section 6 of this Act applies to a collaborative lawyer representing a party that is a government or governmental subdivision, agency, or instrumentality.*
- (2) *After a collaborative law process concludes, another lawyer in a law firm with which the collaborative lawyer is associated may represent a government or governmental subdivision, agency, or instrumentality in the collaborative matter or a matter related to the collaborative matter if:*
- (a) *The collaborative law participation agreement so provides; and*
 - (b) *The collaborative lawyer is isolated from any participation in the collaborative matter or a matter related to the collaborative matter through procedures within the law firm which are reasonably calculated to isolate the collaborative lawyer from such participation.*

➔SECTION 9. A NEW SECTION OF KRS CHAPTER 403 IS CREATED TO READ AS FOLLOWS:

Notwithstanding any other statute to the contrary, during the collaborative law process, on the request of another party, a party shall make timely, full, candid, and informal disclosure of information related to the collaborative matter without formal discovery. A party also shall update promptly previously disclosed information that has materially changed. The parties may define the scope of disclosure during the collaborative law process.

➔SECTION 10. A NEW SECTION OF KRS CHAPTER 403 IS CREATED TO READ AS FOLLOWS:

Sections 1 to 16 of this Act do not affect:

- (1) *The professional responsibility obligations and standards applicable to a lawyer or other licensed professional; or*
- (2) *The obligation of a person to report abuse or neglect, abandonment, or exploitation of a child or adult under the laws of this state.*

➔SECTION 11. A NEW SECTION OF KRS CHAPTER 403 IS CREATED TO READ AS FOLLOWS:

Before a prospective party signs a collaborative law participation agreement, a prospective collaborative lawyer shall:

- (1) *Assess with the prospective party factors the lawyer reasonably believes relate to whether a collaborative law process is appropriate for the prospective party's matter;*
- (2) *Provide the prospective party with information that the lawyer reasonably believes is sufficient for the party to make an informed decision about the material benefits and risks of a collaborative law process as compared to the material benefits and risks of other reasonably available alternatives for resolving the proposed collaborative matter, such as litigation, mediation, arbitration, or expert evaluation; and*
- (3) *Advise the prospective party that:*
 - (a) *After signing an agreement, if a party initiates a proceeding or seeks court intervention in a pending proceeding related to the collaborative matter, the collaborative law process terminates;*
 - (b) *Participation in a collaborative law process is voluntary and any party has the right to unilaterally terminate a collaborative law process with or without cause; and*
 - (c) *The collaborative lawyer and any lawyer in a law firm with which the collaborative lawyer is associated may not appear before a court to represent a party in a proceeding related to the collaborative matter, except as authorized by subsection (3) of Section 6 of this Act, subsection (2) of Section 7 of this Act, or subsection (2) of Section 8 of this Act.*

➔SECTION 12. A NEW SECTION OF KRS CHAPTER 403 IS CREATED TO READ AS FOLLOWS:

- (1) *Before a prospective party signs a collaborative law participation agreement, a prospective collaborative lawyer shall make reasonable inquiry whether the prospective party has a history of a coercive or violent relationship with another prospective party.*
- (2) *Throughout a collaborative law process, a collaborative lawyer shall reasonably and continuously assess whether the party the collaborative lawyer represents has a history of a coercive or violent relationship with another party.*
- (3) *If a collaborative lawyer reasonably believes that the party the lawyer represents or the prospective party who consults the lawyer has a history of a coercive or violent relationship with another party or prospective party, the lawyer may not begin or continue a collaborative law process unless:*
 - (a) *The party or the prospective party requests beginning or continuing a process; and*
 - (b) *The collaborative lawyer reasonably believes that the safety of the party or prospective party can be protected adequately during a process.*

➔SECTION 13. A NEW SECTION OF KRS CHAPTER 403 IS CREATED TO READ AS FOLLOWS:

- (1) *Subject to Sections 14 and 15 of this Act, a collaborative law communication is:*
 - (a) *Privileged under subsection (2) of this section;*
 - (b) *Not subject to discovery; and*
 - (c) *Not admissible in evidence.*
- (2) *In a proceeding, the following privileges apply:*
 - (a) *A party may refuse to disclose, and may prevent any other person from disclosing, a collaborative law communication; and*
 - (b) *A nonparty participant may refuse to disclose, and may prevent any other person from disclosing, a collaborative law communication of the nonparty participant.*
- (3) *Evidence or information that is otherwise admissible or subject to discovery does not become inadmissible or protected from discovery solely because of its disclosure or use in a collaborative law process.*

➔SECTION 14. A NEW SECTION OF KRS CHAPTER 403 IS CREATED TO READ AS FOLLOWS:

- (1) *A privilege under Section 13 of this Act may be waived in a record or orally during a proceeding if it is expressly waived by all parties and, in the case of the privilege of a nonparty participant, it is also expressly waived by the nonparty participant.*
- (2) *A person that makes a disclosure or representation about a collaborative law communication which prejudices another person in a proceeding may not assert a privilege under Section 13 of this Act, but this preclusion applies only to the extent necessary for the person prejudiced to respond to the disclosure or representation.*

➔SECTION 15. A NEW SECTION OF KRS CHAPTER 403 IS CREATED TO READ AS FOLLOWS:

- (1) *There is no privilege under Section 13 of this Act for a collaborative law communication that is:*
 - (a) *Available to the public under the Kentucky Open Records Act or made during a session of a collaborative law process that is open, or is required by law to be open, to the public;*
 - (b) *A threat or statement of a plan to inflict bodily injury or commit a crime of violence;*
 - (c) *Intentionally used to plan a crime, commit or attempt to commit a crime, or conceal an ongoing crime or ongoing criminal activity; or*
 - (d) *In an agreement resulting from the collaborative law process, evidenced by a record signed by all parties to the agreement.*
- (2) *The privileges under Section 13 of this Act for a collaborative law communication shall not apply to the extent that a communication is sought or offered to prove or disprove:*
 - (a) *A claim or complaint of professional misconduct or malpractice arising from or related to a collaborative law process; or*

- (b) *Abuse, neglect, abandonment, or exploitation of a child or adult, unless the Cabinet for Health and Family Services is a party to or otherwise participates in the process.*
- (3) *There shall be no privilege under Section 13 of this Act if a court finds, after a hearing in camera, that the party seeking discovery or the proponent of the evidence has shown the evidence is not otherwise available, the need for the evidence substantially outweighs the interest in protecting confidentiality, and the collaborative law communication is sought or offered in:*
- (a) *A court proceeding involving a felony; or*
- (b) *A proceeding seeking rescission or reformation of a contract arising out of the collaborative law process or in which a defense to avoid liability on the contract is asserted.*
- (4) *If a collaborative law communication is subject to an exception under subsection (2) or (3) of this section, only the part of the communication necessary for the application of the exception may be disclosed or admitted.*
- (5) *Disclosure or admission of evidence excepted from the privilege under subsection (2) or (3) of this section does not make the evidence or any other collaborative law communication discoverable or admissible for any other purpose.*
- (6) *The privileges under Section 13 of this Act shall not apply if the parties agree in advance in a signed record, or if a record of a proceeding reflects agreement by the parties, that all or part of a collaborative law process is not privileged. This subsection shall not apply to a collaborative law communication made by a person that did not receive actual notice of the agreement before the communication was made.*

➔SECTION 16. A NEW SECTION OF KRS CHAPTER 403 IS CREATED TO READ AS FOLLOWS:

- (1) *If an agreement fails to meet the requirements of Section 3 of this Act, or a lawyer fails to comply with Section 11 or 12 of this Act, a court may nonetheless find that the parties intended to enter into a collaborative law participation agreement if they:*
- (a) *Signed a record indicating an intention to enter into a collaborative law participation agreement; and*
- (b) *Reasonably believed they were participating in a collaborative law process.*
- (2) *If a court makes the findings specified in subsection (1) of this section, and the interests of justice require, the court may:*
- (a) *Enforce an agreement evidenced by a record resulting from the process in which the parties participated;*
- (b) *Apply the disqualification provisions of Sections 6, 7, and 8 of this Act; and*
- (c) *Apply a privilege under Section 13 of this Act.*

➔Section 17. This Act may be cited as the Uniform Collaborative Law Act.

Signed by Governor April 4, 2024.

CHAPTER 63

(HB 551)

AN ACT relating to cold cases.

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

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

- (1) *For purposes of this section:*
- (a) *"Cold case" means an unsolved criminal investigation;*
- (b) *"Law enforcement agency" means any police department of a local government or sheriff's department; and*

- (c) *"Local government" means any city, county, charter county government, consolidated local government, urban-county government, or unified local government.*
- (2) *Any law enforcement agency may contract with a retired peace officer when:*
- (a) 1. *New information concerning a cold case involving homicide is brought to the attention of the law enforcement agency; or*
2. *The law enforcement agency wishes to conduct a review of its cold cases involving homicide; and*
- (b) *The retired peace officer could provide unique expertise or knowledge that would aid in solving a cold case.*
- (3) *A retired peace officer contracted with pursuant to this section shall not be considered a peace officer for purposes of the contracted work and shall not exercise peace officer powers.*
- (4) *Any compensation received by a retired peace officer under this section shall not be considered creditable compensation for any retirement system the retired peace officer participates in that is authorized under the Kentucky Revised Statutes.*

Signed by Governor April 4, 2024.

CHAPTER 64

(HB 602)

AN ACT relating to authorizing the payment of certain claims against the state which have been duly audited and approved according to law and have not been paid because of the lapsing or insufficiency of former appropriations against which the claims were chargeable or the lack of an appropriate procurement document in place, making an appropriation therefor, and declaring an emergency.

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

➔Section 1. There is appropriated out of the general fund, transportation fund, and federal funds in the State Treasury for the purpose of compensating persons and companies named below for claims which have been duly audited and approved according to law, but have not been paid because of lapsing or insufficiency of former appropriations against which the claims were chargeable, or the lack of an appropriate procurement document in place, the amounts listed below:

ACT

PO Box 4072	
Iowa City, IA 52243-4072	\$4,963.00
Advanced Geodetic Surveys	
23111 FM 1462 Road	
Damon, TX 77430-8397	\$1,605.20
ARCH Community Health Coalition	
1535 Rainwater Lane	
Manitou, KY 42436-9791	\$8,575.00
Axon Enterprise, Inc.	
PO Box 29661	
Department 2018	
Phoenix, AZ 85038-9661	\$60,343.50
Baptist Health Medical Group Inc.	

PO Box 734848 Chicago, IL 60673-4848	\$4,738.00
Ronald Boyd 100 Lewis Drive Richmond, KY 40475-9767	\$4,000.00
BuzzClan LLC 5757 Alpha Rd, Suite 340 Dallas, TX 75240-4921	\$410.32
Capitol Solutions, LLC 8913 Dolls Eyes Street Prospect, KY 40059-6583	\$5,800.00
Carter Equipment Company 6970 Hanson Road Hanson, KY 42413-9575	\$46,861.36
Central U.S. Earthquake Consortium Accounts Payable 2630 E. Holmes Road Memphis, TN 38118-8004	\$1,858.19
CSX Transportation c/o CSX Government Billing PO Box 530192 Atlanta, GA 30353-0192	\$38,512.35
EnSite, LLC PO Box 1575 Paducah, KY 42002-1575	\$2,724.90
Federal Resources Supply Company dba Noble Supply and Logistics 235G Log Canoe Circle Stevensville, MD 21666-2165	\$5,950.00
Olivia Henson 106 East Collins Court Louisville, KY 40214-1720	\$25.83
Margaret G. Hicks 310 Chasity Drive Cadiz, KY 42211-6604	\$500.00
Jeffrey Humphrey 2112 Westview Drive Owensboro, KY 42301	\$74.21
JRS Printing, LLC	

118 Brighton Park Boulevard Frankfort, KY 40601	\$5,597.68
Kentucky Office of Vocational Rehabilitation 500 Mero Street, 426NE Frankfort, KY 40601-1251	\$85,884.96
Kentucky YMCA Youth Association 91 C Michael Davenport Boulevard Frankfort, KY 40601-4324	\$2,742.00
Holly J. Mattingly, Ph.D. 3515 Forest Circle Paducah, KY 42001-4434	\$3,703.59
Jane McWilliams 401 Lindsey Avenue Frankfort, KY 40601-2311	\$480.70
NWK Construction, Inc. PO Box 486 Harrodsburg, KY 40330-0486	\$49,431.33
Tonya Rose 2548 Evergreen Drive Covington, KY 41017-9449	\$68.40
Jonathan Sacks 699 Muirfield Circle Bowling Green, Kentucky 42104-5550	\$500.00
Safety 1st PO Box 142 Prestonsburg, KY 41653-0142	\$100.00
Alexis Stallard 1083 Autumn Crest Lane Louisville, KY 40245-3219	\$363.87
The CI Thornberg Company, Inc dba Citco Water PO Box 632059 Cincinnati, OH 45263-2059	\$13,387.90
Umberg Zipser LLP 1920 Main Street, Suite 750 Irvine, CA 92614-7209	\$6,344.58

➔Section 2. The claims listed below are for the payment of State Treasury checks payable to the persons or their personal representatives, and the firms listed, but not presented for payment within a period of five (5) years from the date of issuance of such checks as required by KRS 41.370 and 413.120.

Check #EA 11864406 dated April 26, 2017

Akakpo Blandine 2905 Springfield Drive, Apt 3 Louisville, KY 40214	\$90.00
Check #GA 21878124 dated January 11, 2018 Alexandria Brewing Company SOS Redeposit 700 Capital Avenue, Suite 80 Frankfort, KY 40601	\$10.00
Check #GA 21878093 dated January 11, 2018 Atlas Dry Cleaners SOS Redeposit 700 Capital Avenue, Suite 80 Frankfort, KY 40601	\$0.10
Check #GA 21830090 dated December 14, 2017 Booking.com Parks Redeposit 500 Mero Street, 5th Floor Frankfort, KY 40601	\$7.00
Check #TA 16871616 dated December 21, 2015 Brewer, Susan R 5725 Highway 16 Warsaw, KY 41095	\$221.00
Check #T1 11024545 dated September 15, 2006 Calloway, Beverly A 620 N Wilson Street Paris, TN 38242	\$80.00
Check #GA 21427099 dated May 23, 2017 Christina Franklin 411 Windhaven, Apt 8 Mayfield, KY 42066	\$75.00
Check #GA 21855586 dated December 28, 2017 Christmas Trees & More Parks Redeposit 500 Mero Street, 5th Floor Frankfort, KY 40601	\$337.00
Check #GA 21817225 dated December 6, 2017 Clems Refrigerated Foods Parks Redeposit 500 Mero Street, 5th Floor	

Frankfort, KY 40601	\$162.16
Check #GA 21847885 dated December 21, 2017	
Clems Refrigerated Foods	
Parks Redeposit	
500 Mero Street, 5th Floor	
Frankfort, KY 40601	\$1,204.20
Check #GA 21805446 dated December 1, 2017	
Delzie J Kelly	
KSP Redeposit	
919 Versailles Road	
Frankfort, KY 40601	\$98.00
Check #GA 21843511 dated December 20, 2017	
Destiny Clark	
CHFS Redeposit	
275 E Main Street	
Frankfort, KY 40601	\$250.00
Check #KA 12285038 dated July 14, 2011	
Dolly J Powell	
5396 Housebridge Road	
Corydon, KY 42406	\$376.65
Check #TA 18129640 dated April 26, 2018	
Edington, Jonathan N	
200 Noelle Court	
Elizabethtown, KY 42701	\$206.00
Check #GA 21878190 dated January 11, 2018	
El Hafyani Abdelaziz	
SOS Redeposit	
700 Capital Avenue, Suite 80	
Frankfort, KY 40601	\$10.00
Check #GA 21878203 dated January 11, 2018	
Elvis Yupanky Ortiz Aplicano	
SOS Redeposit	
700 Capital Avenue, Suite 80	
Frankfort, KY 40601	\$54.00
Check #GA 21147413 dated January 13, 2017	
Employers Holding Group	
10375 Professional Circle	
Reno, NV 89521	\$4,864.06
Check #BA 11150793 dated September 23, 2016	

Fortera Brick, LLC Attn: Sam Miller 5 Concourse Parkway, Ste 1900 Atlanta, GA 30328	\$5,185.84
Check #TA 16040637 dated March 19, 2014 Gibson, Cameron M 3030 Nicole Drive Evansville, IN 47711	\$121.00
Check #GA 21878048 dated January 11, 2018 Gifford Real Estate SOS Redeposit 700 Capital Avenue, Suite 80 Frankfort, KY 40601	\$20.00
Check #BA 11158317 dated February 3, 2017 Greenbrier Companies, Inc One Centerpointe Drive, Ste 200 Lake Oswego, OR 97035	\$7,780.00
Check #BA 11158318 dated February 3, 2017 Greenbrier Companies, Inc One Centerpointe Drive, Ste 200 Lake Oswego, OR 97035	\$31,150.00
Check #K1 12167815 dated March 13, 2009 Hess, Lola KPPA Redeposit 1260 Louisville Road Frankfort, KY 40601	\$1,332.37
Check #K1 12172369 dated April 14, 2009 Hess, Lola KPPA Redeposit 1260 Louisville Road Frankfort, KY 40601	\$1,371.50
Check #TA 18152441 dated May 9, 2018 Hibbs, Mark A 10610 Waycross Avenue Louisville, KY 40229	\$118.00
Check #GA 21878082 dated January 11, 2018 Holy Trinity Apartments, Inc SOS Redeposit 700 Capital Avenue, Suite 80	

Frankfort, KY 40601	\$10.00
Check #BA 11171621 dated September 21, 2017	
HP Computing and Printing, Inc.	
Attn: Kelsey Dukes	
PO Box 3307	
Spring, TX 77383	\$10,613.66
Check #BA 11175238 dated December 1, 2017	
HP Computing and Printing, Inc.	
Attn: Kelsey Dukes	
PO Box 3307	
Spring, TX 77383	\$18,279.48
Check #GA 21878204 dated January 11, 2018	
IT Analytics	
SOS Redeposit	
700 Capital Avenue, Suite 80	
Frankfort, KY 40601	\$5.00
Check #GA 21756858 dated November 3, 2017	
James Burkhead	
168 Burkhead Way	
Lancaster, KY 40444	\$111.10
Check #GA 21816743 dated December 6, 2017	
James G Ryland	
KSP Redeposit	
919 Versailles Road	
Frankfort, KY 40601	\$133.00
Check #GA 21878201 dated January 11, 2018	
James M. West PSC	
SOS Redeposit	
700 Capital Avenue, Suite 80	
Frankfort, KY 40601	\$10.00
Check #GA 21848511 dated December 21, 2017	
Jefferson County Public Schools	
KHS Redeposit	
100 W. Broadway	
Frankfort, KY 40601	\$237.60
Check #GA 21878130 dated January 11, 2018	
Jesse P Melcher	
SOS Redeposit	
700 Capital Avenue, Suite 80	

Frankfort, KY 40601	\$0.10
Check #GA 21813006 dated December 5, 2017	
Johnson Law Firm PSC	
SOS Redeposit	
700 Capital Avenue, Suite 80	
Frankfort, KY 40601	\$0.20
Check #GA 21813054 dated December 5, 2017	
Johnson Law Firm PSC	
SOS Redeposit	
700 Capital Avenue, Suite 80	
Frankfort, KY 40601	\$0.20
Check #GA 21813055 dated December 5, 2017	
Johnson Law Firm PSC	
SOS Redeposit	
700 Capital Avenue, Suite 80	
Frankfort, KY 40601	\$0.20
Check #GA 21813056 dated December 5, 2017	
Johnson Law Firm PSC	
SOS Redeposit	
700 Capital Avenue, Suite 80	
Frankfort, KY 40601	\$0.20
Check #GA 21833837 dated December 15, 2017	
Jonah Magney	
Parks Redeposit	
500 Mero Street, 5th Floor	
Frankfort, KY 40601	\$120.00
Check #GA 21805452 dated December 1, 2017	
Jonathan A Downs	
KSP Redeposit	
919 Versailles Road	
Frankfort, Ky 40601	\$112.00
Check #GA 21285339 dated March 17, 2017	
Karel Matos	
314 Chariot Court	
Louisville, KY 40219	\$245.00
Check #GA 21878151 dated January 11, 2018	
Kellye N Singletary	
SOS Redeposit	
700 Capital Avenue, Suite 80	

Frankfort, KY 40601	\$20.00
Check #GA 21921649 dated February 1, 2018	
Kevin L Holt	
FW Redeposit	
1 Sportsmans Lane	
Frankfort, KY 40601	\$75.00
Check #BA 11164770 dated May 19, 2017	
Kinder Morgan Bulk Terminals, Inc	
Attn: Penny Scott	
1001 Louisiana Street	
Houston, TX 77002	\$2,171.95
Check #TA 17187186 dated April 18, 2016	
King Bradly	
4330 Switzer Road	
Frankfort, KY 40601	\$222.00
Check #GA 21878161 dated January 11, 2018	
Krazy Daves, Inc	
SOS Redeposit	
700 Capital Avenue, Suite 80	
Frankfort, KY 40601	\$20.00
Check #GA 21878128 dated January 11, 2018	
LCAAHC	
SOS Redeposit	
700 Capital Avenue, Suite 80	
Frankfort, KY 40601	\$10.00
Check #GA 21813051 dated December 5, 2017	
Lloyd & Daniel, PLC	
SOS Redeposit	
700 Capital Avenue, Suite 80	
Frankfort, KY 40601	\$0.20
Check #GA 21813052 dated December 5, 2017	
Lloyd & Daniel, PLC	
SOS Redeposit	
700 Capital Avenue, Suite 80	
Frankfort, KY 40601	\$0.20
Check #GA 21878135 dated January 11, 2018	
Lloyd & Daniel, PLC	
SOS Redeposit	
700 Capital Avenue, Suite 80	

Frankfort, KY 40601	\$0.20
Check #GA 21878063 dated January 11, 2018	
London Laurel Co Ruritan	
SOS Redeposit	
700 Capital Avenue, Suite 80	
Frankfort, KY 40601	\$10.00
Check #TA 16873047 dated January 27, 2016	
Mahoney Susan (Estate)	
166 Branner Avenue, Ste A	
Waynesville, NC 28786	\$1,600.00
Check #TA 16873123 dated January 27, 2016	
Mahoney Susan (Estate)	
166 Branner Avenue, Ste A	
Waynesville, NC 28786	\$367.00
Check #TA 17364382 dated August 9, 2016	
Mahoney Susan (Estate)	
166 Branner Avenue, Ste A	
Waynesville, NC 28786	\$1,088.57
Check #GA 21818402 dated December 7, 2017	
Mark L Combs	
KSP Redeposit	
919 Versailles Road	
Frankfort, KY 40601	\$133.00
Check #EA 11906098 dated June 5, 2017	
McBride, Ryan P	
113 Brookview Drive	
Richmond, KY 40475	\$272.00
Check #EA 11960885 dated July 12, 2017	
McClenney, Anthony R & B	
341 Chase Place	
Lexington, KY 40503	\$836.00
Check #EA 11818044 dated October 11, 2016	
Morrison, Selina C & M B	
Garnei 161/2	
A-5431	
Kuchl, KY 00000	\$413.00
Check #GA 21878199 dated January 11, 2018	
Neely Brien Wilson & Toombs	
SOS Redeposit	

700 Capital Avenue, Suite 80 Frankfort, KY 40601	\$0.20
Check #BA 11183739 dated May 4, 2018 Omnicell, Inc FKA MTS Packaging Systems 500 Cranberry Woods Drive, Unit 400 Cranberry Township, PA 16066	\$1,990.03
Check #GA 21872365 dated January 9, 2018 Padua Stables, LLC & Dr Patricia Ziefle 1 N Dale Mabry Highway, Ste 600 Tampa, FL 33609	\$3,165.00
Check #T1 2730062 dated April 30, 2004 Parker, Jimmy & K (Estate) 4044 Ft Campbell Boulevard Hopkinsville, KY 42240	\$484.00
Check #T1 0851693 dated May 14, 2002 Parker, Jimmy L & K L (Estate) 4044 Ft Campbell Boulevard Hopkinsville, KY 42240	\$817.00
Check #GA 21878209 dated January 11, 2018 Premium Development, Inc SOS Redeposit 700 Capital Avenue, Suite 80 Frankfort, KY 40601	\$30.00
Check #TA 15440086 dated February 18, 2013 Rice, Charles 200 Lakeview Boulevard, Apt 316 Glasgow, KY 42141	\$160.00
Check #TA 17651752 dated April 14, 2017 Robben, Bertrand & M K 1006 Rosemary Drive Louisville, KY 40213	\$223.00
Check #BA 11139889 dated February 12, 2016 Rolling Frito Lay Sales Revenue Redeposit 501 High Street Frankfort, KY 40601	\$1,054.78
Check #GA 21571624 dated August 2, 2017 Sharon Spina 100 W Main Street, Ste 900	

Lexington, KY 40507	\$672.86
Check #BA 11090490 dated August 3, 2012	
Siemens Corporation	
Attn: Deborah Pyle M/S AFS-466	
3850 Quadrangle Boulevard	
Orlando, FL 32817	\$838.62
Check #BA 11130823 dated June 12, 2015	
Siemens Corporation	
Attn: Deborah Pyle M/S AFS-466	
3850 Quadrangle Boulevard	
Orlando, FL 32817	\$20.93
Check #BA 11136647 dated December 2, 2015	
Siemens Energy, Inc	
Attn: Deborah Pyle M/S AFS-466	
3850 Quadrangle Boulevard	
Orlando, FL 32817	\$133.97
Check #BA 11182896 dated April 20, 2018	
Siemens Financial	
Attn: Deborah Pyle M/S AFS-466	
3850 Quadrangle Boulevard	
Orlando, FL 32817	\$2,344.86
Check #GA 20301528 dated December 15, 2015	
Spina, Asha M	
165 Eagle Rock Drive	
Ponte Verde, FL 32081	\$19,076.49
Check #GA 18453724 dated September 30, 2013	
Sunoco, Inc	
800 E Sonterra Boulevard	
San Antonio, TX 78258	\$3,557.50
Check #GA 21878566 dated December 18, 2017	
TA Operating LLC	
FW Redeposit	
1 Sportsmans Lane	
Frankfort, KY 40601	\$300.00
Check #B1 11045396 dated April 9, 2009	
The Bar Inc	
224 E Main Street	
Lexington, KY 40507	\$268.15
Check #GA 21840791 dated December 18, 2017	

The Gleaner KDVA Redeposit 1111 Louisville Road, Suite B Frankfort, KY 40601	\$290.25
Check #JA 11008925 dated August 15, 2016 Thomas Kelly (Estate) 1547 Hagan Lane S Owensboro, KY 42301	\$4,694.26
Check #GA 21878159 dated January 11, 2018 Trio Truck Company SOS Redeposit 700 Capital Avenue, Suite 80 Frankfort, KY 40601	\$5.00
Check #GA 21817687 dated December 6, 2017 Troy A Brooks KSP Redeposit 919 Versailles Road Frankfort, KY 40601	\$133.00
Check #EA 11600766 dated March 19, 2013 Tucker, Jarrod F 5633 Snag Creek Road Foster, KY 41043	\$187.00
Check #GA 21878090 dated January 11, 2018 Vanxis Transportation SOS Redeposit 700 Capital Avenue, Suite 80 Frankfort, KY 40601	\$10.00
Check #BA 11111132 dated January 10, 2014 Verizon Business Network Revenue Redeposit 501 High Street Frankfort, KY 40601	\$108.39
Check #TA 17387212 dated November 4, 2016 Wagner, Stephen G & H H 6600 Old Zering Road Crestwood, KY 40014	\$516.00

➔Section 3. Whereas the persons and companies named above have furnished in good faith services, supplies, and materials and the Commonwealth has received the same, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 4, 2024.

CHAPTER 65

(HB 695)

AN ACT establishing the Adaptive Kindergarten Readiness pilot project.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 157 IS CREATED TO READ AS FOLLOWS:

- (1) *The General Assembly hereby finds and declares that:*
- (a) *During the first five (5) years of life, children experience rapid learning and development that have effects that endure their lifetimes;*
 - (b) *A key milestone in children's development is their transition into and readiness for kindergarten;*
 - (c) *High quality early childhood literacy programs can significantly improve a child's readiness for kindergarten and future academic success;*
 - (d) *Children in Kentucky would benefit from access to varied and effective early literacy services; and*
 - (e) *Developing new and innovative services for the children of the Commonwealth can expand access to early literacy services and improve kindergarten readiness.*
- (2) *As used in this section:*
- (a) *"Child-care center" has the same meaning as in KRS 199.894;*
 - (b) *"Contractor" means the educational technology provider selected pursuant to subsection (4) of this section;*
 - (c) *"Department" means the Kentucky Department of Education; and*
 - (d) *"Eligible child" means a child who is four (4) or five (5) years old and is not currently enrolled in kindergarten in a public school district, but is eligible to enroll during the following school year.*
- (3) *The Adaptive Kindergarten Readiness Pilot Project is hereby established to provide preschool children with access to educational technology programs that use family engagement to improve kindergarten readiness. The pilot project shall:*
- (a) *During the 2024-2025 and 2025-2026 school years, provide a cohort of eligible children during each school year with access to an educational technology program that:*
 - 1. *Utilizes family engagement to deliver age-appropriate instruction in reading that may be implemented in homes or in child-care centers;*
 - 2. *Offers optional instruction in mathematics and science;*
 - 3. *Aligns with relevant state standards for preschool under KRS 157.3175;*
 - 4. *Assists with the objectives of the Head Start Act, 42 U.S.C. sec. 9801 et seq.;*
 - 5. *Assists children with disabilities in preparing for kindergarten; and*
 - 6. *Meets the benchmarks for evidence-based programs established by the United States Department of Education;*
 - (b) *Operate under the oversight of the Kentucky Department of Education;*
 - (c) *Solicit families to encourage their eligible child's participation in the pilot project through public information campaigns, outreach programs, and referrals from other educational entities that is partially focused on communities and areas of the state encountering persistent poverty;*
 - (d) *Reserve forty percent (40%) of a cohort's membership for eligible students with a household income of no more than two hundred percent (200%) of the federal poverty level. However, if a seat reserved under this paragraph remains vacant for more than two (2) months, the seat in that cohort may be*

given to any eligible child. The pilot project shall enroll eligible children as students in both the reserved and unreserved membership in the order the completed applications were submitted. The maximum enrollment for each cohort shall be established by the department and provider based on the funds available;

- (e) *Use:*
 - 1. *A multisensory reading tutoring program; and*
 - 2. *A validated adaptive reading test that does not require the presence of trained adults to administer and that has been demonstrated as an accurate indicator of a child's reading readiness; and*
- (f) *As needed and at no cost for the student's family, for the duration of the student's participation in the pilot project, provide a student with a household income of no more than four hundred percent (400%) of the federal poverty level with:*
 - 1. *A computer or tablet; and*
 - 2. *Access to internet service.*
- (4) *The Kentucky Department of Education shall select a provider to implement the pilot project under the department's oversight. In evaluating provider applicants, the department shall require an applicant to have:*
 - (a) *At least three (3) years of experience in implementing similar services;*
 - (b) *Conducted a randomized controlled trial or other external evaluation that support the efficacy of the educational technology program the provider implements; and*
 - (c) *Capabilities to:*
 - 1. *Partner with preschool, head start, and child-care centers to serve participating students;*
 - 2. *Communicate with parents and other education professionals involved in the pilot project;*
 - 3. *Update the instructional software as needed;*
 - 4. *Validate user access;*
 - 5. *Collect user data;*
 - 6. *Store research data;*
 - 7. *Produce reports for parents, schools, the department, and the Legislative Research Commission; and*
 - 8. *Comply with state and federal education and digital privacy laws.*
- (5) *The selected provider shall:*
 - (a) *Develop a recruitment plan to solicit families to participate in the pilot project;*
 - (b) *Implement the pilot project in compliance with subsection (3) of this section;*
 - (c) *Provide administrative and technical support to students, families, and any other involved education professionals for the installation and operation of the instructional software;*
 - (d) *Seek the advice and expertise of local stakeholders, such as public and private early childhood education professionals, the department, local school board members, kindergarten teachers, and parents, on the implementation of the pilot project in areas such as:*
 - 1. *Soliciting families to participate in the pilot project;*
 - 2. *Providing training to families and education professionals; and*
 - 3. *Motivating families to regularly use the instructional software; and*
 - (e) *At the conclusion of each school year, report any data required by the department to conduct an evaluation of the pilot project's effectiveness.*
- (6) *By December 1, 2025, the department shall submit a report to the Legislative Research Commission for referral to the Interim Joint Committee on Education, that contains the following:*

- (a) *The extent to which the pilot project is accomplishing the objectives identified in this section;*
 - (b) *The number of families:*
 - 1. *Participating in the project;*
 - 2. *Who have received technology devices or internet service in the project; and*
 - 3. *Who have household incomes of no more than two hundred percent (200%) of the federal poverty level or who reside in areas of persistent poverty;*
 - (c) *The number of private and public educational entities the provider has partnered with during the pilot project;*
 - (d) *The frequency of use of the instructional software;*
 - (e) *Obstacles encountered with software usage, hardware, internet access, or providing technical assistance; and*
 - (f) *Student performance on any kindergarten entry or exit assessments conducted by school districts or public charter schools that compare students who have participated in the project and students who have not.*
- (7) *The Kentucky Department of Education shall implement this section to the extent that federal funds are available.*

➔Section 2. Notwithstanding the provider selection requirements in Section 1 of this Act, if by the date this Act becomes law, the Kentucky Department of Education has already entered into a contract with an entity to provide services that are substantially similar to the Adaptive Kindergarten Readiness Pilot Project established in Section 1 of this Act, and that entity substantially meets the eligibility requirements for a "provider" under Section 1 of this Act, the Kentucky Board of Education may vote to select that entity to be the provider for Section 1 of this Act.

Signed by Governor April 4, 2024.

CHAPTER 66

(HB 22)

AN ACT relating to automated external defibrillators.

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

➔Section 1. KRS 311.667 is amended to read as follows:

In order to ensure public health and safety:

- (1) A person or entity who acquires an AED shall ensure that:
 - (a) Expected AED users receive American Heart Association or American Red Cross training in CPR and AED use, or an equivalent nationally recognized course in CPR and AED use;
 - (b) The AED is maintained and tested according to the manufacturer's operational guidelines; *and*
 - (c) ~~{There is medical oversight of the AED program by a physician licensed in Kentucky to ensure compliance with requirements for training, maintenance, notification, and communication with the local emergency medical services system. The physician providing oversight shall also work with the AED site to establish protocols for AED deployment and conduct a review of each use of an AED; and~~
 - ~~(d) Any person who renders emergency care or treatment on a person in cardiac arrest by using an AED activates the local emergency medical services system as soon as possible and, if an entity with an AED program, reports any clinical use of the AED to the licensed physician}.~~
- (2) Any person or entity who acquires an AED shall notify an agent of the local emergency medical services system and the local emergency communications or vehicle dispatch center of the existence, location, and type of AED acquired.

➔Section 2. KRS 311.668 is amended to read as follows:

- (1) Any person or entity who, in good faith and without compensation, renders emergency care or treatment by the use of an AED shall be immune from civil liability for any personal injury as a result of the care or treatment, or as a result of any act or failure to act in providing or arranging further medical treatment, where the person acts as an ordinary, reasonable prudent person would have acted under the same or similar circumstances.
- (2) The immunity from civil liability for any personal injury under subsection (1) of this section includes ~~a~~~~the~~ licensed physician who is involved with AED site placement, the person or entity who provides the CPR and AED site placement, the person or entity who provides the CPR and AED training, and the person or entity responsible for the site where the AED is located.
- (3) The immunity from civil liability under subsection (1) of this section does not apply if the personal injury results from the gross negligence or willful or wanton misconduct of the person rendering the emergency care.
- (4) The requirements of KRS 311.667 shall not apply to any individual using an AED in an emergency setting if that individual is acting as a Good Samaritan under KRS 313.035 and 411.148.

Signed by Governor April 4, 2024.

CHAPTER 67

(SB 319)

AN ACT relating to victims of crime.

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

➔Section 1. KRS 49.280 is amended to read as follows:

As used in KRS 49.270 to 49.490~~[, unless the context otherwise requires]:~~

- (1) "Child" means any person less than eighteen (18) years of age;
- (2) "Claimant" means any of the following claiming compensation under KRS 49.270 to 49.490: a victim, a dependent of a deceased victim, a third person other than a collateral source, or an authorized person acting on behalf of any of them who is legally responsible for the expenses incurred by the victim as a result of the crime committed against the victim;
- (3) "Criminally injurious conduct" means conduct that occurs or is attempted in this jurisdiction, poses a substantial threat of personal physical or psychological injury or death, and is punishable by fine, imprisonment, or death. Criminally injurious conduct shall include an act of terrorism, as defined in 18 U.S.C. sec. 2331, committed outside of the United States against a resident of Kentucky. Acts which, but for the insanity or mental irresponsibility or lack of capacity of the perpetrator, would constitute criminal conduct shall be deemed to be criminally injurious conduct. The operation of a motor vehicle, motorcycle, train, boat, aircraft, or other vehicle in violation of law does not constitute a criminally injurious conduct unless the injury or death was intentionally inflicted, involved a violation of KRS 189A.010, driving under the influence, ~~for~~ ~~involved~~ the operator of a vehicle in an accident who did not stop and disclose his or her identity as required by KRS 189.580, *or involved the operator of a vehicle in an accident who acted recklessly or with wantonness*;
- (4) "Family," when used with reference to a person, ~~means~~~~shall mean~~:
 - (a) *The person's spouse*;
 - (b) Any person related to ~~the~~~~such~~ person within the ~~second~~~~third~~ degree of consanguinity;
 - (c)~~(b)~~ Any person maintaining a sexual relationship with ~~the~~~~such~~ person; ~~or~~
 - (d)~~(c)~~ Any person residing in the same household with ~~the~~~~such~~ person; *or*
 - (e) *Any stepchild, stepparent, stepbrother, or stepsister*; and
- (5) (a) "Victim" means a ~~needy~~ person who suffers personal physical or psychological injury or death from a criminal act in Kentucky as a result of:

1. Criminally injurious conduct;
 2. A good-faith effort to prevent criminally injurious conduct; or
 3. A good-faith effort to apprehend a person reasonably suspected of engaging in criminally injurious conduct.
- (b) "Victim" shall also mean a resident who is a victim of a crime occurring outside this state if:
1. The crime would be compensable had it occurred inside this state; and
 2. The crime occurred in a state which does not have a crime victim compensation program, for which the victim is eligible as eligibility is set forth in KRS 49.310.
- (c) "Victim" shall also mean a resident of this state who is injured or killed by an act of terrorism, as defined in 18 U.S.C. sec. 2331, committed outside the United States.

➔Section 2. KRS 49.300 is amended to read as follows:

In addition to the powers and authority outlined in KRS 49.020, the Crime Victims Compensation Board **has the power and duty to**~~shall have the following powers and duties~~:

- (1) ~~It~~ Promulgate, amend, and repeal suitable administrative regulations to carry out the provisions and purposes of KRS 49.270 to 49.490, including administrative regulations for the approval of attorney's fees for representation before the board or upon judicial review;
- (2) ~~It~~ Hear and determine all matters relating to claims for compensation, and the power to reinvestigate or reopen claims without regard to statutes of limitations;
- (3) ~~It~~ Request from prosecuting attorneys and law enforcement officers investigations and data to enable the board to determine whether, and the extent to which, a claimant qualifies for compensation. The statute providing confidentiality for juvenile session of District Court records does not apply to proceedings under KRS 49.270 to 49.490;
- (4) ~~It~~ Hold hearings in accordance with the provisions of KRS Chapter 13B. The powers provided in this subsection may be delegated by the board to any member or employee thereof. If necessary to carry out any of its powers and duties, the board may petition any Circuit Court for an order;
- (5) Upon the filing of an application by a claimant, ~~it~~ negotiate binding fee settlements with the providers of services to claimants that may be eligible for an award under KRS 49.370(2)~~(3)~~;
- (6) ~~It~~ Make available for public inspection all board decisions and opinions, administrative regulations, written statements of policy, and interpretations formulated, promulgated, or used by it in discharging its functions. **Materials made available pursuant to this subsection shall be edited to remove personal identifying information of any victim. Materials made available pursuant to this subsection after the effective date of this Act shall be made available on the board's website;**
- (7) ~~It~~ Publicize widely the availability of reparations, **the availability of emergency awards**, and information regarding the claims therefor;~~and~~
- (8) ~~It~~ Make an annual report, by January 1 of each year, of its activities for the preceding fiscal year to the Office of the State Budget Director and to the **Legislative Research Commission for referral to the** Interim Joint Committee on Appropriations and Revenue. Each **annual**~~such~~ report shall set forth a complete operating and financial statement covering its operations during the year~~;~~;
- (9) **Create an electronic application process on its website, with explanatory materials and easily understood forms;**
- (10) **Notify all applicants of their right to counsel;**
- (11) **Ensure that its forms and published materials are clear, easily understandable, and available in a variety of formats and languages to maximize the accessibility of the compensation process;**
- (12) **By August 1, 2025, create and implement a tracking process for claims filed with the board. The tracking process shall include a public portal allowing victims to access the system; and**
- (13) **By August 1, 2025, and annually thereafter, report to the Governor and to the Legislative Research Commission for referral to the Interim Joint Committee on Judiciary the number and percentage of cases**

in which the timeframes established in subsection (2) of Section 5 of this Act and in subsection (3) of Section 7 of this Act were not met.

➔Section 3. KRS 49.310 is amended to read as follows:

- (1) Except as provided in ~~subsection~~~~(subsections)~~ (2) ~~and (3)~~ of this section, the following persons shall be eligible for awards pursuant to KRS 49.270 to 49.490:
 - (a) A victim of criminally injurious conduct;
 - (b) A surviving *family member or personal representative*~~[spouse, parent, or child]~~ of a victim of criminally injurious conduct who died as a direct result of ~~the~~~~[such]~~ conduct;
 - (c) Any other person dependent for his *or her* principal support upon a victim of criminally injurious conduct who died as a direct result of ~~the~~~~[such]~~ crime; ~~and~~
 - (d) Any person who is legally responsible for the medical expenses or funeral expenses of a victim; **and**
 - (e) ***Any person acting as the primary caregiver for a victim of criminally injurious conduct.***
- (2) No victim or dependent shall be denied compensation solely because he or she is a relative of the offender or was living with the offender as a family or household member at the time of the injury or death. However, the Crime Victims Compensation Board may award compensation to a victim or dependent who is a relative, family, or household member of the offender only if the board can reasonably determine the offender will not receive significant economic benefit or unjust enrichment from the compensation.

~~{(3) No compensation of any kind shall be awarded when injury occurred while the victim was confined in any state, county, urban county, or city jail, prison, or other correctional facility, or any state institution maintained and operated by the Cabinet for Health and Family Services.}~~

➔Section 4. KRS 49.330 is amended to read as follows:

- (1) A claim form may be filed by a person eligible to receive an award, as provided in KRS 49.310 or, if ~~the~~~~[such]~~ person is a minor, by his *or her* parent or guardian.
- (2) ~~{A claim form must be filed by the claimant not later than five (5) years after the occurrence of the criminally injurious conduct upon which such claim is based, or not later than five (5) years after the death of the victim; provided, however, that upon good cause shown, the Crime Victims Compensation Board may extend the time for filing if, in a particular case, the interest of justice so requires.}~~
- ~~{(3) Claims shall be filed with the board in accordance with the administrative regulations promulgated by the board. {Only printed claim forms supplied by the board shall be accepted.} The board shall accept for filing all claims submitted by persons eligible under subsection (1) of this section and alleging the jurisdiction requirements set forth in KRS 49.270 to 49.490 and meeting the requirements as to form in the *administrative*~~[rules and]~~ regulations of the board.~~
- ~~{(4) Upon filing of a claim pursuant to KRS 49.270 to 49.490, the board shall promptly notify the United States attorney, {if a federal offense is involved}, the Commonwealth's attorney or county attorney of the county wherein the crime is alleged to have occurred. {If, within ten (10) days after such notification, such United States attorney, Commonwealth's attorney, or county attorney advises the board that a criminal prosecution is pending upon the same alleged crime and requests that action by the board be deferred, the board shall defer all proceedings under KRS 49.270 to 49.490 until such time as such criminal prosecution has been concluded, and shall so notify such United States attorney, Commonwealth's or county attorney, and the claimant. When such criminal prosecution has been concluded, such United States attorney, Commonwealth's or county attorney shall promptly so notify the board. Nothing in this section shall limit the authority of the board to grant emergency awards pursuant to KRS 49.360}~~
- (4) ***No claim may be filed by, or on behalf of, a person currently confined in any correctional facility, or any state institution maintained and operated by the Cabinet for Health and Family Services.***

➔Section 5. KRS 49.340 is amended to read as follows:

- (1) A claim, when accepted for filing, shall be assigned by the executive director of the Office of Claims and Appeals to an investigator for investigation. All claims arising from the death of an individual as a direct result of a crime shall be considered together.
- (2) The investigator to whom ~~a~~~~[such]~~ claim is assigned shall examine the papers filed in support of the claim and the validity of the claim. The investigation shall include but not be limited to an examination of police, court,

and official records and reports concerning the crime. *On or after July 1, 2025, the investigator's report shall be completed within one hundred twenty (120) days of the assignment of the claim. On or after July 1, 2026, the investigator's report shall be completed within ninety (90) days of the assignment of the claim. If the report is not completed within the time required under this subsection, the investigator shall notify the claimant of the reason for the delay.*

- (3) If the mental, physical, or emotional condition of a victim or claimant is material to a claim, the board may order the victim or claimant to submit to a mental or physical examination by a physician or psychiatrist, and may order an autopsy of a deceased victim. A report upon an examination shall be filed with the investigator setting out findings, including results of all tests made, diagnosis, prognosis, and other conclusions.
- (4) ~~For purposes of KRS 49.270 to 49.490, there is no privilege, except privileges arising from the attorney-client relationship, as to communications or records relevant to an issue of the physical, mental, or emotional condition of the claimant or victim in a proceeding under KRS 49.270 to 49.490 in which that condition is an element.~~
- ~~(5)~~ Claims shall be investigated and determined, regardless of whether the alleged criminal has been apprehended or prosecuted for or convicted of any crime based upon the same incident, or has been acquitted, or found not guilty of the crime in question owing to criminal irresponsibility or other legal exemption.
- ~~(5)~~~~(6)~~ Upon completion of the investigator's report, the claim shall be assigned to a board member who may decide the claim in favor of a claimant in the amount claimed on the basis of the papers filed in support thereof and the report of the investigation of the claim within thirty (30) days of the assignment of the claim. If the board member is unable to decide the claim upon the basis of the documents and the report, a hearing shall be ordered.
- ~~(6)~~~~(7)~~ The hearing shall be conducted in accordance with KRS Chapter 13B and may be held at any location within the Commonwealth, with a view to securing opportunity for crime victims to appear before it with as little inconvenience and expense as practicable. When any member of the board is attending hearings at any place other than Frankfort, Kentucky, expenses necessarily incurred in the performance of ~~that~~~~such~~ duty shall be paid by the state upon certification by the executive director of the Office of Claims and Appeals of an itemized statement of ~~such~~ expenses in accordance with Finance and Administration Cabinet administrative regulations.
- ~~(7)~~~~(8)~~ After examining the papers filed in support of the claim and the report of investigation, and after a hearing, if any, the board member to whom the claim was assigned shall issue a recommended order either granting an award pursuant to KRS 49.370 or deny the claim. The board shall review the recommended order and any exceptions filed to it, and shall by majority vote issue a final order.
- ~~(8)~~~~(9)~~ A final order of the board may be appealed by filing a petition for judicial review in the county where the claim accrued or in Franklin Circuit Court in accordance with KRS Chapter 13B.

➔Section 6. KRS 49.350 is amended to read as follows:

Following the initial filing of a claim, if a claimant or victim does not take ~~any~~~~such~~ further steps as may be necessary to support or perfect the claim as may be required by the Crime Victims Compensation Board within ~~ninety (90)~~~~thirty (30)~~ days after ~~a~~~~such~~ requirement is made by the board, the claimant or victim shall be deemed in default. In ~~a~~~~such~~ case *in default*, the board ~~may~~~~shall~~ **dismiss the claim with leave to refile. A claimant or victim may revive the claim at any time by submitting a response to the requirement made by the board** ~~summarily deny the claim and the claimant or victim shall be forever barred from reasserting the claim. The board may remit such proceedings on good cause shown that the failure to take the steps required by the board was totally and completely beyond the control of the claimant or victim.~~

➔Section 7. KRS 49.360 is amended to read as follows:

- (1) Notwithstanding the provisions of KRS 49.340, if it appears to the Crime Victims Compensation Board member to whom a claim is assigned, prior to taking action upon ~~the~~~~such~~ claim, that:
 - (a) ~~The~~~~Such~~ claim is one with respect to which an award probably will be made; and
 - (b) Undue hardship will result to the claimant if immediate payment is not made; emergency payment under subsection (2) of this section may be made.
- (2) Upon ~~such~~ findings under subsection (1) of this section, the board member may make an emergency award to the claimant pending a final decision in the case provided that:

- (a) The amount of ~~an~~^{such} emergency award shall not exceed ***one thousand dollars (\$1,000)***~~five hundred dollars (\$500)~~;
 - (b) The amount of ~~an~~^{such} emergency award shall be deducted from any final award made to the claimant; and
 - (c) The excess of the amount of ~~an~~^{such} emergency award over the amount of the final award, or the full amount of the emergency award if no final award is made, shall be repaid by the claimant to the board.
- (3) ***A decision to make an emergency award pursuant to this section shall be made within two (2) weeks of the receipt of the claim by the Crime Victims Compensation Board.***

➔Section 8. KRS 49.370 is amended to read as follows:

- (1) No award shall be made unless the Crime Victims Compensation Board or board member, as the case may be, finds that:
 - (a) Criminally injurious conduct occurred; ***and***
 - (b) ~~The~~^{Such} criminally injurious conduct resulted in personal physical or psychological injury to, or death of, the victim~~;~~^{and}
 - ~~(c) Police or court records show that such crime was promptly reported to the proper authorities; and in no case may an award be made where the police or court records show that such report was made more than forty eight (48) hours after the occurrence of such crime unless the board, for good cause shown, finds the delay to have been justified.~~
- ~~(2) Except for claims related to sexual assault, human trafficking, and domestic violence, the board upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies shall deny, reconsider, or reduce an award.~~
- ~~(3) Any award made pursuant to KRS 49.270 to 49.490 shall be in an amount not exceeding out-of-pocket expenses, including *loss of earnings or support resulting from the injury on which the claim is based and* indebtedness reasonably incurred for medical or other services, including:

 - (a) ***For the victim and for any child who is the victim's dependent, when the crime was committed at the primary residence of the victim:***
 - 1. ***Relocation if the victim is moving from one (1) primary residence to another due to concern for the safety of themselves or other persons at the residence as a result of a crime within six (6) months of the crime, not to exceed two thousand dollars (\$2,000). The board may, in its discretion, allow relocation expenses incurred after six (6) months; and***
 - 2. ***Temporary housing costs incurred within thirty (30) days of the crime, when the victim is unable to stay in the primary residence due to the crime, not to exceed two thousand dollars (\$2,000);***
 - (b) ***Tattoo removal for victims of human trafficking, not to exceed four thousand dollars (\$4,000);***
 - (c) ***Crime scene cleanup within thirty (30) days of the crime when the crime was committed at the primary residence or business of the victim, not to exceed two thousand dollars (\$2,000);***
 - (d) ***Reimbursement for the replacement of items owned by the victim and for any child who is the victim's dependent that were seized by law enforcement as evidence of the commission of the crime, not to exceed five hundred dollars (\$500) per item;***
 - (e) ***Replacement or repair of windows and locks at the primary residence or business of the victim which were damaged by the commission of the crime, not to exceed one thousand five hundred dollars (\$1,500);***
 - (f) ***Rehabilitative or wellness practices recommended by a healthcare provider, engaged in by the victim and any juveniles dependent upon the victim due to the crime, not to exceed one thousand dollars (\$1,000) per year per person, for a maximum of two (2) years;***
 - (g) ***Expenses related to court proceedings related to the crime for a victim or for a victim's caregiver;***
 - (h) ***Mental health counseling, necessary as a result of the injury upon which the claim is based,*** ~~together with loss of earnings or support resulting from such injury~~. Mental health counseling:~~

1. Shall be paid for a maximum of two (2) years, but only after proper documentation is submitted to the board stating what treatment is planned and for what period of time.
 2. ***Need not be for a consecutive period and may be paused and resumed at a later time;*** ~~the board shall have the power to discontinue payment of mental health counseling at any time within the two (2) year period.~~
 - (i) Replacement of eyeglasses and other corrective lenses ~~shall be included in an award, provided they were not~~ stolen, destroyed, or damaged during the crime; ***and***
 - (j) ***The board may promulgate administrative regulations to establish additional guidelines for awards pursuant to this section.***
- (3)~~(4)~~ Any award made for loss of earnings or financial support may be considered for a claimant who has loss of support or wages due to the crime for which the claim is filed. Unless reduced pursuant to other provisions of KRS 49.270 to 49.490, the award shall be equal to net earnings at the time of the criminally injurious conduct; however, no ~~such~~ award ***under this subsection*** shall exceed ***five hundred dollars (\$500)*** ~~three hundred dollars (\$300)~~ for each week of lost earnings or financial support. The wage earner or source of support must have been employed or paying support at the time the crime occurred. Said employment or support shall be verified by the staff of the board after information is provided by the claimant or victim. Should the claimant or victim fail to supply the board with the information requested, the portion of the claim for lost wages or support shall be denied. If there are two (2) or more persons entitled to an award as a result of the injury or death of a person which is the direct result of criminally injurious conduct, the award shall be apportioned by the board among the claimants.
- (4)~~(5)~~ The board is authorized to set a reasonable limit for the payment of funeral and burial expenses, which shall include funeral costs, a monument, and grave plot. In no event shall an award for funeral expenses exceed ***ten thousand dollars (\$10,000)*** ~~seven thousand five hundred dollars (\$7,500)~~.
- (5)~~(6)~~ Any award made under KRS 49.270 to 49.490 shall not exceed ***fifty thousand dollars (\$50,000)*** ~~thirty thousand dollars (\$30,000)~~ in total compensation to be received by or paid on behalf of a claimant from the fund.
- (6)~~(7)~~ An ~~No~~ award shall ***not*** be made for any type of property loss or damage, except as otherwise permitted in KRS 49.270 to 49.490.
- (7) ***An award may be made for a claim filed more than ten (10) years after the criminally injurious conduct, due to a delay in the testing of or DNA profile matching from a sexual assault forensic examination kit or biological material collected as evidence related to a sexual offense, in which case the victim may collect a lump sum in the amount of five thousand dollars (\$5,000) to cover the victim's out-of-pocket expenses incurred due to the crime which may not be provable due to the delay.***
- ➔ Section 9. KRS 49.390 is amended to read as follows:
- (1) Any award made pursuant to KRS 49.270 to 49.490 shall be reduced by the amount of any payments received or to be received by the claimant as a result of the injury from the following sources:
 - (a) From or on behalf of the person who committed the crime;
 - (b) Under insurance programs mandated by law;
 - (c) From public funds;
 - (d) Under any contract of insurance wherein the claimant is the insured or beneficiary;
 - (e) As an emergency award pursuant to KRS 49.360; and
 - (f) From donations made on behalf of the victim or claimant toward expenses incurred as a result of the crime.
 - (2) ***The board may deny, reconsider, or reduce an award if the board finds that, in relation to the criminally injurious conduct alleged in the claim, the victim or claimant:***
 - (a) ***Has been charged with a criminal offense;***
 - (b) ***Has been offered immunity from prosecution in exchange for testimony;***
 - (c) ***Knowingly participated in the conduct; or***

(d) *Engaged in conduct which may constitute mutual aggression with another person* [~~In determining the amount of an award, the Crime Victims Compensation Board or board member shall determine whether, because of his or her conduct, the claimant or the victim of such crime contributed to the infliction of the victim's injury, and shall reduce the amount of the award or reject the claim altogether, in accordance with such determination; however, the board or board member may disregard for this purpose the responsibility of the claimant or the victim for the victim's injury where the record shows that such responsibility was attributable to efforts by the claimant or victim to prevent a crime or an attempted crime from occurrence in his or her presence or to apprehend a person who had committed a crime in his or her presence or had in fact committed a felony. The board or board members may request that either the county attorney or Commonwealth's attorney or both state whether in their opinion, the victim suffered injuries as the result of a crime and has cooperated with the prosecution and law enforcement authorities. The board or board member shall not be bound by such opinions and recommendations and if needed may order a further investigation of the claim.~~]

(3) ~~The board or board member may consider whether the victim's injuries were the ordinary and foreseeable result of unlawful and criminal activities in determining the claimant's eligibility for an award. If the board or board member finds that the claimant will not suffer serious financial hardship if not granted financial assistance pursuant to KRS 49.270 to 49.490, the board or board member shall deny an award. In determining such serious financial hardship, the board or board member shall consider all of the financial resources of the claimant. The board shall establish specific standards by rule for determining such serious financial hardships.~~

➔Section 10. KRS 49.400 is amended to read as follows:

Any person who procures or attempts to procure compensation with the Crime Victims Compensation Board by *intentionally* filing ~~false~~ information *he or she knows to be false* shall have the claim denied and be forever barred from filing a claim with this board.

➔Section 11. KRS 216B.400 is amended to read as follows:

- (1) Where a person has been determined to be in need of emergency care by any person with admitting authority, ~~the~~~~no such~~ person shall *not* be denied admission by reason only of his or her inability to pay for services to be rendered by the hospital.
- (2) Every hospital of this state which offers emergency services shall provide that a physician, a sexual assault nurse examiner, who shall be a registered nurse licensed in the Commonwealth and credentialed by the Kentucky Board of Nursing as provided under KRS 314.142, or another qualified medical professional, as defined by administrative regulation promulgated by the Justice and Public Safety Cabinet in consultation with the Sexual Assault Response Team Advisory Committee as defined in KRS 403.707, is available on call twenty-four (24) hours each day for the examinations of persons seeking treatment as victims of sexual offenses as defined by KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.110, 510.120, 510.130, 510.140, 530.020, 530.064(1)(a), and 531.310.
- (3) An examination provided in accordance with this section of a victim of a sexual offense may be performed in a sexual assault examination facility as defined in KRS 216B.015. An examination under this section shall apply only to an examination of a victim.
- (4) The physician, sexual assault nurse examiner, or other qualified medical professional, acting under a statewide medical forensic protocol which shall be developed by the Justice and Public Safety Cabinet in consultation with the Sexual Assault Response Team Advisory Committee as defined in KRS 403.707, and promulgated by the secretary of justice and public safety pursuant to KRS Chapter 13A shall, upon the request of any peace officer or prosecuting attorney, and with the consent of the victim, or upon the request of the victim, examine *the victim*~~such person~~ for the purposes of providing basic medical care relating to the incident and gathering samples that may be used as physical evidence. This examination shall include but not be limited to:
 - (a) Basic treatment and sample gathering services; and
 - (b) Laboratory tests, as appropriate.
- (5) Each victim shall be informed of available services for treatment of sexually transmitted infections, pregnancy, and other medical and psychiatric problems. Pregnancy counseling shall not include abortion counseling or referral information.
- (6) Each victim shall be informed of available crisis intervention or other mental health services provided by regional rape crisis centers providing services to victims of sexual assault.

- (7) Notwithstanding any other provision of law, a minor may consent to examination under this section. This consent is not subject to disaffirmance because of minority, and consent of the parents or guardians of the minor is not required for the examination.
- (8) (a) The examinations provided in accordance with this section *and other services provided to a victim pursuant to subsection (9) of this section* shall be paid for by the Crime Victims Compensation Board at a rate to be determined by the administrative regulation promulgated by the board after consultation with the Sexual Assault Response Team Advisory Committee as defined in KRS 403.707. ***Payment for services rendered pursuant to subsection (9) of this section shall be made at a rate not to exceed the Medicaid reimbursement rate for the same or similar services.***
- (b) Upon receipt of a completed claim form supplied by the board and an itemized billing for a forensic sexual assault examination or related services that are within the scope of practice of the respective provider and were performed no more than twelve (12) months prior to submission of the form, the board shall reimburse the hospital or sexual assault examination facility, pharmacist, health department, physician, sexual assault nurse examiner, or other qualified medical professional as provided in administrative regulations promulgated by the board pursuant to KRS Chapter 13A. Reimbursement shall be made to an out-of-state nurse who is credentialed in the other state to provide sexual assault examinations, an out-of-state hospital, or an out-of-state physician if the sexual assault occurred in Kentucky.
- (c) Independent investigation by the Crime Victims Compensation Board shall not be required for payment of claims under this section; however, the board may require additional documentation or proof that the forensic medical examination was performed.
- (9) ***When an examination of a victim of a sexual offense is provided in accordance with this section***, no charge shall be made to the victim~~[for sexual assault examinations]~~ by the hospital, the sexual assault examination facility, the physician, the pharmacist, the health department, the sexual assault nurse examiner, other qualified medical professional, the victim's insurance carrier, or the Commonwealth ***for:***
- (a) ***Sexual assault examinations, whether or not the exam is completed;***
- (b) ***Prophylactic medical treatment;***
- (c) ***Strangulation assessments; or***
- (d) ***Other medical tests or services, including triage and ambulance expenses, related to the incident, exam, or treatment which occur on the same date as the original exam.***
- (10) (a) Each victim shall have the right to determine whether a report or other notification shall be made to law enforcement, except where reporting of abuse and neglect of a child or a vulnerable adult is required, as set forth in KRS 209.030 and 620.030. No victim shall be denied an examination, ***or billed in violation of subsection (9) of this section***, because the victim chooses not to file a police report, cooperate with law enforcement, or otherwise participate in the criminal justice system.
- (b) If the victim chooses to report to law enforcement, the hospital shall notify law enforcement within twenty-four (24) hours.
- (c) 1. All samples collected during an exam where the victim has chosen not to immediately report to law enforcement shall be stored, released, and destroyed, if appropriate, in accordance with an administrative regulation promulgated by the Justice and Public Safety Cabinet in consultation with the Sexual Assault Response Team Advisory Committee as defined in KRS 403.707.
2. Facilities collecting samples pursuant to this section may provide the required secure storage, sample destruction, and related activities, or may enter into agreements with other agencies qualified to do so, pursuant to administrative regulation.
3. All samples collected pursuant to this section shall be stored for at least one (1) year from the date of collection in accordance with the administrative regulation promulgated pursuant to this subsection.
4. Notwithstanding KRS 524.140, samples collected during exams where the victim chose not to report immediately or file a report within one (1) year after collection may be destroyed as set forth in accordance with the administrative regulation promulgated pursuant to this subsection. The victim shall be informed of this process at the time of the examination. No hospital, sexual

assault examination facility, or designated storage facility shall be liable for destruction of samples after the required storage period has expired.

➔Section 12. KRS 216B.990 is amended to read as follows:

- (1) Any person who, in willful violation of this chapter, operates a health facility or abortion facility without first obtaining a license or continues to operate a health facility or abortion facility after a final decision suspending or revoking a license shall be fined not less than five hundred dollars (\$500) nor more than ten thousand dollars (\$10,000) for each violation.
- (2) Any person who, in willful violation of this chapter, acquires major medical equipment, establishes a health facility, or obligates a capital expenditure without first obtaining a certificate of need, or after the applicable certificate of need has been withdrawn, shall be fined one percent (1%) of the capital expenditure involved but not less than five hundred dollars (\$500) for each violation.
- (3) Any *health care provider or* hospital acting by or through its agents or employees which violates any provision of KRS 216B.400 shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). *The cabinet shall establish an online portal on its website for reporting violations of KRS 216B.400.*
- (4) Any health facility which willfully violates KRS 216B.250 shall be fined one hundred dollars (\$100) per day for failure to post required notices and one hundred dollars (\$100) per instance for willfully failing to provide an itemized statement within the required time frames.
- (5) In addition to the civil penalties established under KRS 216B.306(1) and (4), any person who advertises, solicits boarders, or operates a boarding home without first obtaining a registration as required by KRS 216B.305 and any person who aids or abets the operation of a boarding home that is not registered shall be imprisoned for no more than twelve (12) months.
- (6) Any person or entity establishing, managing, or operating an abortion facility or conducting the business of an abortion facility which otherwise violates any provision of this chapter or any administrative regulation promulgated thereunder regarding abortion facilities shall be subject to revocation or suspension of the license of the abortion facility. In addition, any violation of any provision of this chapter regarding abortion facilities or any administrative regulation related thereto by intent, fraud, deceit, unlawful design, willful and deliberate misrepresentation, or by careless, negligent, or incautious disregard for the statute or administrative regulation, either by persons acting individually or in concert with others, shall constitute a violation and shall be punishable by a fine not to exceed one thousand dollars (\$1,000) for each offense. Each day of continuing violation shall be considered a separate offense. The venue for prosecution of the violation shall be in any county of the state in which the violation, or any portion thereof, occurred.
- (7) Any hospital acting by or through its agents or employees that violates any provision of KRS 216B.150 shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each violation.
- (8) Any health facility acting by or through its agents or employees that violates any provision of KRS 216B.153 shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each violation.

➔Section 13. KRS 49.380 is amended to read as follows:

- (1) Upon the filing of an application for a claim with the Crime Victims Compensation Board, all debt collection actions by a creditor or the creditor's agent, against the claimant for a debt or expense covered under KRS 49.370(2)~~(3)~~ and related to the substance of the claim shall cease pending a resolution of the claim by the board, if the claimant:
 - (a) Provides written notice to the creditor or creditor's agent that a claim has been submitted to the board; and
 - (b) Authorizes the creditor or creditor's agent to confirm with the board the claimant's application with the board and that the debt or expense upon which the collection action is based may be covered under KRS 49.370(2)~~(3)~~.
- (2) The board shall, upon the written request of a creditor or creditor's agent, notify the creditor or creditor's agent when a claim has been resolved.

Signed by Governor April 4, 2024.

CHAPTER 68

(SB 71)

AN ACT relating to health services.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO READ AS FOLLOWS:

- (1) *Except where prohibited by federal law, any substance use disorder program that is authorized or regulated under this chapter or holds a chemical dependency treatment services license under KRS 222.231 that was issued in accordance with KRS 216B.042, or a recovery residence as defined in KRS 222.500, shall, for any resident who wishes to leave the treatment program, either:*
 - (a) *Obtain agreement from the resident's family member, guardian, or emergency contact to personally transport the resident within twenty-four (24) hours; or*
 - (b) *Make available transportation services.*
- (2) *Transportation services may include providing the resident access to:*
 - (a) *A ride-sharing service and purchasing a one (1) way service to:*
 1. *A specific address in the resident's hometown of record; or*
 2. *The city hall in the resident's hometown of record;*
 - (b) *Public transportation, including but not limited to transporting the resident to the nearest commercial bus station and purchasing a ticket to the resident's hometown of record; or*
 - (c) *Other transportation to a safe place as determined by the facility to be therapeutically appropriate.*
- (3) *The facilities described in subsection (1) of this section and law enforcement officers shall only transport residents leaving the facility to public transportation locations, the location to meet the driver of a ride-sharing service, or other safe place as determined by the facility to be therapeutically appropriate.*
- (4) (a) *If a resident required by court order to attend a treatment facility described in subsection (1) of this section leaves the facility prior to court approval or prior to completing the conditions of the court order, the treatment facility shall notify the court, Commonwealth's or county attorney, local law enforcement, and emergency contact or court-designated individual of the resident's exit if permitted by:*
 1. *The Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191;*
 2. *42 C.F.R. pt. 2; and*
 3. *Other applicable state and federal patient privacy laws.*
- (b) *A probation officer or peace officer, acting on information provided by a treatment facility under paragraph (a) of this subsection, who observes the resident violate the terms of his or her probation, conditional discharge, or release, or violate the terms of any court order may arrest the resident without a warrant and incarcerate the resident until the judge who made the initial court order holds a hearing on the resident's violation of that court order.*
- (5) *Any substance use disorder program that is authorized or regulated under this chapter or that holds a chemical dependency treatment services license under KRS 222.231 that was issued in accordance with KRS 216B.042, or a recovery residence as defined in KRS 222.500, shall provide full disclosure of the specific services provided by the substance use disorder program to any potential patients and in any advertisements or other solicitations.*
- (6) *A facility that does not hold a chemical dependency treatment services license under KRS 222.231 that was issued in accordance with KRS 216B.042, is not a substance use disorder program that is authorized or regulated under this chapter, and is not a recovery residence as defined in KRS 222.500 shall be exempt from this section.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO READ AS FOLLOWS:

- (1) *To the extent allowed by federal law, any substance use disorder program that is authorized or regulated under this chapter or holds a chemical dependency treatment services license under KRS 222.231 that was issued in accordance with KRS 216B.042, or a recovery residence as defined in KRS 222.500, shall:*
- (a) *Not knowingly recruit into their facility any out-of-state resident:*
 1. *If the out-of-state resident is enrolled in Medicaid; or*
 2. *With the purpose of enrolling the out-of-state resident in Medicaid in this state; and*
 - (b) *Submit to the Department for Medicaid Services a recipient's proof of Kentucky residency when submitting an initial request for Medicaid reimbursement if the facility is aware that the recipient resided in another state within the past month.*
- (2) *Any substance use disorder program that is authorized or regulated under this chapter or holds a chemical dependency treatment services license under KRS 222.231 that was issued in accordance with KRS 216B.042, or a recovery residence as defined in KRS 222.500, that violates subsection (1)(a) of this section shall be fined:*
- (a) *Twenty thousand dollars (\$20,000) for each offense; and*
 - (b) *Not less than five hundred dollars (\$500) for each day an out-of-state resident received Medicaid services in Kentucky.*
- (3) *To the extent allowed by federal law, any out-of-state resident found to be ineligible for Medicaid services in Kentucky as a result of failure to establish Kentucky as his or her residency shall reimburse the Department for Medicaid Services any fees paid by Medicaid on his or her behalf.*
- (4) *All enforcement actions for fines assessed under this section shall be brought on behalf of the Commonwealth by the Office of the Attorney General, and shall be filed in the county where the violation occurred or in Franklin Circuit Court.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
- (a) *"Department" means the Department of Public Advocacy;*
 - (b) *"Qualified treatment program" means a treatment program that shall:*
 1. *Meet, at a minimum, one (1) the following requirements:*
 - a. *Meet licensure requirements and standards established by the Cabinet for Health and Family Services under KRS Chapter 222;*
 - b. *Be certified by a state affiliate of the National Alliance of Recovery Residences as a level III or IV Recovery Residence;*
 - c. *Be designated by the Kentucky Housing Corporation as a Recovery Kentucky Center;*
 - d. *Meet alternative and relevant licensure or certification criteria recognized by the cabinet or a federal agency; or*
 - e. *Be accredited by at least one (1) of the following:*
 - i. *American Society of Addiction Medicine (ASAM);*
 - ii. *Joint Commission on Accreditation of Healthcare Organizations;*
 - iii. *Commission on Accreditation of Rehabilitation Facilities (CARF);*
 - iv. *The Council on Accreditation; or*
 - v. *Other accreditations, certifications, or standards recognized by the Cabinet for Health and Family Services; and*
 2. *If providing medical or clinical behavioral health services, be enrolled as a Medicaid-approved provider or enrolled with a private insurer and be eligible to bill and receive reimbursement for behavioral health services;*

3. *Have at least two (2) years of experience as an agency administering evidence-based substance use disorder treatment services and recovery support services; and*
 4. *Provide or have a protocol to refer clients to agencies or prescribers that provide medications for opioid use disorder, including but not limited to methadone, buprenorphine, or naltrexone; and*
- (c) *"Treatment program" means any substance use program licensed, regulated, or defined in KRS Chapter 222 and a substance use disorder program that holds a chemical dependency treatment services license under KRS 222.231 that was issued in accordance with KRS 216B.042.*
- (2) *The cabinet shall publish a list on the cabinet's website of all qualified treatment programs in the state and shall provide the list to the department and to the Administrative Office of the Courts.*
 - (3) *Any employee of the Commonwealth who makes a recommendation to a court in a criminal case for an alternative sentence that includes services to address an individual's substance use disorder shall be required to prioritize referrals to a qualified treatment program by the cabinet. If the employee recommends probation, conditional discharge, or an alternative sentence that includes services that are to be provided by a facility or provider that is not a qualified treatment program, the employee shall inform the court in writing or on the record of the alternative sentencing plan and the reason for not including services provided by a qualified treatment program.*
 - (4) *By January 1, 2025, the cabinet shall promulgate regulations in accordance with KRS Chapter 13A to require a treatment program or a premise, place, or building that holds itself out as a treatment program for recovery from the use of intoxicating substances to clearly and conspicuously provide full disclosure of the specific services provided by the treatment program to any potential residents and in any advertisements or other solicitations. The disclosure shall clearly and conspicuously include the level of care provided by the treatment program regarding the following:*
 - (a) *Provision of room and board;*
 - (b) *Level of medical services;*
 - (c) *Level of clinical services;*
 - (d) *Staffing; and*
 - (e) *Accreditation.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO READ AS FOLLOWS:

- (1) *A person or provider shall not:*
 - (a) *Knowingly and willfully solicit or receive any remuneration, including but not limited to kickbacks, bribes, or rebates, either directly or indirectly, overtly or covertly, in cash or in kind, or in return for referring a resident to a treatment program as defined in Section 3 of this Act; or*
 - (b) *Pay or offer any remuneration, including but not limited to kickbacks, bribes, or rebates directly or indirectly, overtly or covertly, in cash or in kind:*
 1. *To induce a referral of an individual to a treatment program; or*
 2. *In exchange for an individual using the services of that treatment program.*
- (2) *Any conduct or activity that is protected under the provisions of 18 U.S.C. sec. 220(b), as amended, or federal regulations promulgated under that section, shall not be deemed to violate this section and the conduct or activity shall be afforded the same protections allowed under federal law and regulation.*
- (3) *Any conduct by any individual or provider which violates 18 U.S.C. sec. 220(b), as amended, shall be deemed to violate this section.*
- (4) *Any person who violates the provisions of this section shall be guilty of a Class A misdemeanor for each offense unless the aggregation of value of the benefit received is valued at one thousand dollars (\$1,000) or more, in which case it shall be a Class D felony.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 31 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*

- (a) *"Alternative sentencing worker" means an employee of the department who develops an alternative sentencing plan in lieu of incarceration for individuals who suffer from substance use disorder;*
- (b) *"Qualified treatment program" has the same meaning as in Section 3 of this Act; and*
- (c) *"Treatment program" has the same meaning as in Section 3 of this Act.*
- (2) *Upon a motion by the defendant or upon the court's own motion with the defendant's consent, the court may issue an order for pretrial release pending an assessment for a mental health or substance use disorder. The prosecutor shall be given an opportunity to object to the issuance of the order or to recommend specific conditions for the release.*
- (3) *Upon entry of the order, the defendant, the department, or the defendant's retained counsel shall ensure that a needs assessment is conducted within forty-eight (48) hours, or as soon thereafter as practicable, by an alternative sentencing worker, or, upon consent and request of counsel, a qualified health professional as defined in KRS 222.005.*
- (4) (a) *After the assessment, a release plan shall be developed and submitted to the court and Commonwealth's or county attorney as soon as practicable.*
 (b) *A treatment plan developed by a qualified health professional who is employed by a treatment program other than a community mental health center shall not include in the treatment plan, services that are to be provided exclusively by the qualified health professionals employing treatment program.*
- (5) *The court may approve the plan without a hearing or schedule a hearing.*
- (6) *The court may order as a condition of release completion of the treatment plan. The defendant shall execute a valid release permitting a facility or service provider to report to the court if the defendant ceases to participate in a service that has been ordered.*
- (7) *In recommending services in alternative sentencing plans, the department or defense counsel shall consider all appropriate and competent facilities as enumerated on the qualified treatment program list maintained by the cabinet pursuant to Section 3 of this Act and treatment programs and shall not discriminate against any facility or program based on religious content in a program, except that the department or defense counsel may recommend facilities or programs that are consistent with a client's personal religious beliefs or nonbelief. The department or defense counsel shall not knowingly recommend treatment or services that are inconsistent with or violate a client's personal religious beliefs or nonbelief without the consent of the client.*

➔Section 6. KRS 31.030 (Effective July 1, 2024) is amended to read as follows:

The authority and duties of the Department of Public Advocacy shall include but are not limited to:

- (1) Administering the statewide public advocacy system created by this chapter or by any other appropriate legislation or court decision;
- (2) Developing and promulgating standards and administrative regulations, rules, and procedures for administration of the defense of indigent defendants in criminal cases that the public advocate, statutes, or the courts determine are subject to public assistance;
- (3) Determining necessary personnel for the department and appointing staff attorneys, who shall be "assistant public advocates," and non-lawyer assistants within the merit system, subject to available funding and employee allotments;
- (4) Maintaining and exercising control over the department's information technology system, and working with the Commonwealth Office of Technology to ensure that the department's information technology is in conformity with the requirements of state government;
- (5) Conducting research into, and developing and implementing methods of, improving the operation of the criminal justice system with regard to indigent defendants and other defendants in criminal actions, including participation in groups, organizations, and projects dedicated to improving representation of defendants in criminal actions in particular, or the interests of indigent or impoverished persons in general;
- (6) Issuing rules, promulgating administrative regulations, and establishing standards as may be reasonably necessary to carry out the provisions of this chapter, the decisions of the United States Supreme Court, the decisions of the Kentucky Supreme Court, Court of Appeals, and other applicable court decisions or statutes;

- (7) Being authorized to pursue legal, administrative, and other appropriate remedies to ensure the protection of the rights of persons with disabilities;
- (8) Being authorized to purchase liability insurance for the protection of all full-time public advocates, deputy public advocates, and assistant public advocates to protect them from liability for malpractice arising in the course or scope of employment and for the protection of attorneys with whom the Department of Public Advocacy contracts to protect them from liability for malpractice arising in the course or scope of the contract;
- (9) Being authorized to seek and apply for and solicit funds for the operation of the defense of indigent persons or protection of the persons with disabilities programs from any source, public or private, and to receive donations, grants, awards, and similar funds from any legal source. Those funds shall be placed in a special account for the Department of Public Advocacy and those funds shall not lapse;
- (10) Being authorized to assign an attorney, including a conflict attorney under a plan, for good cause, at any stage of representation, including trial, appeal, or other post-conviction or post-disposition proceeding, including discharge revocation hearings, preliminary parole revocation hearings, and conditional discharge revocation hearings, regardless of whether the hearings are conducted by constitutional judges or executive branch administrative law judges;
- (11) Filing with the Legislative Research Commission an annual report, by September 30 of each year, setting forth the total number of cases assigned to the department, the average number of cases per department attorney, all funding available to the department, the average amount of state funds expended per assigned case, and any other information requested by the Legislative Research Commission or that the public advocate finds necessary to inform the General Assembly, the judicial or executive branches, or the public of the activities conducted by the department during the previous fiscal year; and
- (12) Do other activities and institute other programs as necessary to carry out the provisions of this chapter, or those decisions or statutes which are the subject of this section.
- (13) (a) ***Within sixty (60) days of the end of each fiscal year, the department shall submit to the cabinet and the Legislative Research Commission for referral to the Interim Joint Committees on Judiciary and Families and Children a report detailing:***
1. ***The number of alternative sentencing plans submitted to courts that recommended treatment by providers that were non-qualified treatment programs;***
 2. ***A breakdown of the number of such plans that were approved, denied, or amended by the courts; and***
 3. ***A listing of all treatment programs recommended that did not meet the requirements of a qualified treatment program.***
- (b) ***As counsel appointed to provide legal representation to an individual under KRS Chapter 31, the department or defense counsel serves at the direction or request of the represented individual and may make recommendations for substance abuse treatment services from a treatment provider that is not a qualified treatment program but shall adhere to the reporting requirements in subsection (3) of Section 3 of this Act.***
- (14) ***Alternative sentencing workers as defined in Section 5 of this Act shall be required to:***
- (a) ***Obtain a minimum of twelve (12) hours of continuing education pertaining to substance use disorder; and***
 - (b) ***Comply with Section 4 of this Act.***

➔Section 7. KRS 205.200 is amended to read as follows:

- (1) A needy aged person, a needy blind person, a needy child, a needy permanently and totally disabled person, or a person with whom a needy child lives shall be eligible to receive a public assistance grant only if he or she has made a proper application or an application has been made on his or her behalf in the manner and form prescribed by administrative regulation. No individual shall be eligible to receive public assistance under more than one (1) category of public assistance for the same period of time.
- (2) The secretary shall, by administrative regulations, prescribe the conditions of eligibility for public assistance in conformity with the public assistance titles of the Social Security Act, its amendments, and other federal acts and regulations. The secretary shall also promulgate administrative regulations to allow for between a forty percent (40%) and a forty-five percent (45%) ratable reduction in the method of calculating eligibility and

benefits for public assistance under Title IV-A of the Federal Social Security Act. In no instance shall grants to families with no income be less than the appropriate grant maximum used for public assistance under Title IV-A of the Federal Social Security Act. As used in this section, "ratable reduction" means the percentage reduction applied to the deficit between the family's countable income and the standard of need for the appropriate family size.

- (3) The secretary may by administrative regulation prescribe as a condition of eligibility that a needy child regularly attend school, and may further by administrative regulation prescribe the degree of relationship of the person or persons in whose home such needy child must reside.
- (4) The secretary may by administrative regulation prescribe conditions for bringing paternity proceedings or actions for support in cases of out of wedlock birth or nonsupport by a parent in the public assistance under Title IV-A of the Federal Social Security Act program.
- (5) Public assistance shall not be payable to or in behalf of any individual who has taken any legal action in his or her own behalf or in the behalf of others with the intent and purpose of creating eligibility for the assistance.
- (6) The cabinet shall promptly notify the appropriate law enforcement officials of the furnishing of public assistance under Title IV-A of the Federal Social Security Act in respect to a child who has been deserted or abandoned by a parent.
- (7) No person shall be eligible for public assistance payments if, after having been determined to be potentially responsible, and afforded notice and opportunity for hearing, he *or she* refuses without good cause:
 - (a) To register for employment with the state employment service,
 - (b) To accept suitable training, or
 - (c) To accept suitable employment.

The secretary may prescribe by administrative regulation, subject to the provisions of KRS Chapter 13A, standards of suitability for training and employment.

- (8) To the extent permitted by federal law, scholarships, grants, or other types of financial assistance for education shall not be considered as income for the purpose of determining eligibility for public assistance.
- (9) To the extent permitted by federal law, any money received because of a settlement or judgment in a lawsuit brought against a manufacturer or distributor of "Agent Orange" for damages resulting from exposure to "Agent Orange" by a member or veteran of the Armed Forces of the United States or any dependent of such person who served in Vietnam shall not be considered as income for the purpose of determining eligibility or continuing eligibility for public assistance and shall not be subject to a lien or be available for repayment to the Commonwealth for public assistance received by the recipient.
- (10)
 - (a) For the purpose of determining eligibility for medical assistance under Title XIX of the Social Security Act, unless otherwise required by federal law, the cabinet shall only accept self-attestation of income, residency, age, household composition, caretaker or relative status, or receipt of other coverage as verification of last resort prior to enrollment, and the cabinet shall not request federal authorization or approval to waive or decline to periodically check any available income-related data source to verify eligibility.
 - (b) This subsection shall not apply to any individual who is a resident of an assisted living community as defined in KRS 194A.700 or to a long-term care facility as defined in KRS 216A.010 or hospital licensed under KRS Chapter 216B that is using self-attestation to determine presumptive eligibility.
 - (c) If an individual for medical assistance under Title XIX of the Social Security Act willingly and knowingly self-attests to falsified information related to income, residency, age, household composition, caretaker or relative status, or receipt of other coverage, the cabinet may fine the individual not more than five hundred dollars (\$500) per offense.
- (11) When determining whether an applicant for services or assistance provided under this chapter meets the applicable income eligibility guidelines, the cabinet shall use the most recent income verification data available and consider fluctuating employment income data.
- (12) If in the normal course of operations, the cabinet finds that an individual has trafficked, sold, distributed, given, or otherwise transferred an electronic benefit transfer card issued by the department for money, service, or other valuable consideration, the cabinet, to the extent permitted under state and federal law:

- (a) Shall through any means practical, including but not limited to garnishment of future cash assistance benefits, seek recoupment from the individual of any cash benefits trafficked, sold, distributed, given, or otherwise transferred; and
 - (b) May:
 - 1. Upon the first violation, deem the individual ineligible for all public assistance programs administered by the cabinet under this chapter for a period of not more than six (6) months;
 - 2. Upon the second violation, deem the individual ineligible for all public assistance programs administered by the cabinet under this chapter for a period of not more than twelve (12) months; and
 - 3. Upon the third violation, deem the individual ineligible for all public assistance programs administered by the cabinet under this chapter for a period of not more than five (5) years.
- (13) (a) Notwithstanding any other provision of Kentucky law, the following shall be disregarded for the purposes of determining an individual's eligibility for a means-tested public assistance program, and the amount of assistance or benefits the individual is eligible to receive under the program:
- 1. Any amount in an ABLE account;
 - 2. Any contributions to an ABLE account; and
 - 3. Any distribution from an ABLE account for qualified disability expenses.
- (b) For purposes of this subsection:
- 1. "ABLE account" means an account established within any state having a qualified ABLE program as provided in 26 U.S.C. sec. 529A, as amended;
 - 2. "Kentucky law" includes:
 - a. All provisions of the Kentucky Revised Statutes;
 - b. Any contract to provide Medicaid managed care established pursuant to this chapter;
 - c. Any agreement to operate a Medicaid program established pursuant to this chapter; and
 - d. Any administrative regulation promulgated pursuant to this chapter; and
 - 3. "Qualified disability expenses" means expenses described in 26 U.S.C. sec. 529A of a person who is the beneficiary of an ABLE account.
- (14) (a) ***Residency shall not be established for an individual if the individual relocates to Kentucky with the sole intention of establishing eligibility to receive medical services, including substance use disorder treatment services under this chapter.***
- (b) ***An individual may rebut the sole intention of paragraph (a) of this subsection by showing proof of residency. Proof of residency shall include but not be limited to the possession of a valid Kentucky operator's license or a copy of a deed or property tax bill, utility agreement or bill, or rental housing agreement.***

➔Section 8. KRS 202A.011 is amended to read as follows:

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

- (1) "Authorized staff physician" means a physician who is a bona fide member of the hospital's medical staff;
- (2) "Danger" or "threat of danger to self, family, or others" means substantial physical harm or threat of substantial physical harm upon self, family, or others, including actions which deprive self, family, or others of the basic means of survival including provision for reasonable shelter, food, or clothing;
- (3) "Cabinet" means the Kentucky Cabinet for Health and Family Services;
- (4) "Psychiatric facility" means a crisis stabilization unit or any facility licensed by the cabinet and which provides inpatient, outpatient, psychosocial rehabilitation, emergency, and consultation and education services for the diagnosis and treatment of persons who have a mental illness;

- (5) "Forensic psychiatric facility" means a mental institution or facility, or part thereof, designated by the secretary for the purpose and function of providing inpatient evaluation, care, and treatment for mentally ill persons or individuals with an intellectual disability, who have been charged with or convicted of a felony;
- (6) "Hospital" means:
 - (a) A state mental hospital or institution or other licensed public or private hospital, institution, health-care facility, or part thereof, approved by the Kentucky Cabinet for Health and Family Services as equipped to provide full-time residential care and treatment for mentally ill persons or individuals with an intellectual disability; or
 - (b) A hospital, institution, or health-care facility of the government of the United States equipped to provide residential care and treatment for mentally ill persons or individuals with an intellectual disability;
- (7) "Judge" means any judge or justice of the Court of Justice or a trial commissioner of the District Court acting under authority of SCR 5.030;
- (8) "Least restrictive alternative mode of treatment" means that treatment which will give a mentally ill individual a realistic opportunity to improve the individual's level of functioning, consistent with accepted professional practice in the least confining setting available;
- (9) "Mentally ill person" means a person with substantially impaired capacity to use self-control, judgment, or discretion in the conduct of the person's affairs and social relations, associated with maladaptive behavior or recognized emotional symptoms where impaired capacity, maladaptive behavior, or emotional symptoms can be related to physiological, psychological, or social factors;
- (10) "Patient" means a person under observation, care, or treatment in a hospital pursuant to the provisions of this chapter;
- (11) "Petitioner" means a person who institutes a proceeding under this chapter;
- (12) "Qualified mental health professional" means:
 - (a) A physician licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the performance of official duties;
 - (b) A psychiatrist licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the practice of official duties, who is certified or eligible to apply for certification by the American Board of Psychiatry and Neurology, Inc.;
 - (c) A psychologist with the health service provider designation, a psychological practitioner, a certified psychologist, or a psychological associate, licensed under the provisions of KRS Chapter 319;
 - (d) A licensed registered nurse with a master's degree in psychiatric nursing from an accredited institution and two (2) years of clinical experience with mentally ill persons, or a licensed registered nurse, with a bachelor's degree in nursing from an accredited institution, who is certified as a psychiatric and mental health nurse by the American Nurses Association and who has three (3) years of inpatient or outpatient clinical experience in psychiatric nursing and is currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a private agency or company engaged in the provision of mental health services or a regional community program for mental health and individuals with an intellectual disability;
 - (e) A licensed clinical social worker licensed under the provisions of KRS 335.100, or a certified social worker licensed under the provisions of KRS 335.080 with three (3) years of inpatient or outpatient clinical experience in psychiatric social work and currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a private agency or company engaged in the provision of mental health services or a regional community program for mental health and individuals with an intellectual disability;
 - (f) A marriage and family therapist licensed under the provisions of KRS 335.300 to 335.399 with three (3) years of inpatient or outpatient clinical experience in psychiatric mental health practice and currently employed by a hospital or forensic facility licensed by the Commonwealth, a psychiatric unit of a general hospital, a private agency or company engaged in providing mental health services, or a regional community program for mental health and individuals with an intellectual disability;

- (g) A professional counselor credentialed under the provisions of KRS Chapter 335.500 to 335.599 with three (3) years of inpatient or outpatient clinical experience in psychiatric mental health practice and currently employed by a hospital or forensic facility licensed by the Commonwealth, a psychiatric unit of a general hospital, a private agency or company engaged in providing mental health services, or a regional community program for mental health and individuals with an intellectual disability; or
- (h) A physician assistant licensed under KRS 311.840 to 311.862, who meets one (1) of the following requirements:
1. Provides documentation that he or she has completed a psychiatric residency program for physician assistants;
 2. Has completed at least one thousand (1,000) hours of clinical experience under a supervising physician, as defined by KRS 311.840, who is a psychiatrist and is certified or eligible for certification by the American Board of Psychiatry and Neurology, Inc.;
 3. Holds a master's degree from a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant or its predecessor or successor agencies, is practicing under a supervising physician as defined by KRS 311.840, and:
 - a. Has two (2) years of clinical experience in the assessment, evaluation, and treatment of mental disorders; or
 - b. Has been employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a private agency or company engaged in the provision of mental health services or a regional community program for mental health and individuals with an intellectual disability for at least two (2) years; or
 4. Holds a bachelor's degree, possesses a current physician assistant certificate issued by the board prior to July 15, 2002, is practicing under a supervising physician as defined by KRS 311.840, and:
 - a. Has three (3) years of clinical experience in the assessment, evaluation, and treatment of mental disorders; or
 - b. Has been employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a private agency or company engaged in the provision of mental health services or a regional community program for mental health and individuals with an intellectual disability for at least three (3) years;
- (13) "Residence" means legal residence as determined by applicable principles governing conflicts of law;
- (14) "Respondent" means a person alleged in a hearing under this chapter to be a mentally ill person or an individual with an intellectual disability;~~and~~
- (15) "Secretary" means the secretary of the Cabinet for Health and Family Services; *and*
- (16) ***"Contract mental health evaluator" means a qualified mental health professional who is employed by or under contract with a community mental health center, crisis stabilization unit, mental institution, or any other facility designated by the secretary to provide mental health evaluations to determine whether an individual meets the criteria for involuntary hospitalization.***

➔Section 9. KRS 202A.041 is amended to read as follows:

- (1) Any peace officer who has reasonable grounds to believe that an individual is mentally ill and presents a danger or threat of danger to self, family, or others if not restrained ~~may~~~~shall~~ take the individual into custody and transport the individual without unnecessary delay to a hospital or psychiatric facility designated by the cabinet for the purpose of an evaluation to be conducted by a ***contract mental health evaluator***~~[qualified mental health professional]~~. Upon transport of the person to the hospital or psychiatric facility, the peace officer shall provide written documentation which describes the behavior of the person which caused the peace officer to take the person into custody. If, after evaluation, the ***contract mental health evaluator***~~[qualified mental health professional]~~ finds that the person does not meet the criteria for involuntary hospitalization, the person shall be released immediately and transported back to the person's home county by an appropriate means of transportation as provided in KRS 202A.101. If, after evaluation, the ***contract mental health evaluator***~~[qualified mental health professional]~~ finds that the person meets the criteria for involuntary hospitalization, appropriate proceedings under this chapter shall be initiated. The person may be held pending

certification by a **contract mental health evaluator**~~[qualified mental health professional]~~ and implementation of procedures as provided in KRS 202A.028, 202A.031, or 202A.051 for a period not to exceed eighteen (18) hours.

- (2) *When a peace officer has custody of an individual at a post, sheriff's office, or police department pursuant to this section, and is required to maintain custody of the individual for more than three (3) hours after requesting evaluation by a contract mental health evaluator designated by the cabinet to conduct evaluations prior to admission to a hospital or psychiatric facility, state compensation shall be reduced by five percent (5%) for every ten (10) minutes the sheriff or other peace officer with custody over the person is required to remain with the person after first delay of contact as documented by the sheriff or other peace officer.*
- (3)~~(2)~~ If, after the evaluation, the **contract mental health evaluator**~~[qualified mental health professional]~~ finds that the person does not meet the criteria for involuntary hospitalization and the peace officer has probable cause to believe that the person has committed a criminal offense, the peace officer may swear out a warrant and take the arrested person without unnecessary delay before a judge.

➔Section 10. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Signed by Governor April 4, 2024.

CHAPTER 69

(SB 111)

AN ACT relating to coverage for the treatment of stuttering.

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

➔SECTION 1. A NEW SECTION OF SUBTITLE 17A OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
- (a) *"Habilitative services" means health care services that help a person keep, learn, or improve skills and functioning for daily living;*
 - (b) *"Habilitative speech therapy" means speech therapy that helps a person keep, learn, or improve skills and functioning for daily living;*
 - (c) *"Rehabilitative services" means health care services that help a person restore or improve skills and functioning for daily living that have been lost or impaired; and*
 - (d) *"Rehabilitative speech therapy" means speech therapy that helps a person restore or improve skills and functioning for daily living that have been lost or impaired.*
- (2) *Except as provided in subsection (4) of this section, any health insurance policy, certificate, plan, or contract, including but not limited to a health benefit plan, that provides coverage for:*
- (a) *Habilitative services, shall provide coverage for habilitative speech therapy as a treatment for stuttering, regardless of whether the stuttering is classified as developmental;*
 - (b) *Rehabilitative services, shall provide coverage for rehabilitative speech therapy as a treatment for stuttering; or*
 - (c) *Both habilitative services and rehabilitative services, shall provide the coverage required under paragraphs (a) and (b) of this subsection.*
- (3) *The coverage required under subsection (2) of this section shall:*
- (a) *Not be:*

1. *Subject to any maximum annual benefit limit, including any limits on the number of visits an insured may make to a speech-language pathologist;*
 2. *Limited based on the type of disease, injury, disorder, or other medical condition that resulted in the stuttering; or*
 3. *Subject to utilization review or utilization management requirements, including prior authorization or a determination that the speech therapy services are medically necessary; and*
- (b)
 1. *Include coverage for speech therapy provided in person and via telehealth.*
 2. *The telehealth coverage required under this paragraph shall:*
 - a. *Not be less than the coverage required for health benefit plans under KRS 304.17A-138; and*
 - b. *Include the use of any communication technology, application, or platform to deliver telehealth services, except coverage may be restricted to technology, applications, or platforms that are compliant with any applicable privacy provisions of the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. sec. 1320d et seq., as amended.*
- (4) *If the application of any requirement of this section to a qualified health plan as defined in 42 U.S.C. sec. 18021(a)(1), as amended, would result in a determination that the state must make payments to defray the cost of the requirement under 42 U.S.C. sec. 18031(d)(3) and 45 C.F.R. sec. 155.170, as amended, then the requirement shall not apply to the qualified health plan until the cost defrayal requirement is no longer applicable.*

➔Section 2. KRS 304.17C-125 (Effective January 1, 2025) is amended to read as follows:

The following~~[KRS 304.17A-262]~~ shall apply to limited health service benefit plans, including any limited health service contract, as defined in KRS 304.38A-010:

- (1) *KRS 304.17A-262; and*
- (2) *Section 1 of this Act.*

➔Section 3. KRS 205.522 is amended to read as follows:

- (1) *With respect to the administration and provision of Medicaid benefits pursuant to this chapter, the Department for Medicaid Services, ~~and~~ any managed care organization contracted to provide Medicaid benefits pursuant to this chapter, and the state's medical assistance program shall be subject to, and comply with, the following, as applicable:*~~[provisions of]~~
 - (a) *KRS 304.17A-163;*~~[;]~~
 - (b) *KRS 304.17A-1631;*~~[;]~~
 - (c) *KRS 304.17A-167;*~~[;]~~
 - (d) *KRS 304.17A-235;*~~[;]~~
 - (e) *KRS 304.17A-257;*~~[;]~~
 - (f) *KRS 304.17A-259;*~~[;]~~
 - (g) *KRS 304.17A-263;*~~[;]~~
 - (h) *KRS 304.17A-515;*~~[;]~~
 - (i) *KRS 304.17A-580;*~~[;]~~
 - (j) *KRS 304.17A-600, 304.17A-603, and 304.17A-607;*~~[; and]~~
 - (k) *KRS 304.17A-740 to 304.17A-743; and*~~[, as applicable]~~
 - (l) *Section 1 of this Act.*
- (2) A managed care organization contracted to provide Medicaid benefits pursuant to this chapter shall comply with the reporting requirements of KRS 304.17A-732.

➔Section 4. KRS 205.6485 is amended to read as follows:

- (1) *As used in this section, "KCHIP" means the Kentucky Children's Health Insurance Program.*
- (2) The Cabinet for Health and Family Services shall:
- (a) Prepare a state child health plan, *known as KCHIP*, meeting the requirements of Title XXI of the Federal Social Security Act, for submission to the Secretary of the United States Department of Health and Human Services within such time as will permit the state to receive the maximum amounts of federal matching funds available under Title XXI; ~~and the cabinet shall,~~
 - (b) By administrative regulation promulgated in accordance with KRS Chapter 13A, establish the following:
 - 1. ~~(a)~~ The eligibility criteria for children covered by *KCHIP, which shall include a provision that the Kentucky Children's Health Insurance Program. However,* no person eligible for services under Title XIX of the Social Security Act, 42 U.S.C. *secs.* 1396 to 1396v, as amended, shall be eligible for services under *KCHIP, the Kentucky Children's Health Insurance Program* except to the extent that Title XIX coverage is expanded by KRS 205.6481 to 205.6495 and KRS 304.17A-340;
 - 2. ~~(b)~~ The schedule of benefits to be covered by *KCHIP the Kentucky Children's Health Insurance Program*, which shall: ~~include preventive services, vision services including glasses, and dental services including at least sealants, extractions, and fillings, and which shall~~
 - a. Be at least equivalent to one (1) of the following:
 - i. ~~1.~~ The standard Blue Cross/Blue Shield preferred provider option under the Federal Employees Health Benefit Plan established by 5 U.S.C. sec. 8903(1);
 - ii. ~~2.~~ A mid-range health benefit coverage plan that is offered and generally available to state employees; or
 - iii. ~~3.~~ Health insurance coverage offered by a health maintenance organization that has the largest insured commercial, non-Medicaid enrollment of covered lives in the state; *and*
 - b. *Comply with subsection (6) of this section;*
 - 3. ~~(c)~~ The premium contribution per family ~~for of~~ health insurance coverage available under *KCHIP, which the Kentucky Children's Health Insurance Program with provisions for the payment of premium contributions by families of children eligible for coverage by the program based upon a sliding scale relating to family income. Premium contributions* shall be based:
 - a. On a six (6) month period; *and*
 - b. *Upon a sliding scale relating to family income* not to exceed:
 - i. ~~1.~~ Ten dollars (\$10), to be paid by a family with income between one hundred percent (100%) to one hundred thirty-three percent (133%) of the federal poverty level;
 - ii. ~~2.~~ Twenty dollars (\$20), to be paid by a family with income between one hundred thirty-four percent (134%) to one hundred forty-nine percent (149%) of the federal poverty level; and
 - iii. ~~3.~~ One hundred twenty dollars (\$120), to be paid by a family with income between one hundred fifty percent (150%) to two hundred percent (200%) of the federal poverty level, and which may be made on a partial payment plan of twenty dollars (\$20) per month or sixty dollars (\$60) per quarter;
 - 4. ~~(d)~~ There shall be no copayments for services provided under *KCHIP the Kentucky Children's Health Insurance Program*; and
 - 5. ~~(e)~~ a. The criteria for health services providers and insurers wishing to contract with the Commonwealth to provide ~~the children's health insurance~~ coverage *under KCHIP.*
 - b. ~~However,~~ The cabinet shall provide, in any contracting process for *coverage of the preventive services health insurance program*, the opportunity for a public health department to bid on preventive health services to eligible children within the public health department's service area. A public health department shall not be disqualified from

bidding because the department does not currently offer all the services required by ~~paragraph (b) of~~ this ~~section~~~~subsection~~. The criteria shall be set forth in administrative regulations under KRS Chapter 13A and shall maximize competition among the providers and insurers. The ~~Cabinet for~~ Finance and Administration *Cabinet* shall provide oversight over contracting policies and procedures to assure that the number of applicants for contracts is maximized.

- (3)~~(2)~~ Within twelve (12) months of federal approval of the state's Title XXI child health plan, the Cabinet for Health and Family Services shall assure that a KCHIP program is available to all eligible children in all regions of the state. If necessary, in order to meet this assurance, the cabinet shall institute its own program.
- (4)~~(3)~~ KCHIP recipients shall have direct access without a referral from any gatekeeper primary care provider to dentists for covered primary dental services and to optometrists and ophthalmologists for covered primary eye and vision services.
- (5)~~(4)~~ *KCHIP*~~The Kentucky Children's Health Insurance Plan~~ shall comply with KRS 304.17A-163 and 304.17A-1631.
- (6) *The schedule of benefits required under subsection (2)(b)2. of this section shall include:*
- (a) *Preventive services;*
 - (b) *Vision services, including glasses;*
 - (c) *Dental services, including sealants, extractions, and fillings; and*
 - (d) *The coverage required under Section 1 of this Act.*

➔Section 5. KRS 164.2871 (Effective January 1, 2025) is amended to read as follows:

- (1) The governing board of each state postsecondary educational institution is authorized to purchase liability insurance for the protection of the individual members of the governing board, faculty, and staff of such institutions from liability for acts and omissions committed in the course and scope of the individual's employment or service. Each institution may purchase the type and amount of liability coverage deemed to best serve the interest of such institution.
- (2) All retirement annuity allowances accrued or accruing to any employee of a state postsecondary educational institution through a retirement program sponsored by the state postsecondary educational institution are hereby exempt from any state, county, or municipal tax, and shall not be subject to execution, attachment, garnishment, or any other process whatsoever, nor shall any assignment thereof be enforceable in any court. Except retirement benefits accrued or accruing to any employee of a state postsecondary educational institution through a retirement program sponsored by the state postsecondary educational institution on or after January 1, 1998, shall be subject to the tax imposed by KRS 141.020, to the extent provided in KRS 141.010 and 141.0215.
- (3) Except as provided in KRS Chapter 44, the purchase of liability insurance for members of governing boards, faculty and staff of institutions of higher education in this state shall not be construed to be a waiver of sovereign immunity or any other immunity or privilege.
- (4) The governing board of each state postsecondary education institution is authorized to provide a self-insured employer group health plan to its employees, which plan shall:
 - (a) Conform to the requirements of Subtitle 32 of KRS Chapter 304; and
 - (b) Except as provided in subsection (5) of this section, be exempt from conformity with Subtitle 17A of KRS Chapter 304.
- (5) A self-insured employer group health plan provided by the governing board of a state postsecondary education institution to its employees shall comply with:
 - (a) KRS 304.17A-163 and 304.17A-1631;
 - (b) KRS 304.17A-265;
 - (c) KRS 304.17A-261;~~and~~
 - (d) KRS 304.17A-262; *and*
 - (e) *Section 1 of this Act.*

➔Section 6. KRS 18A.225 (Effective January 1, 2025) is amended to read as follows:

- (1) (a) The term "employee" for purposes of this section means:
 1. Any person, including an elected public official, who is regularly employed by any department, office, board, agency, or branch of state government; or by a public postsecondary educational institution; or by any city, urban-county, charter county, county, or consolidated local government, whose legislative body has opted to participate in the state-sponsored health insurance program pursuant to KRS 79.080; and who is either a contributing member to any one (1) of the retirement systems administered by the state, including but not limited to the Kentucky Retirement Systems, County Employees Retirement System, Kentucky Teachers' Retirement System, the Legislators' Retirement Plan, or the Judicial Retirement Plan; or is receiving a contractual contribution from the state toward a retirement plan; or, in the case of a public postsecondary education institution, is an individual participating in an optional retirement plan authorized by KRS 161.567; or is eligible to participate in a retirement plan established by an employer who ceases participating in the Kentucky Employees Retirement System pursuant to KRS 61.522 whose employees participated in the health insurance plans administered by the Personnel Cabinet prior to the employer's effective cessation date in the Kentucky Employees Retirement System;
 2. Any certified or classified employee of a local board of education or a public charter school as defined in KRS 160.1590;
 3. Any elected member of a local board of education;
 4. Any person who is a present or future recipient of a retirement allowance from the Kentucky Retirement Systems, County Employees Retirement System, Kentucky Teachers' Retirement System, the Legislators' Retirement Plan, the Judicial Retirement Plan, or the Kentucky Community and Technical College System's optional retirement plan authorized by KRS 161.567, except that a person who is receiving a retirement allowance and who is age sixty-five (65) or older shall not be included, with the exception of persons covered under KRS 61.702(2)(b)3. and 78.5536(2)(b)3., unless he or she is actively employed pursuant to subparagraph 1. of this paragraph; and
 5. Any eligible dependents and beneficiaries of participating employees and retirees who are entitled to participate in the state-sponsored health insurance program;
 - (b) The term "health benefit plan" for the purposes of this section means a health benefit plan as defined in KRS 304.17A-005;
 - (c) The term "insurer" for the purposes of this section means an insurer as defined in KRS 304.17A-005; and
 - (d) The term "managed care plan" for the purposes of this section means a managed care plan as defined in KRS 304.17A-500.
- (2) (a) The secretary of the Finance and Administration Cabinet, upon the recommendation of the secretary of the Personnel Cabinet, shall procure, in compliance with the provisions of KRS 45A.080, 45A.085, and 45A.090, from one (1) or more insurers authorized to do business in this state, a group health benefit plan that may include but not be limited to health maintenance organization (HMO), preferred provider organization (PPO), point of service (POS), and exclusive provider organization (EPO) benefit plans encompassing all or any class or classes of employees. With the exception of employers governed by the provisions of KRS Chapters 16, 18A, and 151B, all employers of any class of employees or former employees shall enter into a contract with the Personnel Cabinet prior to including that group in the state health insurance group. The contracts shall include but not be limited to designating the entity responsible for filing any federal forms, adoption of policies required for proper plan administration, acceptance of the contractual provisions with health insurance carriers or third-party administrators, and adoption of the payment and reimbursement methods necessary for efficient administration of the health insurance program. Health insurance coverage provided to state employees under this section shall, at a minimum, contain the same benefits as provided under Kentucky Kare Standard as of January 1, 1994, and shall include a mail-order drug option as provided in subsection (13) of this section. All employees and other persons for whom the health care coverage is provided or made available shall annually be given an option to elect health care coverage through a self-funded plan offered by the Commonwealth or, if a self-funded plan is not available, from a list of coverage options determined by the competitive

bid process under the provisions of KRS 45A.080, 45A.085, and 45A.090 and made available during annual open enrollment.

- (b) The policy or policies shall be approved by the commissioner of insurance and may contain the provisions the commissioner of insurance approves, whether or not otherwise permitted by the insurance laws.
 - (c) Any carrier bidding to offer health care coverage to employees shall agree to provide coverage to all members of the state group, including active employees and retirees and their eligible covered dependents and beneficiaries, within the county or counties specified in its bid. Except as provided in subsection (20) of this section, any carrier bidding to offer health care coverage to employees shall also agree to rate all employees as a single entity, except for those retirees whose former employers insure their active employees outside the state-sponsored health insurance program and as otherwise provided in KRS 61.702(2)(b)3.b. and 78.5536(2)(b)3.b.
 - (d) Any carrier bidding to offer health care coverage to employees shall agree to provide enrollment, claims, and utilization data to the Commonwealth in a format specified by the Personnel Cabinet with the understanding that the data shall be owned by the Commonwealth; to provide data in an electronic form and within a time frame specified by the Personnel Cabinet; and to be subject to penalties for noncompliance with data reporting requirements as specified by the Personnel Cabinet. The Personnel Cabinet shall take strict precautions to protect the confidentiality of each individual employee; however, confidentiality assertions shall not relieve a carrier from the requirement of providing stipulated data to the Commonwealth.
 - (e) The Personnel Cabinet shall develop the necessary techniques and capabilities for timely analysis of data received from carriers and, to the extent possible, provide in the request-for-proposal specifics relating to data requirements, electronic reporting, and penalties for noncompliance. The Commonwealth shall own the enrollment, claims, and utilization data provided by each carrier and shall develop methods to protect the confidentiality of the individual. The Personnel Cabinet shall include in the October annual report submitted pursuant to the provisions of KRS 18A.226 to the Governor, the General Assembly, and the Chief Justice of the Supreme Court, an analysis of the financial stability of the program, which shall include but not be limited to loss ratios, methods of risk adjustment, measurements of carrier quality of service, prescription coverage and cost management, and statutorily required mandates. If state self-insurance was available as a carrier option, the report also shall provide a detailed financial analysis of the self-insurance fund including but not limited to loss ratios, reserves, and reinsurance agreements.
 - (f) If any agency participating in the state-sponsored employee health insurance program for its active employees terminates participation and there is a state appropriation for the employer's contribution for active employees' health insurance coverage, then neither the agency nor the employees shall receive the state-funded contribution after termination from the state-sponsored employee health insurance program.
 - (g) Any funds in flexible spending accounts that remain after all reimbursements have been processed shall be transferred to the credit of the state-sponsored health insurance plan's appropriation account.
 - (h) Each entity participating in the state-sponsored health insurance program shall provide an amount at least equal to the state contribution rate for the employer portion of the health insurance premium. For any participating entity that used the state payroll system, the employer contribution amount shall be equal to but not greater than the state contribution rate.
- (3) The premiums may be paid by the policyholder:
- (a) Wholly from funds contributed by the employee, by payroll deduction or otherwise;
 - (b) Wholly from funds contributed by any department, board, agency, public postsecondary education institution, or branch of state, city, urban-county, charter county, county, or consolidated local government; or
 - (c) Partly from each, except that any premium due for health care coverage or dental coverage, if any, in excess of the premium amount contributed by any department, board, agency, postsecondary education institution, or branch of state, city, urban-county, charter county, county, or consolidated local government for any other health care coverage shall be paid by the employee.

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

established by the insurer, including price, dispensing fee, and copay requirements of a mail-order option. The retail pharmacy shall not be required to dispense by mail.

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

- (c) KRS 304.17A-600 to 304.17A-633;
- (d) KRS 205.593;
- (e) KRS 304.17A-700 to 304.17A-730;
- (f) KRS 304.14-135;
- (g) KRS 304.17A-580 and 304.17A-641;
- (h) KRS 304.99-123;
- (i) KRS 304.17A-138;
- (j) KRS 304.17A-148;
- (k) KRS 304.17A-163 and 304.17A-1631;
- (l) KRS 304.17A-265;
- (m) KRS 304.17A-261;
- (n) KRS 304.17A-262;~~and~~
- (o) **Section 1 of this Act; and**
- (p) Administrative regulations promulgated pursuant to statutes listed in this subsection.

➔Section 7. Sections 1, 2, 5, and 6 of this Act apply to policies, certificates, plans, and contracts issued or renewed on or after January 1, 2025.

➔Section 8. (1) For purposes of 45 C.F.R. sec. 156.115, the benefits required under Section 1 of this Act are intended to be, and shall be considered, substantially equal to the benefits required under the state's EHB-benchmark plan.

(2) For purposes of 45 C.F.R. sec. 155.170, the benefits required under Section 1 of this Act are intended to be, and shall be considered by the state as, a benefit required by State action "for purposes of compliance with Federal requirements," and thus, the state shall not consider or identify the benefits required under Section 1 of this Act as being in addition to the essential health benefits required under federal law.

(3) The "Federal requirements" referred to in subsection (2) of this section include:

(a) The requirement to provide coverage for essential health benefits, which shall include items and services covered within the category of rehabilitative and habilitative services and devices, as required under 42 U.S.C. sec. 18022(b)(1)(G), as amended; and

(b) The requirement to not discriminate in the provision of health benefits, as required under 45 C.F.R. sec. 156.125, 45 C.F.R. sec. 92.2, and 45 C.F.R. sec. 147.104.

(4) The commissioner of insurance and any other state official or state agency shall:

(a) Comply with the requirements of this section; and

(b) Not take any action that is in violation of or in conflict with this section.

➔Section 9. Notwithstanding KRS 194A.099:

(1) Within 90 days of the effective date of this section and subject to Section 8 of this Act, the Department of Insurance shall identify, in accordance with 45 C.F.R. sec. 155.170(a)(3), whether the application of any requirement of Section 1 of this Act to a qualified health plan (QHP) is in addition to the essential health benefits required under federal law.

(2) If it is determined that the application of any requirement of Section 1 of this Act to a QHP is in addition to the essential health benefits required under federal law, then the department shall, within 180 days of the effective date of this section, apply for a waiver under 42 U.S.C. sec. 18052, as amended, or any other applicable federal law of all or any of the cost defrayal requirements under 42 U.S.C. sec. 18031(d)(3) and 45 C.F.R. sec. 155.170, as amended.

(3) The application required under subsection (2) of this section:

(a) Shall comply with the requirements of federal law for obtaining a waiver; and

(b) May propose changes to the state's EHB-benchmark plan, as defined in 45 C.F.R. sec. 156.20, that are not in conflict with existing state law.

➔Section 10. If the Cabinet for Health and Family Services determines that a waiver or other authorization from a federal agency is necessary to implement Section 3 or 4 of this Act for any reason, including the loss of federal funds, the cabinet shall, within 90 days of the effective date of this section, request the waiver or authorization, and may only delay implementation of those provisions for which a waiver or authorization was deemed necessary until the waiver or authorization is granted.

➔Section 11. Sections 1 to 7 of this Act take effect January 1, 2025.

Signed by Governor April 4, 2024.

CHAPTER 70

(SB 140)

AN ACT relating to unemployment insurance benefits and declaring an emergency.

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

➔Section 1. KRS 341.413 is amended to read as follows:

Notwithstanding any state law to the contrary, for unemployment insurance claims filed between January 27, 2020, and **September 6, 2021**~~{December 31, 2020}~~:

- (1) ~~{Upon request of the alleged overpayment recipient, }~~The secretary *shall*~~{may}~~ waive an overpayment of benefits if he or she finds the overpayment:
 - (a) Was made without fault on the part of the recipient; and
 - (b) Recovery would be contrary to equity and good conscience;
- (2) ~~{(a) Requests for waiver of overpayment of benefits under subsection (1) of this section shall be made within thirty (30) days after the date the secretary mails to the alleged overpayment recipient the notification of the overpayment determination via first class United States Mail. The secretary shall resend any notices of overpayment sent prior to March 12, 2021. The new notices shall restart the thirty (30) day period for the alleged overpayment recipient to request repayment waiver.~~
 - ~~(b) Notice of the secretary's determination shall include information explaining how the alleged overpayment recipient may request a waiver of overpayment and explain how the alleged overpayment recipient may appeal the secretary's final determination by requesting an appeal of the determination pursuant to KRS 341.420.~~
 - ~~(c) The secretary shall not initiate overpayment recovery until lapse of the thirty (30) day period provided in this subsection.~~
 - ~~(d) }Overpayments collected shall be returned to the federal government if the overpayments were paid from Coronavirus Aid, Relief, and Economic Security (CARES) Act dollars and a waiver was not granted pursuant to subsection (1) of this section.~~

➔Section 2. Whereas it is vital to address pending claims for benefits and pending claims of alleged overpayments, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 4, 2024.

CHAPTER 71

(SJR 175)

A JOINT RESOLUTION facilitating the deployment of broadband internet service to unserved and underserved citizens in the Commonwealth and declaring an emergency.

WHEREAS, access to broadband internet service has become critical for social and economic prosperity because it links the citizens of the Commonwealth to each other and to other parts of the world; and

WHEREAS, the lack of access to broadband internet service, which is predominantly a problem in the rural areas of the Commonwealth, places unserved and underserved citizens in those areas at a significant disadvantage; and

WHEREAS, the National Telecommunications and Information Administration allocated \$1.1 billion to the Commonwealth in the Broadband Equity, Access, and Deployment (BEAD) Program that will be used to deploy broadband internet service to unserved and underserved residents throughout the Commonwealth; and

WHEREAS, another \$157 million will be available for network expansion through the Rural Digital Opportunity Fund and state and local broadband initiatives that will help bring high-speed broadband internet service to every area and every citizen of the Commonwealth, regardless of that citizen's location or household income; and

WHEREAS, broadband internet service providers are motivated to begin deploying broadband internet service to unserved and underserved citizens, which requires attaching the necessary fiber optic cables to utility poles throughout the Commonwealth and comply with the funding and performance guidelines set by the BEAD Program and other government-funded broadband initiatives; and

WHEREAS, since January 5, 2024, the Public Service Commission has been hosting stakeholder meetings on pole attachment delays; and

WHEREAS, every effort must be made by the Public Service Commission to streamline the process and remove unnecessary delays in how attachment requests by broadband service providers are received and processed by the utilities that own the utility poles;

NOW, THEREFORE,

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

➔Section 1. The General Assembly of the Commonwealth of Kentucky hereby directs the Public Service Commission to promulgate emergency administrative regulations pursuant to KRS Chapter 13A on utility pole attachments not later than 60 days after the effective date of this Resolution that shall at a minimum:

(1) Remove any unreasonable utility pole attachment-related impediments to the deployment of broadband service throughout the Commonwealth;

(2) Establish parameters to expedite the processing of pole attachment requests for unserved and underserved areas of the Commonwealth in accordance with the BEAD Program and other government-funded broadband initiatives, as authorized by the bipartisan Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, and other government-funded broadband initiatives;

(3) Reduce the backlog of utility pole attachment requests; and

(4) Direct utilities that own poles to file new tariffs if necessary to conform with the emergency administrative regulations promulgated by the Public Service Commission no later than 60 days after the effective date of the emergency administrative regulations. In promulgating administrative regulations under this section, the Public Service Commission shall ensure that any new or amended administrative regulations are tailored to advance the buildout of broadband service to unserved and underserved areas and does not result in an undue burden in processing pole attachment requests for service in served areas of the Commonwealth.

➔Section 2. The Public Service Commission shall initiate a docket on utility pole attachment issues to receive comments from the affected parties and find resolutions that will expedite utility pole attachment requests and the deployment of broadband throughout the Commonwealth. Small telephone utilities, as defined in KRS 278.516, may elect to participate in this docket either independently or collectively, but shall not be required to participate in this proceeding. The docket shall remain open until all utility pole attachment requests funded by the BEAD Program, the Rural Digital Opportunity Fund, state broadband grants, and local direct broadband deals are processed and the projects are completed.

➔Section 3. Beginning September 30, 2024, and quarterly thereafter, the Public Service Commission shall issue a report to the Legislative Research Commission for referral to the Interim Joint Committee on Natural Resources and Energy, updating the General Assembly on the progress made in expediting utility pole attachment requests for broadband service.

➔Section 4. Whereas broadband service is critical to the economic prosperity of the Commonwealth, and the timetables for broadband projects funded by the BEAD Program and other government-funded broadband initiatives must be adhered to, an emergency is declared to exist, and this Resolution takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 4, 2024.

CHAPTER 72

(HB 15)

AN ACT relating to consumer data privacy and making an appropriation therefor.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 10 of this Act:

- (1) *"Affiliate" means a legal entity that controls, is controlled by, or is under common control with another legal entity or shares common branding with another legal entity. For the purposes of this definition, "control" or "controlled" means:*
 - (a) *Ownership of, or the power to vote, more than fifty percent (50%) of the outstanding shares of any class of voting security of a company;*
 - (b) *Control in any manner over the election of a majority of the directors or of individuals exercising similar functions; or*
 - (c) *The power to exercise controlling influence over the management of a company;*
- (2) *"Authenticate" means verifying through reasonable means that the consumer entitled to exercise his or her consumer rights in Section 3 of this Act is the same consumer exercising such consumer rights with respect to the personal data at issue;*
- (3) *"Biometric data" means data generated by automatic measurements of an individual's biological characteristics, such as a fingerprint, voiceprint, eye retinas, irises, or other unique biological patterns or characteristics that are used to identify a specific individual. Biometric data does not include a physical or digital photograph, a video or audio recording or data generated therefrom, unless that data is generated to identify a specific individual or information collected, used, or stored for health care treatment, payment, or operations under HIPAA;*
- (4) *"Business associate" has the same meaning as established in 45 C.F.R. sec. 160.103 pursuant to HIPAA;*
- (5) *"Child" has the same meaning as in 15 U.S.C. sec. 6501;*
- (6) *"Consent" means a clear affirmative act signifying a consumer's freely given, specific, informed, and unambiguous agreement to process personal data relating to the consumer. Consent may include a written statement, written by electronic means or any other unambiguous affirmative action;*
- (7) *"Consumer" means a natural person who is a resident of the Commonwealth of Kentucky acting only in an individual context. Consumer does not include a natural person acting in a commercial or employment context;*
- (8) *"Controller" means the natural or legal person that, alone or jointly with others, determines the purpose and means of processing personal data;*
- (9) *"Covered entity" has the same meaning as established in 45 C.F.R. sec. 160.103 pursuant to HIPAA;*
- (10) *"Decisions that produce legal or similarly significant effects concerning a consumer" means a decision made by a controller that results in the provision or denial by the controller of financial and lending services, housing, insurance, education enrollment, criminal justice, employment opportunities, health care services, or access to basic necessities like food and water;*

- (11) *"De-identified data" means data that cannot reasonably be linked to an identified or identifiable natural person or a device linked to a person;*
- (12) *"Fund" means the consumer privacy fund established in Section 10 of this Act;*
- (13) *"Health record" means a record, other than for financial or billing purposes, relating to an individual, kept by a health care provider as a result of the professional relationship established between the health care provider and the individual;*
- (14) *"Health care provider" means:*
- (a) *Any health facility as defined in KRS 216B.015;*
 - (b) *Any person or entity providing health care or health services, including those licensed, certified, or registered under, or subject to, KRS 194A.700 to 194A.729 or KRS Chapter 310, 311, 311A, 311B, 312, 313, 314, 314A, 315, 319, 319A, 319B, 319C, 320, 327, 333, 334A, or 335;*
 - (c) *The current and former employers, officers, directors, administrators, agents, or employees of those entities listed in paragraphs (a) and (b) of this subsection; or*
 - (d) *Any person acting within the course and scope of his or her office, employment, or agency relating to a health care provider;*
- (15) *"HIPAA" means the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191;*
- (16) *"Identified or identifiable natural person" means a person who can be readily identified directly or indirectly;*
- (17) *"Institution of higher education" means an educational institution which:*
- (a) *Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;*
 - (b) *Is legally authorized in this state to provide a program of education beyond high school;*
 - (c) *Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of postgraduate or postdoctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and*
 - (d) *Is a public or other nonprofit institution;*
- (18) *"Nonprofit organization" means any incorporated or unincorporated entity that:*
- (a) *Is operating for religious, charitable, or educational purposes; and*
 - (b) *Does not provide net earnings to, or operate in any manner that inures to the benefit of, any officer, employee, or shareholder of the entity;*
- (19) *"Personal data" means any information that is linked or reasonably linkable to an identified or identifiable natural person. Personal data does not include de-identified data or publicly available information;*
- (20) *"Precise geolocation data" means information derived from technology, including but not limited to global positioning system level latitude and longitude coordinates or other mechanisms, that directly identifies the specific location of a natural person with precision and accuracy within a radius of one thousand seven hundred fifty (1,750) feet. Precise geolocation data does not include the content of communications, or any data generated by or connected to advanced utility metering infrastructure systems or equipment for use by a utility;*
- (21) *"Process" or "processing" means any operation or set of operations performed, whether by manual or automated means, on personal data or on sets of personal data, including but not limited to the collection, use, storage, disclosure, analysis, deletion, or modification of personal data;*
- (22) *"Processor" means a natural or legal entity that processes personal data on behalf of a controller;*
- (23) *"Profiling" means any form of automated processing performed on personal data to evaluate, analyze, or predict personal aspects related to an identified or identifiable natural person's economic situation, health, personal preferences, interests, reliability, behavior, location, or movements;*

- (24) *"Protected health information" means the same as established in 45 C.F.R. sec. 160.103 pursuant to HIPAA;*
- (25) *"Pseudonymous data" means personal data that cannot be attributed to a specific natural person without the use of additional information, provided that the additional information is kept separately and is subject to appropriate technical and organizational measures to ensure that the personal data is not attributed to an identified or identifiable natural person;*
- (26) *"Publicly available information" means information that is lawfully made available through federal, state, or local government records, or information that a business has a reasonable basis to believe is lawfully made available to the general public through widely distributed media, by the consumer, or by a person to whom the consumer has disclosed the information, unless the consumer has restricted the information to a specific audience;*
- (27) *"Sale of personal data" means the exchange of personal data for monetary consideration by the controller to a third party. Sale of personal data does not include:*
- (a) *The disclosure of personal data to a processor that processes the personal data on behalf of the controller;*
 - (b) *The disclosure of personal data to a third party for purposes of providing a product or service requested by the consumer;*
 - (c) *The disclosure or transfer of personal data to an affiliate of the controller;*
 - (d) *The disclosure of information that the consumer:*
 - 1. *Intentionally made available to the general public via a channel of mass media; and*
 - 2. *Did not restrict to a specific audience; or*
 - (e) *The disclosure or transfer of personal data to a third party as an asset that is part of a proposed or actual merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the controller's assets;*
- (28) *"Sensitive data" means a category of personal data that includes:*
- (a) *Personal data indicating racial or ethnic origin, religious beliefs, mental or physical health diagnosis, sexual orientation, or citizenship or immigration status;*
 - (b) *The processing of genetic or biometric data that is processed for the purpose of uniquely identifying a specific natural person;*
 - (c) *The personal data collected from a known child; or*
 - (d) *Precise geolocation data;*
- (29) *"State agency" means all departments, offices, commissions, boards, institutions, and political and corporate bodies of the state, including the offices of the clerk of the Supreme Court, clerks of the appellate courts, the several courts of the state, and the legislature, its committees, or commissions;*
- (30) *"Targeted advertising" means displaying advertisements to a consumer where the advertisement is selected based on personal data obtained or inferred from that consumer's activities over time and across nonaffiliated websites or online applications to predict that consumer's preferences or interests. "Targeted advertising" does not include:*
- (a) *Advertisements based on activities within a controller's own or affiliated websites or online applications;*
 - (b) *Advertisements based on the context of a consumer's current search query, visit to a website, or online application;*
 - (c) *Advertisements directed to a consumer in response to the consumer's request for information or feedback; or*
 - (d) *Processing personal data solely for measuring or reporting advertising performance, reach, or frequency;*
- (31) *"Third party" means a natural or legal person, public authority, agency, or body other than the consumer, controller, processor, or an affiliate of the processor or the controller; and*

(32) *"Trade secret" has the same meaning as in KRS 365.880.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

- (1) *Sections 1 to 10 of this Act apply to persons that conduct business in the Commonwealth or produce products or services that are targeted to residents of the Commonwealth and that during a calendar year control or process personal data of at least:*
- (a) *One hundred thousand (100,000) consumers; or*
 - (b) *Twenty-five thousand (25,000) consumers and derive over fifty percent (50%) of gross revenue from the sale of personal data.*
- (2) *Sections 1 to 10 of this Act shall not apply to any:*
- (a) *City, state agency, or any political subdivision of the state;*
 - (b) *Financial institutions, their affiliates, or data subject to Title V of the federal Gramm-Leach-Bliley Act, 15 U.S.C. sec. 6801 et seq.;*
 - (c) *Covered entity or business associate governed by the privacy, security, and breach notification rules issued by the United States Department of Health and Human Services, 45 C.F.R. pts. 160 and 164 established pursuant to HIPAA;*
 - (d) *Nonprofit organization;*
 - (e) *Institution of higher education;*
 - (f) *Organization that:*
 - 1. *Does not provide net earnings to, or operate in any manner that inures to the benefit of, any officer, employee, or shareholder of the entity; and*
 - 2. *Is an entity such as those recognized under KRS 304.47-060(1)(e), so long as the entity collects, processes, uses, or shares data solely in relation to identifying, investigating, or assisting:*
 - a. *Law enforcement agencies in connection with suspected insurance-related criminal or fraudulent acts; or*
 - b. *First responders in connection with catastrophic events; or*
 - (g) *Small telephone utility as defined in KRS 278.516, a Tier III CMRS provider as defined in KRS 65.7621, or a municipally owned utility that does not sell or share personal data with any third-party processor.*
- (3) *The following information and data are exempt from Sections 1 to 10 of this Act:*
- (a) *Protected health information under HIPAA;*
 - (b) *Health records;*
 - (c) *Patient identifying information for purposes of 42 C.F.R. sec. 2.11;*
 - (d) *Identifiable private information for purposes of the federal policy for the protection of human subjects under 45 C.F.R. pt. 46; identifiable private information that is otherwise information collected as part of human subjects research pursuant to the good clinical practice guidelines issued by the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use; the protection of human subjects under 21 C.F.R. pts. 50 and 56, or personal data used or shared in research conducted in accordance with the requirements set forth in Sections 1 to 10 of this Act, or other research conducted in accordance with applicable law;*
 - (e) *Information and documents created for purposes of the federal Health Care Quality Improvement Act of 1986, 42 U.S.C. sec. 11101 et seq.;*
 - (f) *Patient safety work product for purposes of the federal Patient Safety and Quality Improvement Act, 42 U.S.C. sec. 299b-21 et seq.;*
 - (g) *Information derived from any of the health care-related information listed in this subsection that is de-identified in accordance with the requirements for de-identification pursuant to HIPAA;*

- (h) *Information originating from, and intermingled to be indistinguishable from, or information treated in the same manner as information exempt under this subsection that is maintained by a covered entity or business associate, or a program or qualified service organization as defined by 42 C.F.R. sec. 2.11;*
 - (i) *Information used only for public health activities and purposes as authorized by HIPAA;*
 - (j) *The collection, maintenance, disclosure, sale, communication, or use of any personal information bearing on a consumer's creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living by a consumer reporting agency, furnisher, or user that provides information for use in a consumer report, and by a user of a consumer report, but only to the extent that such activity is regulated by and authorized under the federal Fair Credit Reporting Act, 15 U.S.C. sec. 1681 et seq.;*
 - (k) *Personal data collected, processed, sold, or disclosed in compliance with the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. sec. 2721 et seq.;*
 - (l) *Personal data regulated by the federal Family Educational Rights and Privacy Act, 20 U.S.C. sec. 1232g et seq.;*
 - (m) *Personal data collected, processed, sold, or disclosed in compliance with the federal Farm Credit Act, 12 U.S.C. sec. 2001 et seq.;*
 - (n) *Data processed or maintained:*
 - 1. *In the course of an individual applying to, employed by, or acting as an agent or independent contractor of a controller, processor, or third party, to the extent that the data is collected and used within the context of that role;*
 - 2. *As the emergency contact information of an individual used for emergency contact purposes; or*
 - 3. *That is necessary to retain to administer benefits for another individual relating to the individual under subparagraph 1. of this paragraph and used for the purposes of administering those benefits;*
 - (o) *Data processed by a utility, an affiliate of a utility, or a holding company system organized specifically for the purpose of providing goods or services to a utility as defined in KRS 278.010. For purposes of this paragraph, "holding company system" means two (2) or more affiliated persons, one (1) or more of which is a utility; and*
 - (p) *Personal data collected and used for purposes of federal policy under the Combat Methamphetamine Epidemic Act of 2005.*
- (4) *Controllers and processors that comply with the verifiable parental consent requirements of the Children's Online Privacy Protection Act, 15 U.S.C. sec. 6501 et seq., shall be deemed compliant with any obligation to obtain parental consent under Sections 1 to 10 of this Act.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

- (1) *A consumer may invoke the consumer rights authorized pursuant to this section at any time by submitting a request to a controller, via the means specified by the controller pursuant to Section 4 of this Act, specifying the consumer rights the consumer wishes to invoke. A child's parent or legal guardian may invoke such consumer rights on behalf of the child regarding processing personal data belonging to the child.*
- (2) *A controller shall comply with an authenticated consumer request to exercise the right to:*
 - (a) *Confirm whether or not a controller is processing the consumer's personal data and to access the personal data, unless the confirmation and access would require the controller to reveal a trade secret;*
 - (b) *Correct inaccuracies in the consumer's personal data, taking into account the nature of the personal data and the purposes of processing the data;*
 - (c) *Delete personal data provided by or obtained about the consumer;*
 - (d) *Obtain a copy of the consumer's personal data that the consumer previously provided to the controller in a portable and, to the extent technically practicable, readily usable format that allows*

the consumer to transmit the data to another controller without hindrance, where the processing is carried out by automated means. The controller shall not be required to reveal any trade secrets; and

- (e) *Opt out of the processing of personal data for purposes of targeted advertising, the sale of personal data, or profiling in furtherance of decisions that produce legal or similarly significant effects concerning the consumer.*
- (3) *Except as otherwise provided in Sections 1 to 10 of this Act, a controller shall comply with a request by a consumer to exercise the consumer rights pursuant to this section as follows:*
- (a) *A controller shall respond to the consumer without undue delay, but in all cases within forty-five (45) days of receipt of the request submitted pursuant to the methods described in this section. The response period may be extended once by forty-five (45) additional days when reasonably necessary, taking into consideration the complexity and number of the consumer's requests, so long as the controller informs the consumer of any extension within the initial forty-five (45) day response period, together with the reason for the extension;*
 - (b) *If a controller declines to take action regarding the consumer's request, the controller shall inform the consumer without undue delay, but no later than forty-five (45) days after receipt of the request, of the justification for declining to take action and instructions on how to appeal the decision;*
 - (c) *Information provided in response to a consumer request shall be provided by a controller free of charge, up to twice annually per consumer. If requests from a consumer are excessive, repetitive, technically infeasible, or manifestly unfounded, the controller may charge the consumer a reasonable fee to cover the administrative costs of complying with the request or decline to act on the request. The controller bears the burden of demonstrating the excessive, repetitive, technically infeasible, or manifestly unfounded nature of the request;*
 - (d) *If a controller is unable to authenticate the request using commercially reasonable efforts, the controller shall not be required to comply with a request to initiate an action under subsection (1) of this section and may request that the consumer provide additional information reasonably necessary to authenticate the consumer and the consumer's request; and*
 - (e) *A controller that has obtained personal data about a consumer from a source other than the consumer shall be deemed in compliance with a consumer's request to delete such data pursuant to subsection (2)(c) of this section by:*
 - 1. *Retaining a record of the deletion request and the minimum data necessary for the purpose of ensuring the consumer's personal data remains deleted from the business' records and not using the retained data for any other purpose pursuant to the provisions of Sections 1 to 10 of this Act; or*
 - 2. *Opting the consumer out of the processing of the personal data for any purpose except for those exempted pursuant to Section 2 of this Act.*
- (4) *A controller shall establish a process for a consumer to appeal the controller's refusal to take action on a request within a reasonable period of time after the consumer's receipt of the decision pursuant to subsection (3)(b) of this section. The appeal process shall be conspicuously available and similar to the process for submitting requests to initiate action pursuant to this section. Within sixty (60) days of receipt of an appeal, a controller shall inform the consumer in writing of any action taken or not taken in response to the appeal, including a written explanation of the reasons for the decisions. If the appeal is denied, the controller shall also provide the consumer with an online mechanism, if available, or other method through which the consumer may contact the Attorney General to submit a complaint.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

- (1) *A controller shall:*
- (a) *Limit the collection of personal data to what is adequate, relevant, and reasonably necessary in relation to the purposes for which the data is processed as disclosed to the consumer;*
 - (b) *Except as otherwise provided in this section, not process personal data for purposes that are neither reasonably necessary to nor compatible with the disclosed purposes for which the personal data is processed as disclosed to the consumer, unless the controller obtains the consumer's consent;*

- (c) *Establish, implement, and maintain reasonable administrative, technical, and physical data security practices to protect the confidentiality, integrity, and accessibility of personal data. The data security practices shall be appropriate to the volume and nature of the personal data at issue;*
 - (d) *Not process personal data in violation of state and federal laws that prohibit unlawful discrimination against consumers. A controller shall not discriminate against a consumer for exercising any of the consumer rights contained in Section 3 of this Act, including denying goods or services, charging different prices or rates for goods or services, or providing a different level of quality of goods and services to the consumer. However, nothing in this paragraph shall be construed to require a controller to provide a product or service that requires the personal data of a consumer that the controller does not collect or maintain, or to prohibit a controller from offering a different price, rate, level, quality, or selection of goods or services to a consumer, including offering goods or services for no fee, if the offer is related to a consumer's voluntary participation in a bona fide loyalty, rewards, premium features, discounts, or club card program; and*
 - (e) *Not process sensitive data concerning a consumer without obtaining the consumer's consent, or, in the case of the processing of sensitive data collected from a known child, process the data in accordance with the federal Children's Online Privacy Protection Act 15 U.S.C. sec. 6501 et seq.*
- (2) *Any provision of a contract or agreement of any kind that purports to waive or limit in any way consumer rights pursuant to Section 3 of this Act shall be deemed contrary to public policy and shall be void and unenforceable.*
 - (3) *Controllers shall provide consumers with a reasonably accessible, clear, and meaningful privacy notice that includes:*
 - (a) *The categories of personal data processed by the controller;*
 - (b) *The purpose for processing personal data;*
 - (c) *How consumers may exercise their consumer rights pursuant to Section 3 of this Act, including how a consumer may appeal a controller's decision with regard to the consumer's request;*
 - (d) *The categories of personal data that the controller shares with third parties, if any; and*
 - (e) *The categories of third parties, if any, with whom the controller shares personal data.*
 - (4) *If a controller sells personal data to third parties or processes personal data for targeted advertising, the controller shall clearly and conspicuously disclose such activity, as well as the manner in which a consumer may exercise the right to opt out of processing.*
 - (5) *A controller shall establish, and shall describe in a privacy notice, one (1) or more secure and reliable means for consumers to submit a request to exercise their consumer rights under Section 3 of this Act. The different ways to submit a request by a consumer shall take into account the ways in which consumers normally interact with the controller, the need for secure and reliable communication of such requests, and the ability of the controller to authenticate the identity of the consumer making the request. Controllers shall not require a consumer to create a new account in order to exercise consumer rights pursuant to Section 3 of this Act but may require a consumer to use an existing account.*

➔ SECTION 5. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

- (1) *A processor shall adhere to the instructions of a controller and shall assist the controller in meeting its obligations under Sections 1 to 10 of this Act. Such assistance shall include:*
 - (a) *Taking into account the nature of processing and the information available to the processor, by appropriate technical and organizational measures, insofar as this is reasonably practicable, to fulfill the controller's obligation to respond to consumer rights requests pursuant to Section 3 of this Act;*
 - (b) *Taking into account the nature of processing and the information available to the processor, by assisting the controller in meeting the controller's obligations in relation to the security of processing the personal data and in relation to the notification of a breach of the security of the system of the processor pursuant to KRS 365.732; and*
 - (c) *Providing necessary information to enable the controller to conduct and document data protection assessments pursuant to Section 6 of this Act.*

- (2) *A contract between a controller and a processor shall govern the processor's data processing procedures with respect to processing performed on behalf of the controller. The contract shall be binding and shall clearly set forth instructions for processing personal data, the nature and purpose of processing, the type of data subject to processing, the duration of processing, and the rights and obligations of both parties. The contract shall also include requirements that the processor shall:*
- (a) *Ensure that each person processing personal data is subject to a duty of confidentiality with respect to the data;*
 - (b) *At the controller's direction, delete or return all personal data to the controller as requested at the end of the provision of services, unless retention of the personal data is required by law;*
 - (c) *Upon the reasonable request of the controller, make available to the controller all information in its possession necessary to demonstrate the processor's compliance with the obligations prescribed in Sections 1 to 10 of this Act;*
 - (d) *Allow, and cooperate with, reasonable assessments by the controller or the controller's designated assessor. Alternatively, the processor may arrange for a qualified and independent assessor to conduct an assessment of the processor's policies and technical and organizational measures in support of the obligations in Sections 1 to 10 of this Act using an appropriate and accepted control standard or framework and assessment procedure for assessments. The processor shall provide a report of the assessment to the controller upon request; and*
 - (e) *Engage any subcontractor pursuant to a written contract in accordance with this section that requires the subcontractor to meet the obligations of the processor with respect to the personal data.*
- (3) *Nothing in this section shall be construed to relieve a controller or processor from the liabilities imposed on it by virtue of its role in a processing relationship as defined by Sections 1 to 10 of this Act.*
- (4) *Determining whether a person is acting as a controller or processor with respect to a specific processing of data is a fact-based determination that depends upon the context in which personal data is to be processed. A processor that continues to adhere to a controller's instructions with respect to a specific processing of personal data remains a processor.*

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

- (1) *Controllers shall conduct and document a data protection impact assessment of each of the following processing activities involving personal data:*
- (a) *The processing of personal data for the purposes of targeted advertising;*
 - (b) *The processing of personal data for the purposes of selling of personal data;*
 - (c) *The processing of personal data for the purposes of profiling, where the profiling presents a reasonably foreseeable risk of:*
 - 1. *Unfair or deceptive treatment of consumers or disparate impact on consumers;*
 - 2. *Financial, physical, or reputational injury to consumers;*
 - 3. *A physical or other intrusion upon the solitude or seclusion, or the private affairs or concerns, of consumers, where an intrusion would be offensive to a reasonable person; or*
 - 4. *Other substantial injury to consumers;*
 - (d) *The processing of sensitive data; and*
 - (e) *Any processing of personal data that presents a heightened risk of harm to consumers.*
- (2) *Data protection impact assessments conducted under this section shall identify and weigh the benefits that may flow, directly and indirectly, from the processing to the controller, the consumer, other stakeholders, and the public against the potential risks to the rights of the consumer associated with such processing, as mitigated by safeguards that can be employed by the controller to reduce such risk. The use of de-identified data and the reasonable expectations of consumers, as well as the context of the processing of personal data and the relationship between the controller and the consumer whose personal data will be processed, shall be factored into this assessment by the controller.*
- (3) *The Attorney General may request, pursuant to an investigative demand, that a controller disclose any data protection impact assessment that is relevant to an investigation conducted by the Attorney General, and the*

controller shall make the data protection impact assessment available to the Attorney General. The Attorney General may evaluate the data protection impact assessments for compliance with the requirements of Sections 1 to 10 of this Act.

- (4) *Data protection impact assessments are confidential and exempt from disclosure, public inspection, and copying under KRS 61.870 to KRS 61.884.*
- (5) *The disclosure of a data protection impact assessment pursuant to a request from the Attorney General under subsection (3) of this section does not constitute a waiver of the attorney-client privilege or work product protection with respect to the assessment and any information contained in the assessment.*
- (6) *A single data protection assessment may address a comparable set of processing operations that include similar activities.*
- (7) *Data protection assessments conducted by a controller for the purpose of compliance with other laws or regulations may comply under this section if the assessments have a reasonably comparable scope and effect.*
- (8) *Data protection assessment requirements shall apply to processing activities created or generated on or after June 1, 2026.*

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

- (1) *The controller in possession of de-identified data shall:*
 - (a) *Take reasonable measures to ensure the data cannot be associated with a natural person;*
 - (b) *Publicly commit to maintaining and using de-identified data without attempting to re-identify the data; and*
 - (c) *Contractually obligate any recipients of the de-identified data to comply with all provisions of Sections 1 to 10 of this Act.*
- (2) *Nothing in Sections 1 to 10 of this Act shall be construed to require a controller or processor to:*
 - (a) *Re-identify de-identified data or pseudonymous data; or*
 - (b) *Maintain data in identifiable form, or collect, obtain, retain, or access any data or technology, in order to be capable of associating an authenticated consumer request with personal data.*
- (3) *Nothing in Sections 1 to 10 of this Act shall be construed to require a controller or processor to comply with an authenticated consumer rights request pursuant to Section 3 of this Act if:*
 - (a) *The controller is not reasonably capable of associating the request with the personal data or it would be unreasonably burdensome for the controller to associate the request with the personal data;*
 - (b) *The controller does not use the personal data to recognize or respond to the specific consumer who is the subject of the personal data, or associate the personal data with other personal data about the same specific consumer; and*
 - (c) *The controller does not sell the personal data to any third party or otherwise voluntarily disclose the personal data to any third party other than a processor, except as otherwise permitted in this section.*
- (4) *The consumer rights contained in Section 3 of this Act shall not apply to pseudonymous data in cases where the controller is able to demonstrate any information necessary to identify the consumer is kept separately and is subject to appropriate technical and organizational measures to ensure that the personal data is not attributed to an identified or identifiable natural person.*
- (5) *A controller that discloses pseudonymous data or de-identified data shall exercise reasonable oversight to monitor compliance with any contractual commitments to which the pseudonymous data or de-identified data is subject and shall take appropriate steps to address any breaches of those contractual commitments.*

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

- (1) *Nothing in Sections 1 to 10 of this Act shall be construed to restrict a controller's or processor's ability to:*
 - (a) *Comply with federal, state, or local laws or regulations;*
 - (b) *Comply with a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons by federal, state, local, or other governmental authorities;*

- (c) *Cooperate with law enforcement agencies concerning conduct or activity that the controller or processor reasonably and in good faith believes may violate federal, state, or local laws, rules, or regulations;*
 - (d) *Investigate, establish, exercise, prepare for, or defend legal claims;*
 - (e) *Provide a product or service specifically requested by a consumer or a parent or guardian of a known child;*
 - (f) *Perform a contract to which the consumer or parent or guardian of a known child is a party, including fulfilling the terms of a written warranty;*
 - (g) *Take steps at the request of the consumer or parent or guardian of a known child prior to entering into a contract;*
 - (h) *Take immediate steps to protect an interest that is essential for the life or physical safety of the consumer or of another natural person, and where the processing cannot be manifestly based on another legal basis;*
 - (i) *Prevent, detect, protect against, or respond to security incidents, identity theft, fraud, harassment, malicious or deceptive activities, or any illegal activity; preserve the integrity or security of systems; or investigate, report, or prosecute those responsible for any such action;*
 - (j) *Engage in public or peer-reviewed scientific or statistical research in the public interest that adheres to all other applicable ethics and privacy laws and is approved, monitored, and governed by an institutional review board, or similar independent oversight entities that determine:*
 1. *If the deletion of the information is likely to provide substantial benefits that do not exclusively accrue to the controller;*
 2. *The expected benefits of the research outweigh the privacy risks; and*
 3. *If the controller has implemented reasonable safeguards to mitigate privacy risks associated with research, including any risks associated with re-identification; or*
 - (k) *Assist another controller, processor, or third party with any of the obligations under this subsection.*
- (2) *The obligations imposed on controllers or processors under Sections 1 to 10 of this Act shall not restrict a controller's or processor's ability to collect, use, or retain data to:*
- (a) *Conduct internal research to develop, improve, or repair products, services, or technology;*
 - (b) *Effectuate a product recall;*
 - (c) *Identify and repair technical errors that impair existing or intended functionality; or*
 - (d) *Perform internal operations that are reasonably aligned with the expectations of the consumer or reasonably anticipated based on the consumer's existing relationship with the controller or are otherwise compatible with processing data in furtherance of the provision of a product or service specifically requested by a consumer or a parent or guardian of a known child or the performance of a contract to which the consumer or a parent or guardian of a known child is a party.*
- (3) *The obligations imposed on controllers or processors under Sections 1 to 10 of this Act shall not apply to a controller or processor if compliance under Sections 1 to 10 of this Act would violate an evidentiary privilege under the laws of this Commonwealth. Nothing in Sections 1 to 10 of this Act shall be construed to prevent a controller or processor from providing personal data concerning a consumer to a person covered by an evidentiary privilege under the laws of this Commonwealth as part of a privileged communication.*
- (4) *A controller or processor that discloses personal data to a third-party controller or processor, in compliance with the requirements of Sections 1 to 10 of this Act, is not in violation of Sections 1 to 10 of this Act if the third-party controller or processor that receives and processes such personal data is in violation of Sections 1 to 10 of this Act, provided that, at the time of disclosing the personal data, the disclosing controller or processor did not have actual knowledge that the recipient intended to commit a violation. A third-party controller or processor receiving personal data from a controller or processor in compliance with the requirements of Sections 1 to 10 of this Act is likewise not in violation of Sections 1 to 10 of this Act for the transgressions of the controller or processor from which it receives such personal data.*

- (5) *Nothing in Sections 1 to 10 of this Act shall be construed as an obligation imposed on controllers and processors that adversely affects the privacy or other rights or freedoms of any persons, including but not limited to the right of free speech pursuant to the First Amendment to the United States Constitution, or applies to the processing of personal data by a person in the course of a purely personal or household activity.*
- (6) *Personal data processed by a controller pursuant to this section shall not be processed for any purpose other than those expressly listed in this section unless otherwise allowed by Sections 1 to 10 of this Act. Personal data processed by a controller pursuant to this section may be processed to the extent that such processing is:*
 - (a) *Reasonably necessary and proportionate to the purposes listed in this section; and*
 - (b) *Adequate, relevant, and limited to what is necessary in relation to the specific purposes listed in this section. Personal data collected, used, or retained pursuant to subsection (2) of this section shall, where applicable, take into account the nature and purpose or purposes of such collection, use, or retention. The data shall be subject to reasonable administrative, technical, and physical measures to protect the confidentiality, integrity, and accessibility of personal data and to reduce reasonably foreseeable risks of harm to consumers relating to the collection, use, or retention of personal data.*
- (7) *If a controller processes personal data pursuant to an exemption in this section, the controller bears the burden of demonstrating that such processing qualifies for the exemption and complies with the requirements in this section.*
- (8) *Processing personal data for the purposes expressly identified in subsection (1) of this section shall not by itself make an entity a controller with respect to such processing.*

➔SECTION 9. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

- (1) *The Attorney General shall have exclusive authority to enforce violations of Sections 1 to 10 of this Act. The Attorney General may enforce Sections 1 to 10 of this Act by bringing an action in the name of the Commonwealth of Kentucky or on behalf of persons residing in this Commonwealth. The Attorney General shall have all powers and duties granted to the Attorney General under KRS Chapter 15 to investigate and prosecute any violation of Sections 1 to 10 of this Act. The Attorney General may demand any information, documentary material, or physical evidence from any controller or processor believed to be engaged in, or about to engage in, any violation of Sections 1 to 10 of this Act.*
- (2) *Prior to initiating any action for violation of Sections 1 to 10 of this Act, the Attorney General shall provide a controller or processor thirty (30) days' written notice identifying the specific provisions of Sections 1 to 10 of this Act, the Attorney General alleges have been or are being violated. If within the thirty (30) days the controller or processor cures the noticed violation and provides the Attorney General an express written statement that the alleged violations have been cured and that no further violations shall occur, no action for damages under subsection (3) of this section shall be initiated against the controller or processor.*
- (3) *If a controller or processor continues to violate Sections 1 to 10 of this Act following the cure period in subsection (2) of this section or breaches an express written statement provided to the Attorney General under subsection (2) of this section, the Attorney General may initiate an action and seek damages for up to seven thousand five hundred dollars (\$7,500) for each continued violation under Sections 1 to 10 of this Act.*
- (4) *Nothing in Sections 1 to 10 of this Act or any other law, regulation, or the equivalent shall be construed as providing the basis for, or give rise to, a private right of action for violations of Sections 1 to 10 of this Act.*
- (5) *The Attorney General may recover reasonable expenses incurred in investigating and preparing the case, court costs, attorney's fees, and any other relief ordered by the court of any action initiated under Sections 1 to 10 of this Act.*

➔SECTION 10. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

There is hereby created a trust and agency account to be known as the consumer privacy fund. The fund shall be administered by the Office of the Attorney General. All civil penalties collected pursuant to Sections 1 to 10 of this Act shall be deposited into the fund. Interest earned on moneys in the fund shall accrue to the fund. Moneys in the fund shall be used by the Office of the Attorney General to enforce Sections 1 to 10 of this Act. Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the fiscal year shall not lapse but shall be carried

forward into the succeeding fiscal year to be used by the Office of the Attorney General for the purposes set forth in Sections 1 to 10 of this Act.

➔Section 11. This Act may be cited as the Kentucky Consumer Data Protection Act.

➔Section 12. This Act takes effect January 1, 2026.

Signed by Governor April 4, 2024.

CHAPTER 73

(HB 30)

AN ACT relating to veterans.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

- (1) *The Kentucky Service Members, Veterans, and their Families Suicide Prevention Program is hereby created within the Kentucky Department of Veterans' Affairs and shall be attached to the office of the commissioner for administrative purposes.*
- (2) *The Kentucky Service Members, Veterans, and their Families Suicide Prevention Program shall operate in collaboration with the Cabinet for Health and Family Services and in conjunction with additional community partnerships, as appropriate.*
- (3) *The mission of the program shall be to raise awareness of and reduce death by suicide within the population of service members, veterans, and their families. The program shall work to reduce barriers at the community and individual level that increase the risk of suicide by increasing access to services and collaborating with a statewide network of partners including state government agencies, community partners, nonprofit organizations, federal partners, and individuals directly impacted by risk of or loss from suicide.*
- (4) *The program shall connect service members, veterans, and their families, whose need for services is based upon their risk of death by suicide or other circumstances as outlined by the program, with appropriate community and mental health resources. The program shall:*
 - (a) *1. Raise awareness of and access to behavioral health services and resources, promote evidence-based best practices and safe messaging to increase awareness of veteran suicide prevention hotlines and other crisis resources, and connect service members, veterans, and their families to trained mental health providers and appropriate community resources; and*
 - 2. Advocate for service members, veterans, and their families at risk for suicide, and work to increase public awareness about the issue of suicide among veterans and its root causes;*
 - (b) *Provide support and guidance to communities aiding in the development of strategic planning designed to reduce suicide among service members, veterans, and their families, including the engagement and coordination of local leadership, faith-based entities, schools, chambers of commerce, public and private providers, grassroots coalitions, and additional stakeholders as identified and appropriate. These efforts shall include but not be limited to the promotion of mental health awareness, the 988 Suicide Crisis Lifeline created in accordance with Pub. L. No. 116-172, the Green Alert under KRS 39F.180, and local resources available to assist in crisis intervention and ongoing supports; and*
 - (c) *Promote training opportunities and provide educational materials to department and partnering agencies to increase the capacity to raise awareness, identify, and engage service members, veterans, and their families at risk of suicide.*
- (5) *The department shall submit an annual written report to the Governor and the Legislative Research Commission by October 30 of each year. The report shall include efforts made, data-driven information, and legislative and budgetary barriers. The report shall be available to the public on the department's website.*

- (6) *Notwithstanding any other statute to the contrary, nothing in this section shall permit any state agency to seize or advocate for the seizure of weapons.*
- (7) *The department shall promulgate administrative regulations in accordance with KRS Chapter 13A as necessary to effectuate this section.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 337 IS CREATED TO READ AS FOLLOWS:

- (1) *The Kentucky Department of Veterans' Affairs shall create and prominently display on its website a veterans' benefits and services document. The document shall be made for the purpose of downloading to print and not exceed two (2) standard size eight and one-half (8-1/2) by eleven (11) inches pages. The document shall include contact information for and a description of the following resources for veterans:*
- (a) *The Kentucky Department of Veterans' Affairs;*
 - (b) *Substance abuse and mental health treatment;*
 - (c) *Education, workforce, and training;*
 - (d) *Tax benefits;*
 - (e) *Kentucky driver's licenses and identification cards;*
 - (f) *Eligibility for unemployment insurance benefits under state and federal law;*
 - (g) *Legal services; and*
 - (h) *The United States Department of Veterans Affairs Veterans Crisis Line.*
- (2) *Every employer subject to any provision of KRS 337.275 to 337.325, 337.345, or 337.385 to 337.405 or of any administrative regulations or orders issued under KRS 337.295 may download, print, and keep copies of the most recent version of the veterans' benefits and services document in a conspicuous and accessible place in or about the premises wherein any person subject thereto is employed.*

Signed by Governor April 4, 2024.

CHAPTER 74

(HB 31)

AN ACT relating to Medicaid coverage for at-home anticoagulation management.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

- (1) *The Department for Medicaid Services and any managed care organization with whom the department contracts for the delivery of Medicaid services shall provide coverage and reimbursement for at-home prothrombin time or international normalized ratio (INR) testing for anticoagulation management, including but not limited to education and training for patients and caregivers, INR monitors or testing devices, and all necessary supplies if the beneficiary:*
- (a) *Requires chronic oral anticoagulation management for a mechanical heart valve, chronic atrial fibrillation, or venous thromboembolism;*
 - (b) *Has been anticoagulated for at least three (3) months prior to the use of the at-home testing device; and*
 - (c) *Has received face-to-face education and training on anticoagulation management and use of the INR testing device prior to its use in the home.*
- (2) *The Department for Medicaid Services may promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section.*

➔Section 2. If the Department for Medicaid Services or the Cabinet for Health and Family Services determines that a state plan amendment, waiver, or any other form of authorization or approval from a federal agency

is necessary prior to the implementation of Section 1 of this Act for any reason, including the loss of federal funds, the department shall, within 90 days after the effective date of this Act, request the state plan amendment, waiver, authorization, or approval, and may only delay full implementation of those provisions for which a state plan amendment, waiver, authorization or approval was deemed necessary until the state plan amendment, waiver, authorization, or approval is granted.

➔Section 3. The Cabinet for Health and Family Services shall, in accordance with KRS 205.525, provide a copy of any state plan amendment application, waiver application, or other authorization or approval request submitted pursuant to Section 2 of this Act to the Interim Joint Committee on Health Services and the Interim Joint Committee on Appropriations and Revenue and shall provide an update on the status of any application or request submitted pursuant to Section 2 of this Act at the request of the Legislative Research Commission or any committee thereof.

Signed by Governor April 4, 2024.

CHAPTER 75

(HB 52)

AN ACT relating to coverage for cancer detection.

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

➔SECTION 1. A NEW SECTION OF SUBTITLE 17A OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

- (a) *"Cancer screening, test, or procedure" means any preventive screening, test, or procedure performed for the purpose of detecting cancer, including but not limited to lung, breast, cervical, prostate, and colorectal cancer; and*
- (b) *"Health benefit plan" has the same meaning as in KRS 304.17A-005, except that for purposes of this section the term includes:*
 - 1. *Short-term limited duration coverage; and*
 - 2. *Student health insurance offered by a Kentucky-licensed insurer under written contract with a university or college whose students it proposes to insure.*

(2) *Except as provided in subsection (3) of this section:*

- (a) *All health benefit plans shall provide coverage for:*
 - 1. *Any cancer screening, test, or procedure that is required under federal law, including but not limited to 42 U.S.C. sec. 300gg-13, as amended; and*
 - 2. *Any other cancer screening, test, or procedure that is:*
 - a. *Consistent with nationally recognized clinical practice guidelines, including but not limited to:*
 - i. *The recommendations of the United States Preventive Services Task Force;*
 - ii. *Clinical practice guidelines established by the American Cancer Society; and*
 - iii. *Clinical practice guidelines established by the National Comprehensive Cancer Network; and*
 - b. *Ordered or prescribed by a health care provider legally authorized to order or prescribe the cancer screening, test, or procedure; and*
- (b) *The coverage required under this subsection shall not be subject to:*

1. *Utilization management requirements, including prior authorization, except for the purpose of determining that the cancer screening, test, or procedure meets the requirements of paragraph (a)2.a. of this subsection; or*
 2. *Any deductible, coinsurance, copayment, or other cost-sharing requirement.*
- (3) (a) *If the application of any requirement of subsection (2)(b)2. of this section would be the sole cause of a health benefit plan's failure to qualify as a Health Savings Account-qualified High Deductible Health Plan under 26 U.S.C. sec. 223, as amended, then the requirement shall not apply to that health benefit plan until the minimum deductible under 26 U.S.C. sec. 223, as amended, is satisfied.*
- (b) *If the application of any requirement of subsection (2) of this section to a qualified health plan as defined in 42 U.S.C. sec. 18021(a)(1), as amended, would result in a determination that the state must make payments to defray the cost of the requirement under 42 U.S.C. sec. 18031(d)(3) and 45 C.F.R. sec. 155.170, as amended, then the requirement shall not apply to the qualified health plan until the cost deferral requirement is no longer applicable.*
- (4) (a) *This section shall not be construed to limit coverage:*
1. *Provided under a health benefit plan; or*
 2. *Required under any other law.*
- (b) *In the case of a conflict between this section and any other law, this section shall control unless application of this section would result in a reduction of coverage or benefits for any insured.*

➔Section 2. KRS 205.522 is amended to read as follows:

- (1) *With respect to the administration and provision of Medicaid benefits pursuant to this chapter, the Department for Medicaid Services, ~~and~~ any managed care organization contracted to provide Medicaid benefits pursuant to this chapter, and the state's medical assistance program shall be subject to, and comply with, the following, as applicable: ~~provisions of~~*
- (a) ~~KRS 304.17A-163; ~~;~~~~
 - (b) ~~KRS 304.17A-1631; ~~;~~~~
 - (c) ~~KRS 304.17A-167; ~~;~~~~
 - (d) ~~KRS 304.17A-235; ~~;~~~~
 - (e) ~~KRS 304.17A-257; ~~;~~~~
 - (f) ~~KRS 304.17A-259; ~~;~~~~
 - (g) ~~KRS 304.17A-263; ~~;~~~~
 - (h) ~~KRS 304.17A-515; ~~;~~~~
 - (i) ~~KRS 304.17A-580; ~~;~~~~
 - (j) ~~KRS 304.17A-600, 304.17A-603, and 304.17A-607; ~~;~~ and ~~;~~~~
 - (k) ~~KRS 304.17A-740 to 304.17A-743; and ~~;~~ as applicable~~
 - (l) *Section 1 of this Act.*

- (2) A managed care organization contracted to provide Medicaid benefits pursuant to this chapter shall comply with the reporting requirements of KRS 304.17A-732.

➔Section 3. KRS 164.2871 (Effective January 1, 2025) is amended to read as follows:

- (1) The governing board of each state postsecondary educational institution is authorized to purchase liability insurance for the protection of the individual members of the governing board, faculty, and staff of such institutions from liability for acts and omissions committed in the course and scope of the individual's employment or service. Each institution may purchase the type and amount of liability coverage deemed to best serve the interest of such institution.
- (2) All retirement annuity allowances accrued or accruing to any employee of a state postsecondary educational institution through a retirement program sponsored by the state postsecondary educational institution are hereby exempt from any state, county, or municipal tax, and shall not be subject to execution, attachment,

garnishment, or any other process whatsoever, nor shall any assignment thereof be enforceable in any court. Except retirement benefits accrued or accruing to any employee of a state postsecondary educational institution through a retirement program sponsored by the state postsecondary educational institution on or after January 1, 1998, shall be subject to the tax imposed by KRS 141.020, to the extent provided in KRS 141.010 and 141.0215.

- (3) Except as provided in KRS Chapter 44, the purchase of liability insurance for members of governing boards, faculty and staff of institutions of higher education in this state shall not be construed to be a waiver of sovereign immunity or any other immunity or privilege.
- (4) The governing board of each state postsecondary education institution is authorized to provide a self-insured employer group health plan to its employees, which plan shall:
 - (a) Conform to the requirements of Subtitle 32 of KRS Chapter 304; and
 - (b) Except as provided in subsection (5) of this section, be exempt from conformity with Subtitle 17A of KRS Chapter 304.
- (5) A self-insured employer group health plan provided by the governing board of a state postsecondary education institution to its employees shall comply with:
 - (a) KRS 304.17A-163 and 304.17A-1631;
 - (b) KRS 304.17A-265;
 - (c) KRS 304.17A-261;~~and~~
 - (d) KRS 304.17A-262; *and*
 - (e) *Section 1 of this Act.*

➔Section 4. KRS 18A.225 (Effective January 1, 2025) is amended to read as follows:

- (1) (a) The term "employee" for purposes of this section means:
 1. Any person, including an elected public official, who is regularly employed by any department, office, board, agency, or branch of state government; or by a public postsecondary educational institution; or by any city, urban-county, charter county, county, or consolidated local government, whose legislative body has opted to participate in the state-sponsored health insurance program pursuant to KRS 79.080; and who is either a contributing member to any one (1) of the retirement systems administered by the state, including but not limited to the Kentucky Retirement Systems, County Employees Retirement System, Kentucky Teachers' Retirement System, the Legislators' Retirement Plan, or the Judicial Retirement Plan; or is receiving a contractual contribution from the state toward a retirement plan; or, in the case of a public postsecondary education institution, is an individual participating in an optional retirement plan authorized by KRS 161.567; or is eligible to participate in a retirement plan established by an employer who ceases participating in the Kentucky Employees Retirement System pursuant to KRS 61.522 whose employees participated in the health insurance plans administered by the Personnel Cabinet prior to the employer's effective cessation date in the Kentucky Employees Retirement System;
 2. Any certified or classified employee of a local board of education or a public charter school as defined in KRS 160.1590;
 3. Any elected member of a local board of education;
 4. Any person who is a present or future recipient of a retirement allowance from the Kentucky Retirement Systems, County Employees Retirement System, Kentucky Teachers' Retirement System, the Legislators' Retirement Plan, the Judicial Retirement Plan, or the Kentucky Community and Technical College System's optional retirement plan authorized by KRS 161.567, except that a person who is receiving a retirement allowance and who is age sixty-five (65) or older shall not be included, with the exception of persons covered under KRS 61.702(2)(b)3. and 78.5536(2)(b)3., unless he or she is actively employed pursuant to subparagraph 1. of this paragraph; and
 5. Any eligible dependents and beneficiaries of participating employees and retirees who are entitled to participate in the state-sponsored health insurance program;

- (b) The term "health benefit plan" for the purposes of this section means a health benefit plan as defined in KRS 304.17A-005;
 - (c) The term "insurer" for the purposes of this section means an insurer as defined in KRS 304.17A-005; and
 - (d) The term "managed care plan" for the purposes of this section means a managed care plan as defined in KRS 304.17A-500.
- (2) (a) The secretary of the Finance and Administration Cabinet, upon the recommendation of the secretary of the Personnel Cabinet, shall procure, in compliance with the provisions of KRS 45A.080, 45A.085, and 45A.090, from one (1) or more insurers authorized to do business in this state, a group health benefit plan that may include but not be limited to health maintenance organization (HMO), preferred provider organization (PPO), point of service (POS), and exclusive provider organization (EPO) benefit plans encompassing all or any class or classes of employees. With the exception of employers governed by the provisions of KRS Chapters 16, 18A, and 151B, all employers of any class of employees or former employees shall enter into a contract with the Personnel Cabinet prior to including that group in the state health insurance group. The contracts shall include but not be limited to designating the entity responsible for filing any federal forms, adoption of policies required for proper plan administration, acceptance of the contractual provisions with health insurance carriers or third-party administrators, and adoption of the payment and reimbursement methods necessary for efficient administration of the health insurance program. Health insurance coverage provided to state employees under this section shall, at a minimum, contain the same benefits as provided under Kentucky Kare Standard as of January 1, 1994, and shall include a mail-order drug option as provided in subsection (13) of this section. All employees and other persons for whom the health care coverage is provided or made available shall annually be given an option to elect health care coverage through a self-funded plan offered by the Commonwealth or, if a self-funded plan is not available, from a list of coverage options determined by the competitive bid process under the provisions of KRS 45A.080, 45A.085, and 45A.090 and made available during annual open enrollment.
- (b) The policy or policies shall be approved by the commissioner of insurance and may contain the provisions the commissioner of insurance approves, whether or not otherwise permitted by the insurance laws.
 - (c) Any carrier bidding to offer health care coverage to employees shall agree to provide coverage to all members of the state group, including active employees and retirees and their eligible covered dependents and beneficiaries, within the county or counties specified in its bid. Except as provided in subsection (20) of this section, any carrier bidding to offer health care coverage to employees shall also agree to rate all employees as a single entity, except for those retirees whose former employers insure their active employees outside the state-sponsored health insurance program and as otherwise provided in KRS 61.702(2)(b)3.b. and 78.5536(2)(b)3.b.
 - (d) Any carrier bidding to offer health care coverage to employees shall agree to provide enrollment, claims, and utilization data to the Commonwealth in a format specified by the Personnel Cabinet with the understanding that the data shall be owned by the Commonwealth; to provide data in an electronic form and within a time frame specified by the Personnel Cabinet; and to be subject to penalties for noncompliance with data reporting requirements as specified by the Personnel Cabinet. The Personnel Cabinet shall take strict precautions to protect the confidentiality of each individual employee; however, confidentiality assertions shall not relieve a carrier from the requirement of providing stipulated data to the Commonwealth.
 - (e) The Personnel Cabinet shall develop the necessary techniques and capabilities for timely analysis of data received from carriers and, to the extent possible, provide in the request-for-proposal specifics relating to data requirements, electronic reporting, and penalties for noncompliance. The Commonwealth shall own the enrollment, claims, and utilization data provided by each carrier and shall develop methods to protect the confidentiality of the individual. The Personnel Cabinet shall include in the October annual report submitted pursuant to the provisions of KRS 18A.226 to the Governor, the General Assembly, and the Chief Justice of the Supreme Court, an analysis of the financial stability of the program, which shall include but not be limited to loss ratios, methods of risk adjustment, measurements of carrier quality of service, prescription coverage and cost management, and statutorily required mandates. If state self-insurance was available as a carrier option, the report also shall provide a detailed financial analysis of the self-insurance fund including but not limited to loss ratios, reserves, and reinsurance agreements.

- (f) If any agency participating in the state-sponsored employee health insurance program for its active employees terminates participation and there is a state appropriation for the employer's contribution for active employees' health insurance coverage, then neither the agency nor the employees shall receive the state-funded contribution after termination from the state-sponsored employee health insurance program.
 - (g) Any funds in flexible spending accounts that remain after all reimbursements have been processed shall be transferred to the credit of the state-sponsored health insurance plan's appropriation account.
 - (h) Each entity participating in the state-sponsored health insurance program shall provide an amount at least equal to the state contribution rate for the employer portion of the health insurance premium. For any participating entity that used the state payroll system, the employer contribution amount shall be equal to but not greater than the state contribution rate.
- (3) The premiums may be paid by the policyholder:
- (a) Wholly from funds contributed by the employee, by payroll deduction or otherwise;
 - (b) Wholly from funds contributed by any department, board, agency, public postsecondary education institution, or branch of state, city, urban-county, charter county, county, or consolidated local government; or
 - (c) Partly from each, except that any premium due for health care coverage or dental coverage, if any, in excess of the premium amount contributed by any department, board, agency, postsecondary education institution, or branch of state, city, urban-county, charter county, county, or consolidated local government for any other health care coverage shall be paid by the employee.
- (4) If an employee moves his or her place of residence or employment out of the service area of an insurer offering a managed health care plan, under which he or she has elected coverage, into either the service area of another managed health care plan or into an area of the Commonwealth not within a managed health care plan service area, the employee shall be given an option, at the time of the move or transfer, to change his or her coverage to another health benefit plan.
- (5) No payment of premium by any department, board, agency, public postsecondary educational institution, or branch of state, city, urban-county, charter county, county, or consolidated local government shall constitute compensation to an insured employee for the purposes of any statute fixing or limiting the compensation of such an employee. Any premium or other expense incurred by any department, board, agency, public postsecondary educational institution, or branch of state, city, urban-county, charter county, county, or consolidated local government shall be considered a proper cost of administration.
- (6) The policy or policies may contain the provisions with respect to the class or classes of employees covered, amounts of insurance or coverage for designated classes or groups of employees, policy options, terms of eligibility, and continuation of insurance or coverage after retirement.
- (7) Group rates under this section shall be made available to the disabled child of an employee regardless of the child's age if the entire premium for the disabled child's coverage is paid by the state employee. A child shall be considered disabled if he or she has been determined to be eligible for federal Social Security disability benefits.
- (8) The health care contract or contracts for employees shall be entered into for a period of not less than one (1) year.
- (9) The secretary shall appoint thirty-two (32) persons to an Advisory Committee of State Health Insurance Subscribers to advise the secretary or the secretary's designee regarding the state-sponsored health insurance program for employees. The secretary shall appoint, from a list of names submitted by appointing authorities, members representing school districts from each of the seven (7) Supreme Court districts, members representing state government from each of the seven (7) Supreme Court districts, two (2) members representing retirees under age sixty-five (65), one (1) member representing local health departments, two (2) members representing the Kentucky Teachers' Retirement System, and three (3) members at large. The secretary shall also appoint two (2) members from a list of five (5) names submitted by the Kentucky Education Association, two (2) members from a list of five (5) names submitted by the largest state employee organization of nonschool state employees, two (2) members from a list of five (5) names submitted by the Kentucky Association of Counties, two (2) members from a list of five (5) names submitted by the Kentucky League of Cities, and two (2) members from a list of names consisting of five (5) names submitted by each

state employee organization that has two thousand (2,000) or more members on state payroll deduction. The advisory committee shall be appointed in January of each year and shall meet quarterly.

- (10) Notwithstanding any other provision of law to the contrary, the policy or policies provided to employees pursuant to this section shall not provide coverage for obtaining or performing an abortion, nor shall any state funds be used for the purpose of obtaining or performing an abortion on behalf of employees or their dependents.
- (11) Interruption of an established treatment regime with maintenance drugs shall be grounds for an insured to appeal a formulary change through the established appeal procedures approved by the Department of Insurance, if the physician supervising the treatment certifies that the change is not in the best interests of the patient.
- (12) Any employee who is eligible for and elects to participate in the state health insurance program as a retiree, or the spouse or beneficiary of a retiree, under any one (1) of the state-sponsored retirement systems shall not be eligible to receive the state health insurance contribution toward health care coverage as a result of any other employment for which there is a public employer contribution. This does not preclude a retiree and an active employee spouse from using both contributions to the extent needed for purchase of one (1) state sponsored health insurance policy for that plan year.
- (13)
 - (a) The policies of health insurance coverage procured under subsection (2) of this section shall include a mail-order drug option for maintenance drugs for state employees. Maintenance drugs may be dispensed by mail order in accordance with Kentucky law.
 - (b) A health insurer shall not discriminate against any retail pharmacy located within the geographic coverage area of the health benefit plan and that meets the terms and conditions for participation established by the insurer, including price, dispensing fee, and copay requirements of a mail-order option. The retail pharmacy shall not be required to dispense by mail.
 - (c) The mail-order option shall not permit the dispensing of a controlled substance classified in Schedule II.
- (14) The policy or policies provided to state employees or their dependents pursuant to this section shall provide coverage for obtaining a hearing aid and acquiring hearing aid-related services for insured individuals under eighteen (18) years of age, subject to a cap of one thousand four hundred dollars (\$1,400) every thirty-six (36) months pursuant to KRS 304.17A-132.
- (15) Any policy provided to state employees or their dependents pursuant to this section shall provide coverage for the diagnosis and treatment of autism spectrum disorders consistent with KRS 304.17A-142.
- (16) Any policy provided to state employees or their dependents pursuant to this section shall provide coverage for obtaining amino acid-based elemental formula pursuant to KRS 304.17A-258.
- (17) If a state employee's residence and place of employment are in the same county, and if the hospital located within that county does not offer surgical services, intensive care services, obstetrical services, level II neonatal services, diagnostic cardiac catheterization services, and magnetic resonance imaging services, the employee may select a plan available in a contiguous county that does provide those services, and the state contribution for the plan shall be the amount available in the county where the plan selected is located.
- (18) If a state employee's residence and place of employment are each located in counties in which the hospitals do not offer surgical services, intensive care services, obstetrical services, level II neonatal services, diagnostic cardiac catheterization services, and magnetic resonance imaging services, the employee may select a plan available in a county contiguous to the county of residence that does provide those services, and the state contribution for the plan shall be the amount available in the county where the plan selected is located.
- (19) The Personnel Cabinet is encouraged to study whether it is fair and reasonable and in the best interests of the state group to allow any carrier bidding to offer health care coverage under this section to submit bids that may vary county by county or by larger geographic areas.
- (20) Notwithstanding any other provision of this section, the bid for proposals for health insurance coverage for calendar year 2004 shall include a bid scenario that reflects the statewide rating structure provided in calendar year 2003 and a bid scenario that allows for a regional rating structure that allows carriers to submit bids that may vary by region for a given product offering as described in this subsection:
 - (a) The regional rating bid scenario shall not include a request for bid on a statewide option;

- (b) The Personnel Cabinet shall divide the state into geographical regions which shall be the same as the partnership regions designated by the Department for Medicaid Services for purposes of the Kentucky Health Care Partnership Program established pursuant to 907 KAR 1:705;
 - (c) The request for proposal shall require a carrier's bid to include every county within the region or regions for which the bid is submitted and include but not be restricted to a preferred provider organization (PPO) option;
 - (d) If the Personnel Cabinet accepts a carrier's bid, the cabinet shall award the carrier all of the counties included in its bid within the region. If the Personnel Cabinet deems the bids submitted in accordance with this subsection to be in the best interests of state employees in a region, the cabinet may award the contract for that region to no more than two (2) carriers; and
 - (e) Nothing in this subsection shall prohibit the Personnel Cabinet from including other requirements or criteria in the request for proposal.
- (21) Any fully insured health benefit plan or self-insured plan issued or renewed on or after July 12, 2006, to public employees pursuant to this section which provides coverage for services rendered by a physician or osteopath duly licensed under KRS Chapter 311 that are within the scope of practice of an optometrist duly licensed under the provisions of KRS Chapter 320 shall provide the same payment of coverage to optometrists as allowed for those services rendered by physicians or osteopaths.
- (22) Any fully insured health benefit plan or self-insured plan issued or renewed to public employees pursuant to this section shall comply with:
- (a) KRS 304.12-237;
 - (b) KRS 304.17A-270 and 304.17A-525;
 - (c) KRS 304.17A-600 to 304.17A-633;
 - (d) KRS 205.593;
 - (e) KRS 304.17A-700 to 304.17A-730;
 - (f) KRS 304.14-135;
 - (g) KRS 304.17A-580 and 304.17A-641;
 - (h) KRS 304.99-123;
 - (i) KRS 304.17A-138;
 - (j) KRS 304.17A-148;
 - (k) KRS 304.17A-163 and 304.17A-1631;
 - (l) KRS 304.17A-265;
 - (m) KRS 304.17A-261;
 - (n) KRS 304.17A-262;~~and~~
 - (o) ***Section 1 of this Act; and***
 - (p) Administrative regulations promulgated pursuant to statutes listed in this subsection.

➔Section 5. Sections 1, 3, and 4 of this Act apply to health benefit plans issued or renewed on or after January 1, 2025.

➔Section 6. (1) For purposes of 45 C.F.R. sec. 156.115, the benefits required under subsection (2)(a)1. of Section 1 of this Act are intended to be, and shall be considered, substantially equal to the benefits required under the state's EHB-benchmark plan.

(2) For purposes of 45 C.F.R. sec. 155.170, the benefits required under subsection (2)(a)1. of Section 1 of this Act are intended to be, and shall be considered by the state as, a benefit required by State action "for purposes of compliance with Federal requirements," and thus, the state shall not consider or identify the benefits required under subsection (2)(a)1. of Section 1 of this Act as being in addition to the essential health benefits required under federal law.

(3) The "Federal requirements" referred to in subsection (2) of this section include the requirement to provide coverage for preventive health services under 42 U.S.C. sec. 300gg-13.

(4) The commissioner of insurance and any other state official or state agency shall:

- (a) Comply with the requirements of this section; and
- (b) Not take any action that is in violation of or in conflict with this section.

➔Section 7. Notwithstanding KRS 194A.099:

(1) Within 90 days of the effective date of this section and subject to Section 6 of this Act, the Department of Insurance shall identify, in accordance with 45 C.F.R. sec. 155.170(a)(3), whether the application of any requirement of subsection (2) of Section 1 of this Act to a qualified health plan (QHP) is in addition to the essential health benefits required under federal law.

(2) If it is determined that the application of any requirement of subsection (2) of Section 1 of this Act to a QHP is in addition to the essential health benefits required under federal law, then the department shall, within 180 days of the effective date of this section, apply for a waiver under 42 U.S.C. sec. 18052, as amended, or any other applicable federal law of all or any of the cost defrayal requirements under 42 U.S.C. sec. 18031(d)(3) and 45 C.F.R. sec. 155.170, as amended.

(3) The application required under subsection (2) of this section:

- (a) Shall comply with the requirements of federal law for obtaining a waiver; and
- (b) May propose changes to the state's EHB-benchmark plan, as defined in 45 C.F.R. sec. 156.20, that are not in conflict with existing state law.

➔Section 8. If the Cabinet for Health and Family Services determines that a waiver or other authorization from a federal agency is necessary to implement Section 2 of this Act for any reason, including the loss of federal funds, the cabinet shall, within 90 days of the effective date of this section, request the waiver or authorization, and may only delay implementation of those provisions for which a waiver or authorization was deemed necessary until the waiver or authorization is granted.

➔Section 9. Sections 1 to 5 of this Act take effect January 1, 2025.

Signed by Governor April 4, 2024.

CHAPTER 76

(HB 88)

AN ACT relating to unlawful trade practices and declaring an emergency.

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

➔Section 1. KRS 286.2-685 is repealed, reenacted and amended as a new section of Subtitle 3 of KRS Chapter 286 to read as follows:

- (1) ***Except as provided in subsection (2) of this section, a***~~no~~ ***person doing business in this state shall not***~~may~~ use the term "bank," "banker," "banking," "trust," or a similar term, ***which may include without limitation***~~or~~ a character, ideogram, phonogram, phrase, or foreign language word, in its name, ***including any use of the name on stationery***~~or~~ ***marketing material or in solicitations or*** advertising, in a manner that would imply to the public that the person is engaged in the banking or trust business.
- (2) ~~Subsection (1) of this section does not apply to~~ ***A person may use a term prohibited by subsection (1) of this section if the***~~depository institution or other entity organized under the laws of this state, another state, or the United States to the extent that the depository institution or~~ ***person***~~other entity~~ ***is authorized:***
 - (a) ~~Authorized~~ Under its charter, or the laws of this state or the United States, to use ***the***~~a~~ ***term in its name***~~, word, character, ideogram, phonogram, or phrase prohibited by subsection (1) of this section~~; and

- (b) ~~[Authorized]~~ By the laws of this state or the United States to conduct the activities in which it is engaged in this state.
- (3) (a) *The commissioner shall levy a civil penalty against any person that violates this section.*
- (b) *The civil penalty shall be not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) per violation, plus the state's costs and expenses for the examination, investigation, and prosecution of the matter, including reasonable attorney's fees and court costs* ~~[For purposes of this section, unless the context requires otherwise, "financial institution" means any person or entity operating in the Commonwealth of Kentucky, as permitted under the laws of this state, any other state, or the United States, as a bank, bank holding company, credit union, savings and loan association, or any wholly owned subsidiary thereof.~~
- ~~(4) Except as provided in subsection (5) of this section, no person that is not a financial institution may use the trade name, trademark, service mark, logo, or symbol, or any combination thereof, of any financial institution, or any trade name, trademark, service mark, logo, or symbol, or any combination thereof, that is similar to the trade name, trademark, service mark, logo, or symbol of such a financial institution, in any marketing material, solicitation, or advertising provided or directed to another person in a manner such that a reasonable person may be confused, mistaken, or deceived that the marketing material, solicitation, or advertising originated from, is endorsed by, or has been consented to by the financial institution.~~
- ~~(5) Subsection (4) of this section shall not apply to a person who uses the trade name, trademark, service mark, logo, or symbol of a financial institution with the written consent of the financial institution.~~
- ~~(6) The financial institution whose trade name, trademark, service mark, logo, or symbol has been used in violation of this section may institute an action in the Franklin Circuit Court or any court of competent jurisdiction against any person or entity in violation of subsection (4) of this section to enjoin a continuance of any activity in violation of subsection (4) of this section and, if injured thereby, for the recovery of damages at three (3) times the amount of any actual damages sustained and for civil penalties in the amount of one thousand dollars (\$1,000). It shall not be necessary that actual damages be alleged or proved in order to recover injunctive relief or civil penalties. The penalties prescribed by this subsection shall be cumulative].~~

➔ SECTION 2. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
- (a) 1. *"Financial institution" means any bank, bank holding company, trust company, savings and loan association, savings and loan association holding company, credit union, mortgage loan company, mortgage loan broker, consumer loan company, broker-dealer, covered adviser, investment adviser, or wholly owned subsidiary of any of the foregoing, that is organized under the laws of this state, any other state, or the United States.*
2. *As used in this paragraph, "broker-dealer," "covered adviser," and "investment adviser" have the same meaning as in KRS 292.310; and*
- (b) *"Person" has the same meaning as in KRS 367.110.*
- (2) *Except as provided in subsection (3) of this section, a person that is not a financial institution shall not use the following in any marketing material, solicitation, or advertising distributed in this state:*
- (a) *The name, trade name, trademark, service mark, logo, or symbol, or any combination thereof, of any financial institution; or*
- (b) *Any name, trade name, trademark, service mark, logo, or symbol, or any combination thereof, that is similar to the name, trade name, trademark, service mark, logo, or symbol of any financial institution.*
- (3) *Subsection (2) of this section shall not apply if:*
- (a) *The marketing material, solicitation, or advertising is distributed with the consent of the financial institution, which may be provided by the financial institution in written or electronic format; or*
- (b) 1. *The person includes the following notice in the marketing material, solicitation, or advertising:*
- "This marketing material, solicitation, or advertising did not originate from, is not endorsed by, and has not been consented to by [insert name of financial institution and any affiliated*

trade name, trademark, service mark, logo, or symbol used in the marketing material, solicitation, or advertising]."

2. *The notice required under subparagraph 1. of this paragraph shall be:*
 - a. *In boldface type that is not smaller than the type for any use referenced in subsection (2) of this section; and*
 - b. *In a conspicuous location:*
 - i. *On the face of the marketing material, solicitation, or advertising; and*
 - ii. *In any other area of the marketing material, solicitation, or advertising where any use referenced in subsection (2) of this section is visible or printed.*
- (4) (a) *A violation of this section shall be deemed to be an unfair, false, misleading, or deceptive act or practice in the conduct of trade or commerce in violation of KRS 367.170.*
 - (b) *All of the remedies, powers, and duties provided to the Attorney General or any other person under KRS 367.110 to 367.300, and the penalties provided in KRS 367.990, pertaining to acts and practices declared unlawful by KRS 367.170, shall apply with equal force and effect to a violation of this section.*
- (5) (a) *The Attorney General may institute an action in any court of competent jurisdiction against any person alleged to have violated this section.*
 - (b) *A trade organization representing one (1) or more financial institution industries may institute an action in any court of competent jurisdiction against any person alleged to have violated this section with respect to two (2) or more financial institutions that are members of the represented industry or industries.*
 - (c) *A financial institution may institute an action in any court of competent jurisdiction against any person alleged to have used the following in violation of this section:*
 1. *The financial institution's name, trade name, trademark, service mark, logo, or symbol, or any combination thereof; or*
 2. *Any name, trade name, trademark, service mark, logo, or symbol, or any combination thereof, that is similar to the financial institution's name, trade name, trademark, service mark, logo, or symbol.*
 - (d) *In any action brought under this subsection, if the court finds that the person has violated this section:*
 1. *The plaintiff may:*
 - a. *Obtain an injunction to enjoin a continuance of the unlawful activity;*
 - b. *Recover damages at three (3) times the amount of any actual damages sustained, which shall be paid to the injured person or persons; and*
 - c. *Be awarded reasonable attorney's fees and costs; and*
 2. *In addition to the remedies and penalties provided under subparagraph 1. of this paragraph:*
 - a. *A plaintiff who is a trade organization or financial institution may recover a statutory penalty in the amount of five thousand dollars (\$5,000) per violation; and*
 - b. *The Attorney General may recover civil penalties in the amount of five thousand dollars (\$5,000) per violation.*
 - (e) *It shall not be necessary that actual damages be alleged or proved in order to recover injunctive relief, attorney's fees and costs, or the statutory penalty or civil penalties referenced in paragraph (d)2. of this subsection.*
- (6) (a) *The remedies and penalties prescribed in this section shall be cumulative.*
- (b) *Nothing in this section shall be construed to limit or restrict the powers, duties, remedies, or penalties available to the Attorney General, the Commonwealth, or any other person under any other statutory or common law.*

- (7) *The Attorney General may promulgate administrative regulations in accordance with KRS Chapter 13A necessary to effectuate, or as an aid to the effectuation of, the proper enforcement of this section.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*

(a) *"Residential real property" means real property located in this state that is:*

1. *Used primarily for personal, family, or household purposes; and*
2. *Improved by one (1) to four (4) dwelling units;*

(b) *"Service agreement" means an agreement under which an owner of residential real property is required, in connection with the purchase or sale of the property, to:*

1. *Pay a real estate sales commission to a specified service provider;*
2. *Use a specified service provider to list the property for sale; or*
3. *Receive other real estate brokerage services from a specified service provider; and*

(c) *"Service provider" means a person, as defined in KRS 367.110, that:*

1. *Is entitled to a real estate sales commission or other payment for real estate brokerage services under a service agreement; or*
2. *Is required or entitled to:*
 - a. *List residential real property for sale under a service agreement; or*
 - b. *Otherwise provide real estate brokerage services under a service agreement.*

- (2) *A service agreement shall not:*

(a) *Provide for performance under the agreement, or contain any rights or obligations that may be exercised or performed, more than two (2) years after the date the agreement becomes effective, except this paragraph shall not bar enforcement of an otherwise valid agreement in accordance with KRS 413.160 or another applicable statute of limitations;*

(b) *Except as otherwise provided under KRS 376.075 and 426.720:*

1. *Be binding on future owners of interests in the residential real property or otherwise purport to run with the land;*
2. *Create or impose a lien, encumbrance, or other real property interest on the residential real property; or*
3. *Require or permit recording of the agreement or any notice or memorandum of the agreement;*

(c) *To the extent permitted under federal law, restrict the resolution of any disputes, claims, or controversies to binding arbitration or any other form of binding alternative dispute resolution;*

(d) *Include a waiver by the residential real property owner or owners of any rights to class action relief; or*

(e) *Allow for assignment of the service provider's rights under, or interest in, the agreement without notice to, and written agreement of, the residential real property owner or owners.*

- (3) (a) *Any provision of a service agreement or a notice or memorandum of a service agreement, whether or not recorded, that violates subsection (2) of this section shall:*

1. *Be void and unenforceable; and*
2. *Not bind title to residential real property or run with the land.*

(b) *This subsection shall be:*

1. *Retroactively applied to service agreements, and notices or memorandums of service agreements, entered or recorded prior to the effective date of this Act; and*

2. *Prospectively applied to service agreements, and notices or memorandums of service agreements, entered or recorded on or after the effective date of this Act.*
- (4) (a) *A service provider shall not, on or after the effective date of this Act, record, or cause to be recorded, a service agreement or a notice or memorandum of a service agreement, except as otherwise provided in KRS 376.075 and 426.720.*
- (b) 1. *Any service provider who violates this subsection shall be guilty of a Class B misdemeanor, unless the conduct prohibited by this subsection constitutes another crime that provides for greater punishment.*
2. *This paragraph may be enforced by the Attorney General or any Commonwealth's attorney or county attorney of appropriate jurisdiction.*
- (c) *Any person with an interest in residential real property that is subject to a service agreement, or a notice or memorandum of a service agreement, recorded in violation of this subsection may institute an action against the service provider in any court of competent jurisdiction to recover:*
1. *Actual damages arising from the recording; and*
2. *Attorney fees and costs incurred in the action.*
- (5) (a) *A violation of this section on or after the effective date of this Act shall be deemed to be an unfair, false, misleading, or deceptive act or practice in the conduct of trade or commerce in violation of KRS 367.170.*
- (b) *All of the remedies, powers, and duties provided to the Attorney General or any other person under KRS 367.110 to 367.300, and the penalties provided in KRS 367.990, pertaining to acts and practices declared unlawful by KRS 367.170, shall apply with equal force and effect to a violation of this section.*
- (6) (a) *The remedies and penalties prescribed in this section shall be cumulative.*
- (b) *Nothing in this section shall be construed to limit or restrict the powers, duties, remedies, or penalties available to the Attorney General, the Commonwealth, or any other person under any other statutory or common law.*
- (7) *The Attorney General may promulgate administrative regulations in accordance with KRS Chapter 13A necessary to effectuate, or as an aid to the effectuation of, the proper enforcement of this section.*

➔Section 4. KRS 324.160 is amended to read as follows:

- (1) The commission may order any or all of the following sanctions for violation of subsections (4) to (7) of this section:
- (a) Suspension of any license;
- (b) Revocation of any license;
- (c) Levy of fines not to exceed one thousand dollars (\$1,000);
- (d) Placing of any licensee on probation for a period of up to twelve (12) months;
- (e) Requiring successful completion of academic credit hours or additional credit hours in real estate courses from an accredited institution or approved real estate school; or
- (f) Issuing a formal or informal reprimand.
- (2) A canceled license may be renewed if the licensee pays all necessary fees and meets all other active licensure requirements within one (1) year of the cancellation date. No licensee whose license is canceled shall engage in real estate brokerage during the period of cancellation or receive any compensation for real estate brokerage unless the compensation was earned prior to the effective date of the cancellation.
- (3) No licensee whose license is suspended shall engage in real estate brokerage or receive any compensation for real estate brokerage unless the compensation was earned prior to the suspension period.
- (4) The commission shall impose sanctions set out in subsection (1) of this section against a licensee for:
- (a) Obtaining a license through false or fraudulent representation;

- (b) Making any substantial misrepresentation or failing to disclose known defects which substantially affect the value of the property;
- (c) Making any false promises of a character likely to influence, persuade, or induce;
- (d) Pursuing a continued and flagrant course of misrepresentation or making false promises through agents or advertising or otherwise;
- (e) Acting for more than one (1) party in a transaction without the knowledge of all parties for whom the licensee acts;
 - 1. A real estate licensee shall not directly or indirectly buy property listed with him or her or with the broker with whom the licensee is affiliated, nor acquire an interest therein, without first indicating in writing on the offer to purchase his or her status as a licensee;
 - 2. Before a licensee becomes a party to a contract to purchase real property, the licensee shall disclose his or her status as a licensee to all parties to the transaction, in writing, on the sales contract or on the offer to purchase;
 - 3. Before a licensee sells, or receives compensation for property in which the licensee owns an interest, the licensee shall disclose, in writing, any interest in the property to all parties to the transaction;
- (f) Accepting valuable consideration for the performance of any of the acts specified in this chapter, from any person, except from his or her principal broker in accordance with a compensation agreement between them. When acting as an agent in the management of property, a real estate licensee shall not accept any commission, rebate, or profit on expenditures made for a client without the full knowledge and consent of the client;
- (g) Representing or attempting to represent a broker other than a principal broker, without the express knowledge and consent of the principal broker with whom the licensee is affiliated;
- (h) Failing to account for or remit, within a reasonable time, any money belonging to others that comes into the licensee's possession. When acting as a property manager, the licensee shall render an accounting and remit all moneys to his or her client strictly in accordance with the contract of employment;
- (i) Paying valuable consideration to any person for services performed in violation of this chapter;
- (j) Entering a plea of guilty or an ~~Alford~~ plea to, or having been found guilty of, or having been convicted of, a felony or of a misdemeanor involving sexual misconduct the time for appeal has lapsed or the judgment or conviction has been affirmed on appeal, irrespective of an order granting probation following the conviction suspending the imposition of sentence;
- (k) Failing to report a conviction, plea of guilty, or an ~~Alford~~ plea to a felony or a misdemeanor involving sexual misconduct to the commission;
- (l) Soliciting, selling, or offering for sale real property under a scheme or program that constitutes a lottery, contest, or deceptive practice;
- (m) Acting in the dual capacity of licensee and undisclosed principal in any real estate transaction;
- (n) Guaranteeing, authorizing, or permitting a person to guarantee that future profits shall result from a resale of real property;
- (o) Negotiating or attempting to negotiate the sale, exchange, lease, or rental of real property, or attempting to obtain a brokerage agreement with a consumer knowing that the consumer had a written outstanding contract granting exclusive agency with another real estate broker;
- (p) Publishing or circulating an unjustified or unwarranted threat of legal proceedings or other action;
- (q) Failing or refusing on demand to furnish copies of a document pertaining to a transaction dealing with real estate to a person whose signature is affixed to the document;
- (r) Failing, within a reasonable time, to provide information requested by the commission as a result of a formal or informal complaint to the commission which may indicate a violation of this chapter;
- (s) Paying valuable consideration to any person for the name of potential sellers or buyers, except as otherwise provided in KRS 324.020(4);

- (t) Violating any of the provisions in this chapter or any lawful order, rule, or administrative regulation made or issued under the provisions of this chapter;
 - (u) Any other conduct that constitutes improper, fraudulent, or dishonest dealing; or
 - (v) Gross negligence.
- (5) ~~*Any of the following*~~ ~~[Any conduct constituting a violation of the Federal Fair Housing Act, including use of scare tactics or blockbusting,]~~ shall be considered improper conduct as referred to in subsection (4)(u) of this section:
- (a) *Conduct constituting a violation of the Federal Fair Housing Act, including use of scare tactics or blockbusting; or*
 - (b) *Conduct constituting a violation of Section 3 of this Act.*
- (6) No unlawful act or violation of any provision of this chapter by any affiliated licensee of the principal broker shall be cause for holding the principal broker primarily liable, unless the broker has knowledge of the unlawful violation and did not prevent it. The principal broker and his or her designated manager, if any, shall exercise adequate supervision over the activities of licensed affiliates and all company employees to ensure that violations of this chapter do not occur. The failure of a broker or his or her designated manager to exercise adequate supervision of the licensed affiliates shall constitute a violation of this chapter.
- (7) The practice of obtaining, negotiating, or attempting to negotiate "net listings" shall be considered improper dealing.

➔Section 5. If any provision of this Act, or this Act's application to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of the Act, which shall be given effect without the invalid provision or application, and to this end the provisions and applications of this Act are severable.

➔Section 6. Whereas there is a significant and legitimate need to protect the public from unfair, false, misleading, and deceptive trade practices, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 4, 2024.

CHAPTER 77

(HB 130)

AN ACT relating to soil and water conservation and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS 262.700 TO 262.795 IS CREATED TO READ AS FOLLOWS:

- (1) *If the board of a watershed conservancy district fails to meet over the course of one (1) year or longer or if it fails to prepare and fund a budget as required by subsection (1) of Section 6 of this Act, any soil and water conservation district or fiscal court in which any part of the watershed conservancy district lies may initiate proceedings to discontinue the watershed conservancy district board under subsection (2) of this section. Periods of inaction by boards of watershed conservancy districts that began prior to the effective date of this Act shall be included in the determination of whether a watershed conservancy district board may be discontinued under this section.*
- (2) *To initiate the discontinuance of a watershed conservancy district board, the soil and water conservation district board or fiscal court shall send a notice of intent to discontinue the watershed conservancy district board to all directors who are still serving terms on the board and shall publish the same notice in a newspaper of general circulation in the area served by the watershed conservancy district pursuant to the requirements of KRS Chapter 424. The notice shall include information on how a landowner who pays any tax imposed by the watershed conservancy district may request a public hearing on its discontinuance within thirty (30) days of the first publication of the notice.*

- (3) *If a public hearing on the proposed discontinuance is requested, the soil and water conservation district board or fiscal court proposing the discontinuance shall hold the public hearing within thirty (30) days of the request. At the public hearing, public comments may be made on the reasons for and consequences of the proposed discontinuance. The public hearing may be part of a regularly scheduled meeting of the soil and water conservation district board or the fiscal court proposing the discontinuance.*
- (4) (a) *Within thirty (30) days after a public hearing is held pursuant to subsection (3) of this section, the soil and water conservation district board or the members of the fiscal court proposing the discontinuance shall vote on whether the watershed conservancy district board should be discontinued. If no public hearing was requested, the proposing entity shall hold the discontinuance vote within thirty (30) days after the expiration of the time period to request a public hearing under subsection (2) of this section.*
- (b) *If the result of the vote held under paragraph (a) of this subsection is in favor of discontinuance, then within thirty (30) days of the vote, all other soil and water conservation district boards and fiscal courts where any portion of the watershed conservancy district lies shall hold votes on discontinuing the watershed conservancy district board. The watershed conservancy district board shall be discontinued if all voting entities concur to discontinue it. Any voting entity that fails to hold a vote within the thirty (30) days following the initial vote shall be deemed to have voted in favor of discontinuance. If any of the voting entities vote to not discontinue the watershed conservancy district board, it shall not be discontinued for at least one (1) year.*
- (5) *If a watershed conservancy district board is discontinued under this section, the boundaries of the watershed conservancy district previously governed by that board shall remain intact, and the landowners within the boundaries of the watershed conservancy district shall continue to contribute revenue to the soil and water conservation district or districts in which the watershed conservancy district lies pursuant to Section 7 of this Act.*
- (6) *Upon the effective date of the discontinuance of a board of a watershed conservancy district, the board of the soil and water conservation district in which the watershed conservancy district lies shall assume all of the former watershed conservancy board's rights and responsibilities established in KRS 262.700 to 262.795. If the watershed conservancy district lies in more than one (1) soil and water conservation district, then the boards of all of those soil and water conservation districts shall assume all rights and responsibilities of the former watershed conservancy board jointly.*
- (7) *Nothing in this section shall be construed to prevent a discontinued watershed conservancy district board from being reestablished and reassuming its rights and responsibilities pursuant to the requirements of KRS 262.700 to 262.795.*

➔Section 2. KRS 147A.029 is amended to read as follows:

- (1) The commissioner of the Department for Local Government shall administer and determine the disbursement of funds for the Local Match Participation Program.
- (2) Funds appropriated for the Local Match Participation Program may be used as matching funds by local governments, *soil and water conservation districts established under KRS 262.010 to 262.660, or watershed conservancy districts established under KRS 262.700 to 262.795* for flood-related projects and straight sewage pipe removal projects with:
- (a) The United States Army Corps of Engineers;
- (b) The Federal Emergency Management Agency (FEMA);~~and~~
- (c) *The United States Department of Agriculture Natural Resources Conservation Service; and*
- (d) Other federal government grant and loan programs requiring local matching funds.
- (3) Any general fund appropriations made for the Local Match Participation Program may be used for flood control planning and mitigation activities and straight sewage pipe removal and mitigation activities.

➔Section 3. KRS 262.240 is amended to read as follows:

- (1) A supervisor's term begins on January 1 following his or her election. Supervisors shall be elected for four (4) years as their terms expire. Nominating petitions for supervisors shall be filed with the county clerk not later than the last date prescribed by the election law generally for filing certificates and petitions of nomination. No such nominating petition shall be accepted by the clerk unless it is signed by twenty-five (25) or more

qualified resident voters of the district. Qualified resident voters may sign more than one (1) nominating petition to nominate more than one (1) candidate for supervisor. In the event nominating petitions for only the number of supervisors to be elected are filed, the commission shall declare the nominees elected without holding an election. The county clerk shall examine the petition of each candidate to determine whether it is regular on its face. If there is an error, the county clerk shall notify the candidate by certified mail within twenty-four (24) hours of filing.

- (2) A supervisor shall hold office until his or her successor has been elected and has qualified. Vacancies shall be filled for the unexpired term by appointment by the commission.
- (3) A supervisor may be reimbursed for expenses necessarily incurred in the discharge of his or her duties and may be paid a per diem for attending meetings or otherwise discharging the obligations of his or her office.
- (4) A supervisor shall be at least eighteen (18) years of age, a resident of the county or district in which he or she serves as a supervisor, and upon moving from the county or district, the supervisor shall be ineligible to serve as a supervisor and his or her office shall be vacant.
- (5) A supervisor who has been declared elected without an election pursuant to subsection (1) of this section may be removed from office by the commission in the same manner as provided by KRS 65.007 for removal of an appointed member of the governing body of a special district.
- (6) ***A supervisor serving on the board of a district shall be immune from personal liability in any civil or criminal action which is based upon any official act or acts performed reasonably and in good faith by the supervisor.***

➔Section 4. KRS 262.740 is amended to read as follows:

- (1) Within thirty (30) days after a watershed conservancy district is created, nominating petitions may be filed with the board of supervisors for the election of a board of directors consisting of five (5) members, who shall hold office for a term of four (4) years, or until a successor is qualified. Such board of directors shall, under the supervision of the board of supervisors, be the governing body of the watershed conservancy district. The board of supervisors shall give due notice of the election of directors and shall, as nearly as practicable, conduct the election in the manner prescribed by KRS 262.220.
- (2) If the territory embraced within a watershed conservancy district lies within more than one (1) soil and water conservation district, each of said additional districts with minority of the land involved in the watershed shall be entitled to elect three (3) additional directors.
- (3) The board of directors shall annually elect from its membership a chairman, secretary, and treasurer. The treasurer shall execute an official bond for the faithful performance of the duties of his ***or her*** office to be approved by the board of directors. Such bond shall be executed with at least three (3) solvent personal sureties whose solvency must exceed the amount of the bond, or by a surety company authorized to do business in this state, and shall be in an amount determined by the board of directors. If the treasurer is required to execute a surety company bond, the premium on the bond shall be paid by the board of directors.
- (4) Each person desiring to be a director of a watershed conservancy district shall file a nominating petition with the board of supervisors of the county in which he ***or she*** is a landowner and legal resident, signed by twenty-five (25) or more landowners within the watershed conservancy district of the county involved, or, if less than fifty (50) landowners are involved a majority of such landowners. Nominating petitions for the election of any director following the first election of members of the board after creation of the district shall be filed with the board of supervisors not less than forty-five (45) days prior to the day of the regular election. If the candidates nominated do not exceed the positions available, they shall be declared elected. No person shall be eligible to be a director of a watershed conservancy district who is not a landowner within the watershed and resident of the county in which the watershed is located.
- (5) A director who has been declared elected without an election pursuant to subsection (4) of this section may be removed from office by the board of supervisors as provided by KRS 65.007 for removal of an appointed member of the governing body of a special district.
- (6) ***A director serving on the board of a watershed conservancy district shall be immune from personal liability in any civil or criminal action which is based upon any official act or acts performed reasonably and in good faith by the director.***

➔Section 5. KRS 262.742 is amended to read as follows:

- (1) *Within thirty (30) days of the effective date of any vacancy on a board of directors of a watershed conservancy district, the board of the soil and water conservation district where the vacancy occurs shall publish a notice of the vacancy in a newspaper of general circulation in the area served by the watershed conservancy district pursuant to the requirements of KRS Chapter 424. The notice shall include information on the nominating petition process to fill the vacancy established in Section 4 of this Act. The board of the soil and water conservation district filling the vacancy shall also advertise the vacancy on any website or social media account it may control.*
- (2) A vacancy on the board of directors of a watershed conservancy district shall be filled by the board of supervisors *of the soil and water conservation district where the vacancy occurs.*

➔Section 6. KRS 262.760 is amended to read as follows:

- (1) Within the first quarter of each calendar year, the board of directors *of a watershed conservancy district* shall prepare an itemized budget of the funds needed for administration, construction, operation, and maintenance of works of improvement. After approval of such budget by the board *or boards* of supervisors *of the soil and water conservation district or districts within which the watershed conservancy district lies*, the board of directors *of the watershed conservancy district* shall, by order or resolution, levy a tax sufficient to meet such budget, either by millage rate or per acre rate. A copy of such budget and order or resolution shall be certified to the county clerk of the county or counties involved, and shall be submitted to the Department for Local Government as provided in KRS 65A.020.
- (2) *If the board of directors of a watershed conservancy district fails to prepare a budget and levy a tax sufficient to fund the budget within the first quarter of a calendar year as required by subsection (1) of this section, the board or boards of supervisors of the soil and water conservation district or districts where the watershed conservancy lies may prepare and approve a budget for the watershed conservancy district and levy a tax to fund the approved budget in the same manner as authorized in subsection (1) of this section.*

➔Section 7. KRS 262.793 is amended to read as follows:

- (1) Where a watershed conservancy district *board* has been discontinued as provided in *Section 1 of this Act* ~~KRS 262.791 and all obligations of the district have been met~~, any funds or assets of the district shall be transferred to the soil and water conservation district *where the watershed conservancy district lies* to be used solely for the *same purposes as they were used prior to the discontinuance and only within the boundaries of the watershed conservancy district* ~~development and maintenance of soil and water conservation practices in the area~~ from which the tax was collected. In the event that the area of the discontinued watershed conservancy district encompassed two (2) or more soil and water conservation districts, any funds or assets to be handed over shall be prorated among the soil and water conservation districts according to the percentage of revenue contributed by the landowners within each such soil and water conservation district.
- (2) Where a watershed conservancy district *board* is discontinued, the *board or boards of the soil and water conservation district or districts* to which its funds are transferred shall have the authority to collect revenue from within the boundaries of and in the same manner as the discontinued watershed conservancy district, *including making periodic adjustments to the revenue amounts collected*. The funds collected shall be expended by the *board or boards of the soil and water conservation district or districts* for the maintenance of works of improvement done by the discontinued watershed conservancy district *board, even if the works of improvement are located outside of the soil and water conservation district collecting the revenue*, and for no other purpose.

➔Section 8. The following KRS section is repealed:

262.791 District discontinued, when -- Hearing referendum.

➔Section 9. Whereas the timely discontinuance of inactive watershed conservation district boards is critical to the operation, maintenance, and rehabilitation of structures that contribute to water resource conservation and flood control, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 4, 2024.

CHAPTER 78**(HB 137)**

AN ACT relating to assistant county attorneys.

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

➔Section 1. KRS 69.300 is amended to read as follows:

The assistant county attorneys shall ~~reside in the county in which the county attorney is elected, or within thirty (30) miles of the county line, or in a contiguous county and shall~~ be attorneys licensed to practice in the Commonwealth~~;~~ and shall have the same powers and perform the same duties that county attorneys have and perform, except that they shall be under the direction and control of the county attorney.

Signed by Governor April 4, 2024.**CHAPTER 79****(HB 167)**

AN ACT relating to motor vehicles.

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

➔Section 1. KRS 190.080 is amended to read as follows:

- (1) As used in this section, "previous consumer-owner" *means*~~shall mean~~ the last owner of the vehicle who could reasonably be expected to have operated the used car for personal, family, household, or business purposes, but *does not include*~~shall not mean~~ an owner who possessed the vehicle primarily for resale purposes.
- (2) (a) *Except as provided in paragraph (b) of this subsection, a*~~It shall be unlawful for any~~ motor vehicle dealer or motor vehicle salesperson *shall not*~~to~~ refuse to furnish, upon request of a prospective purchaser, the name, address, and telephone number, if known or available, of the previous consumer-owner of any used car offered for sale.
 - (b) *The provisions of paragraph (a) of this subsection shall not apply if the previous consumer-owner has not given written consent to share his or her information with a prospective purchaser.*
- (3) ~~A~~~~It shall be unlawful for any~~ person *shall not*~~to~~ transfer a motor vehicle in order to avoid compliance with this section.

➔Section 2. KRS 281.926 is amended to read as follows:

- (1) This section applies to any towing company that engages in, or offers to engage in, emergency towing.
- (2) Prior to attaching a motor vehicle to the tow truck, the towing company shall furnish the vehicle's owner or operator, if the owner or operator is present at the scene of the disabled vehicle and upon the owner's or operator's request, a rate sheet listing all rates for towing services, including but not limited to all rates for towing and associated fees, cleanup, labor, storage, and any other services provided by the towing company.
- (3) (a) Any towing company or storage facility shall:
 1. Post a rate sheet *as described in subsection (2) of this section* at its place of business;
 2. *Provide a current rate sheet to the nearest Department of Kentucky State Police post and any law enforcement agency in its service area;* and~~shall~~
 3. Make the rate sheet available upon a customer's request.
- (b) Any charge in excess of the rate sheets provided under this subsection shall be deemed excessive.
- (c) *If a towing company fails to comply with any of the provisions of this subsection, the Department of Kentucky State Police and any local law enforcement agency in the company's service area shall remove that towing company from its wrecker log for a period of:*

1. *Six (6) months for the first violation; and*
 2. *One (1) year for any subsequent violation.*
- (4) An itemized invoice of actual towing charges assessed by a towing company for a completed tow shall be made available to the owner of the motor vehicle or the owner's agent no later than one (1) business day after:
- (a) The tow is completed; or
 - (b) The towing company has obtained all necessary information to be included on the invoice, including any charges submitted by subcontractors used by the towing company to complete the tow and recovery.
- (5) The itemized invoice required under subsection (4) of this section shall contain the following information:
- (a) The date and time the motor vehicle was towed;
 - (b) The location to which the motor vehicle was towed;
 - (c) The name, address, and telephone number of the towing company;
 - (d) A description of the towed motor vehicle, including the color, make, model, year, and vehicle identification number of the motor vehicle;
 - (e) The license plate number and state of registration for the towed motor vehicle;
 - (f) The cost of the original towing service;
 - (g) The cost of any vehicle storage fees, expressed as a daily rate;
 - (h) Other fees, including documentation fees and motor vehicle search fees; and
 - (i) A list of the services that were performed under a warranty or that were otherwise performed at no cost to the owner of the motor vehicle.
- (6) Any service or fee in addition to the services or fees described in subsection (5)(f), (g), or (h) of this section shall be set forth individually as a single line item on the invoice required by this section, with an explanation and the exact charge for the service or the exact amount of the fee.
- (7) A copy of each invoice and receipt submitted by a tow truck operator in accordance with this section shall:
- (a) Be retained by the towing company for a period of two (2) years from the date of issuance; and
 - (b) Throughout the two (2) year period described in this subsection, be made available for inspection and copying not later than forty-eight (48) hours after receiving a written request for inspection from:
 1. A law enforcement agency;
 2. The Attorney General;
 3. A city attorney, county attorney, or the prosecuting attorney having jurisdiction in the location of any of the towing company's business locations;
 4. The disabled motor vehicle's owner or lienholder;
 5. An agent of the disabled motor vehicle's owner or lienholder; or
 6. Any individual involved in the underlying collision, his or her respective insurance companies, or his or her legal representatives, if the disabled motor vehicle was involved in a collision.

➔Section 3. KRS 281.990 is amended to read as follows:

- (1) Except as provided in ~~subsections~~~~subsection~~ (4) **and** (5) of this section, a person shall be fined not less than twenty-five dollars (\$25) and no more than two hundred dollars (\$200), if the person:
- (a) Violates, causes, aids, or abets any violation of the provisions of this chapter, or any order, rule, or administrative regulation lawfully issued pursuant to authority granted by this chapter;
 - (b) Knowingly makes any false or erroneous statement, report, or representation to the Department of Vehicle Regulation with respect to any matter placed under the jurisdiction of the department by this chapter;

- (c) Knowingly makes any false entry in the accounts or records required to be kept pursuant to the authority granted by this chapter; or
- (d) Knowingly fails to keep, or knowingly destroys or mutilates, any accounts or records.

Every device to evade or to prevent the application of any provision of this chapter, or any lawful order, rule or administrative regulation of the department issued pursuant thereto, shall constitute a violation thereof.

- (2) (a) Any person who violates KRS 281.630(1) or 281.631(1) shall be fined not less than five hundred dollars (\$500) nor more than three thousand five hundred dollars (\$3,500).
- (b) Any person who operates as a motor carrier in violation of the terms of his or her certificate or motor carrier vehicle license shall be fined not less than five hundred dollars (\$500) nor more than three thousand five hundred dollars (\$3,500).
- (3) A person who violates KRS 281.630(9) shall not be subject to a penalty under this section.
- (4) (a) Except as provided in this subsection, any person who violates KRS 281.757 shall be fined two hundred fifty dollars (\$250) for each offense.
- (b) A person who is cited for a violation of KRS 281.757 in which the lights were inoperable or the reflectors were missing may, within thirty (30) days from the date of the citation, provide proof to the county attorney of the county in which the offense occurred that the mechanical problem has been repaired and that the lights are in working order or that the required reflectors have been placed on the vehicle. If such proof is shown, the citation shall be dismissed.
- (c) A law enforcement officer and the department shall not issue a citation to a person as violating KRS 281.757 if the atmospheric conditions all motorists were subjected to at the time the person is stopped reasonably limit the ability of a person to keep the vehicle's lights or reflectors from being obscured by dirt, mud, or debris.
- (5) *The cabinet may promulgate administrative regulations in accordance with KRS Chapter 13A to set penalties for violations of KRS 281.920 to 281.936.*

➔Section 4. KRS 376.275 is amended to read as follows:

- (1) (a) Any person engaged in the business of storing or towing motor vehicles, who has complied with the notification requirements of KRS 281.928, shall have a lien on the motor vehicle and its contents, except as set forth in subsection (2) of this section, for the applicable and reasonable charges assessed in accordance with KRS 281.926 and 281.932, as long as it remains in his or her possession.
- (b) If, after a period of forty-five (45) days, the applicable and reasonable charges assessed in accordance with KRS 281.926 and 281.932 have not been paid, the motor vehicle and its contents, except as set forth in subsection (2) of this section, may be sold to pay the charges after the owner and any lienholder have been notified by certified mail at the addresses specified in KRS 281.928(1), ten (10) days prior to the time and place of the sale. If the proceeds of the sale of any vehicle pursuant to this section are insufficient to satisfy accrued charges, the sale and collection of proceeds shall not constitute a waiver or release of responsibility for payment of unpaid charges by the owner or responsible casualty insurer of the vehicle. A lien on a vehicle under this subsection shall be subject to prior recorded liens, unless released by any existing lienholder pursuant to paragraph (c) of this subsection.
- (c) *I.* A lienholder having a prior recorded lien listed on the title issued by the Commonwealth of Kentucky shall be notified by certified mail within the first ten (10) days of impoundment in accordance with KRS 281.928.
- 2.* ~~The [Such]~~ notification, in addition to the requirements of KRS 281.928, shall include the make, model, license number, vehicle identification number, owner's name and last known address, and tentative date of sale for the vehicle, and state that the towing company or storage facility seeks to obtain a new title free and clear of any liens, excluding tax liens.
- 3.* If the ~~above referenced~~ certified letter **required under this paragraph** is not sent within the ten (10) days by the towing and storage company, then only ten (10) days of storage may be charged.
- 4.* The lienholder has the right to take possession of the motor vehicle after showing proof of lien still enforced, and paying the reasonable or agreed towing and storage charges on the motor vehicle.

5. If a lienholder does not exercise the right to take possession of the motor vehicle under this paragraph within forty-five (45) days of notification, ~~[and all lienholders agree in writing,]~~ the towing company or storage facility may obtain a new title under KRS 186A.145 free and clear of any liens, excluding tax liens.
6. Nothing in this section shall allow the transfer of a vehicle subject to a lien, except as provided in KRS 186A.190 *or in subparagraph 5. of this paragraph.*
- (d) If there are no lienholders required to be notified under KRS 281.920 to 281.936 and 359.230 and this section, and the owner does not exercise the right to take possession of the motor vehicle under this section within forty-five (45) days of notification required under KRS 281.928, the towing company or storage facility may obtain a new title under KRS 186A.145 free and clear of any liens, excluding tax liens.
- (2) Subsection (1) of this section shall not apply to the following contents of a motor vehicle, which shall be released to the vehicle owner or the owner's designated agent upon request, if the request is made within forty-five (45) days of the date the vehicle was towed:
- (a) Prescription medication in its proper container;
 - (b) Personal medical supplies and equipment or records;
 - (c) Educational materials, including but not limited to calculators, books, papers, and school supplies;
 - (d) Documents, files, electronic devices, or equipment which may be able to store personal information or information relating to a person's employment or business;
 - (e) Firearms and ammunition. Notwithstanding the provisions of subsection (3) of this section, firearms and ammunition which are not claimed by the owner of the vehicle within forty-five (45) days of the date the vehicle was towed shall be transferred to the Department of Kentucky State Police for disposition as provided by KRS 16.220;
 - (f) Cargo in the possession of persons engaged in transportation in interstate commerce as registered under KRS 186.020;
 - (g) Cargo in the possession of an integrated intermodal small package carrier as defined by KRS 281.605(12);
 - (h) Child restraint systems or child booster seats; and
 - (i) Checks, checkbooks, debit or credit cards, money orders, stocks, or bonds.
- (3) Except as provided in subsection (2)(e) of this section, any contents exempted under subsection (2)(c), (d), (f), and (g) of this section that are not claimed by the owner of the vehicle within forty-five (45) days of the date the vehicle was towed may be sold or otherwise legally disposed of by the storage or towing company. Any contents exempted under subsection (2)(a), (b), (h), and (i) of this section that are not claimed by the owner of the vehicle within forty-five (45) days of the date the vehicle was towed shall not be sold, but shall be otherwise legally disposed of by the storage or towing company.
- (4) The storage or towing company shall not be responsible for contents in a vehicle's trunk or other locked compartment to which the storage or towing company is without access, unless the towing company intentionally opens the area without the owner's consent.
- (5) This section shall not apply when a local government causes a vehicle to be towed pursuant to KRS 82.605 to 82.640 or if state government causes a vehicle to be towed.

Signed by Governor April 4, 2024.

CHAPTER 80

(HB 194)

AN ACT relating to workplace violence against healthcare workers.

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

➔ Section 1. KRS 508.025 is amended to read as follows:

- (1) A person is guilty of assault in the third degree when the actor:
- (a) Recklessly, with a deadly weapon or dangerous instrument, or intentionally causes or attempts to cause physical injury to:
 1. A state, county, city, or federal peace officer;
 2. An employee of a detention facility, or state residential treatment facility or state staff secure facility for residential treatment which provides for the care, treatment, or detention of a juvenile charged with or adjudicated delinquent because of a public offense or as a youthful offender;
 3. A healthcare provider as defined in KRS 311.821 *or other person employed by or under contract with a health clinic, doctor's office, dental office, long-term care facility, hospital, or a hospital-owned or affiliate outpatient facility*, if the event occurs *in or on the premises of a health clinic, doctor's office, dental office, long-term care facility, hospital, or a hospital-owned or affiliate outpatient facility* ~~[while the healthcare provider is providing medical care in an emergency room of a hospital]~~;
 4. An employee of the Department for Community Based Services employed as a social worker to provide direct client services, if the event occurs while the worker is performing job-related duties;
 5. Paid or volunteer emergency medical services personnel certified or licensed pursuant to KRS Chapter 311A, if the event occurs while personnel are performing job-related duties;
 6. A paid or volunteer member of an organized fire department, if the event occurs while the member is performing job-related duties;
 7. Paid or volunteer rescue squad personnel affiliated with the Division of Emergency Management of the Department of Military Affairs or a local disaster and emergency services organization pursuant to KRS Chapter 39F, if the event occurs while personnel are performing job-related duties;
 8. A probation and parole officer;
 9. A transportation officer appointed by a county fiscal court or legislative body of a consolidated local government, urban-county government, or charter government to transport inmates when the county jail or county correctional facility is closed while the transportation officer is performing job-related duties;
 10. A public or private elementary or secondary school or school district classified or certified employee, school bus driver, or other school employee acting in the course and scope of the employee's employment; or
 11. A public or private elementary or secondary school or school district volunteer acting in the course and scope of that person's volunteer service for the school or school district;
 - (b) Being a person confined in a detention facility, or a juvenile in a state residential treatment facility or state staff secure facility for residential treatment which provides for the care, treatment, or detention of a juvenile charged with or adjudicated delinquent because of a public offense or as a youthful offender, inflicts physical injury upon or throws or causes feces, or urine, or other bodily fluid to be thrown upon an employee of the facility; or
 - (c) Intentionally causes a person, whom the actor knows or reasonably should know to be a peace officer discharging official duties, to come into contact with saliva, vomit, mucus, blood, seminal fluid, urine, or feces without the consent of the peace officer.
- (2) (a) For a violation of subsection (1)(a) of this section, assault in the third degree is a Class D felony, unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class C felony.
- (b) For a violation of subsection (1)(b) of this section, assault in the third degree is a Class D felony.

- (c) For violations of subsection (1)(c) of this section, assault in the third degree is a Class B misdemeanor, unless the assault is with saliva, vomit, mucus, blood, seminal fluid, urine, or feces from an adult who knows that he or she has a serious communicable disease and competent medical or epidemiological evidence demonstrates that the specific type of contact caused by the actor is likely to cause transmission of the disease or condition, in which case it is a Class A misdemeanor.
- (d) As used in paragraph (c) of this subsection, "serious communicable disease" means a non-airborne disease that is transmitted from person to person and determined to have significant, long-term consequences on the physical health or life activities of the person infected.

Signed by Governor April 4, 2024.

CHAPTER 81

(HB 258)

AN ACT relating to the torture of a dog or cat.

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

➔Section 1. KRS 525.135 is amended to read as follows:

(1) As used in this section, unless the context otherwise requires:⌈⌋

(a) *"Torture" means the intentional infliction of or subjection to extreme physical pain or serious injury or death to a dog or cat, motivated by intent or wanton disregard that causes, increases, or prolongs the pain or suffering of the dog or cat, including serious physical injury or infirmity. "Torture" shall include situations where the extreme physical pain, serious physical injury or infirmity, or death results from restraint of the dog or cat, which may include being:*

1. *Locked in a cage or kennel;*
2. *Sealed in a plastic bag or box;*
3. *Chained or tied down to restrict motion;*
4. *Pitched in a dumpster;*
5. *Abandoned in a building for three (3) days or more with no intention of returning or having made provisions for the animal's care;*
6. *Physically restrained with tie wraps, rope, chains, or tape;*
7. *Intentionally injured to cause immobility so that the animal cannot save itself from starvation, dehydration, physical impairment, serious physical injury or infirmity, or death; or*
8. *Manually restrained; and*

(b) *"Serious physical injury or infirmity" means physical injury or physical infirmity that creates a substantial risk of death, protracted loss, or impairment of the function of the limb or bodily organ caused by willful or wanton disregard while restrained. As used in this paragraph:*

1. *"Physical infirmity" includes intentional starvation, dehydration, hypothermia, hyperthermia, muscle atrophy, restriction of blood flow to a limb or organ, mange or other skin disease or parasitic infestation for which medical care has been denied, denial of life-saving medical care or professional euthanasia while intentionally restraining with the intent to cause or the wanton disregard for extreme physical pain, serious injury, or death; and*
2. *"Physical injury" includes substantial physical pain, serious injury, or death intentionally caused by fractures, cuts, burns, punctures, bruises due to crushing, burning, drowning, beating, poisoning, suffocating, hanging, impaling or skinning alive, physical disfigurement, loss of function of a limb or body organ or other wounds or illnesses produced by violence or a thermal or chemical agent while intentionally restrained with the intent to cause or the wanton disregard for extreme physical pain, serious injury, or death.*

~~["Torture" means the intentional infliction of or subjection to extreme physical pain or injury, motivated by an intent to increase or prolong the pain of the animal.]~~

- (2) A person is guilty of torture of a dog or cat when he or she, without legal justification, intentionally tortures a domestic dog or cat.
- (3) Torture of a dog or cat is a ~~{Class A misdemeanor for the first offense and a }Class D felony~~~~{ for each subsequent offense if the dog or cat suffers physical injury as a result of the torture, and a Class D felony if the dog or cat suffers serious physical injury or death as a result of the torture}~~.
- (4) ***Each act of torture of a dog or cat may constitute a separate offense.***
- (5) ***Under recommendation of a veterinarian, a tortured dog or cat may be humanely euthanized after it is seized if it is still alive but suffering from the intentional torture that will lead to its death.***
- (6) Nothing in this section shall apply to the killing or injuring of a dog or cat ***without intent to cause, or without wanton disregard of, increasing or prolonging the pain, suffering, or death of the dog or cat:***
 - (a) In accordance with a license to hunt, fish, or trap;
 - (b) For humane purposes;
 - (c) For veterinary, agricultural, spaying or neutering, or cosmetic purposes ***or breed-specific alterations such as cropping of ears, docking of tails, or declawing of a cat, all done by a veterinarian;***
 - (d) For purposes relating to sporting activities including but not limited to training for organized dog or cat shows, or other animal shows in which a dog or a cat, or both, participate;
 - (e) For bona fide animal research activities, using dogs or cats, of institutions of higher education; or a business entity registered with the United States Department of Agriculture under the Animal Welfare Act or subject to other federal laws governing animal research;
 - (f) In defense of self or another person against an aggressive or diseased dog or cat;
 - (g) In defense of a domestic animal against an aggressive or diseased dog or cat;
 - (h) For animal or pest control; or
 - (i) For any other purpose authorized by law.
- ~~(7)(5)~~ Activities of animals engaged in hunting, field trials, dog training other than training a dog to fight for pleasure or profit, and other activities authorized either by a hunting license or by the Department of Fish and Wildlife Resources shall not constitute a violation of this section.
- ~~(8)(6)~~ The acts specified in this section shall not constitute cruelty to animals under KRS 525.125 or 525.130.

Signed by Governor April 4, 2024.

CHAPTER 82

(HB 267)

AN ACT relating to providing for the authorization of the Office of Broadband Development to implement the federal Broadband Equity Access and Deployment (BEAD) Program and declaring an emergency.

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

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

The General Assembly finds and declares that:

- (1) ***Pursuant to KRS 224A.1118(1)(f)2., the Office of Broadband Development is established as the single point of contact and liaison between the Commonwealth and federal agencies with regard to programs to expand access to broadband in Kentucky, including the National Telecommunications and Information Administration, which is part of the United States Department of Commerce;***

- (2) *Under the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, the National Telecommunications and Information Administration has allocated significant funding to support broadband deployment throughout Kentucky as part of the Broadband Equity Access and Deployment Program; and*
- (3) *The Office of Broadband Development shall prioritize BEAD Program funds for delivery of service to the last mile of unserved areas consistent with the federal requirements.*

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

As used in Sections 1 to 4 of this Act:

- (1) *"Administration" means the National Telecommunications and Information Administration;*
- (2) *"BEAD Program" means the federal Broadband Equity Access and Deployment Program administered by the National Telecommunications and Information Administration;*
- (3) *"Grantee" means the recipient of moneys from the Kentucky BEAD Grant Program; and*
- (4) *"Kentucky BEAD Grant Program" means the program established in Section 3 of this Act.*

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

- (1) *The Kentucky BEAD Grant Program is hereby established for the purpose of defraying eligible expenses associated with projects intended to provide broadband service to unserved and underserved areas of the Commonwealth, and, to the extent funding is available, for certain nondeployment purposes allowable under federal law. This program shall be the exclusive means of distributing BEAD Program money to Kentucky applicants.*
- (2) *The office is hereby authorized, consistent with the requirements of this section, to administer the Kentucky BEAD Grant Program. It shall have all power necessary and convenient, not explicitly prohibited or reserved by statute, to carry out and effectuate its purposes, including the powers to:*
 - (a) *Develop and submit BEAD Program funding requests to the administration or other responsible federal entities;*
 - (b) *Conduct a challenge process consistent with federal requirements to identify Kentucky locations eligible for funding;*
 - (c) *Develop an application process for applications for funding from the Kentucky BEAD Grant Program, including the requirements for the applications, in a manner that does not violate the prohibition in KRS 278.5462(1);*
 - (d) *Determine eligibility criteria for prospective subgrantees and projects;*
 - (e) *Create rules governing the review process and timeline for applications and challenges to those applications;*
 - (f) *Make administrative rules necessary for the achievement of the goals of the Kentucky BEAD Grant Program;*
 - (g) *Coordinate and partner with local governments or private entities as necessary;*
 - (h) *Determine which grant applications should receive funding and disburse those grants from the BEAD fund established in Section 4 of this Act;*
 - (i) *Enter into contracts or agreements necessary or incidental to the performance of its duties, functions, and responsibilities;*
 - (j) *Notwithstanding KRS 45A.190, require applicants to submit letters of credit, bonds, or other reasonable means of assuring project completion it deems appropriate and necessary, including giving full effect to the guidance from the administration by allowing the office to provide grantees a range of options to satisfy this paragraph;*
 - (k) *If funding is available after identifying and funding BEAD Program deployment projects, identify and fund nondeployment projects consistent with federal law;*
 - (l) *Oversee and administer reporting and compliance under grants made under the Kentucky BEAD Grant Program consistent with federal law; and*
 - (m) *Act as otherwise necessary to pursue the goals of the Kentucky BEAD Grant Program.*

- (3) *Except where explicitly stated otherwise, all terms in this section shall have the same meaning as provided in the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, and in the Notice of Funding Opportunity for the BEAD Program published by the administration on May 13, 2022, including any subsequent guidance issued by the administration with respect to the program after the issuance of the Notice of Funding Opportunity. In the event of any conflict between this section and legal requirements contained in the federal law, the federal law shall take precedence. To the extent this chapter conflicts with any other provision of the Kentucky Revised Statutes, this chapter prevails.*
- (4) *The office shall ensure that applications contain sufficient information to allow the office to reasonably evaluate each grantees' ability to comply with all program requirements, including all grantee qualifications and conditions required under federal law.*
- (5) *KRS 224A.1121 shall not apply to the Kentucky BEAD Grant Program as contained in Sections 1 to 4 of this Act.*

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

- (1) *The BEAD fund is hereby established in the State Treasury and shall be administered by the office. All moneys in the fund shall be allocated and dedicated to:*
- (a) *Providing moneys to grantees that comply with federal requirements and the requirements developed by the office in compliance with this section; and*
- (b) *Administering the federal BEAD Program.*
- (2) *All moneys obtained from the administration shall be deposited into the BEAD fund.*
- (3) *All moneys in the BEAD fund are hereby appropriated for the purposes set forth in Sections 1 to 4 of this Act.*
- (4) *Notwithstanding KRS 45.229, any moneys not expended at the close of a fiscal year shall not lapse but shall be carried forward into the next fiscal year. All funds shall be expended within the five (5) year action plan required by the administration.*

➔Section 5. Whereas the General Assembly finds there is an unmet need to advance the deployment of affordable broadband options to unserved and underserved locations in the Commonwealth which is impeding health, education, and economic development in Kentucky, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 4, 2024.

CHAPTER 83

(SB 17)

AN ACT relating to certificates of death.

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

➔Section 1. KRS 213.076 is amended to read as follows:

- (1) (a) A certificate of death or a provisional certificate of death for each death which occurs in the Commonwealth shall be filed with the cabinet or as otherwise directed by the state registrar prior to final disposition, and it shall be registered if it has been completed and filed in accordance with this section. The funeral director, or person acting as such, who first takes custody of a dead body shall be responsible for filing the certificate of death. The funeral director, or person acting as such, shall obtain the required personal and statistical particulars from the person best qualified to supply them over the signature and address of the informant. ~~Effective January 1, 2015,~~ All certificates of death shall be filed with the cabinet using the Kentucky Electronic Death Registration System in a manner directed by the state registrar.
- (b) At the time of obtaining the required personal and statistical particulars from the informant referred to in paragraph (a) of this subsection, the funeral director, or person acting as such, shall ask the informant

if the deceased ever served in the military. If the informant answers in the affirmative, then the funeral director, or person acting as such, shall provide the informant with a fact sheet stating military burial rights supplied by the Kentucky Department of Veterans' Affairs.

- (c) The funeral director, or person acting as such, shall within five (5) days of the death, present the certificate to the attending physician, advanced practice registered nurse, or physician assistant, if any, to the physician pronouncing death, or to the health officer or coroner as directed by the state registrar, for the medical certificate of the cause of death and other particulars necessary to complete the record as required by this chapter.
 - (d) It shall be unlawful for an institution to release a dead human body until the funeral director, or person acting as such, has completed and filed with the local registrar or person in charge of the institution, a provisional certificate of death. If death occurs outside an institution, the provisional certificate shall be filed with the local registrar by the funeral director, or person acting as such, prior to final disposition of the dead body. A copy of the provisional certificate of death signed by the person with whom it was filed, shall constitute authority for the possession, transportation, and, except for cremation, final disposition of the body.
 - (e) All persons having in their possession a completed provisional certificate of death shall file the certificate at not more than weekly intervals with the local registrar.
 - (f) If the place of death is unknown but the dead body is found in the Commonwealth, the certificate of death shall be completed and filed in accordance with this section. The place where the body is found shall be shown as the place of death. If the date of death is unknown, it shall be determined by approximation subject to amendment upon completion of any postmortem examination required to be performed.
 - (g) If death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in the Commonwealth, the death shall be registered in Kentucky, and the place where it is first removed shall be considered the place of death. If a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space, and the body is first removed from the conveyance in the Commonwealth, the death shall be registered in Kentucky, but the certificate shall show the actual place of death insofar as can be determined.
- (2) If any certificate of death is incomplete or unsatisfactory, the state registrar shall call attention to the defects in the certificate and require the person responsible for the entry to complete or correct. The state registrar may also require additional information about the circumstances and medical conditions surrounding a death in order to properly code and classify the underlying cause. A funeral director shall not be held responsible for the failure of a physician, advanced practice registered nurse, physician assistant, dentist, chiropractor, or coroner to complete or correct the entry for which he or she is responsible.
- (3) (a) The medical certification shall be completed, signed, and returned to the funeral director within five (5) working days after presentation to the physician, advanced practice registered nurse, physician assistant, dentist, or chiropractor in charge of the patient's care for the illness or condition which resulted in death, except when inquiry is required by KRS 72.400 to 72.475. In such cases, or if the cause of death is unknown or under investigation, the **medical certification shall be completed**~~cause of death shall be shown as such on the certificate. A supplemental report providing the medical information omitted from the original certificate shall be filed by the certifier with the state registrar~~ within five (5) days after receiving results of the inquiry as required by KRS 72.400 to 72.475. ~~The supplemental report shall be made a part of the existing death certificate. This report shall be considered an amendment, and the death certificate shall be marked "Amended."~~
- (b) In the absence of the physician, advanced practice registered nurse, physician assistant, dentist, or chiropractor, or with such person's approval, the certificate may be completed and signed by his **or her** associate physician, advanced practice registered nurse, physician assistant, dentist, or chiropractor, or the chief medical officer of the institution in which death occurred, or the physician who performed an autopsy upon the decedent, or a physician, advanced practice registered nurse, or physician assistant employed by the local health department, if the individual has access to the medical history of the case and death is due to natural causes.
- (4) If death occurs more than thirty-six (36) hours after the decedent was last treated or attended by a physician, advanced practice registered nurse, physician assistant, dentist, or chiropractor, the case shall be referred to the coroner for investigation to determine and certify the cause of death. In the event that a coroner is not available

to sign the certificate and there is no duly appointed deputy, the county judge/executive shall appoint a competent person to investigate the death and certify to its cause.

- (5) (a) The physician, advanced practice registered nurse, physician assistant, dentist, chiropractor, or coroner who certifies to the cause of death shall return the certificate to the funeral director, or person acting as such, who, in turn, shall file the certificate directly with the Vital Statistics Branch. Any certified copies of the record requested at the time of filing shall be issued in not more than two (2) working days.
- (b) In the case of a death in which diabetes was known to be an underlying cause or contributing condition, diabetes shall be listed in the appropriate location on the death certificate by the physician, advanced practice registered nurse, physician assistant, dentist, chiropractor, or coroner who certifies to the cause of death.
- (6) Three (3) free verification-of-death statements shall be provided to the funeral director by the Vital Statistics Branch for every death in the Commonwealth of Kentucky.
- (7) The body of any person whose death occurs in Kentucky shall not be interred, deposited in a vault or tomb, cremated, or otherwise disposed of, or removed from or into any registration district, until a provisional certificate of death has been filed with the local registrar of the registration district in which the death occurs. If the death occurred from a disease declared by the Cabinet for Health and Family Services to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be granted by the registrar except under conditions prescribed by the Cabinet for Health and Family Services and the local health department. The Cabinet for Health and Family Services shall identify by regulation those communicable diseases which require blood and body fluid precautions. If a person who has been diagnosed as being infected with a communicable disease for which blood and body fluid precautions are required, dies within a health facility as defined in KRS 216B.015, the facility shall notify any embalmer or funeral director to whom the body will be transported of the need for such precautions. The notice shall be provided by including the statement "Blood and Body Fluid Precautions" on the provisional report-of-death form as prescribed by the Cabinet for Health and Family Services. Lack of this notice shall not relieve any embalmer or funeral director from taking universal blood and body fluid precautions as are recommended by the United States Department of Health and Human Services, Centers for Disease Control for Morticians' Services. No embalmer or funeral director shall charge more for embalming the remains of a person with a communicable disease which requires blood and body fluid precautions than the price for embalming services listed on the price list funeral providers are required to maintain and provide to consumers pursuant to 16 C.F.R. sec. 453.2~~-(1988)]~~.
- (8) A burial-transit permit for the final disposition issued under the law of another state which accompanies a dead body or fetus brought into the Commonwealth shall be the authority for final disposition of the body or fetus in the Commonwealth and may be accepted in lieu of a certificate of death. There shall be noted on the face of the record made for return to the local registrar that the body was shipped to Kentucky for interment and the actual place of death.
- (9) Nothing in this section shall be construed to delay, beyond a reasonable time, the interment or other disposition of a body unless the services of the coroner or the health officer are required or the Department for Public Health deems it necessary for the protection of the public health. If compliance with this section would result in unreasonable delay in the disposition of the body the funeral director, or person acting as such, shall file with the local registrar or deputy registrar prior to interment a provisional certificate of death which shall contain the name, date, and place of death of the deceased, the name of the medical certifier, and an agreement to furnish within ten (10) days a complete and satisfactory certificate of death.
- (10) No sexton or other person in charge of any place in which interment or other disposition of dead bodies is made shall inter or allow interment or other disposition of a dead body or fetus unless it is accompanied by a copy of the provisional certificate of death. The sexton, or if there is no sexton, the funeral director, or person acting as such, shall enter on the provisional certificate over his *or her* signature, the date, place, and manner of final disposition and file the certificate within five (5) days with the local registrar.
- (11) Authorization for disinterment, transportation, and reinterment or other disposition shall be required prior to disinterment of any human remains. The authorization shall be issued by the state registrar upon proper application. The provisions of this subsection shall apply to all manners of disposition except cremation and without regard for the time and place of death. The provisions of KRS 381.765 shall not apply to remains removed for scientific study and the advancement of knowledge.

- (12) After a death certificate has been on file for five (5) years, it may not be changed in any manner except upon order of a court. Prior to that time, requests for corrections, amendments, or additions shall be accompanied by prima facie evidence which supports the requested change.

Signed by Governor April 5, 2024.

CHAPTER 84

(SB 240)

AN ACT relating to child care.

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

➔SECTION 1. A NEW SECTION OF KRS 199.892 TO 199.896 IS CREATED TO READ AS FOLLOWS:

The cabinet may allow foster parents to receive child-care benefits if the foster parents are working outside the home or teleworking inside the home, subject to other eligibility requirements required by federal or state law.

➔Section 2. If the Cabinet for Health and Family Services determines that a waiver or any other authorization from a federal agency is necessary to implement Section 1 of this Act for any reason, the cabinet shall, within 90 days after the effective date of this section, request the waiver or authorization, and may only delay implementation of the provision for which a waiver or authorization was deemed necessary until the waiver or authorization is granted.

Signed by Governor April 5, 2024.

CHAPTER 85

(SB 151)

AN ACT relating to relative and fictive kin caregivers.

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

➔Section 1. KRS 620.140 is amended to read as follows:

- (1) In determining the disposition of all cases brought on behalf of dependent, neglected, or abused children, the juvenile session of the District Court, in the best interest of the child, shall have but shall not be limited to the following dispositional alternatives:
- (a) Informal adjustment of the case by agreement, which may be entered into at any time. Informal adjustment may include an agreed plan by which:
 1. The parent or other person exercising custodial control or supervision agrees that grounds exist for a finding of dependency, neglect, or abuse, and agrees to the conditions of protective orders under paragraph (b) of this subsection for a duration of up to one (1) year;
 2. The action will be dismissed by the court, without hearing, at the end of the period agreed upon if no motion is brought alleging a violation of a protective order; and
 3. If a motion is brought alleging a violation of a protective order, a hearing will be held at which the parent or other person exercising custodial control or supervision may contest the alleged violation, but may not contest the original grounds for a finding of dependency, neglect, or abuse. If a violation is found to have occurred, the court may consider other dispositional alternatives pursuant to this section;
 - (b) Protective orders, such as the following:

1. Requiring the parent or any other person to abstain from any conduct abusing, neglecting, or making the child dependent;
 2. Placing the child in his or her own home under supervision of the cabinet or its designee with services as determined to be appropriate by the cabinet; and
 3. Orders authorized by KRS 403.715 to 403.785 and by KRS Chapter 456;
- (c) Removal of the child to the custody of an adult relative, fictive kin, other person, or child-caring facility or child-placing agency, taking into consideration the wishes of the parent or other person exercising custodial control or supervision. Before any child is committed to the cabinet or placed out of his or her home under the supervision of the cabinet, the court shall determine that reasonable efforts have been made by the court or the cabinet to prevent or eliminate the need for removal and that continuation in the home would be contrary to the welfare of the child. If a child is to be placed with an adult relative or fictive kin, the ***child, if able***, parent, or other person exercising custodial control or supervision shall provide a list to the cabinet of possible persons to be considered;
- (d) Commitment of the child to the custody of the cabinet for placement for an indeterminate period of time not to exceed his or her attainment of the age eighteen (18), unless the youth elects to extend his or her commitment beyond the age of eighteen (18) under paragraph (e) of this subsection. Beginning at least six (6) months prior to an eligible youth attaining the age of eighteen (18), the cabinet shall provide the eligible youth with education, encouragement, assistance, and support regarding the development of a transition plan, and inform the eligible youth of his or her right to extend commitment beyond the age of eighteen (18); or
- (e) Extend or reinstate an eligible youth's commitment up to the age of twenty-one (21) to receive transitional living support. The request shall be made by the youth prior to attaining twenty (20) years of age. A youth may opt in or out of extended commitment up to two (2) times prior to attaining twenty (20) years of age, with a ninety (90) day grace period between the time he or she exits and then reenters custody so long as there is documentation that his or her request was submitted prior to attaining twenty (20) years of age. The court may grant an extension or reinstatement of a youth's commitment even if the concurrence of the cabinet occurs after the youth attains twenty (20) years of age. Upon receipt of the request and with the concurrence of the cabinet, the court may authorize commitment up to the age of twenty-one (21).

(2) An order of temporary custody to the cabinet shall not be considered as a permissible dispositional alternative.

➔Section 2. KRS 620.142 is amended to read as follows:

- (1) The cabinet shall develop custodial, permanency, and service options, including but not limited to monetary supports, that shall be available to a relative or fictive kin caregiver in the instance that a child, who would otherwise be placed in another out-of-home placement, is placed with him or her due to a cabinet finding that the child is abused, neglected, or dependent, as determined by an assessment or investigation conducted in accordance with this chapter. The custodial, permanency, and service options available to a relative or fictive kin caregiver shall include but not be limited to:
 - (a) A notification form that explains and describes the process by which a relative or fictive kin caregiver can be certified as a child-specific foster home and the financial and support benefits that come with that type of placement;
 - (b) A program for a one (1) time monetary benefit as established by an administrative regulation promulgated in accordance with KRS Chapter 13A per child given to the relative or fictive kin caregiver at the time a child is placed with the relative or fictive kin caregiver; and
 - (c) A detailed placement packet that lists all types of supports, financial and otherwise, that are available to a relative or fictive kin caregiver given to the relative or fictive kin caregiver at the time a child is placed with the relative or fictive kin caregiver.
- (2) The cabinet shall disclose to a prospective relative or fictive kin caregiver each of the options established in subsection (1) of this section prior to the child's placement. The prospective relative or fictive kin caregiver shall select the option that best represents the level of care and support needed for the child while the child is receiving treatment and care in the placement with the relative or fictive kin caregiver.
- (3) ***Within one hundred twenty (120) days of a placement made by the cabinet due to a cabinet finding that a child is abused, neglected, dependent, or a status offender, or upon a qualifying event as established in***

administrative regulation, a relative or fictive kin caregiver may apply to become a relative or fictive kin foster parent for the child in his or her care.

- (4) The custodial, permanency, and service options required by subsection (1) of this section shall reflect nationally recognized best practices.
- (5)~~(4)~~ The cabinet shall maximize services available under federal and state law, including but not limited to Titles IV and XIX of the Social Security Act, to fulfill the requirements of this section.
- (6) *The cabinet shall, if necessary, seek any state or federal waivers to implement the provisions of subsection (3) of this section.*
- (7)~~(5)~~ The cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section.

Signed by Governor April 5, 2024.

CHAPTER 86

(HB 456)

AN ACT relating to counties and declaring an emergency.

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

➔Section 1. KRS 337.285 is amended to read as follows:

- (1) No employer shall employ any of his *or her* employees for a work week longer than forty (40) hours, unless such employee receives compensation for his *or her* employment in excess of forty (40) hours in a work week at a rate of not less than one and one-half (1-1/2) times the hourly wage rate at which he *or she* is employed.
- (2) This provision shall not apply to the following:
- Employees of retail stores engaged in work connected with selling, purchasing, and distributing merchandise, wares, goods, articles, or commodities;
 - Employees of restaurant, hotel, and motel operations;
 - Employees as defined and exempted from the overtime provision of the Fair Labor Standards Act in Sections 213(b)(1), 213(b)(6), 213(b)(10), and 213(b)(17) of Title 29, U.S.C.;
 - Employees whose function is to provide twenty-four (24) hour residential care on the employer's premises in a parental role to children who are primarily dependent, neglected, and abused and who are in the care of private nonprofit childcaring facilities licensed by the Cabinet for Health and Family Services under KRS 199.640 to 199.670; or
 - Any individual who is employed by a third-party employer or agency other than the family or household using his or her services to provide in-home companionship services for a sick, convalescing, or elderly person.
- (3) As used in subsection (2) of this section, "companionship services" means those services which provide in-home fellowship, care, and protection for a person who, because of advanced age or physical or mental infirmity, cannot care for his or her own needs. These services may include household work related to the care of the aged or infirm person such as meal preparation, bed making, washing of clothes, and other similar services. They may also include the performance of general household work, provided that the household work is incidental, i.e., does not exceed twenty percent (20%) of the total weekly hours worked. The term "companionship services" does not include services relating to the care and protection of the aged or infirm which require and are performed by trained personnel, such as a registered or practical nurse.
- (4) Notwithstanding the provisions of subsection (1) of this section or any other chapter of the KRS to the contrary, upon written request by a county or city employee or a Trooper R Class or CVE R Class, made freely and without coercion, pressure, or suggestion by the employer, and upon a written agreement reached between the employer and the county or city employee or the Trooper R Class or CVE R Class before the performance of the work, a county or city employee or a Trooper R Class or CVE R Class who is authorized to work one

- (1) or more hours in excess of the prescribed hours per week may be granted compensatory leave on an hour-for-hour basis. Upon the written request by a county or city employee or a Trooper R Class or CVE R Class, made freely and without coercion, pressure, or suggestion by the employer, and upon a written agreement reached between the employer and the county or city employee or the Trooper R Class or CVE R Class, before the performance of the work, a county or city employee or a Trooper R Class or CVE R Class who is not exempt from the provisions of the Federal Fair Labor Standards Act of 1938, as amended, 29 U.S.C. secs. 201 et seq., may be granted compensatory time in lieu of overtime pay, at the rate of not less than one and one-half (1-1/2) hours for each hour the county or city employee or the Trooper R Class or CVE R Class is authorized to work in excess of forty (40) hours in a work week.
- (5) (a) Upon the request of the county or city employee or the Trooper R Class or CVE R Class, and as provided in subsection (4) of this section, compensatory time shall be awarded as follows:
1. A county or city employee who provided work in excess of forty (40) hours in a public safety activity, an emergency response activity, or a seasonal activity as described in 29 C.F.R. sec. 553.24, may accrue not more than four hundred eighty (480) hours of compensatory time; or
 2. A county or city employee or a Trooper R Class or CVE R Class engaged in other work in excess of forty (40) hours, may accrue not more than two hundred forty (240) hours of compensatory time.
- (b) A county or city employee or a Trooper R Class or CVE R Class who has accrued four hundred eighty (480) hours of compensatory time off pursuant to paragraph (a)1. of this subsection, or two hundred forty (240) hours of compensatory time off pursuant to paragraph (a)2. of this subsection, shall for additional overtime hours of work, be paid overtime compensation.
- (6) A county or city employee or a Trooper R Class or CVE R Class who has accrued compensatory time off as provided in subsection (4) of this section, and who requested the use of compensatory time, shall be permitted by the employer to use the compensatory time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the employer. Mere inconvenience to the employer shall not constitute a sufficient basis for denial of a county or city employee's request or a Trooper R Class or CVE R Class request for compensatory time off.
- (7) If compensation is paid to a county or city employee or a Trooper R Class or CVE R Class for accrued compensatory time off, the compensation shall be paid at the regular rate earned by the county or city employee or the Trooper R Class or CVE R Class at the time the county or city employee or the Trooper R Class or CVE R Class receives the payment.
- (8) Upon a county or city employee's termination of employment or the termination of employment of a Trooper R Class or CVE R Class, all unused accrued compensatory time shall be paid at a rate of compensation not less than:
- (a) The average regular rate received by the county or city employee or the Trooper R Class or CVE R Class during the last three (3) years of the employment of the county or city employee or Trooper R Class or CVE R Class; or
 - (b) The final regular rate received by the county or city employee or Trooper R Class or CVE R Class, whichever is higher.
- (9) Compensatory time shall not be used as a means to avoid statutory overtime compensation. A county or city employee or a Trooper R Class or CVE R Class shall have the right to use compensatory time earned and shall not be coerced to accept more compensatory time than an employer can realistically and in good faith expect to be able to grant within a reasonable period upon the county or city employee or the Trooper R Class or CVE R Class making the request for compensatory time off.
- (10) Nothing in subsections (4) to (9) of this section shall be construed to supersede any collective bargaining agreement, memorandum of understanding, or any other agreement between the employer and representative of the county or city employees or the Trooper R Class or CVE R Class.
- (11) As used in subsections (4) to (9) of this section:
- (a) "County or city employee" means an employee of any county, city, charter county, consolidated local government, unified local government, or urban-county government, including an employee of a county or city elected official;
 - (b) "CVE R Class" has the same meaning as in KRS 16.010; and

- (c) "Trooper R Class" has the same meaning as in KRS 16.010.
- (12) In addition to the designation of a work week under subsection (1) of this section, local governments, as defined in KRS 95A.210(5), may designate a work period for professional firefighter employees as defined in KRS 95A.210. The designated work period shall be not less than one (1) work week of seven (7) consecutive days and not more than four (4) work weeks of twenty-eight (28) consecutive days for purposes of complying with the requirements of the Federal Labor Standards Act of 1938, as amended, 29 U.S.C. secs. 201 et seq. This subsection shall not exempt local governments from complying with the overtime requirements set forth in subsection (1) of this section and is intended to:
- (a) Clarify the option to designate both a work week for compliance with Kentucky law and a work period for compliance with the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. secs. 201 et seq.; and
 - (b) Allow for the application of the partial exemption set forth in 29 U.S.C. sec. 207(k) in determining overtime pay under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. secs. 201 et seq., only.
- (13) (a) A law enforcement department of a consolidated local government organized under KRS Chapter 67C, ~~for~~ a city of the home rule class, **or a sheriff's office or county police force**, shall not be deemed to have violated subsection (1) of this section with respect to the employment of a peace officer if:
1. The officer works eighty (80) hours or less in a work period of fourteen (14) consecutive days; and
 2.
 - a. For a law enforcement department of a consolidated local government **operating under KRS 67C.408, and** organized under KRS Chapter 67C, the law enforcement department and **any other entity working with the law enforcement department**~~a representative of a collective bargaining unit certified under KRS 67C.408~~ that includes the officer agree to the exception;~~or~~
 - b. For a law enforcement department of a city of the home rule class, the law enforcement department and **any other entity working with the law enforcement department**~~a representative of a collective bargaining unit recognized by the city to collectively bargain for the officer, if there is a collective bargaining unit,~~ agree to the exception. If there is no **other entity working with the law enforcement department or**~~collective bargaining unit representing~~ the officer in a city of the home rule class, only the requirement in subparagraph 1. of this paragraph shall be met;
 - c. **For a sheriff's office operating under KRS 70.262, the sheriff's office and any other entity working with the sheriff's office agree to the exception. If the sheriff's office does not operate under KRS 70.262, only the requirement in subparagraph 1. of this paragraph shall be met; or**
 - d. **For a county police force operating under KRS 67A.6902, the county police force and any other entity working with the county police force agree to the exception. If the county police force does not operate under KRS 67A.6902, only the requirement in subparagraph 1. of this paragraph shall be met.**
- (b) It is the intent of this subsection to allow the employment of a peace officer for longer than forty (40) hours in any seven (7) consecutive days within a fourteen (14) day work period without incurring the obligation to pay a rate of not less than one and one-half (1-1/2) times the officer's hourly wage under subsection (1) of this section.

➔Section 2. Whereas recruiting and retaining qualified law enforcement officers to sheriff's offices and county police forces is crucial to the safety and well-being of the citizens of the Commonwealth, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 5, 2024.

(HB 491)

AN ACT relating to instructional programs for school-age children and declaring an emergency.

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

➔Section 1. KRS 199.896 is amended to read as follows:

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

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

- (19) Child-care centers that provide instructional and educational programs for preschool-aged children that operate for a maximum of twenty (20) hours per week and that a child attends for no more than fifteen (15) hours per week shall:
- (a) Notify the cabinet in writing that the center is operating;
 - (b) Meet all child-care center licensure requirements and administrative regulations related to employee background checks;
 - (c) Meet all child-care center licensure requirements and administrative regulations related to tuberculosis screenings; and
 - (d) Be exempt from all other child-care center licensure requirements and administrative regulations.
- (20) Child-care centers that provide instructional and educational programs for preschool-aged children that operate for a maximum of twenty (20) hours per week and that a child attends for no more than ten (10) hours per week shall be exempt from all child-care licensure requirements and administrative regulations.
- (21) Instructional programs for school-age children *that offer, whether free or for a fee, recreational, educational, sports training, or vacation programs that include but are not limited to martial arts and dance programs to children under eighteen (18) years of age, that a child attends outside the presence of his or her parent or legal guardian*, shall be exempt from all child-care licensure administrative regulations if the following criteria are met:
- (a) The program provides **primary**~~direct~~ instruction in a ~~single~~ skill, talent, ability, expertise, or proficiency;
 - (b) ~~The program does not provide services or offerings that are not directly related to the single talent, ability, expertise, or proficiency;~~
 - ~~(c)~~ The program operates outside the time period when school is in session, including before or after school hours, holidays, school breaks, teaching planning days, or summer vacation;
 - ~~(c)~~~~(d)~~ The program does not advertise or otherwise represent that the program is a licensed child-care center or that the program offers child-care services;
 - ~~(d)~~~~(e)~~ The program informs the parent or guardian:
 1. That the program is not licensed by the cabinet; and
 2. About the physical risks a child may face while participating in the program; and
 - ~~(e)~~~~(f)~~ The program conducts the following background checks for all program employees and volunteers who work with children:
 1. Check of the child abuse and neglect records maintained by the cabinet; and
 2. In-state criminal background information check from the Justice and Public Safety Cabinet or Administrative Office of the Courts.
- (22) Directors and employees of child-care centers in a position that involves supervisory or disciplinary power over a minor, or direct contact with a minor, shall submit to a criminal record check in accordance with KRS 199.8965.
- (23) A director or employee of a child-care center may be employed on a probationary status pending receipt of the criminal background check. Application for the criminal record of a probationary employee shall be made no later than the date probationary employment begins.
- (24) The cabinet shall promulgate administrative regulations to identify emergency care providers who provide essential child-care services during an identified state of emergency.
- (25) Notwithstanding any state law, administrative regulation, executive order, or executive directive to the contrary, during the 2020 or 2021 state of emergency declared by the Governor in response to COVID-19, including but not limited to any mutated strain of the COVID-19 virus, the cabinet shall not establish any restrictions on capacity for class or group size or the ability to combine classes and groups for capacity limits in the morning or afternoon that is below the number that was in effect on February 1, 2020.

➔Section 2. Whereas the Commonwealth of Kentucky has a paramount interest in providing for the safety of children, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 5, 2024.

CHAPTER 88

(HB 561)

AN ACT relating to child care.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

(a) *"Cabinet" means the Cabinet for Economic Development; and*

(b) *"Council" means the Council of Area Development Districts.*

(2) *The cabinet shall work in partnership with the council and the area development districts to establish a Certified Child Care Community Designation Program. The purpose of the program shall be to create new opportunities for local governments to help increase the supply of child care and early childhood education services in their communities through voluntary actions related to zoning reform and programming at the local level.*

(3) *To administer the program, the cabinet may:*

(a) *Delegate authority to a subsidiary department;*

(b) *Coordinate and share information with other executive branch agencies and the council;*

(c) *Enter into contracts with third parties to administer the program or specific parts of the program; and*

(d) *Promulgate administrative regulations in accordance with KRS Chapter 13A to implement the program.*

(4) (a) *By December 1, 2024, the cabinet shall make available, on its website and to the Legislative Research Commission for referral to the Interim Joint Committee on Families and Children, recommendations and best practices for local governments to utilize when evaluating local ordinances, regulations, and land-use rules pertaining to the availability of child care services in local communities. These recommendations and best practices shall focus on balancing safety with increasing the supply of child care and early childhood education services and easing local regulatory barriers, and shall include but not be limited to the following topics:*

1. *Local land-use policies related to center-based, in-home, and employer-based child care services, including:*

a. *Recommendations for definitions for terms such as "child care," "child care center," and "family child care home";*

b. *Recommendations on where child care services should be permitted by right, with special standards, and with conditional use permits;*

c. *Recommendations for requirements for compliance with conditional use permits and special standards;*

d. *Best practices for safely permitting child care services in or near industrial areas;*

e. *Best practices for playgrounds associated with child care services; and*

f. *Recommendations for parking requirements where applicable;*

2. *Policies pertaining to local permitting fees for starting and operating child care services; and*
 3. *Policies related to other local ordinances and regulations that may pertain to the availability of child care services in local communities.*
- (b) *The cabinet may enter into a contract with a third party to produce the recommendations and best practices required in accordance with this subsection.*
 - (c) *The cabinet, or a third party under contract with the cabinet, shall solicit feedback and input on these recommendations and best practices from the council, area development districts, and organizations in the Commonwealth representing child care providers and in-home family child care providers, local governments, local elementary and secondary school officials, the business community, economic developers, and community planning and design professionals.*
 - (d) *The recommendations and best practices required pursuant to this subsection shall take into consideration the unique needs and differences between urban and rural areas of the state and shall also include recommendations for local jurisdictions that have not adopted local land use rules in accordance with KRS Chapter 100.*
- (5) *By December 1, 2024, the cabinet shall submit a draft standardized application for certification and draft instructions for the Certified Child Care Community Designation Program to the Legislative Research Commission for referral to the Interim Joint Committee on Families and Children.*
 - (6) *By April 1, 2025, the cabinet, after consulting with the council, shall make publicly available a standardized application for certification and instructions for the Certified Child Care Community Designation Program.*
 - (7) *The cabinet shall:*
 - (a) *Begin receiving and approving applications from local governments no earlier than April 1, 2025; and*
 - (b) *Send notice of approval or denial to applicants no later than thirty (30) days after receiving an application. If the cabinet denies an application, the cabinet shall include the reason for the denial in its notice and shall invite the applicant to resubmit.*
 - (8) (a) *To attain certification by the cabinet, applicants shall be required to demonstrate that the local government has:*
 1. *Developed clear and actionable strategies, including at least two (2) action items from the list below, to help address local child care challenges and raise awareness of state and local child care resources for working families, current and prospective child care providers, current and prospective employers, and economic developers. Action items include but are not limited to:*
 - a. *Creating a community-wide child care task force that includes representatives from local government, the business community, education, health care, and early childhood education professionals;*
 - b. *Making available and maintaining a public list of certified and licensed child care services in the community;*
 - c. *Designating a local agency or nonprofit to serve as a point-of-contact for local child care issues;*
 - d. *Helping raise awareness of certification and licensing requirements for child care providers;*
 - e. *Making available an accessible guide to assist prospective child care service providers in navigating the jurisdiction's ordinances, regulations, and land-use rules that pertain to child care; and*
 - f. *Conducting a study of child care challenges in the local community or actively participating in a study of child care challenges in the local region; and*
 2. *Analyzed local ordinances, regulations, and land-use rules that could create barriers to the availability of child care services and developed an action plan to implement reforms. To comply with this subparagraph, the applicant shall demonstrate that it has:*

- a. *Gathered community input from child care providers and child care organizations, local residents and homeowners, local elementary and secondary school officials, the business community, civic and nonprofit organizations, and economic developers through meetings, listening sessions, or surveys;*
 - b. *Conducted a comprehensive analysis of the jurisdiction's ordinances, regulations, and land-use rules that may pertain to the provision of child care services and identified ordinances, regulations, and land-use rules that create barriers to the availability of child care services in the community; and*
 - c. *Established a clear and specific action plan to amend ordinances, regulations, and land-use rules that create barriers to the availability of child care services in the community as identified through the comprehensive analysis in subdivision b. of this subparagraph.*
- (b) *For the purposes of paragraph (a)2. of this subsection, "ordinances, regulations, and land-use rules that create barriers to the availability of child care services" in the community means local ordinances, regulations, or land-use rules that local officials and community stakeholders have determined to be overly restrictive or unnecessary and have the effect of discouraging or limiting the availability of child care services without meaningfully supporting safety or preserving the character of the community.*
 - (c) *In fulfilling the requirements of paragraph (a)2. of this subsection, an applicant shall demonstrate that it has taken into consideration the recommendations and best practices for local ordinances, regulations, and land-use rules pertaining to child care made available by cabinet pursuant to subsection (4) of this section. The applicant may satisfy this requirement by demonstrating that it has taken into consideration recommendations and best practices produced by its area development district, provided that they are substantially similar to those produced by the cabinet and were developed with stakeholder input as described in subsection (4) of this section.*
 - (d) *If the applicant has not adopted land-use rules pursuant to KRS Chapter 100, it may exclude, and the cabinet shall not consider, land-use rules from its analysis and action plan.*
- (9) *Prior to submitting an application to the cabinet for certification, an applicant shall first submit its application to the area development district in which the applicant is located and receive approval. The area development district shall review the application and, within thirty (30) days, recommend the application for approval or deny it based on the criteria in subsection (8) of this section. In cases where the area development district denies an application, it shall provide a detailed explanation of the reason and allow the applicant to resubmit. The cabinet shall not accept an application for review or approval unless the area development district in which the applicant is located has recommended the application for approval.*
 - (10) *The cabinet shall make publicly available on its website a list of communities that have obtained the certified child care community designation.*
 - (11) *By December 1, 2025, the cabinet shall submit a report to the Legislative Research Commission for referral to the Interim Joint Committee on Families and Children specifying the communities that have obtained the designation, a summary of the different strategies used by local communities to expand access to child care and remove barriers, and recommendations for improvements to the program.*

➔Section 2. KRS 199.881 is amended to read as follows:

The General Assembly finds and declares that the purpose of KRS 199.881 to 199.888 and 199.990(8) is to support Kentucky families by incentivizing employers to contribute to the child-care costs of its employees. In enacting this legislation, it is the intention of the General Assembly to enable the Cabinet for Health and Family Services to facilitate this public and private partnership ~~pilot~~ program, herein known as the Employee Child Care Assistance Partnership, and administer program funds to achieve this purpose.

➔Section 3. KRS 199.887 is amended to read as follows:

- (1) Termination of an active contract between an employer, employee, child-care provider, and the cabinet pursuant to this program shall occur in the following circumstances:
 - (a) If the relationship between the employee and employer is severed, the employer shall notify the child-care provider and the cabinet within three (3) business days of the separation, and the contract is terminated on the calendar date provided by the employer in the notification. If the employer fails to

make this notification and the cabinet issues a state match to the provider on behalf of that employer's employee, then the employer shall reimburse the cabinet for the unnecessary state match;~~{or}~~

- (b) If the employer fails to make a contribution or contributions for the eligible child-care costs in accordance to the terms of the contract, the child-care provider shall notify the cabinet within five (5) business days. After receiving notification from the provider, the cabinet shall temporarily cease providing a state match and shall notify the employer that the contract will be terminated unless the employer remedies the nonpayment within five (5) business days of receiving notification from the cabinet. If the provider fails to make this notification and receives a state match from the cabinet on behalf of that employer's employee, the provider shall reimburse the cabinet for the unnecessary state match; *or*
 - (c) ***If the relationship between the employee and the child care provider is severed and the employee ceases to utilize the child care provider's services, the employee shall notify the employer within three (3) business days, and the employer shall notify the cabinet and terminate the contract.***
- (2) Termination of an active contract between an employer, employee, child-care provider, and the cabinet pursuant to this program may occur in the following circumstances:
- (a) If the employee fails to pay the child-care provider for costs not covered by the employer contribution and the state match in accordance to the terms of the contract, the child-care provider may give the employee reasonable time to remedy the nonpayment. The child-care provider may notify the cabinet and terminate the contract on the date that the notification was issued. If the child-care provider voluntarily excuses the employee's nonpayment or the child-care provider does not notify the cabinet within two (2) calendar months from the date of the employee's nonpayment and continues to provide services, then the contract made between all the parties will automatically reflect the reduction in value;
 - (b) If the child-care provider ceases participation or otherwise loses its rating in the rating system described in KRS 199.8943, it shall notify all parties to the agreement immediately; and
 - (c) The employer, employee, or child-care provider may terminate the contract at any time and for any reason. The terminating party shall notify all the parties to the contract and specify the desired termination date, which shall occur no sooner than two (2) weeks from the date of notification unless the child-care provider gives its consent to an earlier termination date. All parties to the contract shall be financially obligated, according to the provisions of the contract, up to the termination date.
- (3) ***Any child-care provider who receives an employer contribution as part of this program or a state match for services not rendered and which will not be rendered after the relationship between the employee and child care provider is severed or after the termination of an active contract in accordance with this section shall return those employer contributions and match funds to the respective parties within five (5) days of receipt of the funds.***

➔Section 4. KRS 199.888 is amended to read as follows:

- (1) The Cabinet for Economic Development may coordinate with the Cabinet for Health and Family Services to incorporate this program into agreements with employers seeking economic development incentives in Subchapters 31 and 32 of KRS Chapter 154, if the employer agrees to participate in the program.
- (2) ***The Cabinet for Economic Development shall develop and implement strategies and programs to promote awareness of the Employee Child Care Assistance Partnership among employers to whom they provide services or with whom they conduct business. The Cabinet for Economic Development may consult with the Cabinet for Health and Family Services in developing and implementing promotional strategies and programs.***
- (3) ***The Education and Labor Cabinet shall develop and implement strategies and programs to promote awareness of the Employee Child Care Assistance Partnership among employers to whom they provide services or with whom they conduct business. The Education and Labor Cabinet may consult with the Cabinet for Health and Family Services in developing and implementing promotional strategies and programs.***

Signed by Governor April 5, 2024.

CHAPTER 89

(HB 505)

AN ACT relating to alcohol and drug counselors.

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

➔Section 1. KRS 309.080 is amended to read as follows:

As used in KRS 309.080 to 309.089, unless the context otherwise requires:

- (1) "Board" means the Kentucky Board of Alcohol and Drug Counselors;
- (2) "~~Associate~~~~Certified~~ alcohol and drug counselor ~~associate~~-I" means a person certified by the board who meets the requirements of KRS 309.0841;
- (3) "~~Associate~~~~Certified~~ alcohol and drug counselor ~~associate~~-II" means a person certified by the board who meets the requirements of KRS 309.0842;
- (4) "Certified alcohol and drug counselor" means a person certified by the board who meets the requirements in KRS 309.083;
- (5) "Certified clinical supervisor" means a person certified by the board who meets the requirements of KRS 309.0834;
- (6) "Certificate holder" means an alcohol and drug counselor who is certified pursuant to KRS 309.080 to 309.089;
- (7) "Licensed alcohol and drug counselor" means a person licensed by the board who meets the requirements of KRS 309.0830;
- (8) "Licensed clinical alcohol and drug counselor" means a person licensed by the board who meets the requirements of KRS 309.0832;
- (9) "Licensed clinical alcohol and drug counselor associate" means a person licensed by the board who meets the requirements of KRS 309.0833;
- (10) "Licensee" means a clinical alcohol and drug counselor who is licensed pursuant to KRS 309.080 to 309.089;
- (11) "Practice of alcohol and drug counseling":
 - (a) Means the assessment and counseling of an individual, family, or group dealing with an alcohol or drug problem or addiction; and
 - (b) Does not include the diagnosis or treatment of a mental health condition, or the administration or interpretation of psychological tests;
- (12) "Registered alcohol and drug peer support specialist" means a person registered by the board who meets the requirements in KRS 309.0831; and
- (13) "Registrant" means an alcohol and drug peer support specialist who is registered pursuant to KRS 309.080 to 309.089.

➔Section 2. KRS 309.0805 is amended to read as follows:

- (1) No person shall use the title "certified clinical supervisor," "licensed alcohol and drug counselor," "licensed clinical alcohol and drug counselor," "licensed clinical alcohol and drug counselor associate," "certified alcohol and drug counselor," "~~associate~~~~Certified~~ alcohol and drug counselor ~~associate~~-II," "~~associate~~~~Certified~~ alcohol and drug counselor ~~associate~~-I," "**temporary alcohol and drug peer support specialist**," or "registered alcohol and drug peer support specialist," or hold himself or herself out as a "licensed clinical alcohol and drug counselor," "licensed clinical alcohol and drug counselor associate," "certified alcohol and drug counselor," "**temporary alcohol and drug peer support specialist**," or "registered alcohol and drug peer support specialist" unless he or she is licensed, certified, or registered pursuant to KRS 309.080 to 309.089.
- (2) Nothing in KRS 309.080 to 309.089 shall apply to persons licensed, certified, or registered under any other provision of the Kentucky Revised Statutes, including but not limited to physicians, social workers, psychologists, marriage and family therapists, art therapists, nurses, or students in accredited training programs

in those professions, and nothing in KRS 309.080 to 309.089 shall be construed to limit, interfere with, or restrict the practice, descriptions of services, or manner in which they hold themselves out to the public.

- (3) Nothing in KRS 309.080 to 309.089 shall be construed to alter, amend, or interfere with the practice of those who render counseling services, including but not limited to employment counseling, job placement counseling, vocational rehabilitation counseling, pastoral counseling based on any tenet of one's religious beliefs, or school counseling.
- (4) Nothing in KRS 309.080 to 309.089 shall apply to the activities and services of a student intern or trainee who is pursuing a program of studies in alcohol and drug counseling at an accredited institution of higher education, if these activities are performed under the supervision or direction of an approved supervisor and the activities are part of the supervised program of studies.

➔Section 3. KRS 309.081 is amended to read as follows:

- (1) There is hereby created the Kentucky Board of Alcohol and Drug Counselors consisting of ***eleven (11)***~~seven (7)~~ members who shall be appointed by the Governor. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business of alcohol and drug counseling, and the ***ten (10)***~~six (6)~~ remaining members shall be licensed clinical alcohol and drug counselors or certified alcohol and drug counselors, pursuant to KRS 309.080 to 309.089. The board shall elect a chairperson each year at the first meeting called after the appointment of new members.
- (2) Each member of the board shall serve for a term of four (4) years with a maximum of two (2) full consecutive terms. ***After one (1) year following the expiration of a second consecutive, full term, a former member of the board may be reappointed to the board to serve a term of four (4) years with a maximum of two (2) full consecutive terms.***
- (3) Each counselor member appointed to the board shall be a licensed clinical alcohol and drug counselor or certified alcohol and drug counselor and shall be actively engaged in the practice or teaching of alcohol and drug counseling in Kentucky.
- (4) All reappointments to and vacancies on the board shall be filled by the Governor from a list of three (3) names for each position that shall be submitted by the Kentucky Association of Addiction Professionals. The list shall consist of the three (3) nominees receiving the most votes in an election for each position to be filled. The election shall be administered by the Kentucky Association of Addiction Professionals, and nominations may be submitted by any interested party. The nominees shall be selected by all alcohol and drug counselors licensed or certified under KRS 309.080 to 309.089. Vacancies shall be filled for the remainder of an unexpired term in the same manner as set out in this subsection.
- (5) The citizen-at-large member shall be disqualified from serving on the board if:
 - (a) The member, a person who is a part of the member's household, or the member's relative becomes associated with or financially interested in the business of alcohol and drug counseling, or participates or has participated in a professional field related to alcohol and drug counseling; or
 - (b) The member, a person who is a part of the member's household, or the member's relative becomes, or is in training to become, a licensed clinical alcohol and drug counselor or certified alcohol and drug counselor.
- (6) A counselor member of the board shall be disqualified from serving on the board if:
 - (a) He or she violates the code of professional ethics or standards of practice established pursuant to KRS 309.0813; or
 - (b) He or she ceases to be a licensed clinical alcohol and drug counselor or certified alcohol and drug counselor in Kentucky.
- (7) ***Each board member shall receive one hundred dollars (\$100) per day for each day of service actually given in carrying out his or her duties under KRS 309.080 to 309.089, and shall also be reimbursed the necessary traveling, hotel, and contingent expenses incurred in attending the meetings and in performing the duties of the board.***~~Board members shall be reimbursed for all reasonable and necessary expenses they incur because of their board duties.~~

➔Section 4. KRS 309.083 is amended to read as follows:

An applicant for certification as an alcohol and drug counselor shall pay the board the initial fee for certification, and shall:

- (1) Be at least eighteen (18) years of age;
- (2) Have obtained a baccalaureate degree, unless the applicant is certified by the board as *an associate*~~[a certified]~~ alcohol and drug counselor ~~[associate]~~II;
- (3) Have completed the minimum work experience and supervision requirements for alcohol and drug counselors by the International Certification and Reciprocity Consortium with supervised hours being under the direct supervision of:
 - (a) A certified alcohol and drug counselor who has at least two (2) years of post-certification experience and has attended the board-sponsored supervision training; or
 - (b) A licensed clinical alcohol and drug counselor who has at least twelve (12) months of post-licensure experience or has attended the board-sponsored supervision training;
- (4) Meet all minimum supervision, education, and training requirements of the International Certification and Reciprocity Consortium for the Alcohol and Drug Counselor (ADC);
- (5) Have passed a written examination for alcohol and drug counselors that has been approved by the International Certification and Reciprocity Consortium;
- (6) Have signed an agreement to abide by the standards of practice and code of ethics approved by the board;
- (7) Have completed at least six (6) hours of ethics training; three (3) hours of domestic violence training; and two (2) hours of training in the transmission, control, treatment, and prevention of the human immunodeficiency virus;
- (8) Have submitted two (2) letters of reference from certified or licensed clinical alcohol and drug counselors;
- (9) Live or work at least a majority of the time in Kentucky; and
- (10) Have complied with the requirements for the training program in suicide assessment, treatment, and management in KRS 210.366 and any administrative regulations promulgated thereunder.

➔Section 5. KRS 309.0813 is amended to read as follows:

The board shall:

- (1) Promulgate administrative regulations pursuant to KRS Chapter 13A for the administration and enforcement of KRS 309.080 to 309.089;
- (2) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing a code of ethics, standards of practice, and continuing education for certified clinical supervisors, licensed alcohol and drug counselors, licensed clinical alcohol and drug counselors, licensed clinical alcohol and drug counselor associates, certified alcohol and drug counselors, *associate*~~[certified]~~ alcohol and drug *counselors*~~[counselor associates]~~ II, *associate*~~[certified]~~ alcohol and drug *counselors*~~[counselor associates]~~ I, *temporary alcohol and drug peer support specialists*, and registered alcohol and drug peer support specialists;
- (3) Approve and disapprove, at least once every other month, those persons who shall be licensed, certified, or registered under KRS 309.080 to 309.089;
- (4) Approve the examination required of applicants for licensure or certification as certified clinical supervisors, or as alcohol and drug counselors and applicants for registration as alcohol and drug peer support specialists, and promulgate administrative regulations pursuant to KRS Chapter 13A for the administration and grading of the examination;
- (5) Promulgate administrative regulations pursuant to KRS Chapter 13A to define the process to register with the board as a certified clinical supervisor, licensed alcohol and drug counselor, registered alcohol and drug peer support specialist, certified alcohol and drug counselor, licensed clinical alcohol and drug counselor associate, or licensed clinical alcohol and drug counselor;
- (6) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing grounds and procedures for denying, suspending, failing to reissue, or revoking a license, certificate, or registration, and issuing reprimands and admonishments pursuant to KRS 309.080 to 309.089;
- (7) Hold a hearing pursuant to KRS Chapter 13B upon the request of an aggrieved licensee, licensee associate, certificate holder, or registrant, or an applicant for a license, certificate, or registration;
- (8) Employ needed personnel and establish their duties and compensation;

- (9) Maintain a register of certified clinical supervisors, licensed alcohol and drug counselors, licensed clinical alcohol and drug counselors, licensed clinical alcohol and drug counselor associates, certified alcohol and drug counselors, and registered alcohol and drug peer support specialists;
- (10) Keep a complete record of the board's proceedings;
- (11) Investigate suspected or alleged violations of KRS 309.080 to 309.089 and the administrative regulations promulgated pursuant to KRS 309.080 to 309.089;
- (12) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing an initial licensure fee, certification fee, registration fee, and annual renewal fees not to exceed three hundred dollars (\$300) each;
- (13) Take legal action as necessary to restrain or enjoin violations of KRS 309.080 to 309.089 and the administrative regulations promulgated pursuant to KRS 309.080 to 309.089;
- (14) Submit an annual report to the Governor and the Legislative Research Commission by January 1 of each year, which lists all hearings conducted by the board and the decisions rendered; and
- (15) Collect and deposit all fees, fines, and other moneys owed to the board into the State Treasury to the credit of the revolving fund established in KRS 309.082.

➔Section 6. KRS 309.0831 is amended to read as follows:

An applicant for registration as an alcohol and drug peer support specialist shall pay the board an initial fee for registration, and shall:

- (1) Be at least eighteen (18) years of age;
- (2) Have obtained a high school diploma or equivalent;
- (3) Have completed five hundred (500) hours of board-approved experience working with persons having a substance use disorder, twenty-five (25) hours of which shall have been under the direct supervision of:
 - (a) A certified alcohol and drug counselor who has at least two (2) years post-certification experience and has attended the board-sponsored supervision training;~~{or}~~
 - (b) A licensed clinical alcohol and drug counselor who has at least twelve (12) months of post-licensure experience or has attended the board-sponsored supervision training; *or*
 - (c) ***Under supervision of the board, a registered alcohol and drug peer support specialist who has at least two (2) years of post-registered experience and has attended the board-sponsored supervision training;***
- (4) Have completed at least forty (40) classroom hours of board-approved curriculum;
- (5) Have passed a written examination that has been approved by the board;
- (6) Have signed an agreement to abide by the standards of practice and code of ethics approved by the board;
- (7) Attest to being in recovery for a minimum of ***twelve (12) consecutive months***~~{one (1) year}~~ from a substance-related disorder;
- (8) Have completed at least sixteen (16) hours of ethics training; three (3) hours of domestic violence training; two (2) hours of training in the transmission, control, treatment, and prevention of the human immunodeficiency virus; ten (10) hours of advocacy training; ten (10) hours of training in mentoring and education; and ten (10) hours of training in recovery support;
- (9) Have submitted two (2) letters of reference from certified alcohol and drug counselors or licensed clinical alcohol and drug counselors;
- (10) Live or work at least a majority of the time in Kentucky; and
- (11) Have complied with the requirements for the training program in suicide assessment, treatment, and management in KRS 210.366 and any administrative regulations promulgated thereunder.

➔Section 7. KRS 309.0841 is amended to read as follows:

- (1) An applicant for certification as ***an associate***~~{a certified}~~ alcohol and drug counselor ~~{associate}~~ shall pay the board the initial fee for certification, and shall:
 - (a) Be at least eighteen (18) years of age;

- (b) Have obtained a high school diploma or high school equivalency diploma;
 - (c) Have completed forty (40) classroom hours of board-approved curriculum, twenty (20) hours of which shall have been obtained in the previous two (2) years, that includes:
 - 1. Screening assessment and engagement;
 - 2. Treatment planning, collaboration, and referral;
 - 3. Counseling; and
 - 4. Professional and ethical responsibilities;
 - (d) Be under the ongoing supervision of a board-approved supervisor for no less than two (2) hours, two (2) times a month in the practice of drug and alcohol counseling; and
 - (e) Submit a signed statement agreeing to practice by the code of ethical standards adopted by the board.
- (2) During the first twelve (12) months after an initial certificate has been issued, ***an associate***~~[a-certified]~~ alcohol and drug counselor ~~[associate-]I~~ shall complete at least thirty (30) additional classroom hours of board-approved curriculum as specified in subsection (1)(c)1. to 4. of this section.

➔Section 8. KRS 309.0842 is amended to read as follows:

An applicant for certification as ***an associate***~~[a-certified]~~ alcohol and drug counselor ~~[associate-]II~~ shall pay the board the initial fee for certification, and shall:

- (1) Be certified by the board as ***an associate***~~[a-certified]~~ alcohol and drug counselor ~~[associate-]I~~ for a period of at least eight (8) months;
- (2) Have four hundred (400) hours of documented chemical dependency counseling-related compensated work or supervised internship experience of which a minimum of eighty (80) hours shall be in chemical dependency counseling and all of which shall have been under the direct supervision of:
 - (a) A certified alcohol and drug counselor who has at least two (2) years of post-certification experience and has attended the board-sponsored supervision training; or
 - (b) A licensed clinical alcohol and drug counselor who has at least twelve (12) months of post-licensure experience or has attended the board-sponsored supervision training; and
- (3) Have seventy (70) hours of approved classroom hours of board-approved curriculum of which twenty (20) hours shall have been obtained in the previous two (2) years and shall be in addition to the classroom hours required in KRS 309.0841 for ***an associate***~~[a-certified]~~ alcohol and drug counselor ~~[associate-]I~~.

➔Section 9. KRS 309.088 is amended to read as follows:

- (1) The board may permit an out-of-state certified clinical supervisor, licensed alcohol and drug counselor, licensed clinical alcohol and drug counselor, certified alcohol and drug counselor, ***associate***~~[certified]~~ alcohol and drug counselor ~~[associate-]II~~, ***associate***~~[certified]~~ alcohol and drug counselor ~~[associate-]I~~, or alcohol and drug peer support specialist to obtain a license, certificate, or registration by reciprocity if:
 - (a) The out-of-state licensee, certificate holder, or registrant possesses a valid license, certificate, or registration from another jurisdiction that grants the same privileges to persons licensed, certified, or registered by this state as Kentucky grants to persons licensed, certified, or registered by the other jurisdiction;
 - (b) The requirements for licensure, certification, or registration are substantially similar to the requirements in KRS 309.080 to 309.089; and
 - (c) The out-of-state licensee, certificate holder, or registrant seeking licensure, certification, or registration states that he or she has studied, is familiar with, and shall abide by KRS 309.080 to 309.089 and the administrative regulations promulgated thereunder.
- (2) If the requirements for licensure, certification, or registration under KRS 309.080 to 309.089 are more restrictive than the standards of the other jurisdiction, then the out-of-state licensee, certificate holder, or registrant shall comply with the additional requirements in KRS 309.080 to 309.089 to obtain a reciprocal license, certificate, or registration.

➔SECTION 10. A NEW SECTION OF KRS 309.080 TO 309.089 IS CREATED TO READ AS FOLLOWS:

An applicant for registration as a temporary alcohol and drug peer support specialist shall pay the board an initial fee for registration, and shall:

- (1) *Be at least eighteen (18) years of age;*
- (2) *Have obtained a high school diploma or equivalent;*
- (3) *Have completed at least forty (40) classroom hours of board-approved curriculum;*
- (4) *Have passed a written examination that has been approved by the board;*
- (5) *Have signed an agreement to abide by the standards of practice and code of ethics approved by the board;*
- (6) *Attest to being in recovery for a minimum of twelve (12) consecutive months immediately preceding the date of registration from a substance-related disorder;*
- (7) *Have completed at least:*
 - (a) *Sixteen (16) hours of ethics training;*
 - (b) *Three (3) hours of domestic violence training;*
 - (c) *Two (2) hours of training in the transmission, control, treatment, and prevention of the human immunodeficiency virus;*
 - (d) *Ten (10) hours of advocacy training;*
 - (e) *Ten (10) hours of training in mentoring and education; and*
 - (f) *Ten (10) hours of training in recovery support;*
- (8) *Have submitted two (2) letters of reference from certified alcohol and drug counselors or licensed clinical alcohol and drug counselors;*
- (9) *Live or work a majority of the time in Kentucky; and*
- (10) *Have complied with the requirements for the training program in suicide assessment, treatment, and management in KRS 210.366 and any administrative regulations promulgated thereunder.*

➔SECTION 11. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO READ AS FOLLOWS:

The Cabinet for Health and Family Services shall promulgate administrative regulations in accordance with KRS Chapter 13A to:

- (1) (a) *Until January 1, 2026, require that licensed alcohol and other drug treatment entities and behavioral health service organizations only employ a temporary alcohol and drug peer support specialist or alcohol and drug peer support specialist who is registered under KRS Chapter 309 or a temporary alcohol and drug peer support specialist or alcohol and drug peer support specialist who meets the requirements of applicable administrative regulations in effect on the effective date of this Act or any applicable administrative regulations promulgated thereafter.*
- (b) *Beginning January 1, 2026, require that licensed alcohol and other drug treatment entities and behavioral health service organizations only employ a temporary alcohol and drug peer support specialist or alcohol and drug peer support specialist who is registered under KRS Chapter 309;*
- (2) *Permit a registered temporary alcohol and drug peer support specialist to provide the same services and be reimbursed at the same rates as a registered alcohol and drug peer support specialist;*
- (3) *Remove any limits on the maximum number of hours of direct client care that may be provided by a registered alcohol and drug peer support specialist;*
- (4) *Require that a temporary certified alcohol and drug counselor under the clinical supervision of a certified alcohol and drug counselor, a licensed alcohol and drug counselor, or a licensed clinical alcohol or drug counselor be a reimbursable service provider in alcohol and other drug treatment entities and behavioral health service organizations;*
- (5) *Permit a licensed alcohol and drug counselor to provide the same services and be reimbursed at the same rates as a licensed clinical alcohol and drug counselor in licensed alcohol and other drug treatment entities and behavioral health service organizations;*

- (6) *Permit the qualifications for a case manager for an individual with mental or substance use disorder to be a bachelor's degree or higher in any field of study and set forth training and supervision requirements to substitute for required work experience;*
- (7) *Require that a community support associate approved by the Department for Behavioral Health, Developmental and Intellectual Disabilities to be a reimbursable service provider in licensed alcohol and other drug treatment entities and behavioral health service organizations; and*
- (8) *Permit peer support specialists to provide services to groups of the same size as other licensed clinical professionals in a licensed alcohol and other drug treatment entities and behavioral health service organizations.*

➔Section 12. If the Cabinet for Health and Family Services determines that a waiver or any other authorization from a federal agency is necessary to implement any provision of this Act for any reason, including the loss of federal funds, the Cabinet shall, within 90 days after the effective date of this section, request the waiver or authorization, and may only delay implementation of those provisions for which a waiver or authorization was deemed necessary until the waiver or authorization is granted.

Signed by Governor April 5, 2024.

CHAPTER 90

(SB 280)

AN ACT relating to health facilities.

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

➔Section 1. KRS 205.6405 is amended to read as follows:

As used in KRS 205.6405 to 205.6408:

- (1) "Assessment" means the hospital assessment authorized by KRS 205.6406;
- (2) "Commissioner" means the commissioner of the Department for Medicaid Services;
- (3) "Department" means the Department for Medicaid Services;
- (4) "Excess disproportionate share taxes" means any excess provider tax revenues collected under KRS 142.303 that are not needed to fund the state share of hospital disproportionate share payments under KRS 205.640 due to federal disproportionate share allotments being reduced and limited to the portion of provider tax revenues collected under KRS 142.303 necessary to fund the state share of the difference between the unreduced disproportionate share allotment and the reduced disproportionate share allotment;
- (5) "Intergovernmental transfer" means any transfer of money by or on behalf of a public agency for purposes of qualifying funds for federal financial participation in accordance with 42 C.F.R. sec. 433.51;
- (6) "Long-term acute hospital" means an in-state hospital that is certified as a long-term care hospital under 42 U.S.C. sec. 1395ww(d)(1)(B)(iv);
- (7) "Managed care" means the provision of Medicaid benefits through managed care organizations under contract with the department pursuant to 42 C.F.R. sec. 438;
- (8) "Managed care gap" means:
 - (a) For hospital inpatient services, the difference between the maximum actuarially sound amount that can be included in managed care rates for hospital inpatient services provided by qualifying hospitals and the amount of total payments for hospital inpatient services provided by qualifying hospitals paid by managed care organizations. For purposes of the managed care gap, total payments shall exclude payments established under KRS 205.6405 to 205.6408; and
 - (b) For hospital outpatient services, the difference between the maximum actuarially sound amount that can be included in managed care rates for hospital outpatient services provided by qualifying hospitals and the amount of total payments for hospital outpatient services provided by qualifying hospitals paid by

managed care organizations. For purposes of the managed care gap, total payments shall exclude payments established under KRS 205.6405 to 205.6408;

- (9) "Managed care organization" means an entity contracted with the department to provide Medicaid benefits pursuant to 42 C.F.R. sec. 438;
- (10) "Non-state government-owned hospital" means the same as non-state government-owned or operated facilities in 42 C.F.R. sec. 447.272 and represents one (1) group of hospitals for purposes of estimating the upper payment limit;
- (11) "Pediatric teaching hospital" means the same as in KRS 205.565;
- (12) "Private hospitals" means the same as privately owned and operated facilities in 42 C.F.R. sec. 447.272 and represents one (1) group of hospitals for purposes of estimating the upper payment limit;
- (13) "Program year" means the state fiscal year during which an assessment is assessed and rate improvement payments are made;
- (14) "Psychiatric access hospital" means an in-state psychiatric hospital licensed under KRS Chapter 216B that:
 - (a) Is not located in a Metropolitan Statistical Area;
 - (b) Provides at least sixty-five thousand (65,000) days of inpatient care as reflected in the department's hospital rate data for state fiscal year 1998-1999;
 - (c) Provides at least twenty percent (20%) of inpatient care to Medicaid-eligible recipients as reflected in the department's hospital rate data for state fiscal year 1998-1999; and
 - (d) Provides at least five thousand (5,000) days of inpatient psychiatric care to Medicaid recipients in a state fiscal year;
- (15) "Qualifying hospital":
 - (a) Means a Medicaid-participating, in-state hospital licensed under KRS Chapter 216B, including a long-term acute hospital, but excluding a university hospital and a state mental hospital *as* defined in KRS 205.639. The department may, but is not required to, exclude critical access hospitals and rural emergency hospitals from the definition of "qualifying hospital" for purposes of calculating the quarterly assessments. Notwithstanding the permission referenced in this subsection, or any other provision of the law to the contrary, the department may include critical access hospitals and rural emergency hospitals for purposes of calculating and paying the quarterly supplemental payments authorized in KRS 205.6406; *and*
 - (b) *Notwithstanding paragraph (a) of this subsection, a university hospital that is not located on the affiliated university's primary campus may be deemed to be a qualifying hospital if the university hospital does not participate in a separate directed payment program for university hospitals;*
- (16) "Qualifying hospital disproportionate share percentage" means a percentage equal to the amount of hospital provider taxes paid pursuant to KRS 142.303 by qualifying hospitals in state fiscal year 2016-2017 divided by the amount of hospital provider taxes paid pursuant to KRS 142.303 by all hospitals in state fiscal year 2016-2017;
- (17) "University hospital" means a state university teaching hospital, owned or operated by either the University of Kentucky College of Medicine or the University of Louisville School of Medicine, including a hospital owned or operated by a related organization pursuant to 42 C.F.R. sec. 413.17;
- (18) "University hospital disproportionate share percentage" means a percentage equal to the amount of hospital provider taxes paid pursuant to KRS 142.303 by university hospitals and state mental hospitals, as defined in KRS 205.639, in state fiscal year 2016-2017 divided by the amount of hospital provider taxes paid pursuant to KRS 142.303 by all hospitals in fiscal year 2016-2017;
- (19) "Upper payment limit" or "UPL" means the methodology permitted by federal regulation to achieve the maximum allowable amount on aggregate hospital Medicaid payments to non-state government-owned hospitals and private hospitals under 42 C.F.R. sec. 447.272. A separate UPL shall be estimated for non-state government-owned hospitals and private hospitals; and
- (20) "UPL gap" means the difference between the UPL and amount of total fee-for-service payments paid by the department for hospital inpatient services provided by non-state government-owned hospitals and private

hospitals to Medicaid beneficiaries and excluding payments established under KRS 205.6405 to 205.6408. A separate UPL gap shall be estimated for the non-state government-owned hospitals and private hospitals.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

As used in this section and Section 3 of this Act:

- (1) *"Department" means the Department for Medicaid Services;*
- (2) *"Managed care" means the provision of Medicaid benefits through Medicaid managed care organizations under contract with the department pursuant to 42 C.F.R. sec. 438;*
- (3) *"Medicaid managed care organization" means an entity contracted with the department to provide Medicaid benefits pursuant to 42 C.F.R. sec. 438;*
- (4) *"Qualifying hospital" means a Medicaid-participating, in-state hospital licensed under KRS Chapter 216B, including a long-term acute hospital as defined in KRS 205.639, but excluding a state mental hospital as defined in KRS 205.639; and*
- (5) *"University hospital" means a state university teaching hospital, owned or operated by either the University of Kentucky College of Medicine or the University of Louisville School of Medicine, including a hospital owned or operated by a related organization pursuant to 42 C.F.R. sec. 413.17.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

To the extent permitted under federal law and in addition to, and separate from, the programs developed pursuant to KRS 205.6406, the department shall develop a program to improve quality of and access to care for residents of the Commonwealth enrolled in the state's Medicaid program by increasing Medicaid reimbursement rates for qualifying hospitals in accordance with the following:

- (1) (a) *A qualifying hospital shall be eligible to earn enhanced add-on payments from Medicaid managed care organizations based on the qualifying hospital's average commercial rate for services provided, including but not limited to inpatient hospital services, outpatient hospital services, and professional services, if the qualifying hospital:*
 1. a. *Is a participant in the hospital rate improvement program developed pursuant to KRS 205.6406;*
 - b. *Is a Level II, III, or IV trauma center;*
 - c. *Is located in a county in which the percentage of the county's population enrolled in the state's Medicaid program exceeds the statewide median Medicaid enrollment percentage for all counties as posted by the Cabinet for Health and Family Services in the December edition of the Monthly Medicaid Counts by County report for the calendar year preceding the year in which the preprint is submitted; and*
 - d. *Has an agreement for clinical rotations to train providers with a university-affiliated graduate medical education program; or*
 2. *Is a pediatric teaching hospital as defined in KRS 205.565, except that a hospital qualifying for enhanced add-on payments under this subparagraph shall only be eligible to receive enhanced add-on payments for services delivered to a patient who is eighteen (18) years of age or younger;*
- (b) *There shall be an identified source of funding, which shall be separate from the assessment authorized in KRS 205.6406 and shall not be from the general fund, for the nonfederal share that is in compliance with the requirements of the United States Centers for Medicare and Medicaid Services;*
- (c) *A qualifying hospital shall be required to report the same quality measures as are applicable under the state university teaching hospital Medicaid directed payment plan; and*
- (d) *Reimbursement for qualifying hospitals under this section shall only apply to patients covered by a Medicaid managed care organization.*
- (2) *The state directed payment program authorized under this section shall be separate and distinct from any state directed payment program authorized under KRS 205.6406, and the department shall only implement the program described in this section if:*

- (a) *Medicaid documentation required for federal financial participation is approved by the United States Centers for Medicare and Medicaid Services; and*
 - (b) *The United States Centers for Medicare and Medicaid Services agrees to consider the program through its own preprint and without affecting or altering any other state directed payment program.*
- (3) *The department shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement the program described in this section.*

➔Section 4. KRS 216B.065 is amended to read as follows:

- (1) Before any person enters into a contractual agreement to acquire a licensed health facility, the person shall notify the cabinet of the intent to acquire the facility or major medical equipment and of the services to be offered in the facility and its bed capacity or the use of the medical equipment. The notice shall be in writing and shall be filed at least thirty (30) days prior to entry into a contract to acquire the health facility or major medical equipment with respect to which the notice is given.
- (2) A certificate of need shall be required for the acquisition of a health facility or major medical equipment, only if:
 - (a) The notice required in this section is not filed and the arrangement will require the obligation of a capital expenditure which exceeds the capital expenditure minimum; or
 - (b) The cabinet finds within thirty (30) days after the date it received notice that the health services or bed capacity of the health facility will be substantially changed in being acquired.
- (3) Donations, transfers, and leases of major medical equipment and health facilities shall be considered acquisitions of equipment and facilities, and an acquisition of medical equipment or a facility for less than fair market value shall be considered an acquisition if the fair market value exceeds the expenditure minimum.
- (4) Before any health facility reduces or terminates a health service or reduces its bed capacity, the facility shall notify the cabinet of its intent. The notice shall be in writing and shall be filed at least thirty (30) days prior to the reduction or termination. A certificate of need shall be required for the reduction or termination only if the notice required in this section is not filed.
- (5)
 - (a) *Before acquiring or constructing an acute care hospital as defined in KRS 216B.0425 that is required to be licensed under KRS 216B.042, the University of Kentucky or the University of Louisville, or a medical system or college or school of medicine affiliate thereof, shall first obtain the approval of the General Assembly by means of an act or joint resolution explicitly identifying and authorizing the acquisition or construction of the specific acute care hospital.*
 - (b) *The approval required under paragraph (a) of this subsection shall be in addition to any certificate of need required to acquire or construct an acute care hospital.*
 - (c)
 - 1. *Nothing in this subsection shall be interpreted or construed to apply to a pediatric teaching hospital as defined in KRS 205.565;*
 - 2. *Paragraph (a) of this subsection shall not apply to the acquisition or construction of an acute care hospital within thirty (30) miles of the affiliated university's primary academic campus; and*
 - 3. *After May 31, 2026, the acquisition or construction of an acute care hospital valued at less than ten million dollars (\$10,000,000) shall be exempt from the provisions of paragraph (a) of this subsection.*

Signed by Governor April 5, 2024.

CHAPTER 91

(HB 29)

AN ACT relating to motor vehicles.

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

➔Section 1. KRS 189.503 is amended to read as follows:

- (1) As used in this section:
 - (a) "County roads" has the same meaning as in KRS 178.010(1)(b);
 - (b) "Local government" means any city, county, urban-county government, consolidated local government, charter county government, or unified local government of the Commonwealth;
 - (c) "Participant" means any person who drives or maintains a motor vehicle used in a racing event;
 - (d) "Racing event" means a motor vehicle race which is sanctioned by a nationally or internationally recognized racing organization and includes preparations, practices, and qualifications for the race; and
 - (e) "Streets" has the same meaning as in KRS 177.365(4).
- (2) A local government may provide permits to allow a racing event within its jurisdiction:
 - (a) On county roads;
 - (b) On streets;
 - (c) ***On state-maintained highways in accordance with subsection (7) of this section;*** or
 - ~~(d)(e)~~ At airports, subject to approval from the relevant airport board.
- (3) A local government may charge an applicant for a permit under this section:
 - (a) An application fee not to exceed one thousand dollars (\$1,000); and
 - (b) The cost of any expenses incurred by the local government to facilitate the racing event.
- (4) A local government that issues a permit for a racing event shall ensure the applicant for the permit has:
 - (a) Adequate insurance to pay any damages incurred because of loss or injury to any person or property;
 - (b) Adequate security, emergency services, and necessary facilities provided during the racing event; and
 - (c) The ability to protect the health, safety, and welfare of the citizens of the local government, the race participants, and those attending the racing event.
- (5) For the facilitation of a racing event sanctioned under this section, a local government may:
 - (a) Temporarily close roads, streets, ***highways***, alleys, sidewalks, and airport runways;
 - (b) Reroute pedestrian and motor vehicle traffic; and
 - (c) Waive local ordinances and traffic regulations.
- (6) No less than sixty (60) days prior to a scheduled racing event, a local government shall provide written notice to the Transportation Cabinet of any racing event permit issued under this section. The written notice shall include:
 - (a) The time, date, and location of the racing event;
 - (b) The nationally or internationally recognized racing organization sponsoring the event;
 - (c) A road closure plan that specifies the streets, roads, ***highways***, alleys, sidewalks, and airport runways that will be temporarily closed or obstructed during the racing event;
 - (d) A traffic control plan that specifies the on-site traffic controls and detour routes to be used during the racing event; ~~and~~
 - (e) The names and phone numbers of emergency and law enforcement contacts overseeing the racing event; ***and***
 - (f) ***If applicable, a request to cross or use a portion of a state-maintained highway as part of the route in accordance with subsection (7) of this section.***
- (7) The route of a racing event under this section ***that uses or crosses*** ~~shall not use or cross~~ any state-maintained highway ***shall be subject to prior approval by the Transportation Cabinet.***

- (8) So long as the participants adhere to all requirements and regulations set forth by the nationally or internationally recognized racing organization sponsoring the racing event, participants in a racing event under this section shall be exempt from all vehicle equipment and operation standards of this chapter.

➔Section 2. KRS 189.505 is amended to read as follows:

No person shall engage upon any street or highway in motor vehicle racing, drag racing, or any other form of competition involving motor vehicles, *except racing events permitted under Section 1 of this Act.*

Signed by Governor April 5, 2024.

CHAPTER 92

(HB 43)

AN ACT relating to fire protection.

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

➔SECTION 1. A NEW SECTION OF KRS 75.100 TO 75.260 IS CREATED TO READ AS FOLLOWS:

- (1) *No change to fire protection services in a fire protection district, volunteer fire department district, or subdistrict of either, concerning:*

(a) *Communications services;*

(b) *Firefighting resources such as firehouses, vehicles, equipment, personnel, training, and resource distribution; or*

(c) *Water supply;*

under its control which is recognized by the board as having the likely potential to cause a nationally recognized fire service ratings organization to downgrade the fire service rating of members in all or a portion of the district or subdistrict shall be effective without a public hearing being convened by the board prior to making the change.

- (2) (a) *Any member of a fire protection district, volunteer fire department district, or subdistrict of either may register his or her email address with the board to provide email notification of public hearings convened for the purpose set out in subsection (1) of this section.*

(b) *No later than thirty (30) days prior to the date of a public hearing convened for the purpose set out in subsection (1) of this section, the board shall send to persons registering pursuant to this subsection notification of a public hearing through electronic mail that includes:*

1. *The name of the fire protection district, volunteer fire department district, or subdistrict of either;*

2. *A description of the proposed action;*

3. *Wording to the effect that the action, if undertaken, could increase fire protection insurance premiums for the members of the district or subdistrict;*

4. *The time, date, and location of the public hearing in question; and*

5. *Information on how the member may register his or her opinion relative to the proposed change during the public hearing.*

- (3) *The board shall provide, no later than thirty (30) days prior to the date of the public hearing convened for the purpose set out in subsection (1) of this section, written notification containing the information set out in subsection (2)(b) of this section, delivered by United States mail to the following elected officers having constituents in territory contained within the district or subdistrict:*

(a) *Kentucky State Representatives and Senators;*

(b) *County judges/executive and members of the fiscal court;*

- (c) *Mayors and members of city legislative bodies; and*
 - (d) *The executive head and legislative body members of any merged government organized under KRS Chapters 67, 67A, or 67C.*
- (4) *The board shall also, no later than thirty (30) days prior to the date of the public hearing convened for the purpose set out in subsection (1) of this section, post a notice of the hearing conspicuously on the property of the firehouse or houses serving members who will be affected by the proposed changes. Each sign shall state "PUBLIC HEARING REGARDING FIRE SERVICE CHANGES" in letters of at least three (3) inches in height and shall include the hearing date, time, and location in letters of at least one (1) inch in height. The notice shall be constructed of a durable material.*

Signed by Governor April 5, 2024.

CHAPTER 93

(HB 56)

AN ACT relating to licensed professionals.

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

➔SECTION 1. A NEW SECTION OF KRS 335.010 TO 335.170 IS CREATED TO READ AS FOLLOWS:

SECTION 1. PURPOSE

The purpose of this compact is to facilitate interstate practice of regulated social workers by improving public access to competent social work services. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure. This compact is designed to achieve the following objectives:

- A. *Increase public access to social work services;*
- B. *Reduce overly burdensome and duplicative requirements associated with holding multiple licenses;*
- C. *Enhance the member states' ability to protect the public's health and safety;*
- D. *Encourage the cooperation of member states in regulating multistate practice;*
- E. *Promote mobility and address workforce shortages by eliminating the necessity for licenses in multiple states by providing for the mutual recognition of other member state licenses;*
- F. *Support military families;*
- G. *Facilitate the exchange of licensure and disciplinary information among member states;*
- H. *Authorize all member states to hold a regulated social worker accountable for abiding by a member state's laws, regulations, and applicable professional standards in the member state in which the client is located at the time care is rendered; and*
- I. *Allow for the use of telehealth to facilitate increased access to regulated social work services.*

SECTION 2. DEFINITIONS

As used in this compact, and except as otherwise provided, the following definitions shall apply:

- A. *"Active military member" means any individual with full-time duty status in the active Armed Forces of the United States, including members of the National Guard and Reserve;*
- B. *"Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing authority or other authority against a regulated social worker, including actions against an individual's license or multistate authorization to practice such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other*

encumbrance on licensure affecting a regulated social worker's authorization to practice, including issuance of a cease and desist action;

- C. *"Alternative program" means a nondisciplinary monitoring or practice remediation process approved by a licensing authority to address practitioners with an impairment;*
- D. *"Charter member states" means member states that have enacted legislation to adopt this compact where such legislation predates the effective date of this compact as described in Section 14 of this compact;*
- E. *"Compact commission" or "commission" means the government agency whose membership consists of all states that have enacted this compact, which is known as the Social Work Licensure Compact Commission, as described in Section 10 of this compact, and which shall operate as an instrumentality of the member states;*
- F. *"Current significant investigative information" means:*
 - 1. *Investigative information that a licensing authority, after a preliminary inquiry that includes notification and an opportunity for the regulated social worker to respond, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction as may be defined by the commission; or*
 - 2. *Investigative information that indicates that the regulated social worker represents an immediate threat to public health and safety, as may be defined by the commission, regardless of whether the regulated social worker has been notified and has had an opportunity to respond;*
- G. *"Data system" means a repository of information about licensees, including but not limited to continuing education, examination, licensure, current significant investigative information, disqualifying event, multistate license or licenses, and adverse action information or other information as required by the commission;*
- H. *"Disqualifying event" means any adverse action or incident which results in an encumbrance that disqualifies or makes the licensee ineligible to either obtain, retain, or renew a multistate compact license;*
- I. *"Domicile" means the jurisdiction in which the licensee resides and intends to remain indefinitely;*
- J. *"Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of social work licensed and regulated by a licensing authority;*
- K. *"Executive committee" means a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, the compact and commission;*
- L. *"Home state" means the member state that is the licensee's primary domicile;*
- M. *"Impairment" means a condition or conditions that may impair a practitioner's ability to engage in full and unrestricted practice as a regulated social worker without some type of intervention and may include but are not limited to alcohol and drug dependence, mental health impairment, and neurological or physical impairments;*
- N. *"Licensee" means an individual who currently holds a license from a state to practice as a regulated social worker;*
- O. *"Licensing authority" means the board or agency of a member state, or equivalent, that is responsible for the licensing and regulation of regulated social workers;*
- P. *"Member state" means a state, commonwealth, district, or territory of the United States of America that has enacted the compact;*
- Q. *"Multistate authorization to practice" means a legally authorized privilege to practice, which is equivalent to a license, associated with a multistate license permitting the practice of social work in a remote state;*
- R. *"Multistate license" means a license to practice as a regulated social worker issued by a home state licensing authority that authorizes the regulated social worker to practice in all member states under a multistate authorization to practice;*
- S. *"Qualifying national exam" means a national licensing examination approved by the commission;*
- T. *"Regulated social worker" means any clinical, master's, or bachelor's social worker licensed by a member state regardless of the title used by that member state;*

- U. *"Remote state" means a member state other than the licensee's home state;*
- V. *"Rule of the commission" means a regulation or regulations duly promulgated by the commission, as authorized by the compact, that has the force of law;*
- W. *"Single state license" means a social work license issued by any state that authorizes practice only within the issuing state and does not include multistate authorization to practice in any member state;*
- X. *"Social work" or "social work services" means the application of social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities through the care and services provided by a regulated social worker as set forth in the member state's statutes and regulations in the state where the services are being provided;*
- Y. *"State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of social work; and*
- Z. *"Unencumbered license" means a license that authorizes a regulated social worker to engage in the full and unrestricted practice of social work.*

SECTION 3. STATE PARTICIPATION IN THE COMPACT

- A. *To be eligible to participate in the compact, a potential member state must currently meet all the following criteria:*
 - 1. *License and regulate the practice of social work at either the clinical, master's, or bachelor's category;*
 - 2. *Require applicants for licensure to graduate from a program that is:*
 - a. *Operated by a college or university recognized by the licensing authority;*
 - b. *Accredited, or in candidacy by an institution that subsequently becomes accredited, by an accrediting agency recognized by either:*
 - i. *The Council for Higher Education Accreditation, or its successor; or*
 - ii. *The United States Department of Education; and*
 - c. *Corresponds to the licensure sought as outlined in Section 4 of this compact;*
 - 3. *Require applicants for clinical licensure to complete a period of supervised practice; and*
 - 4. *Have a mechanism in place for receiving, investigating, and adjudicating complaints about licensees.*
- B. *To maintain membership in the compact, a member state shall:*
 - 1. *Require that applicants for a multistate license pass a qualifying national exam for the corresponding category of multistate license sought as outlined in Section 4 of this compact;*
 - 2. *Participate fully in the commission's data system, including using the commission's unique identifier as defined in rules;*
 - 3. *Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of current significant investigative information regarding a licensee;*
 - 4. *Implement procedures for considering the criminal history records of applicants for a multistate license. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;*
 - 5. *Comply with the rules of the commission;*
 - 6. *Require an applicant to obtain or retain a license in the home state and meet the home state's qualifications for licensure or renewal of licensure, as well as all other applicable home state laws;*
 - 7. *Authorize a licensee holding a multistate license in any member state to practice in accordance with the terms of the compact and rules of the commission; and*
 - 8. *Designate a delegate to participate in the commission meetings.*

- C. *A member state meeting the requirements of subsections A. and B. of this section shall designate the categories of social work licensure that are eligible for issuance of a multistate license for applicants in that member state. To the extent that any member state does not meet the requirements for participation in the compact at any particular category of social work licensure, such member state may choose, but is not obligated to, issue a multistate license to applicants that otherwise meet the requirements of Section 4 of this compact for issuance of a multistate license in such category or categories of licensure.*
- D. *The home state may charge a fee for granting the multistate compact license.*

SECTION 4. SOCIAL WORKER PARTICIPATION IN THE COMPACT

- A. *To be eligible for a multistate license under the terms and provisions of the compact, an applicant, regardless of category, must:*
1. *Hold or be eligible for an active, unencumbered license in the home state;*
 2. *Pay any applicable fees, including any state fee, for the multistate license;*
 3. *Submit, in connection with an application for a multistate license, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;*
 4. *Notify the home state of any adverse action, encumbrance, or restriction on any professional license taken by any member state or nonmember state within thirty (30) days from the date the action is taken;*
 5. *Meet any continuing competence requirements established by the home state; and*
 6. *Abide by the laws, regulations, and applicable standards in the member state where the client is located at the time care is rendered.*
- B. *An applicant for a clinical-category multistate license must meet all of the following requirements:*
1. *Fulfill a competency requirement, which shall be satisfied by either:*
 - a. *Passage of a clinical-category qualifying national exam; or*
 - b. *Licensure of the applicant in their home state at the clinical category, beginning prior to such time as a qualifying national exam was required by the home state and accompanied by a period of continuous social work licensure thereafter, all of which may be further governed by the rules of the commission; or*
 - c. *The substantial equivalency of the foregoing competency requirements which the commission may determine by rule;*
 2. *Attain at least a master's degree in social work from a program that is:*
 - a. *Operated by a college or university recognized by the licensing authority; and*
 - b. *Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by either:*
 - i. *The Council for Higher Education Accreditation or its successor; or*
 - ii. *The United States Department of Education; and*
 3. *Fulfill a practice requirement, which shall be satisfied by demonstrating completion of either:*
 - a. *A period of postgraduate supervised clinical practice equal to a minimum of three thousand (3,000) hours;*
 - b. *A minimum of two (2) years of full-time postgraduate supervised clinical practice; or*
 - c. *The substantial equivalency of the foregoing practice requirements which the commission may determine by rule.*
- C. *An applicant for a master's-category multistate license must meet all of the following requirements:*
1. *Fulfill a competency requirement, which shall be satisfied by either:*
 - a. *Passage of a master's-category qualifying national exam;*

- b. *Licensure of the applicant in their home state at the master's category, beginning prior to such time as a qualifying national exam was required by the home state at the master's category and accompanied by a continuous period of social work licensure thereafter, all of which may be further governed by the rules of the commission; or*
 - c. *The substantial equivalency of the foregoing competency requirements which the commission may determine by rule; and*
 - 2. *Attain at least a master's degree in social work from a program that is:*
 - a. *Operated by a college or university recognized by the licensing authority; and*
 - b. *Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by either:*
 - i. *The Council for Higher Education Accreditation or its successor; or*
 - ii. *The United States Department of Education.*
- D. *An applicant for a bachelor's-category multistate license must meet all of the following requirements:*
 - 1. *Fulfill a competency requirement, which shall be satisfied by either:*
 - a. *Passage of a bachelor's-category qualifying national exam;*
 - b. *Licensure of the applicant in their home state at the bachelor's category, beginning prior to such time as a qualifying national exam was required by the home state and accompanied by a period of continuous social work licensure thereafter, all of which may be further governed by the rules of the commission; or*
 - c. *The substantial equivalency of the foregoing competency requirements which the commission may determine by rule; and*
 - 2. *Attain at least a bachelor's degree in social work from a program that is:*
 - a. *Operated by a college or university recognized by the licensing authority; and*
 - b. *Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by either:*
 - i. *The Council for Higher Education Accreditation or its successor; or*
 - ii. *The United States Department of Education.*
- E. *The multistate license for a regulated social worker is subject to the renewal requirements of the home state. The regulated social worker must maintain compliance with the requirements of subsection A. of this section to be eligible to renew a multistate license.*
- F. *The regulated social worker's services in a remote state are subject to that member state's regulatory authority. A remote state may, in accordance with due process and that member state's laws, remove a regulated social worker's multistate authorization to practice in the remote state for a specific period of time, impose fines, or take any other necessary actions to protect the health and safety of its citizens.*
- G. *If a multistate license is encumbered, the regulated social worker's multistate authorization to practice shall be deactivated in all remote states until the multistate license is no longer encumbered.*
- H. *If a multistate authorization to practice is encumbered in a remote state, the regulated social worker's multistate authorization to practice may be deactivated in that state until the multistate authorization to practice is no longer encumbered.*

SECTION 5. ISSUANCE OF A MULTISTATE LICENSE

- A. *Upon receipt of an application for multistate license, the home state licensing authority shall determine the applicant's eligibility for a multistate license in accordance with Section 4 of this compact.*
- B. *If such applicant is eligible pursuant to Section 4 of this compact, the home state licensing authority shall issue a multistate license that authorizes the applicant or regulated social worker to practice in all member states under a multistate authorization to practice.*

- C. *Upon issuance of a multistate license, the home state licensing authority shall designate whether the regulated social worker holds a multistate license in the bachelor's, master's, or clinical category of social work.*
- D. *A multistate license issued by a home state to a resident in that state shall be recognized by all compact member states as authorizing social work practice under a multistate authorization to practice corresponding to each category of licensure regulated in each member state.*

SECTION 6. AUTHORITY OF INTERSTATE COMPACT COMMISSION AND MEMBER STATE LICENSING AUTHORITIES

- A. *Nothing in this compact, nor any rule of the commission, shall be construed to limit, restrict, or in any way reduce the ability of a member state to enact and enforce laws, regulations, or other rules related to the practice of social work in that state, where those laws, regulations, or other rules are not inconsistent with the provisions of this compact.*
- B. *Nothing in this compact shall affect the requirements established by a member state for the issuance of a single state license.*
- C. *Nothing in this compact, nor any rule of the commission, shall be construed to limit, restrict, or in any way reduce the ability of a member state to take adverse action against a licensee's single state license to practice social work in that state.*
- D. *Nothing in this compact, nor any rule of the commission, shall be construed to limit, restrict, or in any way reduce the ability of a remote state to take adverse action against a licensee's multistate authorization to practice in that state.*
- E. *Nothing in this compact, nor any rule of the commission, shall be construed to limit, restrict, or in any way reduce the ability of a licensee's home state to take adverse action against a licensee's multistate license based upon information provided by a remote state.*

SECTION 7. REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE

- A. *A licensee may hold a multistate license, issued by their home state, in only one (1) member state at any given time.*
- B. *If a licensee changes their home state by moving between two (2) member states:*
 - 1. *The licensee shall immediately apply for the reissuance of their multistate license in their new home state. The licensee shall pay all applicable fees and notify the prior home state in accordance with the rules of the commission;*
 - 2. *Upon receipt of an application to reissue a multistate license, the new home state shall verify that the multistate license is active, unencumbered, and eligible for reissuance under the terms of the compact and the rules of the commission. The multistate license issued by the prior home state will be deactivated and all member states notified in accordance with the applicable rules adopted by the commission;*
 - 3. *Prior to the reissuance of the multistate license, the new home state shall conduct procedures for considering the criminal history records of the licensee. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;*
 - 4. *If required for initial licensure, the new home state may require completion of jurisprudence requirements in the new home state; and*
 - 5. *Notwithstanding any other provision of this compact, if a licensee does not meet the requirements set forth in this compact for the reissuance of a multistate license by the new home state, then the licensee shall be subject to the new home state requirements for the issuance of a single state license in that state.*
- C. *If a licensee changes their primary state of residence by moving from a member state to a nonmember state, or from a nonmember state to a member state, then the licensee shall be subject to the state requirements for the issuance of a single state license in the new home state.*

- D. *Nothing in this compact shall interfere with a licensee's ability to hold a single state license in multiple states; however, for the purposes of this compact, a licensee shall have only one (1) home state, and only one (1) multistate license.*
- E. *Nothing in this compact shall interfere with the requirements established by a member state for the issuance of a single state license.*

SECTION 8. MILITARY FAMILIES

An active military member, or their spouse, shall designate a home state where the individual has a multistate license. The individual may retain their home state designation during the period the service member is on active duty.

SECTION 9. ADVERSE ACTIONS

- A. *In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:*
 - 1. *Take adverse action against a regulated social worker's multistate authorization to practice only within that member state, and issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing authority in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing licensing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.*
 - 2. *Only the home state shall have the power to take adverse action against a regulated social worker's multistate license.*
- B. *For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.*
- C. *The home state shall complete any pending investigations of a regulated social worker who changes their home state during the course of the investigations. The home state shall also have the authority to take appropriate action and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the data system shall promptly notify the new home state of any adverse actions.*
- D. *A member state, if otherwise permitted by state law, may recover from the affected regulated social worker the costs of investigations and dispositions of cases resulting from any adverse action taken against that regulated social worker.*
- E. *A member state may take adverse action based on the factual findings of another member state, provided that the member state follows its own procedures for taking the adverse action.*
- F. *Joint investigations.*
 - 1. *In addition to the authority granted to a member state by its respective social work practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.*
 - 2. *Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.*
- G. *If adverse action is taken by the home state against the multistate license of a regulated social worker, the regulated social worker's multistate authorization to practice in all other member states shall be deactivated until all encumbrances have been removed from the multistate license. All home state disciplinary orders that impose adverse action against the license of a regulated social worker shall include a statement that the regulated social worker's multistate authorization to practice is deactivated in all member states until all conditions of the decision, order, or agreement are satisfied.*
- H. *If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state and all other member states of any adverse actions by remote states.*

- I. *Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.*
- J. *Nothing in this compact shall authorize a member state to demand the issuance of subpoenas for attendance and testimony of witnesses or the production of evidence from another member state for lawful actions within that member state.*
- K. *Nothing in this compact shall authorize a member state to impose discipline against a regulated social worker who holds a multistate authorization to practice for lawful actions within another member state.*

SECTION 10. ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT COMMISSION

- A. *The compact member states hereby create and establish a joint government agency whose membership consists of all member states that have enacted the compact known as the social work licensure compact commission. The commission is an instrumentality of the compact states acting jointly and not an instrumentality of any one (1) state. The commission shall come into existence on or after the effective date of the compact as set forth in Section 14 of this compact.*
- B. *Membership, voting, and meetings.*
 - 1. *Each member state shall have and be limited to one (1) delegate selected by that member state's licensing authority.*
 - 2. *The delegate shall be either:*
 - a. *A current member of the licensing authority at the time of appointment, who is a regulated social worker or public member of the licensing authority; or*
 - b. *An administrator of the licensing authority or their designee.*
 - 3. *The commission shall by rule or bylaw establish a term of office for delegates and may by rule or bylaw establish term limits.*
 - 4. *The commission may recommend removal or suspension of any delegate from office.*
 - 5. *A member state's state licensing authority shall fill any vacancy of its delegate occurring on the commission within sixty (60) days of the vacancy.*
 - 6. *Each delegate shall be entitled to one (1) vote on all matters before the commission requiring a vote by commission delegates.*
 - 7. *A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates to meet by telecommunication, videoconference, or other means of communication.*
 - 8. *The commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The commission may meet by telecommunication, video conference, or other similar electronic means.*
- C. *The commission shall have the following powers:*
 - 1. *Establish the fiscal year of the commission;*
 - 2. *Establish code of conduct and conflict of interest policies;*
 - 3. *Establish and amend rules and bylaws;*
 - 4. *Maintain its financial records in accordance with the bylaws;*
 - 5. *Meet and take such actions as are consistent with the provisions of this compact, the commission's rules, and the bylaws;*
 - 6. *Initiate and conclude legal proceedings or actions in the name of the commission, provided that the standing of any state licensing authority to sue or be sued under applicable law shall not be affected;*
 - 7. *Maintain and certify records and information provided to a member state as the authenticated business records of the commission and designate an agent to do so on the commission's behalf;*
 - 8. *Purchase and maintain insurance and bonds;*

9. *Borrow, accept, or contract for services of personnel including but not limited to employees of a member state;*
 10. *Conduct an annual financial review;*
 11. *Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;*
 12. *Assess and collect fees;*
 13. *Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest;*
 14. *Lease, purchase, retain, or otherwise to own, hold, improve, or use, any property, real, personal, or mixed, or any undivided interest therein;*
 15. *Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;*
 16. *Establish a budget and make expenditures;*
 17. *Borrow money;*
 18. *Appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;*
 19. *Provide and receive information from, and cooperate with, law enforcement agencies;*
 20. *Establish and elect an executive committee, including a chair and a vice chair;*
 21. *Determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact; and*
 22. *Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact.*
- D. *The executive committee.*
1. *The executive committee shall have the power to act on behalf of the commission according to the terms of this compact. The powers, duties, and responsibilities of the executive committee shall include to:*
 - a. *Oversee the day-to-day activities of the administration of the compact, including enforcement and compliance with the provisions of the compact, its rules and bylaws, and other duties as deemed necessary;*
 - b. *Recommend to the commission changes to the rules or bylaws, changes to this compact legislation, fees charged to compact member states, fees charged to licensees, and other fees;*
 - c. *Ensure compact administration services are appropriately provided, including by contract;*
 - d. *Prepare and recommend the budget;*
 - e. *Maintain financial records on behalf of the commission;*
 - f. *Monitor compact compliance of member states and provide compliance reports to the commission;*
 - g. *Establish additional committees as necessary;*
 - h. *Exercise the powers and duties of the commission during the interim between commission meetings, except for adopting or amending rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the commission by rule or bylaw; and*
 - i. *Other duties as provided in the rules or bylaws of the commission.*

2. *The executive committee shall be composed of up to eleven (11) members:*
 - a. *The chair and vice chair of the commission shall be voting members of the executive committee;*
 - b. *Five (5) voting members who are elected by the commission from the current membership of the commission;*
 - c. *Up to four (4) ex officio, nonvoting members from four (4) recognized national social worker organizations; and*
 - d. *The ex officio members will be selected by their respective organizations.*
3. *The commission may remove any member of the executive committee as provided in the commission's bylaws.*
4. *The executive committee shall meet at least annually.*
 - a. *Executive committee meetings shall be open to the public, except that the executive committee may meet in a closed, nonpublic meeting as provided in subsection F.2. of this section.*
 - b. *The executive committee shall give seven (7) days' notice of its meetings, posted on its website and as determined to provide notice to persons with an interest in the business of the commission.*
 - c. *The executive committee may hold a special meeting in accordance with subsection F.1.b. of this section.*

E. The commission shall adopt and provide to the member states an annual report.

F. Meetings of the commission.

1. *All meetings shall be open to the public, except that the commission may meet in a closed, nonpublic meeting as provided in paragraph 2. of this subsection.*
 - a. *Public notice for all meetings of the full commission of meetings shall be given in the same manner as required under the rulemaking provisions in Section 12 of this compact, except that the commission may hold a special meeting as provided in paragraph 1.b. of this subsection.*
 - b. *The commission may hold a special meeting when it must meet to conduct emergency business by giving forty-eight (48) hours' notice to all commissioners, on the commission's website, and other means as provided in the commission's rules. The commission's legal counsel shall certify that the commission's need to meet qualifies as an emergency.*
2. *The commission, the executive committee, or other committees of the commission may convene in a closed, nonpublic meeting for the commission, executive committee, or other committees of the commission to receive legal advice or to discuss:*
 - a. *Noncompliance of a member state with its obligations under the compact;*
 - b. *The employment, compensation, discipline, or other matters, practices or procedures related to specific employees;*
 - c. *Current or threatened discipline of a licensee by the commission or by a member state's licensing authority;*
 - d. *Current, threatened, or reasonably anticipated litigation;*
 - e. *Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;*
 - f. *Accusing any person of a crime or formally censuring any person;*
 - g. *Trade secrets or commercial or financial information that is privileged or confidential;*
 - h. *Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;*
 - i. *Investigative records compiled for law enforcement purposes;*

- j. *Information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;*
 - k. *Matters specifically exempted from disclosure by federal or member state law; or*
 - l. *Other matters as promulgated by the commission by rule.*
 - 3. *If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.*
 - 4. *The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.*
- G. *Financing of the commission.*
- 1. *The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.*
 - 2. *The commission may accept any and all appropriate revenue sources, as provided in subsection C.13. of this section.*
 - 3. *The commission may levy on and collect an annual assessment from each member state and impose fees on licensees of member states to whom it grants a multistate license to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for member states shall be allocated based upon a formula that the commission shall promulgate by rule.*
 - 4. *The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.*
 - 5. *The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the financial review and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the commission.*
- H. *Qualified immunity, defense, and indemnification.*
- 1. *The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the commission shall not in any way compromise or limit the immunity granted hereunder.*
 - 2. *The commission shall defend any member, officer, executive director, employee, and representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or as determined by the commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.*

3. *The commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.*
4. *Nothing in this compact shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.*
5. *Nothing in this compact shall be interpreted to waive or otherwise abrogate a member state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Antitrust Act, 15 U.S.C. sec. 1 et seq.; Clayton Act, 15 U.S.C. sec. 12 et seq.; or any other state or federal antitrust or anticompetitive law or regulation.*
6. *Nothing in this compact shall be construed to be a waiver of sovereign immunity by the member states or by the commission.*

SECTION 11. DATA SYSTEM

- A. *The commission shall provide for the development, maintenance, operation, and utilization of a coordinated data system.*
- B. *The commission shall assign each applicant for a multistate license a unique identifier, as determined by the rules of the commission.*
- C. *Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:*
 1. *Identifying information;*
 2. *Licensure data;*
 3. *Adverse actions against a license and information related thereto;*
 4. *Nonconfidential information related to alternative program participation, the beginning and ending of such participation, and other information related to such participation not made confidential under member state law;*
 5. *Any denial of application for licensure, and the reasons for such denial;*
 6. *The presence of current significant investigative information; and*
 7. *Other information that may facilitate the administration of this compact or the protection of the public, as determined by the rules of the commission.*
- D. *The records and information provided to a member state pursuant to this compact or through the data system, when certified by the commission or an agent thereof, shall constitute the authenticated business records of the commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative proceedings in a member state.*
- E. *Current significant investigative information pertaining to a licensee in any member state will only be available to other member states. It is the responsibility of the member states to report any adverse action against a licensee and to monitor the database to determine whether adverse action has been taken against a licensee. Adverse action information pertaining to a licensee in any member state will be available to any other member state.*
- F. *Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.*
- G. *Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the member state contributing the information shall be removed from the data system.*

SECTION 12. RULEMAKING

- A. *The commission shall promulgate reasonable rules in order to effectively and efficiently implement and administer the purposes and provisions of the compact. A rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the compact, or the powers granted hereunder, or based upon another applicable standard of review.*
- B. *The rules of the commission shall have the force of law in each member state, provided however that where the rules of the commission conflict with the laws of the member state that establish the member state's laws, regulations, and applicable standards that govern the practice of social work as held by a court of competent jurisdiction, the rules of the commission shall be ineffective in that state to the extent of the conflict.*
- C. *The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules shall become binding on the day following adoption or the date specified in the rule or amendment, whichever is later.*
- D. *If a majority of the legislatures of the member states rejects a rule or portion of a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four (4) years of the date of adoption of the rule, then the rule shall have no further force and effect in any member state.*
- E. *Rules shall be adopted at a regular or special meeting of the commission.*
- F. *Prior to adoption of a proposed rule, the commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.*
- G. *Prior to adoption of a proposed rule by the commission, and at least thirty (30) days in advance of the meeting at which the commission will hold a public hearing on the proposed rule, the commission shall provide a notice of proposed rulemaking:*
1. *On the website of the commission or other publicly accessible platform;*
 2. *To persons who have requested notice of the commission's notices of proposed rulemaking; and*
 3. *In such other way as the commission may by rule specify.*
- H. *The notice of proposed rulemaking shall include:*
1. *The time, date, and location of the public hearing at which the commission will hear public comments on the proposed rule and, if different, the time, date, and location of the meeting where the commission will consider and vote on the proposed rule;*
 2. *If the hearing is held via telecommunication, video conference, or other electronic means, the commission shall include the mechanism for access to the hearing in the notice of proposed rulemaking;*
 3. *The text of the proposed rule and the reason therefor;*
 4. *A request for comments on the proposed rule from any interested person; and*
 5. *The manner in which interested persons may submit written comments.*
- I. *All hearings will be recorded. A copy of the recording and all written comments and documents received by the commission in response to the proposed rule shall be available to the public.*
- J. *Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.*
- K. *The commission shall, by majority vote of all members, take final action on the proposed rule based on the rulemaking record and the full text of the rule.*
1. *The commission may adopt changes to the proposed rule provided the changes do not enlarge the original purpose of the proposed rule.*
 2. *The commission shall provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.*

3. *The commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in subsection L. of this section, the effective date of the rule shall be no sooner than thirty (30) days after issuing the notice that it adopted or amended the rule.*
- L. *Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with forty-eight (48) hours' notice, with opportunity to comment, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:*
 1. *Meet an imminent threat to public health, safety, or welfare;*
 2. *Prevent a loss of commission or member state funds;*
 3. *Meet a deadline for the promulgation of a rule that is established by federal law or rule; or*
 4. *Protect public health and safety.*
- M. *The commission or an authorized committee of the commission may direct revisions to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.*
- N. *No member state's rulemaking requirements shall apply under this compact.*

SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight.

1. *The executive and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to implement the compact.*
2. *Except as otherwise provided in this compact, venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct, or any such similar matter.*
3. *The commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the commission service of process shall render a judgment or order void as to the commission, this compact, or promulgated rules.*

B. Default, technical assistance, and termination.

1. *If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall provide written notice to the defaulting state. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the commission may take, and shall offer training and specific technical assistance regarding the default.*
2. *The commission shall provide a copy of the notice of default to the other member states.*

C. *If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the delegates of the member states, and all rights, privileges, and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.*

D. *Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission*

to the Governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's state licensing authority, and each of the member states' state licensing authority.

- E. *A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.*
- F. *Upon the termination of a state's membership from this compact, that state shall immediately provide notice to all licensees within that state of such termination. The terminated state shall continue to recognize all licenses granted pursuant to this compact for a minimum of six (6) months after the date of said notice of termination.*
- G. *The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.*
- H. *The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.*
- I. *Dispute resolution.*
 - 1. *Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.*
 - 2. *The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.*
- J. *Enforcement.*
 - 1. *By majority vote as provided by rule, the commission may initiate legal action against a member state in default in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or the defaulting member state's law.*
 - 2. *A member state may initiate legal action against the commission in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.*
 - 3. *No person other than a member state shall enforce this compact against the commission.*

SECTION 14. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

- A. *The compact shall come into effect on the date on which the compact statute is enacted into law in the seventh member state.*
 - 1. *On or after the effective date of the compact, the commission shall convene and review the enactment of each of the first seven (7) member states ("charter member states") to determine if the statute enacted by each such charter member state is materially different than the model compact statute.*
 - a. *A charter member state whose enactment is found to be materially different from the model compact statute shall be entitled to the default process set forth in Section 13 of this compact.*
 - b. *If any member state is later found to be in default, or is terminated or withdraws from the compact, the commission shall remain in existence and the compact shall remain in effect even if the number of member states should be less than seven (7).*
 - 2. *Member states enacting the compact subsequent to the seven (7) initial charter member states shall be subject to the process set forth in Section 10.C.21. of this compact to determine if their enactments are materially different from the model compact statute and whether they qualify for participation in the compact.*

3. *All actions taken for the benefit of the commission or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact or the commission coming into existence shall be considered to be actions of the commission unless specifically repudiated by the commission.*
 4. *Any state that joins the compact subsequent to the commission's initial adoption of the rules and bylaws shall be subject to the rules and bylaws as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.*
- B.** *Any member state may withdraw from this compact by enacting a statute repealing the same.*
1. *A member state's withdrawal shall not take effect until one hundred eighty (180) days after enactment of the repealing statute.*
 2. *Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.*
 3. *Upon the enactment of a statute withdrawing from this compact, a state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, the withdrawing state shall continue to recognize all licenses granted pursuant to this compact for a minimum of one hundred eighty (180) days after the date of such notice of withdrawal.*
- C.** *Nothing contained in this compact shall be construed to invalidate or prevent any social work licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.*
- D.** *This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.*

SECTION 15. CONSTRUCTION AND SEVERABILITY

- A.** *This compact and the commission's rulemaking authority shall be liberally construed so as to effectuate the purposes, and the implementation and administration of the compact. Provisions of the compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the commission's rulemaking authority solely for those purposes.*
- B.** *The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any member state, a state seeking participation in the compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby.*
- C.** *Notwithstanding subsection B. of this section, the commission may deny a state's participation in the compact or, in accordance with the requirements of Section 13.B. of this compact, terminate a member state's participation in the compact, if it determines that a constitutional requirement of a member state is a material departure from the compact. Otherwise, if this compact shall be held to be contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.*

SECTION 16. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

- A.** *A licensee providing services in a remote state under a multistate authorization to practice shall adhere to the laws, regulations, and applicable standards of the remote state where the client is located at the time care is rendered.*
- B.** *Nothing herein shall prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the compact.*
- C.** *Any laws, statutes, regulations, or other legal requirements in a member state in conflict with the compact are superseded to the extent of the conflict.*
- D.** *All permissible agreements between the commission and the member states are binding in accordance with their terms.*

SECTION 17. APPLICABILITY OF KENTUCKY STATE GOVERNMENT

In order to clarify the effect of certain provisions of this compact and to ensure that the rights and responsibilities of the various branches of government are maintained, the following shall be in effect in this state:

- A.** *By entering into this compact, this state authorizes the licensing authority as defined in Section 2.O. of this compact and as created by KRS 335.050 to implement the provisions of this compact.*
- B.** *Notwithstanding any provision of this compact to the contrary:*
- 1.** *When a rule is adopted pursuant to Section 12 of this compact, the licensing authority of this state as defined by Section 2.O. of this compact shall have sixty (60) days to review the rule for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation, following the requirements of KRS Chapter 13A. Failure by the licensing authority of this state as defined by Section 2.O. of this compact to promulgate a rule adopted by the Social Work Licensure Compact Commission as an administrative regulation pursuant to KRS Chapter 13A shall result in withdrawal as set forth in Section 14 of this compact. Nothing in these provisions shall negate the applicability of a commission rule or Section 12 of this compact to this state.*
 - 2.** *If the proposed administrative regulation is found deficient and the deficiency is not resolved pursuant to KRS 13A.330 or 13A.335, Section 14 of this compact shall apply. If the deficiency is resolved in a manner determined by the commission to be inconsistent with this compact or its rules, or if the procedures under Section 13 of this compact fail to resolve an issue, the withdrawal provisions of Section 14 of this compact shall apply.*
 - 3.** *If a court of competent jurisdiction determines that the Social Work Licensure Compact Commission created by Section 10 of this compact exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this compact, or the powers granted under this compact, then such an action by the commission shall be invalid and have no force or effect.*
- C.** *Section 10.G. of this compact pertaining to the financing of the commission shall not be interpreted to obligate the general fund of this state. Any funds used to finance this compact shall be from money collected pursuant to KRS 335.140.*
- D.** *This compact shall apply only to those regulated social workers who practice or work under a compact privilege.*

➔Section 2. KRS 319.053 is amended to read as follows:

- (1) A person holding a credential as a certified psychologist or as a licensed psychological associate may apply for a license to perform certain functions within the practice of psychology without supervision and to use the title of "licensed psychological practitioner" when all of the following conditions are met:
 - (a) Submission of three (3) letters of endorsement to the board to sit for the examination;
 1. One (1) of the letters shall be from the applicant's current board-approved supervisor of record and shall include a statement describing the scope of practice demonstrated in the clinical experience of the applicant; and
 2. Two (2) letters shall be from licensed mental health professionals who are acceptable to the board and who are familiar with the clinical work of the applicant;
 - (b) Payment of a fee not to exceed two hundred dollars (\$200);
 - (c) Documentation of at least sixty (60) semester hours of graduate study in psychology or a related field or its equivalent acceptable to the board; and
 - (d) Completion, after credentialing by the board as a certified psychologist, psychological associate, or licensed psychological associate, of the equivalent of *two (2)*~~five (5)~~ full-time years of professional experience under the supervision of a board-approved licensed psychologist.
- (2) An applicant for licensure under this section shall not have been subject to disciplinary action by the board. An applicant who has been the subject of disciplinary action may appeal to the board for an exception.
- (3) An applicant for licensure under this section shall be required by the board to pass the national objective examination known as the EPPP, with a score equal to or exceeding the score required for passage for a licensed psychologist candidate at the doctoral level at the time the examination is taken. The board shall

accept the applicant's previous examination results for the objective EPPP examination if the original test score satisfied the licensure requirement at the doctoral level in effect at the time of that test administration. If the applicant's previous score does not meet this criterion, the applicant may retake the examination until the score obtained equals or exceeds the score required for independent practice at the doctoral level at the time the examination is taken.

- (4) The board shall require an applicant for licensure under this section to pass an examination on psychological practice, ethical principles, and the law. The examination shall be conducted in accordance with procedures established in administrative regulations promulgated by the board in accordance with KRS Chapter 13A. The examination shall be evaluated using the same criteria as the examination for licensed psychologist candidates.
- (5) The applicant may continue to function under the supervision of a board-approved licensed psychologist until the applicant successfully completes the requirements for licensure as a licensed psychological practitioner.
- (6) The board shall grade and keep the examinations and results on file for one (1) year. Upon written request to the board, an applicant may arrange to discuss his or her performance on the examinations.
- (7) Upon successful completion of all requirements, the board shall issue to the applicant a license to perform certain functions within the practice of psychology without supervision and to use the title "licensed psychological practitioner."
- (8) The licensee under this section shall not supervise certified psychologists, licensed psychological practitioners, or licensed psychological associates.

➔Section 3. KRS 319.050 is amended to read as follows:

- (1) Before granting a license to practice psychology and to use the title "licensed psychologist" the board shall require the applicant to pass an examination in psychology and to fulfill all requirements for supervised experience.
- (2) The applicant shall:
 - (a) Pay a fee not to exceed three hundred dollars (\$300);
 - (b) Have received a doctoral degree in psychology that is acceptable to the board from a regionally accredited educational institution; provided, however, the board may grant a license to an individual otherwise qualified under this chapter who has received a doctoral degree in psychology that is acceptable to the board from an educational institution outside the United States, if the educational institution would otherwise be accredited by a regional accrediting body if located in the United States;
 - (c) Have passed the national EPPP examination at the doctoral level; and
 - (d) Have had at least two (2) years of supervised professional experience satisfactory to the board, one (1) year of which shall be an internship.
- (3) Upon acceptance of the application to sit for the examination in psychology, the applicant may practice psychology under the supervision of a licensed psychologist under conditions of supervision and temporary licensure established by the board. The board shall establish a grace period not to exceed **one hundred eighty (180)**~~sixty (60)~~ days to allow for the employment and supervision of the applicant by an agency from the time the applicant's degree requirements are completed to the submission of the complete application. During this period of supervision, the applicant for licensure may not supervise certified psychologists, licensed psychological associates, other applicants for licensure, or temporarily licensed persons, nor shall he engage in an independent practice, except under the employment of his supervising psychologist. Upon certification to the board of completion of the two (2) years of supervision satisfactory to the board, the applicant shall be examined on psychological practice, ethical principles, and the law.
- (4) The board shall grade and keep the examinations and results on file for one (1) year. Upon written request to the board, an applicant may arrange to discuss his or her performance on the examination.
- (5) Upon successful completion of the examination process, the board shall issue a license to practice psychology and the applicant may use the title "licensed psychologist."
- (6) Licensed psychologists may function independently without supervision. Licensed psychologists who have the designation "health service provider" may retain that designation and may employ and supervise certified psychologists and licensed psychological associates. Licensed psychologists who have the designation "health service provider" may supervise no more than a total of six (6) certified psychologists, licensed psychological associates, or applicants for licensure at one (1) time.

- (7) ~~[(a) From July 15, 2010, until July 1, 2013, the designation "health service provider" shall be made on the license of those licensed psychologists who have completed one (1) year of supervised experience under conditions of temporary licensure approved by the board or who have completed one (1) year of supervised experience acceptable to the board after achieving licensure status as a licensed psychologist.~~
- ~~(b) Beginning July 1, 2013,]~~The designation "health service provider" shall be made on the license of those licensed psychologists who have completed one (1) additional year of supervised experience satisfactory to the board in health care service delivery. This year of supervised experience shall be in addition to the supervised experience requirement for licensure as a licensed psychologist. Health service providers may provide supervision of direct health care services by applicants for licensure, certified psychologists, and licensed psychological associates. Health service providers may supervise no more than a total of six (6) certified psychologists, licensed psychological associates, or applicants for licensure at one (1) time.

➔ Section 4. KRS 319.064 is amended to read as follows:

- (1) An individual credentialed as a psychological associate shall use the title "licensed psychological associate" and the board shall issue a license with that title at the time of renewal.
- (2) The board shall issue a license to perform certain functions within the practice of psychology and to use the title "licensed psychological associate" to any applicant who:
 - (a) Pays a fee not to exceed three hundred dollars (\$300);
 - (b) Has received:
 1. A master's degree in psychology acceptable to the board; or
 2. The equivalent education for a master's degree and has been accepted into a psychology predoctoral internship program in Kentucky that satisfies the criteria for the predoctoral internship established by the board;

from a regionally accredited educational institution or from an educational institution outside the United States, if such educational institution would otherwise be accredited by a regional accrediting body if located in the United States; and
 - (c) Has passed an examination procedure in psychology.
- (3) Upon acceptance of the application to sit for the examination in psychology, the applicant may practice psychology under the supervision of a licensed psychologist under conditions of temporary licensure established by the board. The board shall establish a grace period not to exceed **one hundred eighty (180)**~~sixty (60)~~ days to allow for the employment and supervision of the applicant by an agency from the time the applicant's degree requirements are completed to the submission of the complete application.
- (4) The board shall grade and keep the examinations and results for one (1) year. Upon written request to the board, an applicant may arrange to discuss his or her performance on the examination.
- (5) Any psychological associate licensed pursuant to this section may perform certain functions within the practice of psychology only under the supervision of a licensed psychologist approved by the board. The licensed psychological associate shall not practice independently, except under the employment and supervision of the board-approved licensed psychologist. A licensed psychological associate shall not represent himself or herself as a licensed or certified psychologist or as a licensed psychological practitioner. A licensed psychological associate shall not employ or supervise certified psychologists, licensed psychological practitioners, or licensed psychological associates.

Signed by Governor April 5, 2024.

CHAPTER 94

(HB 57)

AN ACT relating to emergency medical services and declaring an emergency.

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

➔Section 1. KRS 311A.030 is amended to read as follows:

- (1) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A to carry out the functions of this chapter, including but not limited to:
 - (a) **Classifying**, licensing, inspecting, and regulating ~~of~~ ambulance services, mobile integrated healthcare programs, and medical first response providers~~[- The administrative regulations shall address specific requirements for:

 1. Class I Ground ambulance providers, which provide basic life support or advanced life support services to all patients for emergencies or scheduled ambulance transportation that is medically necessary;
 2. Class II Ground ambulance providers, which provide only basic life support services but do not provide initial response to the general population with medical emergencies and which are limited to providing scheduled ambulance transportation that is medically necessary;
 3. Class III Ground ambulance providers, which provide mobile intensive care services at or above the level of advanced life support to patients with critical illnesses or injuries who must be transported between hospitals in vehicles with specialized equipment as an extension of hospital-level care;
 4. Class IV Ground ambulance providers, which provide basic life support or advanced life support services and transportation for restricted locations such as industrial sites and other sites that do not provide services outside a designated site;
 5. Class V Mobile integrated healthcare programs, which do not transport patients as a function of the program and which must be operated by or in affiliation with a Class I ambulance provider that provides emergency medical response in the geographic area;
 6. Class VI medical first response providers, which provide basic or advanced life support services, but do not transport patients;
 7. Class VII air ambulance providers, which provide basic or advanced life support services; and
 8. Class VIII event medicine providers, which provide basic or advanced life support services, but do not transport patients]; and~~
 - (b) Licensing, inspecting, and regulating ~~of~~ emergency medical services training institutions.
- (2) The licensure standards for ~~{Class I}~~ ground ambulance providers shall distinguish between an ambulance service that provides only emergency transportation, only scheduled ambulance transportation, or both types of transportation.

➔Section 2. KRS 311A.142 is amended to read as follows:

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

➔Section 3. KRS 142.301 is amended to read as follows:

As used in KRS 142.301 to 142.363:

- (1) "Ground ambulance provider" means a~~[- Class I, II, or III]~~ ground ambulance provider **licensed in accordance with administrative regulations promulgated by the Kentucky Board of Emergency Medical Services and designated by the Kentucky Board of Emergency Medical Services to pay an assessment**~~[- described in KRS 311A.030];~~

- (2) "Assessment" means the Medicaid ambulance service provider assessment established in KRS 142.318;
- (3) "Department" means the Department of Revenue;
- (4) "Charitable provider" means any provider which does not charge its patients for health-care items or services, and which does not seek or accept Medicare, Medicaid, or other financial support from the federal government or any state government. The collaboration with public hospitals, agencies, or other providers in the delivery of patient care; affiliation with public institutions to provide health-care education; or the pursuit of research in cooperation with public institutions or agencies shall not be considered as the receipt of government support by a charitable provider;
- (5) "Dispensing" means to deliver one (1) or more doses of a prescription drug in a suitable container, appropriately labeled for subsequent administration or use by a patient or other individual entitled to receive the prescription drug;
- (6) "Entity" means any firm, partnership, joint venture, association, corporation, company, joint stock association, trust, business trust, syndicate, cooperative, or other group or combination acting as a unit;
- (7) "Gross revenues" means the total amount received in money or otherwise by a provider for the provision of health-care items or services in Kentucky, less the following:
 - (a) Amounts received by any provider as an employee or independent contractor from another provider for the provision of health-care items or services if:
 - 1. The employing or contracting provider receives revenue attributable to health-care items or services provided by the employee or independent contractor receiving payment; and
 - 2. The employing or contracting provider is subject to the tax imposed by KRS 142.303, 142.307, 142.309, 142.311, 142.314, 142.315, 142.316, 142.361, or 142.363 on the receipt of that revenue;
 - (b) Amounts received as a grant or donation by any provider from federal, state, or local government or from an organization recognized as exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code for:
 - 1. Research; or
 - 2. Administrative or operating costs associated with the implementation and operation of an experimental program;
 - (c) Salaries or wages received by an individual provider as an employee of a charitable provider, the federal government, or any state or local governmental entity;
 - (d) Salaries or wages received by an individual provider as an employee of a public university for the provision of services at a student health facility; and
 - (e) Amounts received by an HMO on a fixed, prepayment basis as premium payments;
- (8) "Health-care items or services" means:
 - (a) Inpatient hospital services;
 - (b) Outpatient hospital services;
 - (c) Nursing-facility services;
 - (d) Services of intermediate-care facilities for individuals with intellectual disabilities;
 - (e) Physicians' services provided prior to July 1, 1999;
 - (f) Licensed home-health-care-agency services;
 - (g) Outpatient prescription drugs;
 - (h) HMO services;
 - (i) Regional community services for mental health and individuals with intellectual disabilities;
 - (j) Psychiatric residential treatment facility services;
 - (k) Medicaid managed care organization services; and

- (l) Supports for community living waiver program services;
- (9) "Health-maintenance organization" or "HMO" means an organization established and operated pursuant to the provisions of Subtitle 38 of KRS Chapter 304;
- (10) "Hospital" means an acute-care, rehabilitation, or psychiatric hospital licensed under KRS Chapter 216B;
- (11) "Hospital services" means all inpatient and outpatient services provided by a hospital. "Hospital services" does not include services provided by a noncontracted, university-operated hospital, or any freestanding psychiatric hospital, if necessary waivers are obtained by the Cabinet for Human Resources, Cabinet for Health Services, or Cabinet for Health and Family Services from the Health Care Financing Administration or Centers for Medicare and Medicaid Services, or hospitals operated by the federal government;
- (12) "Health and family services secretary" means the secretary of the Cabinet for Health and Family Services or that person's authorized representative;
- (13) "Inpatient hospital services," "outpatient hospital services," "intermediate-care-facility services for individuals with intellectual disabilities," "physician services," "licensed home-health-care-agency services," and "outpatient prescription drugs" have the same meaning as set forth in regulations promulgated by the Secretary of the Department of Health and Human Services and codified at 42 C.F.R. pt. 440, as in effect on December 31, 1993;
- (14) "Medicaid" means the state program of medical assistance as administered by the Cabinet for Health and Family Services in compliance with 42 U.S.C. sec. 1396;
- (15) "Nursing-facility services" means services provided by a licensed skilled-care facility, nursing facility, nursing home, or intermediate-care facility, excluding services provided by intermediate-care facilities for individuals with intellectual disabilities and services provided through licensed personal care beds;
- (16) "Person" means any individual, firm, partnership, joint venture, association, corporation, company, joint stock association, estate, trust, business trust, receiver, trustee, syndicate, cooperative, assignee, governmental unit or agency, or any other group or combination acting as a unit and the legal successor thereof;
- (17) "Provider" means any person receiving gross revenues for the provision of health-care items or services in Kentucky, excluding any facility operated by the federal government;
- (18) "Commissioner" means the commissioner of the Department of Revenue or that person's authorized representative;
- (19) "Total bed capacity" means the combination of licensed nursing home beds, licensed nursing facility beds, and licensed intermediate-care facility beds;
- (20) "Regional community services programs for mental health and individuals with an intellectual disability" means programs created under the provisions of KRS 210.370 to 210.480;
- (21) "Psychiatric residential treatment facility" has the same meaning as provided in KRS 216B.450; and
- (22) "Supports for Community Living Waiver Program" has the same meaning as provided in KRS 205.6317.

➔Section 4. KRS 205.5602 is amended to read as follows:

- (1) For purposes of this section and KRS 205.5601 and 205.5603:
 - (a) "Ground ambulance provider" means a ~~{Class I, II, or III}~~ground ambulance provider ***licensed in accordance with administrative regulations promulgated by the Kentucky Board of Emergency Medical Services***~~{described in KRS 311A.030}~~;
 - (b) "Assessment" means the Medicaid ambulance service provider assessment imposed in KRS 142.318;
 - (c) "Board" means the Kentucky Board of Emergency Medical Services;
 - (d) "Commissioner" means the commissioner of the Department for Medicaid Services; and
 - (e) "Department" means the Department for Medicaid Services.
- (2) The department shall:
 - (a) Promulgate administrative regulations to establish the standards and procedures necessary to implement the provisions of this section and KRS 205.5601 and 205.5603;

- (b) Calculate an assessment on emergency ground transport collections pursuant to subsection (3) of this section;
 - (c) Administer assessment proceeds according to subsection (6) of this section;
 - (d) Apply uniformly to all assessed ground ambulance providers any annual changes to the assessment rate according to the process described in subsection (3) of this section; and
 - (e) Evaluate current ground ambulance provider reimbursement rates paid by managed care organizations and require increases consistent with:
 - 1. KRS 205.5601 and this section;
 - 2. Current fee-for-service reimbursement rates; and
 - 3. An adequate network of ambulance service providers.
- (3) (a) The assessment due from a ground ambulance provider on emergency ground transport collections shall be not less than one-half of one percent (0.5%) lower than the maximum limit for a provider assessment as approved by the Centers for Medicare and Medicaid Services.
- (b) For illustrative purposes only, if the maximum limit for a provider assessment as approved by the Centers for Medicare and Medicaid Services is six percent (6%) of the emergency revenues collected by the ground ambulance provider, the minimum taxable limit under this section would be five and one-half percent (5.5%) of the emergency revenues collected.
- (4) The assessment shall not generate more than the maximum amount as approved by the Centers for Medicare and Medicaid Services.
- (5) (a) 1. Within ninety (90) days after July 15, 2020, the commissioner shall determine whether a state plan amendment or an amendment to any Kentucky federal Medicaid waiver is required to implement this section.
2. If the commissioner determines that a state plan amendment or an amendment to a Kentucky federal waiver is necessary, the commissioner is authorized to seek any necessary state plan or waiver amendment, and the assessment shall not take effect until the state plan or waiver amendment is approved.
- (b) The assessment shall not be implemented until the first day of the calendar quarter after the Department for Medicaid Services receives notice of federal matching funds approval from the Centers for Medicare and Medicaid Services and has notified the Department of Revenue of that approval.
- (c) The commissioner shall implement this section to the extent that it is not inconsistent with the state Medicaid plan or any Kentucky federal Medicaid waivers.
- (d) Payments to ground ambulance providers shall begin within ninety (90) days of the later of the approval of federal matching funds, the state plan, or waiver amendment. The first monthly assessment payment shall be due sixty (60) days after the implementation of the enhanced fee schedule.
- (6) The assessment shall be administered as follows:
- (a) An annual amount of two hundred thousand dollars (\$200,000) shall be returned to the department to offset the Medicaid administration expenses;
 - (b) The remaining portion of the assessment shall:
 - 1. Be utilized to increase the rates paid by a managed care organization for emergency ambulance services up to the amount paid by the fee-for-service Medicaid program for emergency ambulance services; or
 - 2. Be paid as supplemental payments to ground ambulance providers in a proportional amount according to the total Medicaid ambulance transports; and
 - (c) If any funds are remaining after the department's duties have been completed under paragraph (b) of this subsection, the remaining funds shall be utilized by the department to increase non-emergency medical transport rates.
- (7) Each ground ambulance provider shall report to the board, at the time and in the manner required by the board, ground emergency revenue collected to accomplish the purposes of this section and KRS 205.5603.

- (8) (a) No more than one hundred eighty (180) days after the end of each calendar year, the board shall submit to the cabinet transport data for all ground ambulance providers licensed in Kentucky.
- (b) The data required by paragraph (a) of this subsection shall, at a minimum, include the number of emergency ground transports completed during the previous calendar year and the emergency revenue collected.

➔Section 5. KRS 211.9523 is amended to read as follows:

- (1) The category of nonemergency health transportation provider shall be abolished effective December 31, 1996.
- (2) A provider licensed as of March 31, 1996, as a nonemergency health transportation provider may apply to convert to either a disabled persons carrier pursuant to KRS 281.6185 or *a ground ambulance service licensed and authorized in accordance with administrative regulations promulgated by the Kentucky Board of Emergency Medical Services*~~[a Class II ground ambulance provider]~~ without requiring an additional certificate of need. Prior to licensure or certificate approval, the provider shall meet the respective licensing or certificate requirements.
- (3) No later than August 15, 1996, the Cabinet for Human Resources shall notify each nonemergency health transportation provider of the provisions of this section and the procedures necessary to apply for the conversion.
- (4) To apply for the conversion provided for in subsection (2) of this section, each nonemergency health transportation provider shall notify the appropriate agency of its intentions within ninety (90) days of July 15, 1996, or cease to act as a nonemergency health transportation provider effective December 31, 1996.

➔Section 6. KRS 311A.010 is amended to read as follows:

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

- (1) "Advanced emergency medical technician" or "AEMT" means a person certified by the board under this chapter as an advanced emergency medical technician;
- (2) "Advanced practice paramedic" or "APP" means a paramedic licensed by the board under this chapter as a paramedic and certified by the board under this chapter in at least one (1) emergency medical services subspecialty, including community paramedic, critical care paramedic, wilderness paramedic, tactical paramedic, or flight paramedic;
- (3) "Ambulance" means a vehicle which has been inspected and approved by the board, including a helicopter or fixed-wing aircraft, except vehicles or aircraft operated by the United States government, that are specially designed, constructed, or have been modified or equipped with the intent of using the same, for the purpose of transporting any individual who is sick, injured, or otherwise incapacitated who may require immediate stabilization or continued medical response and intervention during transit or upon arrival at the patient's destination to safeguard the patient's life or physical well-being;
- (4) "Ambulance provider" or "*ambulance service*" means any individual or private or public organization, except the United States government, who is licensed by the board to provide medical services that may include transport at either basic life support level or advanced life support level and who may have a vehicle or vehicles, including ground vehicles, helicopters, or fixed-wing aircraft, to provide such transportation~~[- An ambulance provider may be licensed as a Class I, II, III, or IV ground ambulance provider, a Class VI medical first response provider, a Class VII air ambulance provider, or a Class VIII event medicine provider];~~
- (5) "Board" means the Kentucky Board of Emergency Medical Services;
- (6) "Community paramedic" or "CP" means an advanced practice paramedic certified under this chapter as a CP;
- (7) "Emergency medical facility" means a hospital or any other institution licensed by the Cabinet for Health and Family Services that furnishes emergency medical services;
- (8) "Emergency medical responder" or "EMR" means a person certified under this chapter as an EMR or EMR instructor;
- (9) "Emergency medical services" or "EMS" means the services utilized in providing care for the perceived individual need for immediate medical care to protect against loss of life, or aggravation of physiological or psychological illness or injury;

- (10) "Emergency medical services educator" or "EMS educator" means a person who is certified and licensed by the board under this chapter as a Level I, II, or III EMS educator to provide emergency medical services education and training with the scope of practice established by the board through administrative regulations;
- (11) "Emergency Medical Services for Children Program" or "EMSC Program" means the program established under this chapter;
- (12) "Emergency medical services medical director" means a physician licensed in Kentucky and certified by the board under this chapter who is employed by, under contract to, or has volunteered to provide supervision for a paramedic or an ambulance service, or both;
- (13) "Emergency medical services personnel" means:
 - (a) Persons trained to provide emergency medical services and certified or licensed by the board under this chapter as an AEMT, APP, EMR, EMR instructor, EMT, EMT instructor, paramedic, or paramedic instructor; and
 - (b) Authorized emergency medical services medical directors and mobile integrated healthcare program medical directors, whether on a paid or volunteer basis;
- (14) "Emergency medical services system" means a coordinated system of health-care delivery that responds to the needs of acutely sick and injured adults and children, and includes community education and prevention programs, mobile integrated healthcare programs, centralized access and emergency medical dispatch, communications networks, trained emergency medical services personnel, medical first response, ground and air ambulance services, trauma care systems, mass casualty management, medical direction, and quality control and system evaluation procedures;
- (15) "Emergency medical services training or educational institution" means any organization licensed by the board under this chapter to provide emergency medical services training or education or in-service training, other than a licensed ambulance service which provides training, or in-service training in-house for its own employees or volunteers;
- (16) "Emergency medical technician" or "EMT" means a person certified under this chapter as an EMT or EMT instructor;
- (17) "Executive director" means the executive director of the Kentucky Board of Emergency Medical Services;
- (18) "Mobile integrated healthcare" or "MIH" means a program licensed by the board under this chapter to provide services including evaluation, advice, and medical care for the purpose of preventing or improving a particular medical condition outside of a hospital setting to eligible patients who do not require or request emergency medical transportation;
- (19) "Mobile integrated healthcare program medical director" or "MIH program medical director" means a physician licensed in Kentucky and certified by the board under this chapter who is employed by, under contract to, or has volunteered to provide supervision for a licensed MIH program;
- (20) "Paramedic" means a person who is involved in the delivery of medical services and is licensed under this chapter;
- (21) "Paramedic preceptor" means a licensed paramedic who supervises a paramedic student during the field portion of the student's training;
- (22) "Prehospital care" means the provision of emergency medical services, mobile integrated healthcare, or transportation by trained and certified or licensed emergency medical services personnel at the scene or while transporting sick or injured persons to a hospital or other emergency medical facility; and
- (23) "Trauma" means a single or multisystem life-threatening or limb-threatening injury requiring immediate medical or surgical intervention or treatment to prevent death or permanent disability.

➔Section 7. KRS 311A.170 is amended to read as follows:

- (1) Subject to the provisions of this section, a paramedic may perform any procedure:
 - (a) Specified in the most recent curriculum of the United States Department of Transportation training course for paramedics; and
 - (b) Any additional procedure specified by the board by administrative regulation.

- (2) When there is a change in the United States Department of Transportation curriculum for paramedics, or the board approves an additional skill or procedure by administrative regulation, or approves a protocol differing from the curriculum or administrative regulations, no person who was not trained under that curriculum or administrative regulation shall perform any activity or procedure in the new curriculum, administrative regulation, or protocol unless the person has been trained according to the new curriculum, administrative regulation, or protocol and demonstrates competency in the new knowledge or skill. Competency in a new skill shall be demonstrated through a return demonstration to a competent evaluator. If the board adopts the new procedure or skill, the board shall promulgate an administrative regulation specifying the new procedure, training requirements, examination requirements, and a time period during which the paramedic shall successfully complete the material or lose his or her license as a paramedic.
- (3) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A establishing the educational requirements, testing requirements, credentialing, and licensure requirements of advanced practice paramedics. Advanced practice paramedics shall validate competency as prescribed in administrative regulations and be identified as one (1) or more of the following certification levels of advanced practice paramedic:
 - (a) Certified community paramedic;
 - (b) Certified critical care paramedic;
 - (c) Certified flight paramedic;
 - (d) Certified tactical paramedic; or
 - (e) Certified wilderness paramedic.
- (4) A paramedic may draw blood samples from a criminal defendant upon the request of a peace officer and the consent of the defendant, or without the consent of the defendant upon receipt of a court order requiring the procedure, if the paramedic is authorized to do so by his or her employer. The authorization shall be in writing and may be by general written policy of the employer and the service's medical director. The paramedic who drew the blood sample shall deliver the sample to the peace officer or other person specified by the court in a court order and shall testify in court with regard thereto upon service of a proper subpoena.
- (5) A paramedic shall be permitted to render services only under the supervision of a certified emergency medical services medical director, certified mobile integrated healthcare program medical director, or under the direct supervision of an emergency department medical director.
- (6) A paramedic holding board certification as a community paramedic may provide mobile integrated healthcare services only as an employee of a mobile integrated healthcare program *licensed and authorized in accordance with administrative regulations promulgated by the Kentucky Board of Emergency Medical Services* ~~holding a Class V mobile integrated healthcare license in affiliation with a Class I ground ambulance provider~~.
- (7) Any provision of this chapter other than this section relating to the requirement for additional training, requirement for skill examination, or approval of standing orders, protocols, or medical procedures to the contrary notwithstanding, a paramedic may be employed by a hospital to work as a licensed paramedic in the emergency department of the hospital subject to the following conditions:
 - (a) The hospital in collaboration with the medical staff shall provide operating procedures and policies under which the paramedic shall operate consistent with the paramedic's scope of practice;
 - (b) A paramedic shall provide patient care services under the orders of a physician, physician assistant, advanced practice registered nurse, or as delegated by a registered nurse;
 - (c) Subject to the provisions relating to the scope of practice of a paramedic, a hospital may require a paramedic to take additional training on any subject or skill which the paramedic may be required to perform in a hospital and demonstrate competency in the skill or subject to a competent evaluator; and
 - (d) The paramedic does not violate the provisions of KRS 311A.175 or any other statute or administrative regulation relating to a paramedic.

No provision of this section shall prevent a paramedic from being employed in any other section of the hospital where the paramedic's job duties do not require certification or licensure by the board and do not otherwise constitute the unlawful practice of medicine.

- (8) Except as provided in subsection (2) of this section, nothing in this section shall prevent an employer from exercising reasonable fiscal control over the costs of providing medical services to its citizens nor prevent the employer from exercising any reasonable control over paramedics providing care on behalf of the licensed entity.

➔Section 8. KRS 405.075 is amended to read as follows:

- (1) As used in this section:

- (a) "Newborn infant" means an infant who is medically determined to be less than thirty (30) days old;
- (b) "Newborn safety device" means a device:
1. Designed to permit a parent to anonymously place a newborn infant in the device with the intent to leave the newborn and for an emergency medical services provider to remove the newborn from the device and take custody of the newborn infant;
 2. Installed with an adequate dual alarm system connected to the physical location where the device is physically installed. The dual alarm system shall be:
 - a. Tested at least one (1) time per month to ensure the alarm system is in working order; and
 - b. Visually checked at least two (2) times per day to ensure the alarm system is in working order;
 3. Approved by and physically located inside a participating staffed ~~Class I, Class II, Class III, or Class IV~~ ground ambulance provider *licensed and authorized in accordance with administrative regulations promulgated by the Kentucky Board of Emergency Medical Services*, staffed police station, staffed fire station, or staffed hospital that:
 - a. Is licensed or otherwise legally operating in this state; and
 - b. Is staffed continuously on a twenty-four (24) hour basis every day by a licensed emergency medical services provider; and
 4. Located in an area that is conspicuous and visible to a ~~Class I, Class II, Class III, or Class IV~~ ground ambulance provider *licensed and authorized in accordance with administrative regulations promulgated by the Kentucky Board of Emergency Medical Services*, or to police station, fire station, or hospital staff; and
- (c) "Participating place of worship" means a recognized place of religious worship that has voluntarily agreed to perform the duty granted in this section and display signage prominently on its premises regarding its participation in this section and its operating hours during which staff will be present.

- (2) A parent shall have the right to remain anonymous, shall not be pursued, and shall not be considered to have abandoned or endangered a newborn infant under KRS Chapters 508 and 530 if the parent:

- (a) Places a newborn infant:
1. With an emergency medical services provider;
 2. At a staffed police station, fire station, or hospital;
 3. At a participating place of worship; or
 4. Inside a newborn safety device that meets the requirements of subsection (1) of this section; and
- (b) Expresses no intent to return for the newborn infant.

- (3) (a) Any emergency medical services provider, police officer, or firefighter who accepts physical custody of a newborn infant, or who physically retrieves a newborn infant from a newborn safety device that meets the requirements of subsection (1) of this section, in accordance with this section shall immediately arrange for the infant to be taken to the nearest hospital emergency room and shall have implied consent to any and all appropriate medical treatment.

- (b) Any staff member at a participating place of worship who accepts physical custody of a newborn infant in accordance with this section shall immediately contact the 911 emergency telephone service as set forth in KRS 65.750 to 65.760, wireless enhanced 911 system as set forth in KRS 65.7621 to 65.7643, or emergency medical services as set forth in KRS Chapter 311A for transportation to the nearest hospital emergency room.

- (4) By placing a newborn infant in the manner described in this section, the parent:
- (a) Waives the right to notification required by subsequent court proceedings conducted under KRS Chapter 620 until such time as a claim of parental rights is made; and
 - (b) Waives legal standing to make a claim of action against any person who accepts physical custody of the newborn infant.
- (5) A staffed police station, fire station, hospital, emergency medical facility, or participating place of worship may post a sign easily seen by the public stating that: "This facility is a safe and legal place to surrender a newborn infant who is less than 30 days old. A parent who places a newborn infant at this facility and expresses no intent to return for the infant shall have the right to remain anonymous and not be pursued and shall not be considered to have abandoned or endangered their newborn infant under KRS Chapters 508 and 530."
- (6) Actions taken by an emergency medical services provider, police officer, firefighter, or staff member at a participating place of worship in conformity with the duty granted in this section shall be immune from criminal or civil liability. Nothing in this subsection shall limit liability for negligence.
- (7) The provisions of subsection (2) of this section shall not apply when indicators of child physical abuse or child neglect are present.
- (8) KRS 211.951, 216B.190, 405.075, 620.350, and 620.355 shall be known as "The Representative Thomas J. Burch Safe Infants Act."

➔Section 9. The following KRS section is repealed:

311A.185 Determination of death by paramedic -- Notification -- Instruction in making determination -- Administration of life support measures.

➔Section 10. Whereas emergency medical services providers are an essential public service to the well-being of the citizens of the Commonwealth and flexibility in credentialing emergency medical services providers may help to serve the growing need for services, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 5, 2024.

CHAPTER 95

(HB 68)

AN ACT relating to motor vehicle license plates.

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

➔Section 1. KRS 186.174 is amended to read as follows:

- (1) For purposes of this section, "personalized license plate" means a license plate manufactured by the cabinet upon an applicant's request with specific letters or numbers or combinations of letters and numbers significant to the applicant.
- (2) Any owner or lessee of a motor vehicle *or recreational vehicle* that is required to be registered under the provisions of KRS 186.050(1), (3)(a), ~~for~~(4)(a), or *(II)*, *or* any owner or lessee of a motorcycle required to be registered under the provisions of KRS 186.050(2) may obtain a personalized license plate by submitting an application through a Web site designated by the cabinet. The cabinet shall produce the requested license plate upon approval and receipt of the fee required in subsection (4) of this section for a special license plate, or the fee required in KRS 186.162 for a standard issue license plate.
- (3) Personalized license plates shall expire on the last day of the birth month of the person to whom the license plate is registered.
- (4) (a) A personalized license plate shall be replaced on the same schedule as regular issue license plates unless it is damaged or unreadable.

- (b) A standard issued license plate may be personalized:
- (1) For ~~the [a forty-three dollar (\$43)]~~ fee *established in subsection (2)(m) of Section 2 of this Act for a motor vehicle that is required to be registered under the provisions of KRS 186.050(1), (3)(a), or (4)(a), or a motorcycle required to be registered under the provisions of KRS 186.050(2); or*
 - (2) *For the fee established in subsection (2)(ad) of Section 2 of this Act for a recreational vehicle that is required to be registered under the provisions of KRS 186.050(11)* ~~as provided in KRS 186.162(2)(m), in addition to all other fees established in this section and in KRS 186.050.~~
- (c) Any special license plate may be combined with a personalized license plate for a twenty-five dollar (\$25) state fee in addition to all other fees for the particular special license plate established in this section and in KRS 186.164. The twenty-five dollar (\$25) fee required under this paragraph shall be divided between the cabinet and the county clerk of the county where the applicant resides with the cabinet receiving twenty dollars (\$20) and the county clerk receiving five dollars (\$5).
- (5) (a) A personalized plate shall not be issued that would conflict with or duplicate any current issued license plate.
- (b) A personalized plate shall not be issued if the cabinet determines:
1. The message to be placed on the license plate, if created, discriminates against a race, color, religion, sex, or national origin;
 2. The plate message is the name of a trademarked or copyrighted product or brand name; or
 3. The plate's lettering or message is obscene or profane, as determined by the cabinet.
- (c) Once an applicant obtains a personalized plate, he or she will have first priority on that plate for each of the following years that he or she makes timely renewal payments.

➔Section 2. KRS 186.162 is amended to read as follows:

- (1) As used in this section and in KRS 186.043, 186.164, 186.166, 186.1722, and 186.174:
- (a) "Special license plate" means a unique license plate issued under this chapter to a group or organization that readily identifies the operator of the motor vehicle or motorcycle bearing the plate as a member of a group or organization, or a supporter of the work, goals, or mission of a group or organization. The term shall not include regular license plates issued under KRS 186.240;
 - (b) "Street rod" means a modernized private passenger motor vehicle manufactured prior to the year 1949, or designed or manufactured to resemble a vehicle manufactured prior to 1949;
 - (c) "SF" means the portion of an initial or renewal fee to obtain a special license plate that is dedicated for use by the Transportation Cabinet;
 - (d) "CF" means the county clerk's fee for issuing a motor vehicle registration as established under KRS 186.040(1). If a CF amount is charged for a license plate listed in this section, the applicant for that plate shall also pay the fees identified in KRS 186.040(6). If a CF amount is not charged, the applicant shall not be required to pay those fees; and
 - (e) "EF" means the portion of an initial or renewal fee to obtain a special license plate that is mandated by this chapter to be dedicated for use by a particular group or organization.
- (2) The initial purchase fee and renewal fee for a special license plate created under this chapter shall be as established in this subsection and includes the name of group or organization and the total initial and renewal fee required for the plate. The amount in parentheses indicates how the total fee is required to be divided:
- (a) Disabled veterans who receive assistance to purchase a vehicle from the United States Department of Veterans' Affairs, veterans declared by the United States Department of Veterans' Affairs to be one hundred percent (100%) service-connected disabled, and recipients of the Congressional Medal of Honor:
 1. Initial Fee: \$0 (\$0 SF/\$0 CF/\$0 EF).
 2. Renewal Fee: \$0 (\$0 SF/\$0 CF/\$0 EF).
 - (b) Former prisoners of war and survivors of Pearl Harbor:

1. Initial Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
 2. Renewal Fee: ~~\$11~~~~\$6~~ (\$0 SF/\$6 CF/\$5~~\$0~~ EF *to the veterans' program trust fund established under KRS 40.460*).
- (c) Members of the Kentucky National Guard and recipients of the Purple Heart:
1. Initial Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
 2. Renewal Fee: \$11 (\$0 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (d) Members of the Civil Air Patrol; active, retired, veteran, reserve, or auxiliary members of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; Merchant Marines who served between December 7, 1941, and August 15, 1945; recipients of the Silver Star Medal, the Distinguished Flying Cross, the Air Medal, the Combat Action Badge, the Combat Infantry Badge, or the Bronze Star Medal; persons who wish to receive Gold Star Mothers, Gold Star Fathers, or Gold Star Spouses license plates beyond the two (2) exempted from fees under KRS 186.041(6); individuals eligible for a special military service academy license plate under KRS 186.041(8); individuals eligible for a special military unit license plate under KRS 186.163; and disabled veterans who have been declared to be between fifty percent (50%) and ninety-nine percent (99%) service-connected disabled by the United States Department of Veterans' Affairs:
1. Initial Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (e) Recipients of the Distinguished Service Cross, Navy Cross, or Air Force Cross:
1. Initial Fee: \$6 (\$0 SF/\$6 CF/\$0 EF).
 2. Renewal Fee: \$6 (\$0 SF/\$6 CF/\$0 EF).
- (f) Disabled license plates:
1. Initial Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).
 2. Renewal Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).
- (g) Historic vehicles:
1. Initial Fee for two plates: \$56 (\$50 SF/\$6 CF/\$0 EF).
 2. Renewal Fee: Do not renew annually.
- (h) Members of Congress:
1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (i) Firefighters:
1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky Firefighters Association).
 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky Firefighters Association).
- (j) Emergency management:
1. Initial Fee: \$31 (\$25 SF/\$6 CF/\$0 EF).
 2. Renewal Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).
- (k) Fraternal Order of Police:

ACTS OF THE GENERAL ASSEMBLY

1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Kentucky FOP Death Benefit Fund).
 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky FOP Death Benefit Fund).
- (l) Law Enforcement Memorial:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Kentucky Law Enforcement Memorial Foundation, Inc.).
 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky Law Enforcement Memorial Foundation, Inc.).
- (m) Personalized plates *for a motor vehicle that is required to be registered under the provisions of KRS 186.050(1), (3)(a), or (4)(a), or a motorcycle required to be registered under the provisions of KRS 186.050(2)*:
1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
 2. Renewal Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
- (n) Street rods:
1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
 2. Renewal Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).
- (o) Nature plates:
1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to Kentucky Heritage Land Conservation Fund established under KRS 146.570).
 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to Kentucky Heritage Land Conservation Fund established under KRS 146.570).
- (p) Amateur radio:
1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
 2. Renewal Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).
- (q) Kentucky General Assembly:
1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (r) Kentucky Court of Justice:
1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
 2. Renewal Fee: \$11 (\$0 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (s) Masons:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Masonic Homes of Kentucky).
 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Masonic Homes of Kentucky).
- (t) Collegiate plates:
1. Initial Fee: \$53 (\$37 SF/\$6 CF/\$10 EF to the general scholarship fund of the university whose name will be borne on the plate).
 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the general scholarship fund of the university whose name will be borne on the plate).
- (u) Independent Colleges:

1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Association of Independent Kentucky Colleges and Universities for distribution to the general scholarship funds of the Association's members).
 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Association of Independent Kentucky Colleges and Universities for distribution to the general scholarship funds of the Association's members).
- (v) Child Victims:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the child victims' trust fund established under KRS 41.400).
 2. Renewal Fee: ~~\$28~~~~23~~ (\$12 SF/\$6 CF/~~\$10~~~~5~~ EF to the child victims' trust fund established under KRS 41.400).
- (w) Kentucky Horse Council:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Kentucky Horse Council).
 2. Renewal Fee: ~~\$28~~~~23~~ (\$12 SF/\$6 CF/~~\$10~~~~5~~ EF to the Kentucky Horse Council).
- (x) Ducks Unlimited:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to Kentucky Ducks Unlimited).
 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to Kentucky Ducks Unlimited).
- (y) Spay neuter:
1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the animal control and care fund established under KRS 258.119).
 2. Renewal Fee: ~~\$28~~~~23~~ (\$12 SF/\$6 CF/~~\$10~~~~5~~ EF to the animal control and care fund established under KRS 258.119).
- (z) Gold Star Mothers, Gold Star Fathers, or Gold Star Spouses:
1. Initial Fee: \$0 (\$0 SF/\$0 CF/ \$0 EF).
 2. Renewal Fee: \$0 (\$0 SF/\$0 CF/ \$0 EF).
 3. A person may receive a maximum of two (2) plates under this paragraph free of charge and may purchase additional plates for fees as established in subsection (2)(d) of this section.
- (aa) I Support Veterans:
1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky Department of Veterans' Affairs).
 2. Renewal Fee: ~~\$28~~~~23~~ (\$12 SF/\$6 CF/~~\$10~~~~5~~ EF to the Kentucky Department of Veterans' Affairs).
- (ab) Gold Star Siblings, Gold Star Sons, or Gold Star Daughters:
1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the veterans' program trust fund established under KRS 40.460).
 2. Renewal Fee: ~~\$28~~~~23~~ (\$12 SF/\$6 CF/~~\$10~~~~5~~ EF to the veterans' program trust fund established under KRS 40.460).
- (ac) POW/MIA Awareness:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the veterans' program trust fund established under KRS 40.460).
 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the veterans' program trust fund established under KRS 40.460).
- (ad) ***Personalized plates for a recreational vehicle that is required to be registered under the provisions of KRS 186.050(11):***
1. ***Initial Fee:*** \$51 (***\$45 SF/\$6 CF/\$0 EF.***)

2. **Renewal Fee:** **\$51** (**\$45 SF/\$6 CF/\$0 EF**).
- (ae) Special license plates established under KRS 186.164:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF).
2. Renewal Fee: \$41 (\$25 SF/\$6 CF/\$10 EF).
- (3) Any special license plate may be combined with a personalized license plate for a twenty-five dollar (\$25) state fee in addition to all other fees for the particular special license plate established in this section and in KRS 186.164(3). The twenty-five dollar (\$25) fee required under this subsection shall be divided between the cabinet and the county clerk of the county where the applicant is applying for the license plate with the cabinet receiving twenty dollars (\$20) and the county clerk receiving five dollars (\$5).
- (4) (a) A sponsoring organization of any special license plate issued under this section or any special license plate established under the provisions of KRS 186.164 may petition the cabinet for the production of that special license plate for motorcycles.
- (b) The cabinet shall make all of the special military license plates in this section available for motorcycles owned or leased by eligible individuals.
- (c) Owners and lessees of motorcycles registered under KRS 186.050(2) may be eligible to receive special license plates approved by the cabinet under paragraphs (a) and (b) of this subsection. Applicants for a special license plate for a motorcycle shall be required to pay the fee for a special plate as prescribed in this section or in KRS 186.164. The fee paid for the special plate for a motorcycle shall be in lieu of the registration fee required under KRS 186.050(2).
- ➔Section 3. The provisions of this Act take effect January 1, 2025.

Signed by Governor April 5, 2024.

CHAPTER 96

(HB 100)

AN ACT relating to birth certificates.

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

- ➔Section 1. KRS 213.141 is amended to read as follows:
- (1) Except as provided in subsection (2) of this section, the cabinet shall prescribe by regulation a fee not to exceed five dollars (\$5), to be paid for certified copies of certificates or records, or for a search of the files or records when no copy is made, or for copies or information provided for research, statistical, or administrative purposes.
- (2) The cabinet shall prescribe by administrative regulation pursuant to KRS Chapter 13A a fee not to exceed ten dollars (\$10) to be paid for a certified copy of a record of a birth:
- (a) Three dollars (\$3) of which shall be used by the Cabinet for Health and Family Services for the sole purpose of contracting for the operation of private, not-for-profit, self-help, education, and support groups for parents who want to prevent or cease physical, sexual, or mental abuse of children; and
- (b) One dollar (\$1) of which shall be used by the Division of Maternal and Child Health to pay for therapeutic food, formulas, supplements, amino acid-based elemental formula, or low-protein modified foods for all inborn errors of metabolism and genetic conditions if:
1. The therapeutic food, formulas, supplements, amino acid-based elemental formula, or low-protein modified food products are medically indicated for the therapeutic treatment of inborn errors of metabolism or genetic conditions and are administered under the direction of a physician; and
2. The affected person's therapeutic food, formulas, supplements, amino acid-based elemental formula, or low-protein foods are not covered under any public or private health benefit plan.

- (3) Fees collected under this section by the state registrar shall be used to help defray the cost of administering the system of vital statistics.
- (4) (a) No fee or compensation shall be allowed or paid for furnishing certificates of birth or death required in support of any claim against the government for compensation, insurance, back pay, or other allowances or benefits for any person who has at any time served as a member of the Army, Navy, Marine Corps, or Air Force of the United States.
- (b) No fee or compensation shall be allowed or paid for furnishing a certificate of birth to a member of the Kentucky National Guard who has received deployment orders during the sixty (60) days prior to the furnishing of the certificate.
- (c) No fee or compensation shall be allowed or paid for furnishing a certificate of birth to a child who is in the custody of or committed to the cabinet, including a child who has extended commitment to the cabinet in accordance with KRS 610.110(6).
- (d) No fee or compensation shall be allowed or paid for furnishing a certificate of birth to a homeless individual as defined ~~in~~ ~~by~~ KRS 198A.700, ~~or~~ ~~including~~ a **homeless youth as defined in 42 U.S.C. sec. 11434a(2) who is under twenty-five (25) years of age** ~~minor who is a homeless individual~~, provided the homeless individual ~~or homeless youth~~ ~~is under twenty five (25) years of age and~~ has been verified as ~~homeless~~ ~~a homeless child or youth, as defined in 42 U.S.C. sec. 11434a(2),~~ by at least one (1) of the following:
1. A director or designee of a governmental or nonprofit agency that receives public or private funding to provide services to homeless people;
 2. A local educational agency liaison for homeless children and youths designated pursuant to 42 U.S.C. sec. 11432(g)(1)(J)(ii) ~~;~~ or a school social worker or school counselor;
 3. The director or director's designee of a federal TRIO Program or a Gaining Early Awareness and Readiness for Undergraduate Program; or
 4. A financial aid administrator for an institution of higher education.
- (5) The cabinet shall notify the State Board of Elections monthly of the name, address, birthdate, sex, race, and Social Security number of residents of the Commonwealth who died during the previous month. This data shall include only those persons who were over the age of eighteen (18) years at the date of death. No fee or compensation shall be allowed for furnishing these lists.

Signed by Governor April 5, 2024.

CHAPTER 97

(HB 115)

AN ACT relating to coverage for breast examinations.

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

➔ Section 1. KRS 304.17-316 is amended to read as follows:

(1) ***As used in this section:***

(a) ***"Cost-sharing requirements" means any:***

1. ***Deductible, coinsurance, or copayment; or***
2. ***Out-of-pocket expense imposed upon an insured that is similar to an expense referenced in subparagraph 1. of this paragraph;***

(b) 1. ***"Diagnostic breast examination" means a medically necessary and appropriate examination of the breast that is used to evaluate an abnormality seen or suspected from, or detected by, a screening examination for breast cancer or another means of examination.***

2. *As used in subparagraph 1. of this paragraph, "examination of the breast" includes but is not limited to an examination using diagnostic mammography, breast magnetic resonance imaging, or breast ultrasound;*
- (c) 1. ~~{The term }~~"Mammogram" ~~means {shall mean}~~ an X-ray examination of the breast, *with at least two (2) views of each breast and with an average radiation exposure at the current recommended level as set forth in guidelines of the American College of Radiology*, using equipment dedicated specifically for mammography, including~~{,}~~ but not limited to:~~{,}~~
- a. The X-ray tube, filter, compression device, screens, film, and cassettes;~~{, with two (2) views of each breast and with an average radiation exposure at the current recommended level as set forth in guidelines of the American College of Radiology, and}~~
 - b. Digital mammography; ~~and {including }~~
 - c. Breast tomosynthesis.
2. *As used in subparagraph 1. of this paragraph,~~{The term }~~ "breast tomosynthesis" means a radiologic procedure that involves the acquisition of projection images over the stationary breast to produce cross-sectional digital three-dimensional images of the breast; *and**
- (d) 1. *"Supplemental breast examination" means a medically necessary and appropriate examination of the breast that is:*
- a. *Used to screen for breast cancer when there is no abnormality seen or suspected; and*
 - b. *Based on personal or family medical history, or additional factors, that may increase the individual's risk of breast cancer.*
2. *As used in subparagraph 1. of this paragraph, "examination of the breast" includes but is not limited to:*
- a. *A mammogram; and*
 - b. *An examination using breast magnetic resonance imaging or breast ultrasound.*
- (2) ~~{(a) }~~*Subject to subsection (3) of this section and except as otherwise provided in subsection (4) of this section, a*~~{all insurers issuing individual}~~ health insurance ~~{policies}~~ *policy, plan, certificate, or contract issued, renewed, or delivered* in this Commonwealth:
- (a) That ~~provides {provide}~~ coverage on an expense-incurred basis for surgical services for a mastectomy~~{ and that are delivered, issued for delivery, amended, or renewed on or after October 15, 1990,}~~ shall also provide coverage for:
1. a. Low-dose mammography screening for persons who have no sign or symptom of breast cancer~~{ and when performed on dedicated equipment which meets the guidelines established by the American College of Radiology and}~~ upon self-referral or~~{ on}~~ referral by a health care practitioner acting within the scope of the practitioner's licensure.
 - b. The coverage *required under this subparagraph may be limited to the following:*~~{shall make available}~~
 - i. One (1)~~{ screening}~~ mammogram *for*~~{to}~~ persons *ages*~~{age}~~ thirty-five (35) *years* through thirty-nine (39) *years*;
 - ii. One (1) mammogram every two (2) years for persons ages forty (40) *years* through forty-nine (49) *years*;~~{ and}~~
 - iii. One (1) mammogram per year for *persons ages*~~{a person}~~ fifty (50) *years*~~{ of age}~~ and over; ~~and {may be limited to }~~
 - iv. A benefit of fifty dollars (\$50) per screening mammogram.
 - c. *The coverage required under this subparagraph shall be subject to*~~{Any}~~ deductibles and coinsurance *that are*~~{factors shall be}~~ no less favorable than *the deductibles and coinsurance* for coverage for physical illness generally; ~~and {,}~~
- 2.~~{(b)}~~a. ~~{All insurers issuing individual health insurance policies in this Commonwealth that provide coverage on an expense incurred basis for surgical services for a mastectomy and~~

that are delivered, issued for delivery, amended, or renewed on or after July 14, 2000, shall also provide coverage for ~~]~~Mammograms~~[, performed on dedicated equipment that meets the guidelines established by the American College of Radiology,]~~ for any *insured*~~[covered person]~~, regardless of age, who has been diagnosed with breast disease upon referral by a health care practitioner acting within the scope of the practitioner's licensure.

- b.* The coverage *required*~~[provided]~~ under this *subparagraph*~~[paragraph]~~ shall be subject to the same annual deductibles or coinsurance established for other coverages within the policy;
- (b)* *Shall not impose any cost-sharing requirements for any diagnostic breast examination or supplemental breast examination that is covered under the policy, plan, certificate, or contract; and*
- (c)* *Shall provide any coverage not otherwise required under this section, including coverage with respect to restrictions on cost-sharing requirements, for breast examinations, including mammograms, that is required for that policy, plan, certificate, or contract under federal law.*
- (3) The *coverage required under subsection (2)(a) of this section shall be limited to mammograms:*~~[mammogram shall be]~~
- (a)* Performed by a *radiographer:*
- 1. Licensed under KRS Chapter 311B;*~~[Kentucky State Certified General Certificate Radiographer]~~ or
 - 2. Certified by the*~~[an]~~ American Registry of Radiologic *Technologists;*~~[Technology Registered Radiographer,]~~
- (b)* Interpreted by a qualified radiologist;~~[-and]~~
- (c)* Performed under the direction of a person licensed to practice medicine and certified by the American Board of Radiology;~~[-]~~
- (d)* *Performed by a*~~[The]~~ facility~~[performing the examination]~~ and *ordered by a*~~[the]~~ health care practitioner *that follow*~~[who ordered it shall follow]~~ federal laws relating to the notification of mammography exam results and maintaining medical records;~~[-]~~
- ~~(4) Effective July 15, 1990, any facility in which mammograms are performed for reimbursement under this section, KRS 304.18-098, 304.32-1591, or 304.38-1935 shall meet]~~
- (e)* *Performed by a facility that meets* current criteria of the American College of Radiology Mammography Accreditation Program; *and*
- (f)* *Performed on dedicated equipment that meets the guidelines established by the American College of Radiology.*
- (4)* *If the application of any requirement of subsection (2) of this section would be the sole cause of a health insurance policy's, plan's, certificate's, or contract's failure to qualify as a Health Savings Account-qualified High Deductible Health Plan under 26 U.S.C. sec. 223, as amended, then the requirement shall not apply to that policy, plan, certificate, or contract until the minimum deductible under 26 U.S.C. sec. 223, as amended, is satisfied.*

➔Section 2. KRS 304.17A-096 is amended to read as follows:

- (1) An insurer authorized to engage in the business of insurance in the Commonwealth of Kentucky may offer one (1) or more basic health benefit plans in the individual, small group, and employer-organized association markets. A basic health benefit plan shall cover physician, pharmacy, home health, preventive, emergency, and inpatient and outpatient hospital services in accordance with the requirements of this subtitle. If vision or eye services are offered, these services may be provided by an ophthalmologist or optometrist.
- (2) An insurer that offers a basic health benefit plan shall be required to offer health benefit plans as defined in KRS 304.17A-005~~[(22)]~~.
- (3) An insurer in the individual, small group, or employer-organized association markets that offers a basic health benefit plan may offer a basic health benefit plan that excludes from coverage any state-mandated health insurance benefit, except that the basic health benefit plan shall include coverage for diabetes as provided in KRS 304.17A-148, hospice as provided in KRS 304.17A-250(6), chiropractic benefits as provided in KRS

304.17A-171, **breast examinations**~~[mammograms]~~ as provided in KRS 304.17A-133, and those mandated benefits specified under federal law.

- (4) Notwithstanding any other provisions of this section, mandated benefits excluded from coverage shall not be deemed to include the payment, indemnity, or reimbursement of specified health care providers for specific health care services.

➔Section 3. KRS 304.17A-133 is amended to read as follows:

~~[All insurers issuing]Health benefit plans[in this Commonwealth that provide coverage for surgical services for a mastectomy and that are delivered, issued for delivery, amended, or renewed on or after July 14, 2000,] shall **comply with**[also provide coverage for mammograms under KRS 304.17-316. The coverage shall meet the standards set forth in] KRS 304.17-316.~~

➔Section 4. KRS 304.18-098 is amended to read as follows:

~~[All insurers issuing]Group or blanket health insurance policies and certificates in this Commonwealth[that provide coverage on an expense incurred basis for surgical services for a mastectomy and that are delivered, issued for delivery, amended, or renewed on or after October 15, 1990,] shall **comply with**[also provide coverage for mammograms under KRS 304.17-316. The coverage shall meet the standards set forth in] KRS 304.17-316.~~

➔Section 5. KRS 304.32-1591 is amended to read as follows:

~~[All]Nonprofit hospital, medical-surgical, dental, and health service **corporation**[corporations issuing] contracts in this Commonwealth[that provide hospital, medical, or surgical expense benefits for a mastectomy and that are delivered, issued for delivery, amended, or renewed on or after October 15, 1990,] shall **comply with**[also provide coverage for mammograms under KRS 304.17-316. The coverage shall meet the standards set forth in] KRS 304.17-316.~~

➔Section 6. KRS 304.38-1935 is amended to read as follows:

Health maintenance **organization**~~[organizations issuing] contracts in this Commonwealth[that provide hospital, medical, or surgical expense benefits for surgical services for a mastectomy and that are delivered, issued for delivery, amended, or renewed on or after October 15, 1990,] shall **comply with**[also provide coverage for mammograms under KRS 304.17-316. The coverage shall meet the minimum standards set forth in] KRS 304.17-316.~~

➔Section 7. KRS 18A.225 (Effective January 1, 2025) is amended to read as follows:

- (1) (a) The term "employee" for purposes of this section means:
1. Any person, including an elected public official, who is regularly employed by any department, office, board, agency, or branch of state government; or by a public postsecondary educational institution; or by any city, urban-county, charter county, county, or consolidated local government, whose legislative body has opted to participate in the state-sponsored health insurance program pursuant to KRS 79.080; and who is either a contributing member to any one (1) of the retirement systems administered by the state, including but not limited to the Kentucky Retirement Systems, County Employees Retirement System, Kentucky Teachers' Retirement System, the Legislators' Retirement Plan, or the Judicial Retirement Plan; or is receiving a contractual contribution from the state toward a retirement plan; or, in the case of a public postsecondary education institution, is an individual participating in an optional retirement plan authorized by KRS 161.567; or is eligible to participate in a retirement plan established by an employer who ceases participating in the Kentucky Employees Retirement System pursuant to KRS 61.522 whose employees participated in the health insurance plans administered by the Personnel Cabinet prior to the employer's effective cessation date in the Kentucky Employees Retirement System;
 2. Any certified or classified employee of a local board of education or a public charter school as defined in KRS 160.1590;
 3. Any elected member of a local board of education;
 4. Any person who is a present or future recipient of a retirement allowance from the Kentucky Retirement Systems, County Employees Retirement System, Kentucky Teachers' Retirement System, the Legislators' Retirement Plan, the Judicial Retirement Plan, or the Kentucky Community and Technical College System's optional retirement plan authorized by KRS

161.567, except that a person who is receiving a retirement allowance and who is age sixty-five (65) or older shall not be included, with the exception of persons covered under KRS 61.702(2)(b)3. and 78.5536(2)(b)3., unless he or she is actively employed pursuant to subparagraph 1. of this paragraph; and

5. Any eligible dependents and beneficiaries of participating employees and retirees who are entitled to participate in the state-sponsored health insurance program;
 - (b) The term "health benefit plan" for the purposes of this section means a health benefit plan as defined in KRS 304.17A-005;
 - (c) The term "insurer" for the purposes of this section means an insurer as defined in KRS 304.17A-005; and
 - (d) The term "managed care plan" for the purposes of this section means a managed care plan as defined in KRS 304.17A-500.
- (2) (a) The secretary of the Finance and Administration Cabinet, upon the recommendation of the secretary of the Personnel Cabinet, shall procure, in compliance with the provisions of KRS 45A.080, 45A.085, and 45A.090, from one (1) or more insurers authorized to do business in this state, a group health benefit plan that may include but not be limited to health maintenance organization (HMO), preferred provider organization (PPO), point of service (POS), and exclusive provider organization (EPO) benefit plans encompassing all or any class or classes of employees. With the exception of employers governed by the provisions of KRS Chapters 16, 18A, and 151B, all employers of any class of employees or former employees shall enter into a contract with the Personnel Cabinet prior to including that group in the state health insurance group. The contracts shall include but not be limited to designating the entity responsible for filing any federal forms, adoption of policies required for proper plan administration, acceptance of the contractual provisions with health insurance carriers or third-party administrators, and adoption of the payment and reimbursement methods necessary for efficient administration of the health insurance program. Health insurance coverage provided to state employees under this section shall, at a minimum, contain the same benefits as provided under Kentucky Kare Standard as of January 1, 1994, and shall include a mail-order drug option as provided in subsection (13) of this section. All employees and other persons for whom the health care coverage is provided or made available shall annually be given an option to elect health care coverage through a self-funded plan offered by the Commonwealth or, if a self-funded plan is not available, from a list of coverage options determined by the competitive bid process under the provisions of KRS 45A.080, 45A.085, and 45A.090 and made available during annual open enrollment.
- (b) The policy or policies shall be approved by the commissioner of insurance and may contain the provisions the commissioner of insurance approves, whether or not otherwise permitted by the insurance laws.
- (c) Any carrier bidding to offer health care coverage to employees shall agree to provide coverage to all members of the state group, including active employees and retirees and their eligible covered dependents and beneficiaries, within the county or counties specified in its bid. Except as provided in subsection (20) of this section, any carrier bidding to offer health care coverage to employees shall also agree to rate all employees as a single entity, except for those retirees whose former employers insure their active employees outside the state-sponsored health insurance program and as otherwise provided in KRS 61.702(2)(b)3.b. and 78.5536(2)(b)3.b.
- (d) Any carrier bidding to offer health care coverage to employees shall agree to provide enrollment, claims, and utilization data to the Commonwealth in a format specified by the Personnel Cabinet with the understanding that the data shall be owned by the Commonwealth; to provide data in an electronic form and within a time frame specified by the Personnel Cabinet; and to be subject to penalties for noncompliance with data reporting requirements as specified by the Personnel Cabinet. The Personnel Cabinet shall take strict precautions to protect the confidentiality of each individual employee; however, confidentiality assertions shall not relieve a carrier from the requirement of providing stipulated data to the Commonwealth.
- (e) The Personnel Cabinet shall develop the necessary techniques and capabilities for timely analysis of data received from carriers and, to the extent possible, provide in the request-for-proposal specifics relating to data requirements, electronic reporting, and penalties for noncompliance. The Commonwealth shall own the enrollment, claims, and utilization data provided by each carrier and shall

develop methods to protect the confidentiality of the individual. The Personnel Cabinet shall include in the October annual report submitted pursuant to the provisions of KRS 18A.226 to the Governor, the General Assembly, and the Chief Justice of the Supreme Court, an analysis of the financial stability of the program, which shall include but not be limited to loss ratios, methods of risk adjustment, measurements of carrier quality of service, prescription coverage and cost management, and statutorily required mandates. If state self-insurance was available as a carrier option, the report also shall provide a detailed financial analysis of the self-insurance fund including but not limited to loss ratios, reserves, and reinsurance agreements.

- (f) If any agency participating in the state-sponsored employee health insurance program for its active employees terminates participation and there is a state appropriation for the employer's contribution for active employees' health insurance coverage, then neither the agency nor the employees shall receive the state-funded contribution after termination from the state-sponsored employee health insurance program.
 - (g) Any funds in flexible spending accounts that remain after all reimbursements have been processed shall be transferred to the credit of the state-sponsored health insurance plan's appropriation account.
 - (h) Each entity participating in the state-sponsored health insurance program shall provide an amount at least equal to the state contribution rate for the employer portion of the health insurance premium. For any participating entity that used the state payroll system, the employer contribution amount shall be equal to but not greater than the state contribution rate.
- (3) The premiums may be paid by the policyholder:
- (a) Wholly from funds contributed by the employee, by payroll deduction or otherwise;
 - (b) Wholly from funds contributed by any department, board, agency, public postsecondary education institution, or branch of state, city, urban-county, charter county, county, or consolidated local government; or
 - (c) Partly from each, except that any premium due for health care coverage or dental coverage, if any, in excess of the premium amount contributed by any department, board, agency, postsecondary education institution, or branch of state, city, urban-county, charter county, county, or consolidated local government for any other health care coverage shall be paid by the employee.
- (4) If an employee moves his or her place of residence or employment out of the service area of an insurer offering a managed health care plan, under which he or she has elected coverage, into either the service area of another managed health care plan or into an area of the Commonwealth not within a managed health care plan service area, the employee shall be given an option, at the time of the move or transfer, to change his or her coverage to another health benefit plan.
- (5) No payment of premium by any department, board, agency, public postsecondary educational institution, or branch of state, city, urban-county, charter county, county, or consolidated local government shall constitute compensation to an insured employee for the purposes of any statute fixing or limiting the compensation of such an employee. Any premium or other expense incurred by any department, board, agency, public postsecondary educational institution, or branch of state, city, urban-county, charter county, county, or consolidated local government shall be considered a proper cost of administration.
- (6) The policy or policies may contain the provisions with respect to the class or classes of employees covered, amounts of insurance or coverage for designated classes or groups of employees, policy options, terms of eligibility, and continuation of insurance or coverage after retirement.
- (7) Group rates under this section shall be made available to the disabled child of an employee regardless of the child's age if the entire premium for the disabled child's coverage is paid by the state employee. A child shall be considered disabled if he or she has been determined to be eligible for federal Social Security disability benefits.
- (8) The health care contract or contracts for employees shall be entered into for a period of not less than one (1) year.
- (9) The secretary shall appoint thirty-two (32) persons to an Advisory Committee of State Health Insurance Subscribers to advise the secretary or the secretary's designee regarding the state-sponsored health insurance program for employees. The secretary shall appoint, from a list of names submitted by appointing authorities, members representing school districts from each of the seven (7) Supreme Court districts, members

representing state government from each of the seven (7) Supreme Court districts, two (2) members representing retirees under age sixty-five (65), one (1) member representing local health departments, two (2) members representing the Kentucky Teachers' Retirement System, and three (3) members at large. The secretary shall also appoint two (2) members from a list of five (5) names submitted by the Kentucky Education Association, two (2) members from a list of five (5) names submitted by the largest state employee organization of nonschool state employees, two (2) members from a list of five (5) names submitted by the Kentucky Association of Counties, two (2) members from a list of five (5) names submitted by the Kentucky League of Cities, and two (2) members from a list of names consisting of five (5) names submitted by each state employee organization that has two thousand (2,000) or more members on state payroll deduction. The advisory committee shall be appointed in January of each year and shall meet quarterly.

- (10) Notwithstanding any other provision of law to the contrary, the policy or policies provided to employees pursuant to this section shall not provide coverage for obtaining or performing an abortion, nor shall any state funds be used for the purpose of obtaining or performing an abortion on behalf of employees or their dependents.
- (11) Interruption of an established treatment regime with maintenance drugs shall be grounds for an insured to appeal a formulary change through the established appeal procedures approved by the Department of Insurance, if the physician supervising the treatment certifies that the change is not in the best interests of the patient.
- (12) Any employee who is eligible for and elects to participate in the state health insurance program as a retiree, or the spouse or beneficiary of a retiree, under any one (1) of the state-sponsored retirement systems shall not be eligible to receive the state health insurance contribution toward health care coverage as a result of any other employment for which there is a public employer contribution. This does not preclude a retiree and an active employee spouse from using both contributions to the extent needed for purchase of one (1) state sponsored health insurance policy for that plan year.
- (13)
 - (a) The policies of health insurance coverage procured under subsection (2) of this section shall include a mail-order drug option for maintenance drugs for state employees. Maintenance drugs may be dispensed by mail order in accordance with Kentucky law.
 - (b) A health insurer shall not discriminate against any retail pharmacy located within the geographic coverage area of the health benefit plan and that meets the terms and conditions for participation established by the insurer, including price, dispensing fee, and copay requirements of a mail-order option. The retail pharmacy shall not be required to dispense by mail.
 - (c) The mail-order option shall not permit the dispensing of a controlled substance classified in Schedule II.
- (14) The policy or policies provided to state employees or their dependents pursuant to this section shall provide coverage for obtaining a hearing aid and acquiring hearing aid-related services for insured individuals under eighteen (18) years of age, subject to a cap of one thousand four hundred dollars (\$1,400) every thirty-six (36) months pursuant to KRS 304.17A-132.
- (15) Any policy provided to state employees or their dependents pursuant to this section shall provide coverage for the diagnosis and treatment of autism spectrum disorders consistent with KRS 304.17A-142.
- (16) Any policy provided to state employees or their dependents pursuant to this section shall provide coverage for obtaining amino acid-based elemental formula pursuant to KRS 304.17A-258.
- (17) If a state employee's residence and place of employment are in the same county, and if the hospital located within that county does not offer surgical services, intensive care services, obstetrical services, level II neonatal services, diagnostic cardiac catheterization services, and magnetic resonance imaging services, the employee may select a plan available in a contiguous county that does provide those services, and the state contribution for the plan shall be the amount available in the county where the plan selected is located.
- (18) If a state employee's residence and place of employment are each located in counties in which the hospitals do not offer surgical services, intensive care services, obstetrical services, level II neonatal services, diagnostic cardiac catheterization services, and magnetic resonance imaging services, the employee may select a plan available in a county contiguous to the county of residence that does provide those services, and the state contribution for the plan shall be the amount available in the county where the plan selected is located.
- (19) The Personnel Cabinet is encouraged to study whether it is fair and reasonable and in the best interests of the state group to allow any carrier bidding to offer health care coverage under this section to submit bids that may vary county by county or by larger geographic areas.

- (20) Notwithstanding any other provision of this section, the bid for proposals for health insurance coverage for calendar year 2004 shall include a bid scenario that reflects the statewide rating structure provided in calendar year 2003 and a bid scenario that allows for a regional rating structure that allows carriers to submit bids that may vary by region for a given product offering as described in this subsection:
- (a) The regional rating bid scenario shall not include a request for bid on a statewide option;
 - (b) The Personnel Cabinet shall divide the state into geographical regions which shall be the same as the partnership regions designated by the Department for Medicaid Services for purposes of the Kentucky Health Care Partnership Program established pursuant to 907 KAR 1:705;
 - (c) The request for proposal shall require a carrier's bid to include every county within the region or regions for which the bid is submitted and include but not be restricted to a preferred provider organization (PPO) option;
 - (d) If the Personnel Cabinet accepts a carrier's bid, the cabinet shall award the carrier all of the counties included in its bid within the region. If the Personnel Cabinet deems the bids submitted in accordance with this subsection to be in the best interests of state employees in a region, the cabinet may award the contract for that region to no more than two (2) carriers; and
 - (e) Nothing in this subsection shall prohibit the Personnel Cabinet from including other requirements or criteria in the request for proposal.
- (21) Any fully insured health benefit plan or self-insured plan issued or renewed on or after July 12, 2006, to public employees pursuant to this section which provides coverage for services rendered by a physician or osteopath duly licensed under KRS Chapter 311 that are within the scope of practice of an optometrist duly licensed under the provisions of KRS Chapter 320 shall provide the same payment of coverage to optometrists as allowed for those services rendered by physicians or osteopaths.
- (22) Any fully insured health benefit plan or self-insured plan issued or renewed to public employees pursuant to this section shall comply with:
- (a) KRS 304.12-237;
 - (b) KRS 304.17A-270 and 304.17A-525;
 - (c) KRS 304.17A-600 to 304.17A-633;
 - (d) KRS 205.593;
 - (e) KRS 304.17A-700 to 304.17A-730;
 - (f) KRS 304.14-135;
 - (g) KRS 304.17A-580 and 304.17A-641;
 - (h) KRS 304.99-123;
 - (i) KRS 304.17A-138;
 - (j) KRS 304.17A-148;
 - (k) KRS 304.17A-163 and 304.17A-1631;
 - (l) KRS 304.17A-265;
 - (m) KRS 304.17A-261;
 - (n) KRS 304.17A-262; ~~and~~
 - (o) **Section 3 of this Act; and**
 - (p) Administrative regulations promulgated pursuant to statutes listed in this subsection.
- ➔Section 8. KRS 164.2871 (Effective January 1, 2025) is amended to read as follows:
- (1) The governing board of each state postsecondary educational institution is authorized to purchase liability insurance for the protection of the individual members of the governing board, faculty, and staff of such institutions from liability for acts and omissions committed in the course and scope of the individual's employment or service. Each institution may purchase the type and amount of liability coverage deemed to best serve the interest of such institution.

- (2) All retirement annuity allowances accrued or accruing to any employee of a state postsecondary educational institution through a retirement program sponsored by the state postsecondary educational institution are hereby exempt from any state, county, or municipal tax, and shall not be subject to execution, attachment, garnishment, or any other process whatsoever, nor shall any assignment thereof be enforceable in any court. Except retirement benefits accrued or accruing to any employee of a state postsecondary educational institution through a retirement program sponsored by the state postsecondary educational institution on or after January 1, 1998, shall be subject to the tax imposed by KRS 141.020, to the extent provided in KRS 141.010 and 141.0215.
- (3) Except as provided in KRS Chapter 44, the purchase of liability insurance for members of governing boards, faculty and staff of institutions of higher education in this state shall not be construed to be a waiver of sovereign immunity or any other immunity or privilege.
- (4) The governing board of each state postsecondary education institution is authorized to provide a self-insured employer group health plan to its employees, which plan shall:
- (a) Conform to the requirements of Subtitle 32 of KRS Chapter 304; and
 - (b) Except as provided in subsection (5) of this section, be exempt from conformity with Subtitle 17A of KRS Chapter 304.
- (5) A self-insured employer group health plan provided by the governing board of a state postsecondary education institution to its employees shall comply with:
- (a) KRS 304.17A-163 and 304.17A-1631;
 - (b) KRS 304.17A-265;
 - (c) KRS 304.17A-261;~~and~~
 - (d) KRS 304.17A-262; *and*
 - (e) *Section 3 of this Act.*

➔Section 9. This Act applies to policies, plans, certificates, and contracts issued or renewed on or after January 1, 2025.

➔Section 10. This Act takes effect January 1, 2025.

Signed by Governor April 5, 2024.

CHAPTER 98

(HB 166)

AN ACT relating to sudden unexpected death in epilepsy.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO READ AS FOLLOWS:

- (1) *For the purposes of this section, "SUDEP" means sudden unexpected death in epilepsy.*
- (2) (a) *All autopsies conducted in this state as required by KRS 72.025 shall include, if requested by an immediate family member of the deceased to the coroner, an inquiry to determine whether the death is a direct result of a seizure or epilepsy. If the finding in an autopsy is consistent with SUDEP, the coroner shall indicate on the death certificate that SUDEP is the cause or suspected cause of death.*
- (b) *If SUDEP is written as the cause or suspected cause of death, the Vital Statistics Branch shall forward a copy of the death certificate to the North American SUDEP Registry at the Langone Medical Center at New York University within thirty (30) days.*

➔Section 2. This Act may be cited as Jami's Law.

Signed by Governor April 5, 2024.

CHAPTER 99

(HB 179)

AN ACT relating to insurance for loss of income and declaring an emergency.

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

➔Section 1. KRS 304.3-110 is amended to read as follows:

An insurer which otherwise qualifies therefor may be authorized to transact any one (1) kind or any combination of kinds of insurance as defined in Subtitle 5 *of this chapter*, except:

- (1) A life insurer may *transact life insurance and* grant annuities, *but shall not be authorized to transact any other kind of insurance except:*~~[and may be authorized to transact in addition only]~~
 - (a) Health insurance, *including disability income insurance and paid family leave insurance; and*~~[except, that]~~
 - (b) The commissioner may, if the insurer otherwise qualifies therefor, continue *any authorization*~~[so to authorize any life insurer which immediately prior to June 18, 1970, was lawfully authorized]~~ to transact in this state a kind or kinds of insurance *not authorized under this subsection if the life insurer was, immediately prior to June 18, 1970, lawfully authorized to transact the insurance and has continuously transacted the insurance since that date;*~~[in addition to life and health and annuities.]~~
- (2) Only an insurer with a certificate of authority~~[authorized]~~ to sell life insurance may grant and issue annuity contracts;~~[;]~~
- ~~(3)(2)~~ A reciprocal or Lloyd's insurer shall not transact life insurance;~~[;]~~
- ~~(4)(3)~~ A title insurer:
 - (a) Shall be a stock insurer;~~[;]~~ and
 - (b) *May transact title insurance, but shall not be authorized to* transact any other kind of insurance;~~[;]~~
- ~~(5)(4)~~ A mortgage guaranty insurer:
 - (a) Shall be a stock insurer;~~[;]~~ and
 - (b) *May transact mortgage guaranty insurance, but shall not transact any other kind of insurance; and*~~[;]~~
- (6) *Only an insurer with a certificate of authority to sell life insurance or health insurance may transact disability income insurance or paid family leave insurance.*

➔SECTION 2. A NEW SECTION OF SUBTITLE 5 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this chapter, "disability income insurance" means insurance that provides for periodic payments, weekly, monthly, or otherwise, for a specified period during the continuance of disability resulting from sickness, injury, or a combination of sickness and injury.*
- (2) *Disability income insurance shall be classified and filed as:*
 - (a) *Except as provided in paragraph (b) of this subsection, health insurance; or*
 - (b) *Life insurance, if offered as an additional incidental benefit under a life insurance policy or contract.*

➔SECTION 3. A NEW SECTION OF SUBTITLE 5 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this chapter, "paid family leave insurance" means insurance issued to an employer related to a benefit program provided to an employee to pay for a percentage or portion of the employee's income loss caused by absences that are not based on the employee's disability.*
- (2) *Paid family leave insurance shall be classified and filed as health insurance.*

➔Section 4. KRS 304.9-030 is amended to read as follows:

- (1) Unless denied a license according to KRS 304.9-440, applicants who have met the requirements for the license in accordance with this subtitle, shall be issued the applicable license.
- (2) An insurance agent may receive qualification for a license in one (1) or more of the following applicable lines of authority:
 - (a) Life -- insurance coverage on human lives including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident, ~~and~~ benefits for disability income, **and benefits for paid family leave**;
 - (b) Health -- insurance coverage for sickness, bodily injury, or accidental death and may include benefits for disability income **and benefits for paid family leave**;
 - (c) Property -- insurance coverage for the direct or consequential loss or damage to property of every kind;
 - (d) Casualty -- insurance coverage against legal liability, including that for death, injury, or disability, or damage to real or personal property;
 - (e) Variable life and variable annuity products -- insurance coverage provided under variable life insurance contracts and variable annuities;
 - (f) Limited line insurance as identified in KRS 304.9-230;
 - (g) Personal lines -- property and casualty insurance coverage sold to individuals and families for primarily noncommercial purposes; and
 - (h) Any other line of insurance authorized by Kentucky law and deemed by the commissioner appropriate to be issued as a separate line of authority.
- (3) A resident applicant for a variable life and variable annuities line of authority shall hold an active life line of authority.

➔SECTION 5. SUBTITLE 53 OF KRS CHAPTER 304 IS ESTABLISHED, AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

Paid family leave insurance:

- (1) ***May be:***
 - (a) ***Included in a group disability income insurance policy or contract purchased by an employer;***
 - (b) ***Offered as a rider, amendment, or supplemental policy provision to a group disability income insurance policy or contract purchased by an employer; or***
 - (c) ***Offered as a stand-alone group paid family leave insurance policy or contract purchased by an employer; and***
- (2) ***Shall be subject to KRS 304.14-120 and any other requirements for group health insurance under this chapter unless:***
 - (a) ***Paid family leave insurance is expressly exempted from the requirements; or***
 - (b) ***The requirements are in conflict with this subtitle.***

➔SECTION 6. A NEW SECTION OF SUBTITLE 53 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) ***As used in this section, unless the context requires otherwise:***
 - (a) ***"Armed Forces of the United States" includes members of the:***
 1. ***National Guard; and***
 2. ***The United States Armed Forces Reserves;***
 - (b) ***"Child" includes a person who is:***
 1. ***Either:***
 - a. ***Under eighteen (18) years of age; or***

- b. *Eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability; and*
 - 2. *One (1) of the following:*
 - a. *The employee's biological, adopted, or foster son or daughter;*
 - b. *The employee's stepson or stepdaughter;*
 - c. *The employee's legal ward;*
 - d. *A son or daughter of the employee's domestic partner; or*
 - e. *A person to whom the employee stands in loco parentis;*
 - (c) *"Family member" includes:*
 - 1. *An employee's child, spouse, or parent; and*
 - 2. *Any other person defined as a "family member" in a paid family leave insurance policy or contract;*
 - (d) *"First responder" includes:*
 - 1. *A peace officer;*
 - 2. *A paid or volunteer emergency medical services or rescue personnel;*
 - 3. *A paid or volunteer member of an organized fire department; and*
 - 4. *Personnel of a private not-for-profit organization providing fire, rescue, or emergency medical services; and*
 - (e) *"Parent" includes:*
 - 1. *The employee's biological, foster, or adoptive parent;*
 - 2. *The employee's stepparent;*
 - 3. *The employee's legal guardian; and*
 - 4. *A person who stood in loco parentis to the employee when the employee was a child.*
- (2) *Paid family leave insurance may provide benefits for any leave taken from work by an employee:*
 - (a) *To participate in providing care, including physical or psychological care, for a family member because of:*
 - 1. *A serious health condition of the family member; or*
 - 2. *Any other reason specified in the policy or contract;*
 - (b) *To bond with a child during the first twelve (12) months after the child's birth, adoption, or placement with the employee for foster care;*
 - (c) *To address a qualifying exigency recognized under the federal Family and Medical Leave Act, 29 U.S.C. sec. 2612(a)(1)(E) and 29 C.F.R. sec. 825.126 as amended, relating to a family member who is on covered active duty, or has been notified of an impending call or order to covered active duty, in the Armed Forces of the United States;*
 - (d) *To care for a family member that is:*
 - 1. *Either:*
 - a. *In the Armed Forces of the United States; or*
 - b. *A first responder; and*
 - 2. *Injured in the line of duty; and*
 - (e) *For any other reason not based on the employee's disability specified in the policy or contract.*

➔SECTION 7. A NEW SECTION OF SUBTITLE 53 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

A paid family leave insurance policy or contract shall set forth:

- (1) *The details and requirements for each of the covered family leave reasons specified in the policy or contract;*
- (2) *(a) The length of family leave benefits that are available for each covered family leave reason specified in the policy or contract, which shall not be less than two (2) weeks during a period of fifty-two (52) consecutive calendar weeks.*
 - (b) For purposes of paragraph (a) of this subsection, fifty-two (52) consecutive calendar weeks may be calculated by:*
 - 1. A calendar year;*
 - 2. Any fixed period starting on a particular date, including an:*
 - a. Effective date; or*
 - b. Anniversary date;*
 - 3. The period measured forward from the employee's first day of family leave;*
 - 4. A rolling period measured by looking back from the employee's first day of family leave; or*
 - 5. Any other method that is specified in the policy or contract;*
- (3) *Whether there is an unpaid waiting period;*
- (4) *If there is an unpaid waiting period, the terms and conditions of the unpaid waiting period, including but not limited to whether:*
 - (a) The waiting period runs over a consecutive calendar day period;*
 - (b) The waiting period is:*
 - 1. Counted toward the annual allotment of family leave benefits; or*
 - 2. In addition to the annual allotment of family leave benefits;*
 - (c) The waiting period must be met:*
 - 1. Only once per benefit year; or*
 - 2. For each separate claim for benefits; and*
 - (d) The employee may work or receive paid time off or other compensation by the employer during the waiting period;*
- (5) *The amount of benefits that will be paid for each covered family leave reason specified in the policy or contract;*
- (6) *The definition of, and method of calculating, the wages or other income upon which the amount of benefits for each covered family leave reason specified in the policy or contract will be based;*
- (7) *If the benefits available under the policy or contract are subject to offsets for wages or other income received by the employee or to which the employee may be eligible:*
 - (a) All wages or other income that may be offset; and*
 - (b) The circumstances under which the wages or other income may be offset; and*
- (8) *Any limitation, exclusion, or reduction of eligibility for benefits available under the policy or contract.*

➔SECTION 8. A NEW SECTION OF SUBTITLE 53 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) *An insurer shall not limit, exclude, or reduce an employee's eligibility for benefits provided under a paid family leave insurance policy or contract unless the limitation, exclusion, or reduction is set forth in the policy or contract as required under Section 7 of this Act.*
- (2) *A paid family leave insurance policy or contract may include but shall not be limited to limitations on, or exclusions or reductions of, an employee's eligibility for benefits for any or all of the following reasons:*
 - (a) For any period of family leave during which:*

1. *The notice and medical certification required under the policy or contract has not been provided;*
2. *The employee performed work for remuneration or profit;*
3. *The employee is eligible to receive remuneration or maintenance from:*
 - a. *His or her employer; or*
 - b. *A fund to which his or her employer has contributed;*
4. *The employee is eligible to receive benefits from any other statutory program or employer-sponsored program, including but not limited to:*
 - a. *Unemployment insurance benefits;*
 - b. *Workers' compensation benefits;*
 - c. *Statutory disability benefits;*
 - d. *Statutory paid leave benefits; and*
 - e. *Paid time off or leave from the employer; or*
5. *More than one (1) person seeks leave for the same family member;*
 - (b) *For any leave related to a serious health condition or other harm to a family member brought about by the willful intention of the employee; or*
 - (c) *For any leave commencing before the employee becomes eligible for benefits under the policy.*

➔SECTION 9. A NEW SECTION OF SUBTITLE 53 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) *Benefits due and payable under a paid family leave insurance policy or contract issued under the authority of this chapter shall be paid periodically and promptly as required under KRS 304.12-235 unless the family leave period is contested.*
- (2) *Benefits shall not be considered due and payable under a paid family leave insurance policy or contract if they are subject to a coverage limitation, exclusion, or reduction specified in the policy or contract.*

➔SECTION 10. A NEW SECTION OF SUBTITLE 53 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

The commissioner may promulgate administrative regulations in accordance with KRS Chapter 13A to effectuate, or as an aid to effectuation of, the provisions of this subtitle.

➔SECTION 11. A NEW SECTION OF SUBTITLE 53 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

This subtitle may be cited as the Paid Family Leave Insurance Act.

➔Section 12. KRS 304.17A-005 is amended to read as follows:

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

- (1) "Association" means an entity, other than an employer-organized association, that has been organized and is maintained in good faith for purposes other than that of obtaining insurance for its members and that has a constitution and bylaws;
- (2) "At the time of enrollment" means:
 - (a) At the time of application for an individual, an association that actively markets to individual members, and an employer-organized association that actively markets to individual members; and
 - (b) During the time of open enrollment or during an insured's initial or special enrollment periods for group health insurance;
- (3) "Base premium rate" means, for each class of business as to a rating period, the lowest premium rate charged or that could have been charged under the rating system for that class of business by the insurer to the individual or small group, or employer as defined in KRS 304.17A-0954, with similar case characteristics for health benefit plans with the same or similar coverage;

- (4) "Basic health benefit plan" means any plan offered to an individual, a small group, or employer-organized association that limits coverage to physician, pharmacy, home health, preventive, emergency, and inpatient and outpatient hospital services in accordance with the requirements of this subtitle. If vision or eye services are offered, these services may be provided by an ophthalmologist or optometrist. Chiropractic benefits may be offered by providers licensed pursuant to KRS Chapter 312;
- (5) "Bona fide association" means an entity as defined in 42 U.S.C. sec. 300gg-91(d)(3);
- (6) "Church plan" means a church plan as defined in 29 U.S.C. sec. 1002(33);
- (7) "COBRA" means any of the following:
- (a) 26 U.S.C. sec. 4980B other than subsection (f)(1) as it relates to pediatric vaccines;
 - (b) The Employee Retirement Income Security Act of 1974 (29 U.S.C. sec. 1161 et seq. other than sec. 1169); or
 - (c) 42 U.S.C. sec. 300bb;
- (8) "Creditable coverage":
- (a) Means, with respect to an individual, coverage of the individual under any of the following:
 - 1. A group health plan;
 - 2. Health insurance coverage;
 - 3. Part A or Part B of Title XVIII of the Social Security Act;
 - 4. Title XIX of the Social Security Act, other than coverage consisting solely of benefits under section 1928;
 - 5. Chapter 55 of Title 10, United States Code, including medical and dental care for members and certain former members of the uniformed services, and for their dependents; for purposes of Chapter 55 of Title 10, United States Code, "uniformed services" means the Armed Forces and the Commissioned Corps of the National Oceanic and Atmospheric Administration and of the Public Health Service;
 - 6. A medical care program of the Indian Health Service or of a tribal organization;
 - 7. A state health benefits risk pool;
 - 8. A health plan offered under Chapter 89 of Title 5, United States Code, such as the Federal Employees Health Benefit Program;
 - 9. A public health plan as established or maintained by a state, the United States government, a foreign country, or any political subdivision of a state, the United States government, or a foreign country that provides health coverage to individuals who are enrolled in the plan;
 - 10. A health benefit plan under section 5(e) of the Peace Corps Act (22 U.S.C. sec. 2504(e)); or
 - 11. Title XXI of the Social Security Act, such as the State Children's Health Insurance Program; and
 - (b) Does not include coverage consisting solely of coverage of excepted benefits as defined in this section;
- (9) "Dependent" means any individual who is or may become eligible for coverage under the terms of an individual or group health benefit plan because of a relationship to a participant;
- (10) "Employee benefit plan" means an employee welfare benefit plan or an employee pension benefit plan or a plan which is both an employee welfare benefit plan and an employee pension benefit plan as defined by ERISA;
- (11) "Eligible individual" means an individual:
- (a) For whom, as of the date on which the individual seeks coverage, the aggregate of the periods of creditable coverage is eighteen (18) or more months and whose most recent prior creditable coverage was under a group health plan, governmental plan, or church plan. A period of creditable coverage under this paragraph shall not be counted if, after that period, there was a sixty-three (63) day period of time, excluding any waiting or affiliation period, during all of which the individual was not covered under any creditable coverage;

- (b) Who is not eligible for coverage under a group health plan, Part A or Part B of Title XVIII of the Social Security Act (42 U.S.C. secs. 1395j et seq.), or a state plan under Title XIX of the Social Security Act (42 U.S.C. secs. 1396 et seq.) and does not have other health insurance coverage;
 - (c) With respect to whom the most recent coverage within the coverage period described in paragraph (a) of this subsection was not terminated based on a factor described in KRS 304.17A-240(2)(a), (b), and (c);
 - (d) If the individual had been offered the option of continuation coverage under a COBRA continuation provision or under KRS 304.18-110, who elected the coverage; and
 - (e) Who, if the individual elected the continuation coverage, has exhausted the continuation coverage under the provision or program;
- (12) "Employer-organized association" means any of the following:
- (a) Any entity that was qualified by the commissioner as an eligible association prior to April 10, 1998, and that has actively marketed a health insurance program to its members since September 8, 1996, and which is not insurer-controlled;
 - (b) Any entity organized under KRS 247.240 to 247.370 that has actively marketed health insurance to its members and that is not insurer-controlled;
 - (c) Any entity or association of employers, which has been actively in existence for at least two (2) years, formed under the Employee Retirement Income Security Act, 29 U.S.C. secs. 1001 et seq., to provide an employee welfare benefit plan under guidance issued by the United States Department of Labor prior to the issuance of 29 C.F.R. sec. 2510.3-5, and for which the entity's health insurance decisions are made by a board or committee, the majority of which are representatives of employer members of the entity who obtain group health insurance coverage through the entity or through a trust or other mechanism established by the entity, and whose health insurance decisions are reflected in written minutes or other written documentation; and
 - (d) Any entity or association of employers, which has been actively in existence for at least two (2) years, formed under the Employee Retirement Income Security Act, 29 U.S.C. secs. 1001 et seq., to provide an employee welfare benefit plan, whose members consist of employers or a group of employers that satisfy the requirements of 29 C.F.R. sec. 2510.3-5.
- Except as provided in KRS 304.17A-0954, 304.17A-200, and 304.17A-220, and except as otherwise provided by the definition of "large group" contained in this section, an employer-organized association shall not be treated as an association, small group, or large group under this subtitle, except that an employer-organized association as defined under paragraph (c) or (d) of this subsection shall be treated as a large group under this subtitle;
- (13) "Employer-organized association health insurance plan" means any health insurance plan, policy, or contract issued to an employer-organized association, or to a trust established by one (1) or more employer-organized associations, or providing coverage solely for the employees, retired employees, directors and their spouses and dependents of the members of one (1) or more employer-organized associations;
- (14) "Excepted benefits" means benefits under one (1) or more, or any combination of the following:
- (a) Coverage only for accident, including accidental death and dismemberment, or disability income insurance, or any combination thereof;
 - (b) Coverage issued as a supplement to liability insurance;
 - (c) Liability insurance, including general liability insurance and automobile liability insurance;
 - (d) Workers' compensation or similar insurance;
 - (e) Automobile medical payment insurance;
 - (f) Credit-only insurance;
 - (g) Coverage for on-site medical clinics;
 - (h) Other similar insurance coverage, specified in administrative regulations, under which benefits for medical care are secondary or incidental to other insurance benefits;
 - (i) Limited scope dental or vision benefits;

- (j) Benefits for long-term care, nursing home care, home health care, community-based care, or any combination thereof;
 - (k) Such other similar, limited benefits as are specified in administrative regulations;
 - (l) Coverage only for a specified disease or illness;
 - (m) Hospital indemnity or other fixed indemnity insurance;
 - (n) Benefits offered as Medicare supplemental health insurance, as defined under section 1882(g)(1) of the Social Security Act;
 - (o) Coverage supplemental to the coverage provided under Chapter 55 of Title 10, United States Code;
 - (p) Coverage similar to that in paragraphs (n) and (o) of this subsection that is supplemental to coverage under a group health plan; and
 - (q) Health flexible spending arrangements;
- (15) "Governmental plan" means a governmental plan as defined in 29 U.S.C. sec. 1002(32);
- (16) "Group health plan" means a plan, including a self-insured plan, of or contributed to by an employer, including a self-employed person, or employee organization, to provide health care directly or otherwise to the employees, former employees, the employer, or others associated or formerly associated with the employer in a business relationship, or their families;
- (17) "Guaranteed acceptance program participating insurer" means an insurer that is required to or has agreed to offer health benefit plans in the individual market to guaranteed acceptance program qualified individuals under KRS 304.17A-400 to 304.17A-480;
- (18) "Guaranteed acceptance program plan" means a health benefit plan in the individual market issued by an insurer that provides health benefits to a guaranteed acceptance program qualified individual and is eligible for assessment and refunds under the guaranteed acceptance program under KRS 304.17A-400 to 304.17A-480;
- (19) "Guaranteed acceptance program" means the Kentucky Guaranteed Acceptance Program established and operated under KRS 304.17A-400 to 304.17A-480;
- (20) "Guaranteed acceptance program qualified individual" means an individual who, on or before December 31, 2000:
- (a) Is not an eligible individual;
 - (b) Is not eligible for or covered by other health benefit plan coverage or who is a spouse or a dependent of an individual who:
 - 1. Waived coverage under KRS 304.17A-210(2); or
 - 2. Did not elect family coverage that was available through the association or group market;
 - (c) Within the previous three (3) years has been diagnosed with or treated for a high-cost condition or has had benefits paid under a health benefit plan for a high-cost condition, or is a high risk individual as defined by the underwriting criteria applied by an insurer under the alternative underwriting mechanism established in KRS 304.17A-430(3);
 - (d) Has been a resident of Kentucky for at least twelve (12) months immediately preceding the effective date of the policy; and
 - (e) Has not had his or her most recent coverage under any health benefit plan terminated or nonrenewed because of any of the following:
 - 1. The individual failed to pay premiums or contributions in accordance with the terms of the plan or the insurer had not received timely premium payments;
 - 2. The individual performed an act or practice that constitutes fraud or made an intentional misrepresentation of material fact under the terms of the coverage; or
 - 3. The individual engaged in intentional and abusive noncompliance with health benefit plan provisions;
- (21) "Guaranteed acceptance plan supporting insurer" means either an insurer, on or before December 31, 2000, that is not a guaranteed acceptance plan participating insurer or is a stop loss carrier, on or before December

31, 2000, provided that a guaranteed acceptance plan supporting insurer shall not include an employer-sponsored self-insured health benefit plan exempted by ERISA;

(22) "Health benefit plan":

(a) Shall include any:

1. Hospital or medical expense policy or certificate;
2. Nonprofit hospital, medical-surgical, and health service corporation contract or certificate;
3. Provider sponsored integrated health delivery network;
4. Self-insured plan or a plan provided by a multiple employer welfare arrangement, to the extent permitted by ERISA;
5. Self-insured governmental plan or church plan;
6. Health maintenance organization contract, except contracts to provide Medicaid benefits under KRS Chapter 205; or
7. Health benefit plan that affects the rights of a Kentucky insured and bears a reasonable relation to Kentucky, whether delivered or issued for delivery in Kentucky; and

(b) Does not include:

1. Policies covering only accident, credit, dental, disability income, *paid family leave*, fixed indemnity medical expense reimbursement, long-term care, Medicare supplement, specified disease, or vision care;
2. Coverage issued as a supplement to liability insurance;
3. Insurance arising out of a workers' compensation or similar law;
4. Automobile medical-payment insurance;
5. Insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability insurance policy or equivalent self-insurance;
6. Short-term limited-duration coverage;
7. Student health insurance offered by a Kentucky-licensed insurer under written contract with a university or college whose students it proposes to insure;
8. Medical expense reimbursement policies specifically designed to fill gaps in primary coverage, coinsurance, or deductibles and provided under a separate policy, certificate, or contract;
9. Coverage supplemental to the coverage provided under Chapter 55 of Title 10, United States Code;
10. Limited health service benefit plans;
11. Direct primary care agreements established under KRS 311.6201, 311.6202, 314.198, and 314.199; or
12. Coverage provided under KRS Chapter 205;

(23) "Health care provider" or "provider" means any:

- (a) Advanced practice registered nurse licensed under KRS Chapter 314;
- (b) Chiropractor licensed under KRS Chapter 312;
- (c) Dentist licensed under KRS Chapter 313;
- (d) Facility or service required to be licensed under KRS Chapter 216B;
- (e) Home medical equipment and services provider licensed under KRS Chapter 309;
- (f) Optometrist licensed under KRS Chapter 320;
- (g) Pharmacist licensed under KRS Chapter 315;
- (h) Physician, osteopath, or podiatrist licensed under KRS Chapter 311;

- (i) Physician assistant regulated under KRS Chapter 311; and
 - (j) Other health care practitioners as determined by the department by administrative regulations promulgated under KRS Chapter 13A;
- (24) (a) "Health care service" means health care procedures, treatments, or services rendered by a provider within the scope of practice for which the provider is licensed.
- (b) Health care service includes the provision of prescription drugs, as defined in KRS 315.010, and home medical equipment, as defined in KRS 309.402;
- (25) "Health facility" or "facility" has the same meaning as in KRS 216B.015;
- (26) (a) "High-cost condition," pursuant to the Kentucky Guaranteed Acceptance Program, means a covered condition in an individual policy as listed in paragraph (c) of this subsection or as added by the commissioner in accordance with KRS 304.17A-280, but only to the extent that the condition exceeds the numerical score or rating established pursuant to uniform underwriting standards prescribed by the commissioner under paragraph (b) of this subsection that account for the severity of the condition and the cost associated with treating that condition.
- (b) The commissioner by administrative regulation shall establish uniform underwriting standards and a score or rating above which a condition is considered to be high-cost by using:
- 1. Codes in the most recent version of the "International Classification of Diseases" that correspond to the medical conditions in paragraph (c) of this subsection and the costs for administering treatment for the conditions represented by those codes; and
 - 2. The most recent version of the questionnaire incorporated in a national underwriting guide generally accepted in the insurance industry as designated by the commissioner, the scoring scale for which shall be established by the commissioner.
- (c) The diagnosed medical conditions are: acquired immune deficiency syndrome (AIDS), angina pectoris, ascites, chemical dependency cirrhosis of the liver, coronary insufficiency, coronary occlusion, cystic fibrosis, Friedreich's ataxia, hemophilia, Hodgkin's disease, Huntington chorea, juvenile diabetes, leukemia, metastatic cancer, motor or sensory aphasia, multiple sclerosis, muscular dystrophy, myasthenia gravis, myotonia, open heart surgery, Parkinson's disease, polycystic kidney, psychotic disorders, quadriplegia, stroke, syringomyelia, Wilson's disease, and amyotrophic lateral sclerosis;
- (27) "Index rate" means, for each class of business as to a rating period, the arithmetic average of the applicable base premium rate and the corresponding highest premium rate;
- (28) "Individual market" means the market for the health insurance coverage offered to individuals other than in connection with a group health plan. The individual market includes an association plan that is not employer-related, issued to individuals on an individually underwritten basis, other than an employer-organized association or a bona fide association;
- (29) "Insurer" means any insurance company; health maintenance organization; self-insurer, including a governmental plan, church plan, or multiple employer welfare arrangement, not exempt from state regulation by ERISA; provider-sponsored integrated health delivery network; self-insured employer-organized association, or nonprofit hospital, medical-surgical, dental, or health service corporation authorized to transact health insurance business in Kentucky;
- (30) "Insurer-controlled" means that the commissioner has found, in an administrative hearing called specifically for that purpose, that an insurer has or had a substantial involvement in the organization or day-to-day operation of the entity for the principal purpose of creating a device, arrangement, or scheme by which the insurer segments employer groups according to their actual or anticipated health status or actual or projected health insurance premiums;
- (31) "Kentucky Access" has the meaning provided in KRS 304.17B-001;
- (32) "Large group" means:
- (a) An employer with fifty-one (51) or more employees;
 - (b) An affiliated group with fifty-one (51) or more eligible members; or
 - (c) A fully insured employer-organized association as defined in subsection (12)(c) or (d) of this section that:

1. Covers at least fifty-one (51) employee members; and
 2. Is registered with the department pursuant to administrative regulations promulgated by the commissioner;
- (33) "Managed care" means systems or techniques generally used by third-party payors or their agents to affect access to and control payment for health care services and that integrate the financing and delivery of appropriate health care services to covered persons by arrangements with participating providers who are selected to participate on the basis of explicit standards for furnishing a comprehensive set of health care services and financial incentives for covered persons using the participating providers and procedures provided for in the plan;
- (34) "Market segment" means the portion of the market covering one (1) of the following:
- (a) Individual;
 - (b) Small group;
 - (c) Large group; or
 - (d) Association;
- (35) "Medically necessary health care services" means health care services that a provider would render to a patient for the purpose of preventing, diagnosing, or treating an illness, injury, disease, or its symptoms in a manner that is:
- (a) In accordance with generally accepted standards of medical practice; and
 - (b) Clinically appropriate in terms of type, frequency, extent, and duration;
- (36) "Participant" means any employee or former employee of an employer, or any member or former member of an employee organization, who is or may become eligible to receive a benefit of any type from an employee benefit plan which covers employees of the employer or members of the organization, or whose beneficiaries may be eligible to receive any benefit as established in Section 3(7) of ERISA;
- (37) "Preventive services" means medical services for the early detection of disease that are associated with substantial reduction in morbidity and mortality;
- (38) "Provider network" means an affiliated group of varied health care providers that is established to provide a continuum of health care services to individuals;
- (39) "Provider-sponsored integrated health delivery network" means any provider-sponsored integrated health delivery network created and qualified under KRS 304.17A-300 and KRS 304.17A-310;
- (40) "Purchaser" means an individual, organization, employer, association, or the Commonwealth that makes health benefit purchasing decisions on behalf of a group of individuals;
- (41) "Rating period" means the calendar period for which premium rates are in effect. A rating period shall not be required to be a calendar year;
- (42) "Restricted provider network" means a health benefit plan that conditions the payment of benefits, in whole or in part, on the use of the providers that have entered into a contractual arrangement with the insurer to provide health care services to covered individuals;
- (43) "Self-insured plan" means a group health insurance plan in which the sponsoring organization assumes the financial risk of paying for covered services provided to its enrollees;
- (44) "Small employer" means, in connection with a group health plan with respect to a calendar year and a plan year, an employer who employed an average of at least two (2) but not more than fifty (50) employees on business days during the preceding calendar year and who employs at least two (2) employees on the first day of the plan year;
- (45) "Small group" means:
- (a) A small employer with two (2) to fifty (50) employees; or
 - (b) An affiliated group or association with two (2) to fifty (50) eligible members; and
- (46) "Standard benefit plan" means the plan identified in KRS 304.17A-250.

➔Section 13. KRS 304.18-010 is amended to read as follows:

- (1) This subtitle may be cited as the Group or Blanket Health Insurance Law.
- (2) This subtitle applies only to group health insurance contracts and to blanket health insurance contracts, *except*:
 - (a) *Disability income insurance; and*
 - (b) *Paid family leave insurance.*

➔Section 14. KRS 304.36-030 is amended to read as follows:

- (1) As used in this section, "ocean marine insurance" includes:
 - (a) Any form of insurance, regardless of name, label, or marketing designation of the insurance policy, that insures against maritime perils or risks and other related perils or risks that are usually insured against by traditional marine insurance, such as hull and machinery, marine builders risk, and marine protection and indemnity. These perils and risks insured against include without limitation loss, damage, or expense or legal liability of the insured for loss, damage, or expense arising out of or incident to ownership, operation, chartering, maintenance, use, repair, or construction of any vessel, craft, or instrumentality in use in ocean or inland waterways, including liability of the insured for personal injury, illness, or death or for loss or damage to the property of the insured or another person; and
 - (b) That coverage written in accordance with the following:
 - 1. The Jones Act, 46 U.S.C. sec. 30104;
 - 2. The Longshore and Harbor Workers' Compensation Act, 33 U.S.C. sec. 901 et seq.; and
 - 3. Any other similar federal statutory enactment or endorsement or policy affording protection and indemnity coverage.
- (2) This subtitle shall apply to all kinds of direct insurance, except:
 - (a) Life, annuity, *or* health, *including*~~for~~ disability *and paid family leave*;
 - (b) Mortgage guaranty, financial guaranty, or other forms of insurance offering protection against investment risks;
 - (c) Credit insurance, vendors' single interest insurance, or collateral protection insurance or any similar insurance protecting the interests of a creditor arising out of a creditor-debtor transaction;
 - (d) Insurance of warranties or service contracts, including insurance that provides for the repair, replacement, or service of goods or property, indemnification for repair, replacement, or service for the operational or structural failure of the goods or property due to a defect in materials, workmanship, or normal wear and tear, or reimbursement for the liability incurred by the issuer of agreements or service contracts that provide these benefits;
 - (e) Title insurance;
 - (f) Ocean marine insurance;
 - (g) Any transaction or combination of transactions between a person, including affiliates of the person, and an insurer, including affiliates of the insurer, that involves the transfer of investment or credit risk and that is unaccompanied by transfer of insurance risk; or
 - (h) Any insurance provided, written, reinsured, or guaranteed by any government or governmental agencies.
- (3) Notwithstanding subsection (2) of this section, this subtitle shall apply to health insurance written by an insolvent insurer if the insurer was not a member of the Kentucky Life and Health Insurance Guaranty Association created under KRS 304.42-060 or a successor association on the date of the order of liquidation.

➔Section 15. Whereas, it is in the best interests of Kentucky workers and employers to permit insurers to provide fully insured benefits in this state for income replacement, an emergency is declared to exist, and this Act takes effect upon passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 5, 2024.

CHAPTER 100

(HB 200)

AN ACT relating to the military.

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

➔Section 1. KRS 40.010 is amended to read as follows:

As used in this chapter, ~~the following terms have the following respective meanings, unless another meaning is clearly required by the context:~~

- (1) "Administrator" means the adjutant general of the Commonwealth;
- (2) "Veteran" means a person who served in the active Armed Forces of the United States, during the Spanish American War, World War I, World War II, or the Korean conflict, for a period of ninety (90) days or more (exclusive of time spent AWOL; or in penal confinement as a result of a sentence imposed by court-martial; or in service for which no allowance is made according to KRS 40.040), with some portion of service within the respective hereinafter prescribed dates, who is still in the Armed Forces, or was released, separated, discharged, or retired therefrom under honorable conditions;
- (3) "Duty in active Armed Forces" includes active duty, and any period of inactive duty training during which the individual concerned was disabled; and if a person in the active Armed Forces was released, separated, or discharged therefrom by reason of disability incurred in line of duty before serving as much as ninety (90) days, such person shall be qualified for entitlement to a bonus payment under this chapter, notwithstanding failure to remain in service for the minimum time otherwise prescribed;
- (4) "Armed Forces" means the United States Army, Navy, Marine Corps, Air Force, *Space Force*, and Coast Guard, including the reserve components thereof on active duty;
- (5) "Qualified veteran" means a person answering to the specifications set forth in subsections (2) and (3), and who
 - (a) Was a resident of the Commonwealth at the time of entry into active service in the Armed Forces and for at least six (6) months prior thereto; and
 - (b) Who has not received a bonus or like compensation from another state; and
 - (c) Who is not subject to the forfeiture provisions of this chapter;
- (6) "Resident of the Commonwealth at the time of entry into the active service" means any person who gave the Commonwealth of Kentucky, or any specific place in this Commonwealth, as his or her place of residence at such time of entry, without regard to the place of enlistment, commission, or induction. Conclusive and exclusive evidence of such giving of place of residence shall be the official records on file in the Department of Defense of the United States, or any official record thereof in the files of the United States Department of Veterans Affairs; but if it be shown to the satisfaction of the administrator that for any reason no such record was made, or that the same has been lost, misplaced, or destroyed, or that an authenticated copy thereof cannot be obtained within a reasonable time, other evidence of bona fide residence may be accepted if deemed sufficient by the administrator;
- (7) "Resident," in any context other than as in subsection (6), means a legal resident as determined by generally established principles of law, as may be defined, and subject to proof, according to such regulations as the administrator may promulgate;
- (8) "Beneficiary" means, in this order, widow, child or children (sharing equally), mother, father, and no other;
- (9)
 - (a) "Widow" means a woman who was the wife of a veteran at the time of his death, and who had not deserted him (except where there was a separation which was due to the misconduct of, or procured by, the veteran without the fault of the wife), and who had not remarried, (unless the purported remarriage was void or had been annulled);
 - (b) The term "widow" also includes "widower" in the case of a man who was the husband of a female veteran at the time of her death;
- (10) "Child" means a person:
 - (a) Who is under the age of eighteen (18); or

- (b) Who, before attaining the age of eighteen (18) years, became permanently incapable of self-support; or
 - (c) Who, after attaining the age of eighteen (18) years and until completion of education or training (but not after attaining the age of twenty-one (21) years) is pursuing a course of instruction at a bona fide educational institution; and who, in relationship to the veteran, is a child born in lawful wedlock; a legally adopted child; a stepchild who is a member of a veteran's household or was a member at the time of the veteran's death; or a child born out of wedlock, but, as to the alleged father, only if acknowledged in writing signed by him, or if he had, before his death, been judicially decreed to be the father of such child;
- (11) "Mother" means a mother, a mother through adoption, or a woman who for a period of not less than one (1) year stood in the relationship of a mother to a qualified veteran before his or her entry into active service in the Armed Forces, or if two (2) persons stood in such relationship for one (1) year or more, the person who last stood in such relationship before the veteran's last entry into active service in the Armed Forces;
 - (12) "Father" means a father, a father through adoption, or a man who for a period of not less than one (1) year stood in the relationship of a father to a qualified veteran before his or her entry into active service in the Armed Forces, or if two (2) persons stood in such relationship for one (1) year or more, the person who last stood in such relationship before the veteran's last entry into active service in the Armed Forces;
 - (13) "In the continental United States" means any place in the District of Columbia and the states of the United States which are on the North American continent, exclusive of Alaska;
 - (14) "Outside the continental United States" means any place elsewhere than as defined in subsection (13);
 - (15) "Spanish-American War":
 - (a) Means the period beginning on April 21, 1898, and ending on July 4, 1902;
 - (b) Includes the Philippine Insurrection and the Boxer Rebellion; and
 - (c) In the case of a veteran who served with the United States military forces engaged in hostilities in the Moro Province, means the period beginning on April 21, 1898, and ending on July 15, 1903;
 - (16) "World War I":
 - (a) Means the period beginning on April 6, 1917, and ending on November 11, 1918; and
 - (b) In the case of a veteran who served with the United States military forces in Russia, means the period beginning on April 6, 1917, and ending on April 1, 1920; and
 - (c) Any service between April 6, 1917, and July 1, 1921, if some part thereof was between April 6, 1917, and November 11, 1918, both dates being inclusive;
 - (17) "World War II" means the period beginning December 7, 1941, and ending December 31, 1946;
 - (18) "Korean conflict" means the period beginning on June 27, 1950, and ending January 31, 1955;
 - (19) "Bonus" and "veterans' bonus" means the compensation authorized by this chapter;
 - (20) "Bonus claim" means a claim or potential claim for a veterans' bonus;
 - (21) "Claimant" means one who seeks to obtain payment of a bonus claim.

➔Section 2. KRS 40.400 is amended to read as follows:

As used in KRS 40.410 to 40.560~~[-, the following terms have the following respective meanings, unless another meaning is clearly required by the context]:~~

- (1) "Department of Military Affairs" means the office of the adjutant general, Commonwealth of Kentucky;
- (2) "Administrator" means the individual designated by the adjutant general to carry out the responsibilities of KRS 40.410 to 40.560;
- (3) "Armed Forces" means the United States Army, Navy, Marine Corps, Air Force, *Space Force*, and Coast Guard, including the reserve components thereof on active duty, other than for training, and shall not include the merchant marine;
- (4) "Qualified veteran" means any person whose period of active duty service meets the criteria set forth in subsection (5) or (6) of this section;

- (5) "Qualifying Vietnam service" means service by any person who:
- (a) Served as a member of the Armed Forces of the United States in Vietnam or its contiguous waters or airspace, as defined in United States Department of Defense Directive 1348.15, October 1, 1965, for a period of at least thirty (30) days, unless such period was lessened as a result of death or medical evacuation, during the period July 1, 1958, through May 15, 1975; or served as a member of the Armed Forces of the United States in the Dominican Republic, Congo, Thailand, Laos, or Cambodia, or participated in aerial missions in the airspace over same, for a period of at least thirty (30) days, unless such period was lessened as a result of death or medical evacuation, during the period July 3, 1965, through May 15, 1975; or served as a member of the Armed Forces of the United States and was awarded, or was eligible for award of, the Vietnam Service Medal established by United States Department of Defense Directive 1348.15, October 1, 1965;
 - (b) Was released, separated, or discharged from the Armed Forces under other than dishonorable conditions or who is presently serving on active duty;
 - (c) Was a resident of the Commonwealth at the time of entry into active service in the Armed Forces and for at least six (6) months prior thereto; and
 - (d) Has not received a similar bonus for such service from any other state;
- (6) "Qualifying Vietnam era service" means service by any person who:
- (a) Served in the Armed Forces of the United States on active duty, including service in a reserve component thereof other than for training, for at least ninety (90) consecutive days, exclusive of time lost as AWOL or in penal confinement, during the period August 5, 1964, to May 15, 1975, but whose service was in a location not included in subsection (5)(a) of this section;
 - (b) Was released, separated, or discharged from the Armed Forces under other than dishonorable conditions or is still serving on active duty;
 - (c) Was a resident of the Commonwealth at the time of his *or her* entry into active service in the Armed Forces and for at least six (6) months prior thereto; and
 - (d) Has not received a similar bonus for such service from any other state;
- (7) "Resident of the Commonwealth at the time of entry into the active service" means any person who gave the Commonwealth of Kentucky, or any specific place in this Commonwealth, as his *or her* place of residence at the time of entry. Conclusive and exclusive evidence of the giving of place of residence shall be the official records on file in the Department of Defense of the United States, or any official record thereof in the files of the United States Department of Veterans Affairs; but if it be shown to the satisfaction of the administrator that for any reason no such record was made, or that it has been lost, misplaced, destroyed, or was in error, or that an authenticated copy thereof cannot be obtained within a reasonable time, other evidence of bona fide residence may be accepted if deemed sufficient by the administrator;
- (8) "Resident," in any context other than as in subsections (5) and (6) of this section, means a legal resident as determined by generally established principles of law, as may be defined, and subject to proof, according to the regulations the administrator promulgates;
- (9) "Beneficiary" means the following persons who were alive at the time of application, in this order: widow, if none to the child or children equally, if none to the mother and father equally, but if the father is dead, the mother, if living, shall take the whole amount; but if the mother is dead, the father, if living, shall take the whole amount;
- (10) (a) "Widow" means a woman who was the wife of a qualified veteran at the time of his death;
- (b) The term "widow" also includes "widower" in the case of a man who was the husband of a female qualified veteran at the time of her death;
- (11) "Child" means a person:
- (a) Who is under the age of eighteen (18) at the time application is made or who was under the age of eighteen (18) at the time of the veteran's death;
 - (b) Who, before attaining the age of eighteen (18), became permanently incapable of self-support; or
 - (c) Who, after attaining the age of eighteen (18) and until completion of education or training, but not after attaining the age of twenty-three (23), is pursuing a course of instruction at a bona fide educational

institution; and who, in relationship to the veteran, is a legitimate child; a legally adopted child; a stepchild who is a member of a qualified veteran's household or was a member at the time of the veteran's death; or an illegitimate child, but, as to the alleged father, only if acknowledged in writing signed by him or if he had, before his death, been judicially decreed to be the father of such child;

- (12) "Mother" means a mother, a mother through adoption, or a woman who for a period of not less than one (1) year stood in the relationship of a mother to a qualified veteran before his or her entry into active service in the Armed Forces, or if two (2) persons stood in such relationship for one (1) year or more, the person who last stood in such relationship before the veteran's last entry into active service in the Armed Forces;
- (13) "Father" means a father, a father through adoption, or a man who for a period of not less than one (1) year stood in the relationship of a father to a qualified veteran before his or her entry into active service in the Armed Forces, or if two (2) persons stood in such relationship for one (1) year or more, the person who last stood in such relationship before the veteran's last entry into active service in the Armed Forces;
- (14) "In the continental United States" means any place in the District of Columbia and the states of the United States which are on the North American continent, exclusive of Alaska;
- (15) "Outside the continental United States" means any place elsewhere than as defined in subsection (14) of this section;
- (16) "Bonus" and "Vietnam veterans' bonus" mean the compensation authorized by KRS 40.410 to 40.560;
- (17) "Bonus claim" means a claim or potential claim for a Vietnam veterans' bonus; and
- (18) "Claimant" means one who seeks to obtain payment of a bonus claim.

➔Section 3. KRS 156.730 is amended to read as follows:

ARTICLE I

Purpose

It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

- A. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school district(s) or variations in entrance/age requirements;
- B. Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment;
- C. Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities;
- D. Facilitating the on-time graduation of children of military families;
- E. Providing for promulgation and enforcement of administrative rules implementing the provisions of this compact;
- F. Providing for the uniform collection and sharing of information between and among member states, schools, and military families under this compact;
- G. Promoting coordination between this compact and other compacts affecting military children; and
- H. Promoting flexibility and cooperation between the educational system, parents, and students in order to achieve educational success for students.

ARTICLE II

Definitions

As used in this compact, unless the context clearly requires a different construction:

- A. "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. ~~chs. [secs.]~~ 1209 and 1211;
- B. "Children of military families" means a school-aged child or children enrolled in kindergarten through twelfth (12th) grade, in the household of an active duty member;

- C. "Compact commissioner" means the voting representative of each compacting state appointed pursuant to Article VIII of this compact;
- D. "Deployment" means the period of one (1) month prior to a service member's departure from his or her home station on military orders through six (6) months after return to the home station;
- E. "Educational records" means those official records, files, and data directly related to a student and maintained by the school or local education agency, including but not limited to records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs;
- F. "Extracurricular activities" means a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include but are not limited to preparation for and involvement in public performances, contests, athletics competitions, demonstrations, displays, and club activities;
- G. "Interstate Commission on Educational Opportunity for Military Children" means the commission created under Article IX of this compact, which is generally referred to as "Interstate Commission";
- H. "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through twelfth (12th) grade public educational institutions;
- I. "Member state" means a state that has enacted this compact;
- J. "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S. Territory. Such term does not include any facility used primarily for civil works, rivers, and harbor projects, or flood control projects;
- K. "Non-member state" means a state that has not enacted this compact;
- L. "Receiving state" means the state to which a child of a military family is sent, brought, or caused to be sent or brought;
- M. "Rule" means a written statement by the Interstate Commission promulgated pursuant to Article XII of this compact that is of general applicability, implements, interprets, or prescribes a policy of the compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule;
- N. "Sending state" means the state from which a child of a military family is sent, brought, or caused to be sent or brought;
- O. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. Territory;
- P. "Student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through twelfth (12th) grade;
- Q. "Transition" means the formal and physical process of transferring from school to school or the period of time in which a student moves from one school in the sending state to another school in the receiving state;
- R. "Uniformed service(s)" means the Army, Navy, Air Force, Marine Corps, and Coast Guard, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services; and
- S. "Veteran" means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

ARTICLE III

Applicability

- A. Except as otherwise provided in this section, this compact shall apply to the children of:
 - 1. Active duty members of the uniformed services as defined in this compact, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. *chs.*~~{secs.}~~ 1209 and 1211;

2. Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one (1) year after medical discharge or retirement; and
 3. Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one (1) year after death.
- B. The provisions of this interstate compact shall only apply to local education agencies as defined in this compact.
- C. The provisions of this compact shall not apply to the children of:
1. Inactive members of the National Guard and Military Reserves;
 2. Members of the uniformed services now retired, except as provided for in this section;
 3. Veterans of the uniformed services, except as provided for in this section; and
 4. Other U.S. Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

ARTICLE IV

Educational Records and Enrollment

- A. Unofficial or "hand-carried" educational records: In the event that official educational records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial educational records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.
- B. Official educational records/transcripts: Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official educational records to the school in the receiving state within ten (10) days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.
- C. Immunizations: Compacting states shall give thirty (30) days from the date of enrollment, or within such time as is reasonably determined under the rules promulgated by the Interstate Commission, for students to obtain any immunization(s) required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within thirty (30) days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.
- D. Kindergarten and first grade entrance age: Students shall be allowed to continue their enrollment at the grade level in the receiving state commensurate with their grade level (including kindergarten) from a local education agency in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from an accredited school in the sending state.

ARTICLE V

Placement and Attendance

- A. Course placement: When the student transfers before or during the school year, the receiving state shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state if the courses are offered. Course placement includes but is not limited to Honors, International Baccalaureate, Advance Placement, vocational, technical, and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s).

B. Educational program placement: The receiving state shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation/placement in like programs in the sending state. Such programs include but are not limited to:

1. Gifted and talented programs; and
2. English as a second language (ESL).

This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

C. Special education services:

1. In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. sec. 1400 et seq., the receiving state shall initially provide comparable services to a student with disabilities based on his or her current Individualized Education Program (IEP); and
2. In compliance with the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C.A. sec. 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.A. secs. ~~12131 to 12165~~~~12131-12165~~, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

D. Placement flexibility: Local education agency administrative officials shall have flexibility in waiving course or program prerequisites, or other preconditions for placement in courses or programs offered under the jurisdiction of the local education agency.

E. Absence as related to deployment activities: A student whose parent or legal guardian is an active member of the uniformed services, as defined by this compact, and has been called to active duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

ARTICLE VI

Eligibility

A. Eligibility for enrollment:

1. Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent;
2. A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis who lives in the jurisdiction other than that of the custodial parent; and
3. A transitioning military child, placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he or she was enrolled while residing with the custodial parent.

B. Eligibility for extracurricular participation: State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

ARTICLE VII

Graduation

In order to facilitate the on-time graduation of children of military families, state and local education agencies shall incorporate the following procedures:

A. Waiver requirements: Local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall provide alternative means of acquiring required coursework so that graduation may occur on time.

B. Exit exams - States shall accept:

1. Exit or end-of-course exams required for graduation from the sending state;
2. National norm-referenced achievement tests; or
3. Alternative testing, in lieu of testing requirements for graduation in the receiving state.

In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his or her senior year, then the provisions of Article VII, C shall apply.

C. Transfers during senior year: Should a military student transferring at the beginning or during his or her senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of diploma from the sending local education agency if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with sections A and B of this Article.

ARTICLE VIII

State Coordination

A. Each member state shall, through the creation of a State Council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies, and military installations concerning the state's participation in, and compliance with, this compact and Interstate Commission activities. While each member state may determine the membership of its own State Council, its membership must include at least:

1. The state superintendent of education;
2. A superintendent of a school district with a high concentration of military children;
3. A representative from a military installation;
4. One legislative member each from the General Assembly's Senate and House of Representatives, to be chosen respectively by the President of the Senate and the Speaker of the House of Representatives. The respective leaders will then forward the names of their chosen members to the Governor. The members shall serve at the pleasure of the President and Speaker;
5. One representative from the executive branch of government; and
6. Other offices and stakeholder groups the State Council deems appropriate.

A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the State Council.

- B. The State Council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.
- C. The compact commissioner responsible for the administration and management of the state's participation in the compact shall be appointed by the Governor or as otherwise determined by each member state.
- D. The compact commissioner and the military family education liaison designated herein shall be ex-officio members of the State Council, unless either is already a voting member of the State Council.

ARTICLE IX

Interstate Commission on Educational Opportunity for Military Children

The member states hereby create the "Interstate Commission on Educational Opportunity for Military Children." The activities of the Interstate Commission are the formation of public policy and are a discretionary state function. The Interstate Commission shall:

- A. Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact.

- B. Consist of one Interstate Commission voting representative from each member state who shall be that state's compact commissioner.
1. Each member state represented at a meeting of the Interstate Commission is entitled to a vote.
 2. A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.
 3. A representative shall not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the Interstate Commission, the Governor or State Council may delegate voting authority to another person from their state for a specified meeting.
 4. The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication.
- C. Consist of ex-officio, non-voting representatives who are members of interested organizations. Such ex-officio members, as defined in the bylaws, may include but not be limited to members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the U.S. Department of Defense, the Education Commission of the States, the Interstate Agreement on the Qualification of Educational Personnel, and other interstate compacts affecting the education of children of military members.
- D. Meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings.
- E. Establish an executive committee, whose members shall include the officers of the Interstate Commission and such other members of the Interstate Commission as determined by the bylaws. Members of the executive committee shall serve a one (1) year term. Members of the executive committee shall be entitled to one (1) vote each. The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as deemed necessary. The U.S. Department of Defense shall serve as an ex-officio, nonvoting member of the executive committee.
- F. Establish bylaws and rules that provide for conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.
- G. Give public notice of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The Interstate Commission and its committees may close a meeting, or portion thereof, where it determines by two-thirds vote that an open meeting would be likely to:
1. Relate solely to the Interstate Commission's internal personnel practices and procedures;
 2. Disclose matters specifically exempted from disclosure by federal and state statute;
 3. Disclose trade secrets or commercial or financial information which is privileged or confidential;
 4. Involve accusing a person of a crime, or formally censuring a person;
 5. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
 6. Disclose investigative records compiled for law enforcement purposes; or
 7. Specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding.
- H. Certify, for a meeting or portion of a meeting closed pursuant to this provision, by the Interstate Commission's legal counsel or designee, that the meeting may be closed and in so doing reference each relevant exemptible provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Interstate Commission.

- I. Collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements. Such methods of data collection, exchange, and reporting shall, in so far as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules.
- J. Create a process that permits military officials, education officials, and parents to inform the Interstate Commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency. This subsection shall not be construed to create a private right of action against the Interstate Commission or any member state.

ARTICLE X

Powers and Duties of the Interstate Commission

The Interstate Commission shall have the following powers:

- A. To provide for dispute resolution among member states;
- B. To promulgate rules and take all necessary actions to effect the goals, purposes, and obligations as enumerated in this compact. The rules shall have the force and effect of statutory law and shall be binding in the compact states to the extent and in the manner provided in this compact;
- C. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules, and actions;
- D. To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process;
- E. To establish and maintain offices which shall be located within one or more of the member states;
- F. To purchase and maintain insurance and bonds;
- G. To borrow, accept, hire, or contract for services of personnel;
- H. To establish and appoint committees including but not limited to an executive committee as required by Article IX, Section E, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder;
- I. To elect or appoint such officers, attorneys, employees, agents, or consultants and to fix their compensation, define their duties and determine their qualifications to establish the Interstate Commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel;
- J. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of them;
- K. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, whether real, personal, or mixed;
- L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, whether real, personal, or mixed;
- M. To establish a budget and make expenditures;
- N. To adopt a seal and bylaws governing the management and operation of the Interstate Commission;
- O. To report annually to the legislatures, governors, judiciary, and state councils of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission;
- P. To coordinate education, training and public awareness regarding the compact, its implementation, and operation for officials and parents involved in such activity;
- Q. To establish uniform standards for the reporting, collecting, and exchanging of data;
- R. To maintain corporate books and records in accordance with the bylaws;
- S. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact; and

- T. To provide for the uniform collection and sharing of information between and among member states, schools, and military families under this compact.

ARTICLE XI

Organization and Operation of the Interstate Commission

- A. The Interstate Commission shall, by a majority of the members present and voting, within twelve (12) months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including but not limited to:
1. Establishing the fiscal year of the Interstate Commission;
 2. Establishing an executive committee and such other committees as may be necessary;
 3. Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the Interstate Commission;
 4. Providing reasonable procedures for calling and conducting meetings of the Interstate Commission and ensuring reasonable notice of each such meeting;
 5. Establishing the titles and responsibilities of the offices and staff of the Interstate Commission;
 6. Providing a mechanism for concluding the operations of the Interstate Commission and the return of surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations; and
 7. Providing "start up" rules for initial administration of the compact.
- B. The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson, or in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the Interstate Commission.
- C. Executive Committee, Officers, and Personnel:
1. The executive committee shall have authority and duties as may be set forth in the bylaws, including but not limited to:
 - a. Managing the affairs of the Interstate Commission in a manner consistent with the bylaws and purposes of the Interstate Commission;
 - b. Overseeing an organizational structure within, and appropriate procedures for, the Interstate Commission to provide for the creation of rules, operating procedures, and administrative and technical support functions; and
 - c. Planning, implementing, and coordinating communications and activities with other state, federal, and local government organizations in order to advance the goals of the Interstate Commission.
 2. The executive committee may, subject to the approval of the Interstate Commission, appoint or retain an executive director for such period, upon such terms and conditions, and for such compensation, as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, but shall not be a member of the Interstate Commission. The executive director shall hire and supervise such other persons as may be authorized by the Interstate Commission.
- D. The Interstate Commission's executive director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of Interstate Commission employment, duties, or responsibilities; provided, that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

1. The liability of the Interstate Commission's executive director and employees or Interstate Commission representatives, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by intentional or willful and wanton misconduct of such person.
2. The Interstate Commission shall defend the executive director and its employees and, subject to the approval of the Attorney General or other appropriate legal counsel of the member state represented by an Interstate Commission representative, shall defend such Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of the Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.
3. To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE XII

Rulemaking Functions of the Interstate Commission

- A. **Rulemaking Authority:** The Interstate Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, in the event the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this Act, or the powers granted hereunder, then such an action by the Interstate Commission shall be invalid and have no force or effect.
- B. **Rulemaking Procedure:** Rules shall be made pursuant to a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act," of 1981, Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to the operations of the Interstate Commission.
- C. Not later than thirty (30) days after a rule is promulgated, any person may file a petition for judicial review of the rule; provided, that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the Interstate Commission's authority.
- D. If a majority of the legislatures of the compacting states rejects a Rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.

ARTICLE XIII

Oversight, Enforcement, and Dispute Resolution

- A. **Oversight:**
 1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.
 2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may effect the powers, responsibilities, or actions of the Interstate Commission.

3. The Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, this compact, or promulgated rules.
- B. Default, Technical Assistance, Suspension, and Termination - If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, the bylaws, or promulgated rules, the Interstate Commission shall:
1. Provide written notice to the defaulting state and other member states of the nature of default, the means of curing the default, and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default; and
 2. Provide remedial training and specific technical assistance regarding the default.
 3. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges, and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.
 4. Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Interstate Commission to the Governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.
 5. The state which has been suspended or terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of suspension or termination, including obligations the performance of which extends beyond the effective date of suspension or termination.
 6. The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or which has been suspended or terminated from the compact unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.
 7. The defaulting state may appeal the action of the Interstate Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.
- C. Dispute Resolution:
1. The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and non-member states.
 2. The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.
- D. Enforcement:
1. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.
 2. The Interstate Commission may by majority vote of the members initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal offices, to enforce compliance with the provisions of the compact, its promulgated rules, and bylaws against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.
 3. The remedies herein shall not be the exclusive remedies of the Interstate Commission. The Interstate Commission may avail itself of any other remedies available under state law or the regulation of a profession.

Financing of the Interstate Commission

- A. The Interstate Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.
- B. The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff, which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.
- C. The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the member states except by and with the authority of the member state.
- D. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

ARTICLE XV

Member States, Effective Date, and Amendment

- A. Any state is eligible to become a member state.
- B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than ten (10) of the states. The effective date shall be no earlier than December 1, 2007. Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of non-member states or their designees shall be invited to participate in the activities of the Interstate Commission on a non-voting basis prior to adoption of the compact by all states.
- C. The Interstate Commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

ARTICLE XVI

Withdrawal and Dissolution

- A. Withdrawal:
 - 1. Once effective, the compact shall continue in force and remain binding upon each and every member state, provided that a member state may withdraw from the compact by specifically repealing the statute which enacted the compact into law.
 - 2. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until one (1) year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the Governor of each other member state jurisdiction.
 - 3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty (60) days of its receipt thereof.
 - 4. The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including obligations the performance of which extends beyond the effective date of withdrawal.
 - 5. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission.
- B. Dissolution of Compact:
 - 1. This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one (1) member state.

2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XVII

Severability and Construction

- A. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.
- B. The provisions of this compact shall be liberally construed to effectuate its purposes.
- C. Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

ARTICLE XVIII

Binding Effect of Compact and Other Laws

- A. Other Laws:
 1. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact.
 2. All member states' laws conflicting with this compact are superseded to the extent of the conflict.
- B. Binding Effect of the Compact:
 1. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.
 2. All agreements between the Interstate Commission and the member states are binding in accordance with their terms.
 3. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

➔Section 4. KRS 156.735 is amended to read as follows:

- (1) Notwithstanding any other statutes to the contrary, students of civilian military employees *and of persons serving in the National Guard and Reserves* shall be afforded the same rights as students of military families under KRS 156.730 if the parents are required to move to perform their job responsibilities resulting in the students having to change schools.
- (2) As used in this section, "student" means the child of a civilian military employee *or National Guard or Reserve personnel* for whom the local education agency receives public funding and who is formally enrolled in kindergarten through twelfth grade.

➔Section 5. KRS 154.12-203 is amended to read as follows:

- (1) There is created the Kentucky Commission on Military Affairs. The commission shall be a separate administrative body of state government within the meaning of KRS Chapter 12.
- (2) It shall be the purpose of the Kentucky Commission on Military Affairs to:
 - (a) Address matters of military significance to Kentucky;
 - (b) Maintain a cooperative and constructive relationship between state agencies and the military entities in Kentucky, as necessary to ensure coordination and implementation of unified, comprehensive, statewide strategies involved with, or affected by, the military;
 - (c) Advise the Governor, the General Assembly, the Kentucky congressional delegation, and other appropriate government officials on all matters in which the military services and the Commonwealth have mutual interests, needs, and concerns;
 - (d) Take action to promote and optimize state and Department of Defense initiatives that will improve the military value of Kentucky's National Guard, active, and reserve military force structure and installations, and improve the quality of life for military personnel residing in the Commonwealth;

- (e) Coordinate, as necessary, the state's interest in future Department of Defense base closure and restructuring activities;
 - (f) Recommend state, federal, and local economic development projects which would promote, foster, and support economic progress through military presence in the Commonwealth;
 - (g) Promote and assist the private sector in developing spin-off investments, employment, and educational opportunities associated with high-technology programs and activities at Kentucky's military installations;
 - (h) Recommend to the Kentucky Economic Development Partnership the long-range options and potential for the defense facilities located in Kentucky;
 - (i) Develop strategies to encourage military personnel to retire and relocate in Kentucky and promote those leaving the military as a viable quality workforce for economic development and industrial recruitment; and
 - (j) Allocate available grant money to qualified applicants to further the purposes of paragraphs (a) to (i) of this subsection.
- (3) The Kentucky Commission on Military Affairs shall consist of:
- (a) The Governor or a designated representative;
 - (b) The secretary of the Cabinet for Economic Development or a designated representative;
 - (c) The adjutant general of the Commonwealth or a designated representative;
 - (d) The executive director of the Office of Homeland Security or a designated representative;
 - (e) The secretaries of the following cabinets or their designees:
 - 1. Finance and Administration;
 - 2. Justice and Public Safety;
 - 3. Energy and Environment;
 - 4. Transportation;
 - 5. Health and Family Services;
 - 6. Personnel;
 - 7. Education and Labor;
 - 8. Public Protection; and
 - 9. Tourism, Arts and Heritage;
 - (f) The Attorney General or a designated representative;
 - (g) The commissioner of the Department of Veterans' Affairs or a designated representative;
 - (h) The executive director of the Kentucky Commission on Military Affairs or a designated representative;
 - (i) The chairperson of the Kentucky Committee for Employer Support of the Guard and Reserve;
 - (j) Kentucky's Civilian Aides to the Secretary of the United States Army;
 - (k) The chairperson of the Senate Veterans, Military Affairs, and Public Protection Committee and the chairperson of the House of Representatives Veterans, Military Affairs, and Public Safety Committee;
 - (l) The Chief Justice or a designated representative;
 - (m) The commander or the designee of the commander of each of the following as nonvoting, ex officio members:
 - 1. U.S. Army Cadet Command;
 - 2. U.S. Army Human Resources Command;
 - 3. U.S. Army Recruiting Command;

4. 84th Training Command;
 5. One Hundredth Division (Institutional Training);
 6. 101st Airborne Division;
 7. Blue Grass Army Depot;
 8. Fort Campbell Garrison;
 9. Fort Knox Garrison;
 10. ***U.S. Army Reserve Aviation Command***~~{11th Theater Aviation Command, U.S. Army Reserve}~~;
 11. U.S. Army Corps of Engineers, Louisville District;
 12. Adjutant General of the U.S. Army;
 13. U.S. Coast Guard Sector Ohio Valley;
 14. First Army Division East;
 15. 1st Theater Sustainment Command; and
 16. Fifth (V) Corps; and
- (n) Five (5) at-large members appointed by the Governor, who shall be residents of counties significantly impacted by military installations.
- (4) The terms of the five (5) at-large members shall be staggered so that two (2) appointments shall expire at two (2) years, one (1) appointment shall expire at three (3) years, and two (2) appointments shall expire at four (4) years, from the dates of initial appointment.
 - (5)
 - (a) The commission shall establish an executive committee consisting of the secretary of the Cabinet for Economic Development, the adjutant general of the Commonwealth, the commissioner of the Department of Veterans' Affairs, the executive director of the Kentucky Commission on Military Affairs, and the five (5) at-large members. The chair and vice chair of the Kentucky Commission on Military Affairs shall be appointed by the Governor from among the members of the executive committee.
 - (b) The chair and vice chair of the commission shall also serve as chair and vice chair of the executive committee.
 - (c) The executive committee shall serve as the search committee for an executive director of the commission and shall have any other authority the commission delegates to it.
 - (6) The commission shall meet one (1) time each year, and may meet at other times on call of the chair, to establish the commission's goals and to review issues identified and recommendations made by the executive committee. A majority of the members shall constitute a quorum for the transaction of the commission's business. Members' designees shall have voting privileges at commission meetings.
 - (7) Members of the commission shall serve without compensation, but shall be reimbursed for their necessary travel expenses actually incurred in the discharge of their duties on the commission, subject to Finance and Administration Cabinet administrative regulations.
 - (8) The commission may establish committees or work groups composed of commission members and citizens as necessary to advise the commission in carrying out its responsibilities, duties, and powers. Citizen members of committees or work groups shall not have a vote.
 - (9) The commission may promulgate necessary administrative regulations as prescribed by KRS Chapter 13A.
 - (10) The commission may adopt bylaws and operating policies necessary for its efficient and effective operation.
 - (11) There shall be an executive director, who shall be the administrative head and chief executive officer of the commission, recommended by the executive committee, approved by the commission, and appointed by the Governor. The executive director shall have authority to hire staff, contract for services, expend funds, and operate the normal business activities of the commission.
 - (12) The Kentucky Commission on Military Affairs and its executive committee shall be an independent agency attached to the Office of the Governor.

➔Section 6. KRS 186.041 is amended to read as follows:

- (1) Each initial and renewal application by a person who meets the criteria of paragraph (a) of this section and each initial application by a person who meets the criteria of paragraph (b), (c), or (d) of this section for a special military license plate shall be accompanied by proof as set forth in subsection (10) of this section that the person is associated with the United States Army, United States Navy, United States Air Force, United States Marine Corps, *United States Space Force*, United States Coast Guard, United States Coast Guard Auxiliary, Kentucky National Guard, Merchant Marines with service between December 7, 1941, and August 15, 1945, or Civil Air Patrol in one (1) of the following ways:
 - (a) A member of the Armed Forces of the United States;
 - (b) A retired member;
 - (c) A member of the National Guard or Reserve component who has completed his or her term of service, or has retired with a minimum of twenty (20) years of service; or
 - (d) A veteran who received a discharge under honorable conditions, or the veteran's surviving spouse, and:
 1. Performed one hundred eighty (180) days of active-duty service;
 2. Received an early release due to injuries or other medical condition, or at the convenience of the service;
 3. Received a hardship discharge;
 4. Was separated or retired due to a disability; or
 5. Was determined to have a service-connected disability incurred during the enlistment.
- (2) The member, retired member, veteran, reservist, or his or her spouse who is eligible under subsection (9) of this section may purchase an unlimited number of special military-related license plates described in subsection (1) of this section, annually for vehicles they own or lease. A disabled veterans license plate shall expire on July 31.
- (3) A recipient of the Distinguished Service Cross, Navy Cross, or Air Force Cross shall be eligible for a Service Cross license plate upon submission of an application to the Kentucky Department of Veterans' Affairs. The recipient shall be required to include with the initial application for a Service Cross license plate a copy of the general order that authorized the award and the recipient's Department of Defense form number 214. The Department of Veterans' Affairs shall verify the documentation submitted with the application for a Service Cross license plate, and if the individual applying for the plate is confirmed to be a recipient of the Distinguished Service Cross, Navy Cross, or Air Force Cross, the Department of Veterans' Affairs shall submit the applicant's name to the Transportation Cabinet's Division of Motor Vehicle Licensing not later than September 1 preceding the year that the Service Cross license plate is to be initially issued or renewed. When the Service Cross license plate is ready, the plate shall be sent to the county clerk in the county of the applicant's residence. The Transportation Cabinet's Division of Motor Vehicle Licensing shall inform each applicant in writing that the Service Cross license plate is ready and may be picked up at the county clerk's office. The Transportation Cabinet shall prescribe the type of application form required by this subsection and shall supply the Department of Veterans' Affairs with the application form required by this subsection.
- (4) A person who is a former prisoner of the enemy during World War I, World War II, the Korean War, or the Vietnam War, or the spouse of a deceased former prisoner of war, shall be eligible for a former prisoner of war license plate by submitting written proof from the United States Department of Veterans Affairs or other appropriate federal agency stating the period of time the person or person's spouse was a prisoner of war. If a former prisoner of war dies with a vehicle licensed as authorized under this section, the person's surviving spouse may retain the license plate for use on the same vehicle or on another vehicle that complies with KRS 186.164(7).
- (5) A person who is certified by the Kentucky chapter of the Pearl Harbor Survivors Association as being a survivor of the attack on Pearl Harbor shall be eligible for a Pearl Harbor license plate and shall be required to attach to the special military-related license plate application written evidence from the Kentucky chapter of the Pearl Harbor Survivors Association that the person:
 - (a) Was a member of the United States Armed Forces on December 7, 1941;
 - (b) Was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m., Hawaii time, at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three (3) miles;

- (c) Was discharged honorably from the United States Armed Forces; and
 - (d) Is certified by the Kentucky chapter of the Pearl Harbor Survivors Association.
- (6) A person who is eligible to receive a Gold Star Mothers, Gold Star Fathers, or Gold Star Spouses license plate under KRS 186.164(15)(a) may receive up to two (2) Gold Star Mothers, Gold Star Fathers, or Gold Star Spouses license plates free of charge and may purchase additional license plates by paying the same fee as for special military-related plates issued under KRS 186.162(2)(d) annually for vehicles he or she owns or leases.
- (7) The surviving spouse of a Purple Heart recipient, or a Kentucky National Guard member or a retired member, who possessed a vehicle licensed with the Purple Heart recipient special license plate or the Kentucky National Guard special license plate, may retain the license plate for use on the same vehicle or another vehicle that complies with KRS 186.164(7). The surviving spouse may renew the license plate indefinitely, provided the appropriate registration fee is paid annually.
- (8) A person who is attending or who is a graduate of the United States Air Force Academy, the United States Military Academy, the United States Naval Academy, the United States Coast Guard Academy, or the United States Merchant Marine Academy shall be eligible for a special military service academy license plate. A special military service academy license plate under this subsection shall use the same plate template as the standard special military license plate under subsection (1) of this section, with stickers to identify the various service academies. The Transportation Cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A to establish the proof required to demonstrate current attendance at or graduation from a service academy. An eligible applicant may receive up to two (2) special military service academy license plates.
- (9) (a) The legally married spouse of a member of the Armed Forces of the United States who meets the criteria for a special military license plate under subsection (1) of this section shall be eligible for a special military license plate. A special military license plate under this subsection shall use the same template as the standard special military license plate under subsection (1) of this section, with a sticker identifying the plate as that of a military spouse.
- (b) An applicant who is eligible for a special military license plate under this subsection shall present as proof of eligibility an original or copy of his or her marriage certificate establishing marriage to the member of the Armed Forces of the United States and an original or copy of one (1) of the following:
1. His or her unexpired DD-1173 form; or
 2. Any identification document outlined in subsection (10) of this section issued to his or her spouse.
- (10) Prior to receiving a special military-related plate requested under subsection (1) of this section, the applicant shall present as proof of eligibility, an original or copy of his or her:
- (a) Unexpired Veteran Identification Card or Veteran Health Identification Card issued by the United States Department of Veterans Affairs;
 - (b) DD-2, DD-214, DD-256, DD-257, or NGB-22 form; or
 - (c) Unexpired Geneva Conventions Identification Card issued by the United States Department of Defense.

➔Section 7. KRS 186.162 is amended to read as follows:

- (1) As used in this section and in KRS 186.043, 186.164, 186.166, 186.1722, and 186.174:
- (a) "Special license plate" means a unique license plate issued under this chapter to a group or organization that readily identifies the operator of the motor vehicle or motorcycle bearing the plate as a member of a group or organization, or a supporter of the work, goals, or mission of a group or organization. The term shall not include regular license plates issued under KRS 186.240;
 - (b) "Street rod" means a modernized private passenger motor vehicle manufactured prior to the year 1949, or designed or manufactured to resemble a vehicle manufactured prior to 1949;
 - (c) "SF" means the portion of an initial or renewal fee to obtain a special license plate that is dedicated for use by the Transportation Cabinet;
 - (d) "CF" means the county clerk's fee for issuing a motor vehicle registration as established under KRS 186.040(1). If a CF amount is charged for a license plate listed in this section, the applicant for that plate shall also pay the fees identified in KRS 186.040(6). If a CF amount is not charged, the applicant shall not be required to pay those fees; and

- (e) "EF" means the portion of an initial or renewal fee to obtain a special license plate that is mandated by this chapter to be dedicated for use by a particular group or organization.
- (2) The initial purchase fee and renewal fee for a special license plate created under this chapter shall be as established in this subsection and includes the name of group or organization and the total initial and renewal fee required for the plate. The amount in parentheses indicates how the total fee is required to be divided:
- (a) Disabled veterans who receive assistance to purchase a vehicle from the United States Department of Veterans' Affairs, veterans declared by the United States Department of Veterans' Affairs to be one hundred percent (100%) service-connected disabled, and recipients of the Congressional Medal of Honor:
1. Initial Fee: \$0 (\$0 SF/\$0 CF/\$0 EF).
 2. Renewal Fee: \$0 (\$0 SF/\$0 CF/\$0 EF).
- (b) Former prisoners of war and survivors of Pearl Harbor:
1. Initial Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
 2. Renewal Fee: \$6 (\$0 SF/\$6 CF/\$0 EF).
- (c) Members of the Kentucky National Guard and recipients of the Purple Heart:
1. Initial Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
 2. Renewal Fee: \$11 (\$0 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (d) Members of the Civil Air Patrol; active, retired, veteran, reserve, or auxiliary members of the United States Army, Navy, Air Force, Marine Corps, *Space Force*, or Coast Guard; Merchant Marines who served between December 7, 1941, and August 15, 1945; recipients of the Silver Star Medal, *the Legion of Merit Medal*, the Distinguished Flying Cross, the Air Medal, the Combat Action Badge, the Combat Infantry Badge, or the Bronze Star Medal; persons who wish to receive Gold Star Mothers, Gold Star Fathers, or Gold Star Spouses license plates beyond the two (2) exempted from fees under KRS 186.041(6); individuals eligible for a special military service academy license plate under KRS 186.041(8); individuals eligible for a special military unit license plate under KRS 186.163; and disabled veterans who have been declared to be between fifty percent (50%) and ninety-nine percent (99%) service-connected disabled by the United States Department of Veterans' Affairs:
1. Initial Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (e) Recipients of the Distinguished Service Cross, Navy Cross, or Air Force Cross:
1. Initial Fee: \$6 (\$0 SF/\$6 CF/\$0 EF).
 2. Renewal Fee: \$6 (\$0 SF/\$6 CF/\$0 EF).
- (f) Disabled license plates:
1. Initial Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).
 2. Renewal Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).
- (g) Historic vehicles:
1. Initial Fee for two plates: \$56 (\$50 SF/\$6 CF/\$0 EF).
 2. Renewal Fee: Do not renew annually.
- (h) Members of Congress:
1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).

ACTS OF THE GENERAL ASSEMBLY

2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (i) Firefighters:
1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky Firefighters Association).
2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky Firefighters Association).
- (j) Emergency management:
1. Initial Fee: \$31 (\$25 SF/\$6 CF/\$0 EF).
2. Renewal Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).
- (k) Fraternal Order of Police:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Kentucky FOP Death Benefit Fund).
2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky FOP Death Benefit Fund).
- (l) Law Enforcement Memorial:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Kentucky Law Enforcement Memorial Foundation, Inc.).
2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky Law Enforcement Memorial Foundation, Inc.).
- (m) Personalized plates:
1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
2. Renewal Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
- (n) Street rods:
1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
2. Renewal Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).
- (o) Nature plates:
1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to Kentucky Heritage Land Conservation Fund established under KRS 146.570).
2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to Kentucky Heritage Land Conservation Fund established under KRS 146.570).
- (p) Amateur radio:
1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
2. Renewal Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).
- (q) Kentucky General Assembly:
1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (r) Kentucky Court of Justice:
1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
2. Renewal Fee: \$11 (\$0 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).

- (s) Masons:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Masonic Homes of Kentucky).
 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Masonic Homes of Kentucky).
- (t) Collegiate plates:
1. Initial Fee: \$53 (\$37 SF/\$6 CF/\$10 EF to the general scholarship fund of the university whose name will be borne on the plate).
 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the general scholarship fund of the university whose name will be borne on the plate).
- (u) Independent Colleges:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Association of Independent Kentucky Colleges and Universities for distribution to the general scholarship funds of the Association's members).
 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Association of Independent Kentucky Colleges and Universities for distribution to the general scholarship funds of the Association's members).
- (v) Child Victims:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the child victims' trust fund established under KRS 41.400).
 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the child victims' trust fund established under KRS 41.400).
- (w) Kentucky Horse Council:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Kentucky Horse Council).
 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the Kentucky Horse Council).
- (x) Ducks Unlimited:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to Kentucky Ducks Unlimited).
 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to Kentucky Ducks Unlimited).
- (y) Spay neuter:
1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the animal control and care fund established under KRS 258.119).
 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the animal control and care fund established under KRS 258.119).
- (z) Gold Star Mothers, Gold Star Fathers, or Gold Star Spouses:
1. Initial Fee: \$0 (\$0 SF/\$0 CF/ \$0 EF).
 2. Renewal Fee: \$0 (\$0 SF/\$0 CF/ \$0 EF).
 3. A person may receive a maximum of two (2) plates under this paragraph free of charge and may purchase additional plates for fees as established in subsection (2)(d) of this section.
- (aa) I Support Veterans:
1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky Department of Veterans' Affairs).
 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the Kentucky Department of Veterans' Affairs).
- (ab) Gold Star Siblings, Gold Star Sons, or Gold Star Daughters:
1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the veterans' program trust fund established under KRS 40.460).

- 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (ac) POW/MIA Awareness:
 - 1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the veterans' program trust fund established under KRS 40.460).
 - 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the veterans' program trust fund established under KRS 40.460).
- (ad) Special license plates established under KRS 186.164:
 - 1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF).
 - 2. Renewal Fee: \$41 (\$25 SF/\$6 CF/\$10 EF).
- (3) Any special license plate may be combined with a personalized license plate for a twenty-five dollar (\$25) state fee in addition to all other fees for the particular special license plate established in this section and in KRS 186.164(3). The twenty-five dollar (\$25) fee required under this subsection shall be divided between the cabinet and the county clerk of the county where the applicant is applying for the license plate with the cabinet receiving twenty dollars (\$20) and the county clerk receiving five dollars (\$5).
- (4) (a) A sponsoring organization of any special license plate issued under this section or any special license plate established under the provisions of KRS 186.164 may petition the cabinet for the production of that special license plate for motorcycles.
- (b) The cabinet shall make all of the special military license plates in this section available for motorcycles owned or leased by eligible individuals.
- (c) Owners and lessees of motorcycles registered under KRS 186.050(2) may be eligible to receive special license plates approved by the cabinet under paragraphs (a) and (b) of this subsection. Applicants for a special license plate for a motorcycle shall be required to pay the fee for a special plate as prescribed in this section or in KRS 186.164. The fee paid for the special plate for a motorcycle shall be in lieu of the registration fee required under KRS 186.050(2).

➔Section 8. KRS 186.166 is amended to read as follows:

- (1) The Transportation Cabinet shall, unless directed otherwise by the General Assembly, perpetually produce the following special license plates: military license plates, military unit license plates, U.S. Congressional license plates, firefighter license plates, emergency management license plates, Fraternal Order of Police license plates, Law Enforcement Memorial license plates, street rod license plates, nature license plates, amateur radio license plates, Kentucky General Assembly license plates, Kentucky Court of Justice license plates, Masonic Order license plates, collegiate license plates, independent college and university license plates, child victims' trust fund license plates, Kentucky Horse Council license plates, Ducks Unlimited license plates, Gold Star Mothers, Fathers, and Spouses license plates, Gold Star Siblings, Sons, and Daughters license plates, Silver Star Medal license plates, *Legion of Merit Medal license plates*, Bronze Star Medal license plates, Air Medal license plates, Distinguished Flying Cross license plates, Combat Action Badge license plates, Combat Infantry Badge license plates, POW/MIA Awareness license plates, spay neuter license plates, service academy license plates, and I Support Veterans license plates.
- (2) The design of the plates identified for perpetual production under this section may be revised upon request of a group or organization requesting a design revision under the provisions of KRS 186.164(15).
- (3) (a) The design of a Purple Heart license plate shall not include any representation of the word "Kentucky" that is a registered trademark or slogan which appears on a general issue license plate.
- (b) The design of a Purple Heart license plate shall include a representation of the Purple Heart medal and the words "Combat Wounded."

Signed by Governor April 5, 2024.

(HB 248)

AN ACT relating to reinstatement of police and fire department employees.

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

➔Section 1. KRS 95.440 is amended to read as follows:

- (1) The legislative body of cities of the home rule class and urban-county governments may require, in addition to the peace officer professional standards training under KRS 15.380 to 15.404, all applicants for appointments as members of the police or fire departments to be examined as to their qualifications for office, including their knowledge of the English language and the law and rules governing the duties of the position applied for.
- (2) Each member of the police or fire department in cities and urban-county governments shall be able to read, write, and understand the English language, and have such other qualifications as may be prescribed. No person shall be appointed a member of the police or fire department unless he *or she* is a person of sobriety and integrity and is and has been an orderly, law-abiding citizen. No person convicted of a felony is eligible for appointment.
- (3) Members of the police and fire departments in cities required to comply with KRS 95.450 or urban-county governments qualified under this section shall hold their positions during good behavior, except that the legislative body may decrease the number of policemen or firefighters as it may deem proper.
- (4) If the legislative body of a city required to comply with KRS 95.450 or urban-county government decreases the number of policemen or firefighters, the youngest members in point of service shall be the first to be released and returned to the eligible list of the department, there to advance according to the rules of the department.
- (5) The legislative body in an urban-county government may by ordinance provide that any person who has successfully completed his *or her* probationary period and subsequently ceased working for the police or fire department for reasons other than dismissal may be restored to the position, rank, and pay he *or she* formerly held or to an equivalent or lower position, rank, or pay than that which he *or she* formerly held if he *or she* so requests in writing to the appointing authority. Such person shall be eligible for reinstatement ~~for a period of one (1) year following his separation from the police or fire department and shall be reinstated~~ only with the approval of the appointing authority.

Signed by Governor April 5, 2024.

CHAPTER 102

(HB 256)

AN ACT relating to the promotion of stronger homes to resist losses due to catastrophic weather events and making an appropriation therefor.

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

➔SECTION 1. A NEW SECTION OF SUBTITLE 2 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
 - (a) *"Insurable dwelling":*
 1. *Means a dwelling located or situated on, or affixed to, residential real estate; and*
 2. *Includes a single-family or multifamily dwelling, including a modular home; and*
 - (b) *"Strengthen Kentucky Homes Program" or "program" means the Strengthen Kentucky Homes Program created in this section.*
- (2) *The Strengthen Kentucky Homes Program is hereby created for the purpose of providing financial grants to real property owners, building contractors, and nonprofit organizations to assist and promote the mitigation of insurable dwellings to resist losses due to catastrophic wind and hail events in accordance with*

FORTIFIED construction standards published by the Insurance Institute for Business and Home Safety or a successor entity.

- (3) *To the extent funding is available under subsection (4) of this section, the commissioner shall implement and administer the program in accordance with this section.*
- (4)
 - (a) *The Strengthen Kentucky Homes Program fund is hereby created in the State Treasury.*
 - (b) *The following shall be deposited into the fund:*
 1. *All grants and funds received or raised by the commissioner under paragraph (e) of this subsection; and*
 2. *Any appropriations made to the fund by the General Assembly.*
 - (c) *Notwithstanding KRS 45.229:*
 1. *Moneys in the fund not expended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year; and*
 2. *Any interest earnings of the fund shall become part of the fund and shall not lapse.*
 - (d) *Moneys in the fund are hereby appropriated by the General Assembly and shall be available to the commissioner for use in implementing and administering the program.*
 - (e) *The commissioner shall use his or her best efforts to seek and obtain grants or funds from the federal government or other funding sources for deposit into the fund to supplement any appropriations to the fund made by the General Assembly.*
- (5)
 - (a) *The commissioner shall promulgate administrative regulations in accordance with KRS Chapter 13A to create and establish:*
 1. *Application forms and procedures for seeking a financial grant;*
 2. *The eligibility criteria, requirements, and procedures for obtaining a financial grant, which may include but are not limited to providing financial grants to:*
 - a. *Real property owners to mitigate owner-occupied insurable dwellings;*
 - b. *Building contractors to become certified as FORTIFIED Trained Service Providers by the Insurance Institute for Business and Home Safety or a successor entity; and*
 - c. *Nonprofit organizations to improve the wind and hail resilience of single-family insurable dwellings occupied or owned by low-income and moderate-income individuals;*
 3. *If the commissioner provides financial grants to mitigate insurable dwellings:*
 - a.
 - i. *The building standards or techniques that are required for the mitigation, which shall include but are not limited to compliance with the most recent version of any applicable FORTIFIED Home or FORTIFIED Multifamily construction standards published by the Insurance Institute for Business and Home Safety or a successor entity.*
 - ii. *The commissioner shall determine through the promulgation of an administrative regulation under this subsection the specific standards and designations that are required for any insurable dwelling; and*
 - b. *Eligibility criteria for building contractors and evaluators that are eligible to mitigate and inspect the insurable dwellings, respectively, which shall include a preference for Kentucky building contractors and evaluators; and*
 4. *The procedures and requirements for distributing financial grants.*
 - (b) *The commissioner may promulgate administrative regulations in accordance with KRS Chapter 13A to establish any additional rules and eligibility requirements that are necessary for the proper implementation and administration of this section, including but not limited to the collection of documentation necessary to allow for any auditing of the program that is required under the terms of a grant or other funds received by the program.*

- (6) *Any financial grant provided under the program to mitigate an insurable dwelling shall be contingent upon the real property owner securing all required permits and applicable inspections in accordance with local building codes.*
- (7) *Nothing in this section shall be construed to create an entitlement for property owners, building contractors, or nonprofit organizations to obtain funds for, or obligate the state in any way to fund, any activity for which a financial grant is permitted under this section.*

➔SECTION 2. A NEW SECTION OF SUBTITLE 13 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *All insurance companies writing property insurance for wind or hail coverage of any property located in Kentucky that has been certified as complying with the most recent version of any applicable FORTIFIED Home or FORTIFIED Multifamily construction standards published by the Insurance Institute for Business and Home Safety or a successor entity:*
 - 1. *Shall provide a premium discount or rate reduction on the coverage if:*
 - a. *The discount or reduction is actuarially justified; and*
 - b. *There is sufficient and credible evidence of cost savings that can be attributed to the construction standards; and*
 - 2. *May provide:*
 - a. *A premium discount or rate reduction on the coverage in accordance with any standard discount amounts, targets, or benchmarks established under subsection (3) of this section; and*
 - b. *Any other adjustment on the coverage.*
- (b) *A premium discount, rate reduction, or other adjustment provided under paragraph (a) of this subsection shall be subject to the rate filing and other applicable regulatory requirements of this chapter, including but not limited to KRS 304.13-051.*
- (2) (a) *As used in this subsection, "certificate of compliance" means a certificate of compliance with the most recent version of any applicable FORTIFIED Home or FORTIFIED Multifamily construction standards from the Insurance Institute for Business and Home Safety or a successor entity.*
- (b) *An insurer that offers a premium discount, rate reduction, or other adjustment under subsection (1)(a) of this section shall provide the discount, reduction, or adjustment on the coverage of an insured's property located in Kentucky if the insurer obtains or receives a certificate of compliance for the property.*
- (c) *An insurer is not required to obtain or receive a certificate of compliance in order to provide a premium discount, rate reduction, or other adjustment under subsection (1)(a) of this section.*
- (3) (a) *The commissioner may promulgate administrative regulations in accordance with KRS Chapter 13A that establish standard discount amounts, targets, or benchmarks for the coverage of any property located in Kentucky that has been certified as complying with the most recent version of any applicable FORTIFIED Home or FORTIFIED Multifamily construction standards published by the Insurance Institute for Business and Home Safety or a successor entity.*
- (b) *Any standard discount amounts, targets, or benchmarks promulgated under paragraph (a) of this subsection shall be:*
 - 1. *Optional; and*
 - 2. *Primarily for the benefit of insurers that are unable to obtain actuarially valid data to provide a premium discount or rate reduction under subsection (1)(a)1. of this section due to inadequate resources or experience.*
- (c) *The authority granted to the commissioner to promulgate administrative regulations under this subsection shall be in addition to any other authority granted to the commissioner to promulgate administrative regulations, including but not limited to KRS 304.2-110.*

➔SECTION 3. A NEW SECTION OF SUBTITLE 13 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

- (a) *"Cost to upgrade the single-family dwelling" means the cost required to upgrade the single-family dwelling to meet or exceed the construction standards required for the dwelling to comply with the most recent version of any applicable FORTIFIED Home construction standards published by the Insurance Institute for Business and Home Safety or a successor entity; and*
- (b) *"Non-FORTIFIED dwelling" means a dwelling that does not comply with the most recent version of any applicable FORTIFIED Home construction standards published by the Insurance Institute for Business and Home Safety or a successor entity.*

(2) All insurance companies writing property insurance for personal risks that provides coverage of any single-family dwelling located in Kentucky that is a non-FORTIFIED dwelling shall offer an optional rider, endorsement, or supplemental policy provision that provides the insured a right to receive claim payments for the cost to upgrade the single-family dwelling for any claim that:

- (a) *Is covered under the insurance policy or contract; and*
- (b) *Requires replacement of the covered dwelling's roof as defined by the insurance policy or contract.*

➔Section 4. Notwithstanding KRS 304.2-300 and 304.2-400, the Department of Insurance shall transfer \$5,000,000 in fiscal year 2025-2026 to the Strengthen Kentucky Homes Program fund for use as permitted under Section 1 of this Act.

➔Section 5. Sections 2 and 3 of this Act apply to insurance policies and contracts issued or renewed on or after March 1, 2026.

➔Section 6. Property insurers subject to Section 2 or 3 of this Act, or both, shall make any filings and comply with any other regulatory requirements required under KRS 304.14-120, 304.13-051, and any other law, that are necessary to ensure that:

- (1) Any premium discount or rate reduction required under subsection (1)(a)1. of Section 2 of this Act; and
- (2) The optional rider, endorsement, or supplemental policy provision required under subsection (2) of Section 3 of this Act;

is offered on insurance policies and contracts issued or renewed on or after March 1, 2026.

➔Section 7. This Act may be cited as the Strengthen Kentucky Homes Act.

Signed by Governor April 5, 2024.

CHAPTER 103

(HB 833)

AN ACT relating to motor vehicle inspectors.

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

➔Section 1. KRS 186A.115 is amended to read as follows:

- (1) (a) Except as otherwise provided in this section, the owner of every vehicle brought into this state and required to be titled in this state shall, before submitting his or her application for title to the county clerk, have the vehicle together with his or her application for title and its supporting documents inspected by a certified inspector in the county in which the application for title is to be submitted to the county clerk.
- (b) An owner of a military surplus vehicle seeking title in this state shall, before submitting his or her application for title to the county clerk, have the vehicle together with his or her application for title and its supporting documents inspected by a certified inspector in the county in which the application for title is to be submitted to the county clerk.
- (2) For inspections under this section:

- (a) The certified inspector shall be certified through the Department of Vehicle Regulation following requirements set forth by the department by regulation and shall be designated by the county sheriff ***if the inspector is a current member of his or her office or a special inspector appointed pursuant to Section 3 of this Act.*** The certified inspector will be held responsible for all certifications required pursuant to this chapter and will be liable for any and all penalties prescribed in this chapter, and shall be available during regular office hours at any and all offices and branches that issue applications for titles;
- (b) There shall be a ~~five dollar (\$5)~~ fee for this certification, payable to the sheriff's office, ***and the fee shall be retained by the sheriff's office for official expenses of the office*** upon completion of certification, ***in the amount of:***
1. ***Thirty dollars (\$30) for a motor vehicle dealer that qualifies to have an employee appointed as a special inspector under paragraph (d) of this section;***
 2. ***Fifteen dollars (\$15) for a motor vehicle dealer that does not qualify to have an employee appointed as a special inspector under paragraph (d) of this section; or***
 3. ***Fifteen dollars (\$15) for an individual person;***
- (c) There shall be an additional fee of ~~twenty~~~~ten~~ dollars (~~\$20~~)(~~\$10~~) per trip when it becomes necessary for the certified inspector to travel to the site of the vehicle rather than bringing the vehicle to the sheriff's inspection area;~~and~~
- (d) ***A sheriff may appoint up to two (2) employees of a motor vehicle dealer, that is licensed under KRS Chapter 190 and doing business in the sheriff's county, as special inspectors if the motor vehicle dealer is:***
1. ***A new motor vehicle dealer; or***
 2. ***A used motor vehicle dealer that has sold an average of one hundred (100) or more motor vehicles per month in the preceding twelve (12) months;***
- (e) ***A special inspector appointed under paragraph (d) of this subsection is only authorized to perform motor vehicle inspections and complete certified inspection forms under this section for vehicles purchased by that dealership for resale and shall have his or her special inspector status revoked if he or she is no longer an active employee of that dealership; and***
- (f) An inspection conducted in one (1) county within the Commonwealth of Kentucky under this subsection, and the fees paid for that inspection under this subsection, shall be honored by the certified inspector, sheriff, and county clerk in all other counties within this state. A second inspection shall not be required and additional fees shall not be required.
- (3) The Transportation Cabinet may require that modifications be made to a military surplus vehicle. Any modifications required by the cabinet under this section shall be made to the military surplus vehicle prior to its inspection.
- (4) The Transportation Cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A to implement the provisions of subsections (1)(b) and (3) of this section, including but not limited to vehicle modification requirements and the creation of a separate ***electronic*** inspection form. The Transportation Cabinet shall note that military vehicles were originally manufactured under the federally mandated requirements set forth in 49 C.F.R. sec. 571.7 and shall only require these vehicles to meet applicable federal motor vehicle safety standards.
- (5) The following vehicles are excluded from the requirement of inspection by a certified inspector prior to titling in this state:
- (a) New motor vehicles sold by a dealer licensed in this state;
 - (b) Vehicles required to be registered in this state by reason of lack of a reciprocity agreement with another state and for which a nonnegotiable registration document is to be issued;
 - (c) Motor vehicles operated by a motor carrier under a nonnegotiable certificate or permit issued by the Department of Vehicle Regulation;
 - (d) Motor vehicles owned by servicemen or servicewomen who are residents of Kentucky stationed outside of Kentucky may be inspected by the post provost or similar officer of the camp, post, or station. The

post provost or similar officer shall submit an affidavit stating the name of the owner, the identification or serial number, the make, body style, current license or title number, if any, and state in which currently registered or titled, if any, of the motor vehicle;

- (e) Motor vehicles purchased in another state by persons who are residents of Kentucky but are temporarily residing out of state for at least thirty (30) days, but not longer than nine (9) months, may after the purchase of the vehicle be inspected by the state police, a local law enforcement agency, or the vehicle inspection program of another state. If an inspector in another state examines a vehicle under this paragraph, the purchaser may request the inspector to complete an affidavit stating the name of the owner, the vehicle identification number, the vehicle make and body style, the current state of registration, if any, and the current vehicle license or title number, if any. The Transportation Cabinet shall create an affidavit form containing at a minimum this information and shall post the form on the cabinet's internet ~~website~~ *website* ~~[Web site]~~. A person using an inspector in another state under this paragraph shall comply with all requirements of that state's inspection program, including payment of fees charged in that state. A person registering a motor vehicle for the first time in Kentucky under this paragraph shall transmit the application for registration, all supporting documentation, and payment for registration and usage tax to the county clerk of the county in which the person resides, and upon receipt of the appropriate documentation, the county clerk shall register the vehicle; and
 - (f) Motor vehicles no longer located in Kentucky but which require inspection in order to issue a corrected Kentucky title due to error in vehicle identification or serial number may be inspected by an inspector authorized to inspect vehicle identification or serial number by the laws of the state or foreign country where application for a new title has been submitted.
- (6) When presented to a certified inspector for inspection ~~and for~~ to a county clerk for processing, the owner's application for a first certificate of registration or title in his or her name shall be accompanied by *a current operator's license* ~~[proof of insurance in compliance with KRS 304.39-080]~~ and one (1) of the following documents as applicable:
- (a) If the vehicle is a new vehicle not previously registered in this state, the properly assigned manufacturer's statement of origin for the vehicle for which registration or title is sought;
 - (b) If the vehicle was last registered in this state, and is a vehicle for which a title is not required in this state, a certificate of registration, or if the vehicle is one for which a certificate of title is required in this state, a properly assigned certificate of title;
 - (c) If the vehicle was last previously titled in another state, a properly assigned certificate of title;
 - (d) If the application refers to a vehicle previously registered in another country, the documents of that country establishing ownership of the vehicle;
 - (e) If the application refers to a vehicle last previously registered in another country by a person on active duty in the Armed Forces of the United States, the county clerk may accept on behalf of the Department of Vehicle Regulation evidence of ownership provided the applicant by the United States Department of Defense; and
 - (f) Except as provided in KRS 186A.072(2)(c) governing custom-built motorcycles, if the application relates to a vehicle which has been specially constructed or reconstructed, that fact shall be stated in the application, and the application shall be accompanied by the documents specified by administrative regulations of the Department of Vehicle Regulation.
- (7) When requested to inspect a vehicle pursuant to this section, the certified inspector shall personally and physically inspect the vehicle, when registration or title is sought in this state, on the following points:
- (a) ~~[He or she shall ensure that the application is legible and properly executed to the extent required at the time of execution;~~
 - ~~(b)~~ ~~—~~ He or she shall compare the vehicle identification number as appearing on both the vehicle identification number plate, and the federal safety standards label of the vehicle which is sought to be registered or titled, with the corresponding number inscribed on the application, and its supporting documentation, and ensure that the vehicle identification number appearing at each described location appears legitimate and that they are consistent with each other;
 - ~~(b)~~ ~~(c)~~ He or she shall examine the primary odometer of the vehicle and *electronically* ~~[legibly]~~ record the reading in the space provided in the inspection section of the application; ~~[and]~~

(c)~~(d)~~ After exercising due diligence in inspecting the vehicle~~, the application,~~ and its supporting documentation, and finding that they appear to be in order, the certified inspector shall execute the **electronic**~~preprinted~~ certificate of inspection according to its terms by **electronically inputting**~~printing~~ in the spaces provided his or her first name, middle initial, and last name, **certified inspector number**,~~and~~ his or her title; the name of the county in which he **or she** serves; and the telephone number including the telephone area code of his or her agency, ~~and sign in ink his or her signature in the space provided,~~ and **enter**~~print~~ the month, day, and year in which his or her inspection was made, certifying under penalty of forgery in the second degree the character, accuracy, and date of his or her inspection; **and**

(d) ***A certified inspector number shall not be subject to an open records request under KRS 61.870 to 61.884 unless otherwise required by a court order.***

- (8) The certified inspector shall refrain from executing the certificate of inspection if:
- (a) He or she has not personally and physically inspected the vehicle in accordance with this section;
 - (b) He or she has reason to believe that the vehicle displays an unlawfully altered vehicle identification number;
 - (c) The application and any of its copies are illegible or otherwise improperly executed, or contain information reasonably believed to be inaccurate or fraudulent;
 - (d) The documentation required in support of any application is not present, or not consistent with the vehicle and the owner's application or appears fraudulent; or
 - (e) He or she has probable cause to believe the vehicle is stolen.
- (9) (a) Inspections on motor vehicles that meet the definition of a "historic vehicle" under KRS 186.043(2) and are brought into this state shall be limited to verification of the vehicle identification number with supporting documentation for purposes of titling.
- (b) Inspections on motor vehicles that meet the definition of a classic motor vehicle project as set forth in KRS 186A.510 shall be limited to verification of the vehicle identification number with supporting documentation for purposes of issuing a classic motor vehicle project certificate of title under KRS 186A.535(1).
- (10) ***The electronic certificate of inspection shall not be handled by any person or persons other than those designated individuals within the offices of the sheriff, county clerk, or other state office.***
- (11) ***The Transportation Cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A to implement the provisions of this section, including but not limited to special inspectors classified as dealer inspectors only and the creation of an electronic certified vehicle inspection form and receipt.***

➔Section 2. KRS 186A.990 is amended to read as follows:

- (1) Any person who knowingly gives false, fraudulent, or erroneous information in connection with an application for the registration, and when required, titling of a vehicle, or any application for assignment of a vehicle identification number, or replacement documents, or gives information in connection with his **or her** review of applications, or falsely certifies the truthfulness and accuracy of information supplied in connection with the registration and when required, titling of a vehicle, shall be guilty of forgery in the second degree.
- (2) Any person who violates KRS 186A.260 or KRS 186A.275 to 186A.285 shall be guilty of a Class D felony.
- (3) Any person who violates KRS 186A.300 to 186A.315 shall be guilty of a Class D felony.
- (4) Any person who operates a motor vehicle or trailer upon the highways of this state without a temporary tag when one is required, or with one that is expired, improperly executed, or displayed on a vehicle other than the one (1) to which it was legitimately and lawfully issued, shall be guilty of a Class B misdemeanor.
- (5) Any person who violates the disclosure provisions of KRS 186A.530(8) shall be guilty of a Class A misdemeanor.
- (6) Any person who violates any provisions of this chapter, or regulations promulgated pursuant thereto, and for which a specific penalty is not prescribed by statute, shall be guilty of a Class A misdemeanor.
- (7) Criminal remedies or sanctions provided in this chapter are in addition to, and not exclusive of, any other criminal remedies or sanctions provided elsewhere in the statutes.

- (8) *Any person who intentionally or willfully divulges his, her, or another person's certified inspector number to any person other than those designated individuals within the offices of the sheriff, county clerk, or other state office, except in the course of his or her official assigned duties, shall be guilty of a Class A misdemeanor.*
- (9) *Any person who intentionally or willfully sells his, her, or another person's certified inspector number to any person or persons shall be guilty of a Class D felony.*

➔Section 3. KRS 70.030 is amended to read as follows:

- (1) The sheriff may appoint his or her own deputies and may revoke the appointment at his or her pleasure, except where that revocation is prohibited by the provisions of KRS 70.260 to 70.273. Any law to the contrary notwithstanding, a sheriff may appoint a deputy who resides outside the Commonwealth. In a county containing a consolidated local government or city of the first class with a deputy sheriff merit board, the term of office of a deputy shall continue from sheriff to sheriff unless a deputy is removed according to the provisions of KRS 70.260 to 70.273. Before any deputy executes the duties of his or her office, he or she shall take the oath required to be taken by the sheriff.
- (2) The sheriff may appoint his or her own certified court security officers and may revoke the appointment at his or her pleasure. A certified court security officer shall take an oath to faithfully perform the duties of his or her office and that he or she possesses the minimum qualifications under KRS 15.3971.
- (3) The sheriff may appoint nonsworn clerical, technical, professional, and support personnel to assist him or her in the performance of the duties of his or her office. All nonsworn personnel shall serve at the pleasure of the sheriff.
- (4) No sheriff whose county has adopted a deputy sheriff merit board under KRS 70.260 shall appoint a deputy who is a member of the immediate family of the sheriff. The term "member of the immediate family" has the meaning given in KRS 70.260.
- (5) Except for certified court security officers, a sheriff's office may, upon the written request of the sheriff, participate in the Kentucky Law Enforcement Foundation Program Fund authorized by KRS 15.410 to 15.510 without the county establishing a deputy sheriff merit board. This subsection shall not prohibit the sheriff from requesting the consolidated local government or the fiscal court to establish a deputy sheriff merit board.
- (6) *The sheriff may appoint nonsworn special inspectors solely to perform motor vehicle inspections under Section 1 of this Act.*

Signed by Governor April 5, 2024.

CHAPTER 104

(SB 188)

AN ACT relating to patient access to pharmacy benefits.

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

➔SECTION 1. A NEW SECTION OF SUBTITLE 17A OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 5 of this Act:

- (1) *"Cost sharing" means the cost to an insured under a health plan according to any coverage limit, copayment, coinsurance, deductible, or other out-of-pocket expense requirements imposed by the plan;*
- (2) *"Health plan":*
- (a) *Except as provided in paragraph (c) of this subsection, means any policy, certificate, contract, or plan that offers or provides coverage in this state for pharmacy or pharmacist services, whether the coverage is by direct payment, reimbursement, or otherwise;*
- (b) *Includes a health benefit plan; and*

- (c) *Does not include:*
1. *A policy, certificate, contract, or plan that:*
 - a. *Offers or provides services under KRS Chapter 205; or*
 - b. *Is established by the Teachers' Retirement System pursuant to KRS 161.675 solely for the purpose of providing coverage to Medicare-eligible annuitants and dependents of annuitants;*
 2. *A self-insured health plan provided by a hospital or health system to its employees and dependents of employees if the hospital or health system owns a pharmacy;*
 3. *A prescription drug plan established under Medicare Part D; or*
 4. *Student health insurance offered by a Kentucky-licensed insurer under written contract with a university or college whose students it proposes to insure;*
- (3) *"Insured" means any individual covered under a health plan;*
- (4) *"Insurer":*
- (a) *Means any of the following persons that offer or issue a health plan:*
 1. *An insurance company;*
 2. *A health maintenance organization;*
 3. *A limited health service organization;*
 4. *A self-insurer, including a governmental plan, church plan, or multiple employer welfare arrangement;*
 5. *A provider-sponsored integrated health delivery network;*
 6. *A self-insured employer-organized association;*
 7. *A nonprofit hospital, medical-surgical, dental, and health service corporation; or*
 8. *Any other third-party payor that is:*
 - a. *Authorized to transact health insurance business in this state; or*
 - b. *Not exempt by federal law from regulation under the insurance laws of this state; and*
 - (b) *Includes any person that has contracted with a state or federal agency to provide coverage in this state under a health plan;*
- (5) *"Pharmacy" has the same meaning as in KRS 315.010;*
- (6) (a) *"Pharmacy affiliate" means a pharmacy, including a specialty pharmacy, that owns or controls, is owned or controlled by, or is under common ownership or common control with an insurer, pharmacy benefit manager, or other administrator of pharmacy benefits.*
- (b) *As used in this subsection:*
1. *"Common control" includes sharing common management or managers and having common members on boards of directors; and*
 2. *"Control" may be direct or indirect through one (1) or more intermediaries;*
- (7) *"Pharmacy benefit manager" has the same meaning as in KRS 304.9-020; and*
- (8) *"Pharmacy or pharmacist services":*
- (a) *Means any health care procedures, treatments within the scope of practice of a pharmacist, or services provided by a pharmacy or pharmacist; and*
 - (b) *Includes the sale and provision of the following by a pharmacy or pharmacist:*
 1. *Prescription drugs as defined in KRS 315.010; and*
 2. *Home medical equipment as defined in KRS 309.402.*

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

To the extent permitted under federal law:

- (1) (a) *An insurer, a pharmacy benefit manager, or any other administrator of pharmacy benefits that utilizes a network to provide pharmacy or pharmacist services under a health plan shall ensure that the network is reasonably adequate and accessible with respect to the provision of pharmacy or pharmacist services.*
- (b) *A reasonably adequate and accessible network, with respect to the provision of pharmacy or pharmacist services, shall, at a minimum:*
1. *Offer an adequate number of accessible pharmacies that are not mail-order pharmacies; and*
 2. *Provide convenient access to pharmacies that are not mail-order pharmacies within a reasonable distance from the insured's residence, but in no event shall the distance be more than thirty (30) miles from each insured's residence, to the extent that pharmacy or pharmacist services are available; and*
- (2) (a) *An insurer, a pharmacy benefit manager, and any other administrator of pharmacy benefits conducting business in this state shall file with the commissioner an annual report, in the manner and form prescribed by the commissioner, describing the networks of the insurer, pharmacy benefit manager, or other administrator that are utilized for the provision of pharmacy or pharmacist services under a health plan.*
- (b) *The commissioner shall review each network to ensure that the network complies with this section.*
- (c) *All information and data acquired by the department under this subsection that is generally recognized as confidential or proprietary shall not be subject to disclosure under KRS 61.870 to 61.884, except the department may publicly disclose aggregated information not descriptive of any readily identifiable person or entity.*

➔SECTION 3. A NEW SECTION OF SUBTITLE 17A OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

- (a) *"Actual overpayment" means the portion of any amount paid for pharmacy or pharmacist services that:*
1. *Is duplicative because the pharmacy or pharmacist has already been paid for the services; or*
 2. *Was erroneously paid because the services were not rendered in accordance with the prescriber's order, in which case only the amount paid for that portion of the prescription that was filled incorrectly or in excess of the prescriber's order may be deemed an actual overpayment. The amount denied, refunded, or recouped shall not include the dispensing fee paid to the pharmacy if the correct medication was dispensed to the patient;*
- (b) *"Ambulatory pharmacy" means a pharmacy that:*
1. *Is open to the general public; and*
 2. *Dispenses outpatient prescription drugs;*
- (c) *"National drug code number" means the unique national drug code number that identifies a specific approved drug, its manufacturer, and its package presentation;*
- (d) *"Net amount" means the amount paid to the pharmacy or pharmacist by the insurer, pharmacy benefit manager, or other administrator less any fees, price concessions, and all other revenue passing from the pharmacy or pharmacist to the insurer, pharmacy benefit manager, or other administrator; and*
- (e) *"Wholesale acquisition cost" means the manufacturer's list price for the drug to wholesalers or direct purchasers in the United States, not including prompt pay or other discounts, rebates, or reductions in price, for the most recent month for which the information is available, as reported in wholesale price guides or other publications of drug pricing data.*

- (2) *To the extent permitted under federal law, every contract between a pharmacy or pharmacist and an insurer, a pharmacy benefit manager, or any other administrator of pharmacy benefits for the provision of pharmacy or pharmacist services under a health plan, either directly or through a pharmacy services administration organization or group purchasing organization, shall:*
- (a) *Outline the terms and conditions for the provision of pharmacy or pharmacist services;*
 - (b) *Prohibit the insurer, pharmacy benefit manager, or other administrator from:*
 - 1. *Reducing payment for pharmacy or pharmacist services, directly or indirectly, under a reconciliation process to an effective rate of reimbursement. This prohibition shall include, without limitation, creating, imposing, or establishing direct or indirect remuneration fees, generic effective rates, dispensing effective rates, brand effective rates, any other effective rates, in-network fees, performance fees, point-of-sale fees, retroactive fees, pre-adjudication fees, post-adjudication fees, and any other mechanism that reduces, or aggregately reduces, payment for pharmacy or pharmacist services;*
 - 2. *Retroactively denying, reducing reimbursement for, or seeking any refunds or recoupments for a claim for pharmacy or pharmacist services, in whole or in part, from the pharmacy or pharmacist after returning a paid claim response as part of the adjudication of the claim, including claims for the cost of a medication or dispensed product and claims for pharmacy or pharmacist services that are deemed ineligible for coverage, unless one (1) or more of the following occurred:*
 - a. *The original claim was submitted fraudulently; or*
 - b. *The pharmacy or pharmacist received an actual overpayment;*
 - 3. *Reimbursing the pharmacy or pharmacist for a prescription drug or other service at a net amount that is lower than the amount the insurer, pharmacy benefit manager, or other administrator reimburses itself or a pharmacy affiliate for the same:*
 - a. *Prescription drug by national drug code number; or*
 - b. *Service;*
 - 4. *Collecting cost sharing from a pharmacy or pharmacist that was provided to the pharmacy or pharmacist by an insured for the provision of pharmacy or pharmacist services under the health plan; and*
 - 5. *Designating a prescription drug as a specialty drug unless the drug is a limited distribution drug that:*
 - a. *Requires special handling; and*
 - b. *Is not commonly carried at retail pharmacies or oncology clinics or practices; and*
 - (c) *Notwithstanding any other law, provide the following minimum reimbursements to the pharmacy or pharmacist for each prescription drug or other service provided by the pharmacy or pharmacist:*
 - 1. a. *Reimbursement for the cost of the drug or other service at an amount that is not less than:*
 - i. *The national average drug acquisition cost for the drug or service at the time the drug or service is administered, dispensed, or provided; or*
 - ii. *If the national average drug acquisition cost is not available at the time a drug is administered or dispensed, the wholesale acquisition cost for the drug at the time the drug is administered or dispensed.*
 - b. *For purposes of complying with this subparagraph, the insurer, pharmacy benefit manager, or other administrator shall utilize the most recently published monthly national average drug acquisition cost as a point of reference for the ingredient drug product component of a pharmacy's or pharmacist's reimbursement for drugs appearing on the national average drug acquisition cost list; and*
 - 2. a. *Except as provided in subdivision b. of this subparagraph, for health plan years beginning on or after January 1, 2027, reimbursement for a professional dispensing fee*

that is not less than the average cost to dispense a prescription drug in an ambulatory pharmacy located in Kentucky, as determined by the commissioner in an administrative regulation promulgated in accordance with KRS Chapter 13A.

- b. *i. The minimum dispensing fee required under subdivision a. of this subparagraph shall not apply to a mail-order pharmaceutical distributor, including a mail-order pharmacy.*
- ii. For health plan years beginning prior to January 1, 2027, and for any future health plan years for which a determination under subdivision a. of this subparagraph has not taken effect, the minimum dispensing fee for a pharmacy permitted under KRS Chapter 315 with a designated pharmacy type of "retail independent" on file with the Kentucky Board of Pharmacy, or a pharmacist practicing at such a pharmacy, shall be not less than ten dollars and sixty-four cents (\$10.64).*
- c. *In acquiring data for, and making, the determination required under subdivision a. of this subparagraph, the commissioner shall:*
 - i. Promulgate an administrative regulation in accordance with KRS Chapter 13A that establishes the data elements to be collected by the Kentucky Board of Pharmacy under Section 16 of this Act;*
 - ii. Conduct a study of the dispensing data submitted to the commissioner by the Kentucky Board of Pharmacy in accordance with Section 16 of this Act;*
 - iii. Repeat the study every two (2) years to obtain updated information;*
 - iv. Adjust the determination every two (2) years as appropriate based upon the results of each study; and*
 - v. Comply with all requirements of Section 16 of this Act.*
- d. *In carrying out his or her duties under this subparagraph, the commissioner shall cooperate and consult with the Kentucky Board of Pharmacy.*

➔SECTION 4. A NEW SECTION OF SUBTITLE 17A OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

To the extent permitted under federal law and except as provided in Section 3 of this Act:

(1) *With respect to the provision of pharmacy or pharmacist services under a health plan, an insurer, a pharmacy benefit manager, or any other administrator of pharmacy benefits:*

(a) *Shall not:*

- 1. *a. Require or incentivize an insured to use a mail-order pharmaceutical distributor, including a mail-order pharmacy.*
- b. Conduct prohibited under this subparagraph includes but is not limited to imposing any cost-sharing requirement, fee, drug supply limitation, or other condition relating to pharmacy or pharmacist services received from a retail pharmacy that is greater, or more restrictive, than what would otherwise be imposed if the insured used a mail-order pharmaceutical distributor, including a mail-order pharmacy;*
- 2. *Prohibit a pharmacy or pharmacist from, or impose a penalty on a pharmacy or pharmacist for, the following:*
 - a. Selling a lower cost alternative to an insured, if one is available; or*
 - b. Providing information to an insured under subsection (2) of this section;*
- 3. *Discriminate against any pharmacy or pharmacist that is:*
 - a. Located within the geographic coverage area of the health plan; and*
 - b. Willing to agree to, or accept, reasonable terms and conditions established for participation in the insurer's, pharmacy benefit manager's, other administrator's, or health plan's network;*

4. *Impose limits, including quantity limits or refill frequency limits, on an insured's access to medication from a pharmacy that are more restrictive than those existing for a pharmacy affiliate;*
5.
 - a. *Require or incentivize an insured to receive pharmacy or pharmacist services from a pharmacy affiliate.*
 - b. *Conduct prohibited under this subparagraph includes but is not limited to:*
 - i. *Requiring or incentivizing an insured to obtain a specialty drug from a pharmacy affiliate;*
 - ii. *Charging less cost sharing to insureds that use pharmacy affiliates than what is charged to insureds that use nonaffiliated pharmacies; and*
 - iii. *Providing any incentives for insureds that use pharmacy affiliates that are not provided for insureds that use nonaffiliated pharmacies.*
 - c. *This subparagraph shall not be construed to prohibit:*
 - i. *Communications to insureds regarding networks and prices if the communication is accurate and includes information about all eligible nonaffiliated pharmacies; or*
 - ii. *Requiring an insured to utilize a network that may include pharmacy affiliates in order to receive coverage under the plan, or providing financial incentives for utilizing that network, if the insurer, pharmacy benefit manager, or other administrator complies with this section and Section 2 of this Act; or*
6.
 - a. *Interfere with an insured's right to choose the insured's network pharmacy of choice.*
 - b. *For purposes of this subparagraph, interfering includes inducing, steering, offering financial or other incentives, and imposing a penalty, including but not limited to:*
 - i. *Promoting one (1) participating pharmacy over another;*
 - ii. *Offering a monetary advantage;*
 - iii. *Charging higher cost sharing; and*
 - iv. *Reducing an insured's allowable reimbursement for pharmacy or pharmacist services; and*

(b) Shall:

1. *Provide equal access and incentives to all pharmacies within the insurer's, pharmacy benefit manager's, other administrator's, or health plan's network; and*
2. *Offer all pharmacies located in the health plan's geographic coverage area eligibility to participate in the insurer's, pharmacy benefit manager's, other administrator's, or health plan's network under identical reimbursement terms for the provision of pharmacy or pharmacist services; and*

- (2) *A pharmacist shall have the right to provide an insured information regarding lower cost alternatives to assist the insured in making informed decisions.*

➔SECTION 5. A NEW SECTION OF SUBTITLE 17A OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) *Any insured, pharmacy, or pharmacist impacted by an alleged violation of Section 2, 3, or 4 of this Act may file a complaint with the commissioner.*
- (2) *The commissioner shall:*
 - (a) *Review and investigate all complaints filed under this section;*
 - (b) *Issue, in writing, a determination to the insured, pharmacy, or pharmacist as to whether a violation occurred;*
 - (c) *For alleged violations of subsection (2)(b)5. of Section 3 of this Act, consult with the Kentucky Board of Pharmacy in making the determination of whether a violation occurred; and*

- (d) *Otherwise comply with KRS 304.2-160 and 304.2-165.*
- (3) *An insurer, a pharmacy benefit manager, or any other administrator of pharmacy benefits shall comply with KRS 304.2-165 and otherwise respond to, and comply with, any requests made by the commissioner under this section.*

➔SECTION 6. A NEW SECTION OF SUBTITLE 99 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

In addition to any other remedies, penalties, or damages available under common law or statute, the commissioner may order reimbursement to any person who has incurred a monetary loss as a result of a violation of Section 2, 3, 4, or 5 of this Act.

➔Section 7. KRS 304.9-053 is amended to read as follows:

- (1) (a) In order to conduct business in this state, a pharmacy benefit manager shall first obtain a license from the commissioner. The license shall be in lieu of an administrator's license as required by KRS 304.9-052.
- (b) A licensed pharmacy benefit manager performing utilization review, as defined in KRS 304.17A-600, shall be registered as a private review agent in accordance with KRS 304.17A-607.
- (2) (a) *A person seeking* a pharmacy benefit manager~~[-seeking a]~~ license shall apply to the commissioner in writing on a form provided by the department.
- (b) The application~~[-form]~~ shall *include*:~~[-state]~~
1. The name, address, official position, and professional qualifications of each individual responsible for the conduct of affairs of the pharmacy benefit manager, including all members of the board of directors, board of trustees, executive committee, other governing board or committee, the principal officers in the case of a corporation, the partners or members in the case of a partnership or association, and any other person who exercises control or influence over the affairs of the pharmacy benefit manager;~~[-]~~ and
 2. The name and address of the applicant's agent for service of process in this state.
- (3) Each application for a license, and subsequent renewal for a license, shall be accompanied by:
- (a) A nonrefundable fee of one thousand dollars (\$1,000);~~[-and]~~
 - (b) Evidence of financial responsibility in an amount of one million dollars (\$1,000,000); *and*
 - (c) *Any methodologies utilized, or to be utilized, by the pharmacy benefit manager in connection with reimbursement, which shall:*
 1. *Comply with subsection (2)(c) of Section 3 of this Act; and*
 2. *Be used in determining all appeals under KRS 304.17A-162.*
- (4) (a) ~~{Any person acting as a pharmacy benefit manager on July 15, 2016, and who is required to obtain a license under subsection (1) of this section, shall obtain a license from the commissioner not later than January 1, 2017, in order to continue to do business in this state. If the license fee required in subsection (3) of this section is submitted after January 1, 2017, a penalty fee of five hundred dollars (\$500) shall be paid.~~
- ~~(5) —~~ All licenses issued under this section shall be renewed annually in accordance with KRS 304.9-260.
- (b) If the renewal fee required ~~by~~~~[-in]~~ subsection (3) of this section is paid after the renewal date, a penalty fee of five hundred dollars (\$500) shall be paid.

➔Section 8. KRS 304.9-054 is amended to read as follows:

- (1) (a) Upon receipt of a completed application,~~[-evidence of financial responsibility, and]~~ fee, *and other documentation and information required under Section 7 of this Act*, the commissioner shall make a review of each applicant *for a pharmacy benefit manager license*.~~[-and]~~
- (b) *The commissioner* shall issue a license if:
1. The applicant is qualified in accordance with this section and KRS 304.9-053; *and*

2. *The commissioner determines, after reasonable investigation, that the applicant, upon licensure, is likely to be in compliance with Sections 1 to 5 of this Act.*
- (c)~~(2)~~ The commissioner may require *and obtain* additional information or submissions from applicants ~~and may obtain any documents or information~~, as reasonably necessary to *comply with this section and* verify the information contained in the application.
- (2)~~(3)~~ (a) The commissioner may suspend, revoke, or refuse to issue or renew any *pharmacy benefit manager* license in accordance with KRS 304.9-440, *except that a license shall not be renewed if the licensee is not in compliance with Sections 1 to 5 of this Act.*
- (b)~~(4)~~ The commissioner may make determinations on the length of suspension for *a license*~~an applicant~~, not to exceed twenty-four (24) months.
- (c) ~~However, the licensee may have the alternative, subject to the approval of the commissioner, to pay~~ In lieu of *servicing* part or all of the days of any suspension period *determined under paragraph (b) of this subsection, the commissioner may permit a licensee to pay* a sum of one thousand dollars (\$1,000) per day not to exceed two hundred fifty thousand dollars (\$250,000).
- (d)~~(5)~~ If *a pharmacy benefit manager license is denied or revoked*~~the commissioner's denial or revocation is sustained after a hearing in accordance with KRS Chapter 13B~~, *the previous*~~an~~ applicant *or licensee* may make a new application not earlier than one (1) full year after the date on which *the*~~a~~ denial or revocation *became final*~~was sustained~~.
- (3)~~(6)~~ ~~The department shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement and enforce the provisions of this section and KRS 205.647, 304.9-053, 304.9-055, and 304.17A-162.~~ *The commissioner shall promulgate administrative regulations in accordance with KRS Chapter 13A that*~~shall~~ specify the contents *and format* of:
- (a) The application *submitted under subsection (2) of Section 7 of this Act*~~form~~ and
- (b) Any other form, *disclosure*, or report required *or permitted under this section or Section 2 or 7 of this Act.*
- (4)~~(7)~~ (a) The department may impose a fee upon pharmacy benefit managers, in addition to a license fee, to cover the costs of implementation and enforcement of *KRS 205.647 and any provision of this chapter applicable to pharmacy benefit managers, including but not limited to* this section and KRS ~~205.647,~~ 304.9-053, 304.9-055, and 304.17A-162.
- (b) *The fees permitted under paragraph (a) of this subsection shall include*~~, including~~ fees to cover the cost of:
- 1.~~(a)~~ Salaries and benefits paid to the personnel of the department engaged in the enforcement;
 - 2.~~(b)~~ Reasonable technology costs related to the enforcement process. Technology costs shall include the actual cost of software and hardware utilized in the enforcement process and the cost of training personnel in the proper use of the software or hardware; and
 - 3.~~(c)~~ Reasonable education and training costs incurred by the state to maintain the proficiency and competence of the enforcing personnel.
- ➔Section 9. KRS 304.9-055 is amended to read as follows:
- (1) Pharmacy benefit managers shall be subject to this subtitle and to the provisions of Subtitles 1, 2, 3, 4, 12, 14, 17, 17A, 17C, 18, 25, 32, 38, 47, and 99 of KRS Chapter 304 to the extent applicable and not in conflict with the expressed provisions of this subtitle.
- (2) *The commissioner shall promulgate any administrative regulations in accordance with KRS Chapter 13A that are necessary to implement, enforce, or aid in the effectuation of any provision of this chapter applicable to pharmacy benefit managers, including but not limited to administrative regulations that establish:*
- (a) *Prohibited practices, including market conduct practices, of pharmacy benefit managers;*
 - (b) *Data reporting requirements; and*
 - (c) *Specifications for the sharing of information with pharmacy affiliates.*
- ➔Section 10. KRS 304.14-120 is amended to read as follows:

- (1) (a) ***Except as otherwise provided in this section, a***~~No~~ basic insurance policy or annuity contract form, or application form where written application is required and is to be made a part of the policy or contract, or printed rider or indorsement form or form of renewal certificate, shall ***not*** be delivered, or issued for delivery in this state, unless the form has been filed with and approved by the commissioner.
- (b) This ***subsection***~~provision~~ shall not apply to:
1. Any rates filed under Subtitle 17A of this chapter;~~;~~
 2. Surety bonds;~~;~~~~or to~~
 3. Specially rated inland marine risks;~~;~~ or ~~to~~
 4. Policies, riders, indorsements, or forms of unique character:
 - a. Designed for and used with relation to insurance upon a particular subject;~~;~~
 - b. Which relate to the manner or distribution of benefits or to the reservation of rights and benefits under life or health insurance policies and are used at the request of the individual policyholder, contract holder, or certificate holder.
- (c) As to group insurance policies issued and delivered to an association outside this state but covering persons resident in this state, all or substantially all of the premiums for which are payable by the insured members, the group certificates to be delivered or issued for delivery in this state shall be filed with and approved by the commissioner.
- ~~(d)(a)~~ 1. As to forms for use in property, marine (other than wet marine and transportation insurance), casualty, and surety insurance coverages (other than accident and health), the filing required by this subsection may be made by advisory organizations or form providers on behalf of their members and subscribers.~~;~~~~but this provision~~
2. ***This paragraph*** shall not be ***construed***~~deemed~~ to prohibit any ~~such~~ member or subscriber ***of an advisory organization or form provider*** from filing any ~~such~~ forms on its own behalf.
- ~~(e)(b)~~ Every advisory organization and form provider shall file with the commissioner for approval every property and casualty policy form and endorsement before distribution to members, subscribers, customers, or others.
- ~~(f)(e)~~ Every property and casualty insurer shall file with the commissioner notice of adoption before use of any approved form filed by an advisory organization or form provider or filed by the insurer pursuant to paragraph ~~(d)(a)~~ of this subsection.
- (2) (a) Every ~~such~~ filing ***required under this section*** shall be made not less than sixty (60) days in advance of any ~~such~~ delivery ***of the form in this state***.
- (b) At the expiration of ~~such~~ sixty (60) days, the form so filed shall be deemed approved unless prior thereto it has been affirmatively approved or disapproved by order of the commissioner.
- (c) Approval of any ***filing*** ~~such form~~ by the commissioner ***under this section*** shall constitute a waiver of any unexpired portion of ***the*** ~~such~~ waiting period ***established under this subsection***.
- (d) The commissioner may extend ***the waiting period established under paragraph (a) of this subsection*** by not more than a thirty (30) day period, within which ***time*** he or she may ~~so~~ affirmatively approve or disapprove any ***filing*** ~~such form~~, by giving notice to the insurer of ***the*** ~~such~~ extension before expiration of the initial sixty (60) day period.
- (e) At the expiration of any ~~such~~ period ~~as so~~ extended ***under paragraph (d) of this subsection***, and in the absence of a ~~such~~ prior affirmative approval or disapproval, ***the filing*** ~~any such form~~ shall be deemed approved.
- (f) The commissioner may at any time, after notice and for cause shown, withdraw ~~any such~~ approval ***of any filing***.
- (3) (a) Any order of the commissioner disapproving any ***filing*** ~~such form~~ or any notice of the commissioner withdrawing a previous approval, shall state the grounds therefor and the particulars thereof in such detail as reasonably to inform the insurer ~~thereof~~.

- (b) Any ~~such~~ withdrawal of a previously approved **filing** ~~form~~ shall be effective ~~at expiration of such period,~~ not less than thirty (30) days after the **insurer receives** ~~giving of the~~ notice of **the** withdrawal, as the commissioner shall in such notice prescribe.
- (4) **Except as provided in subsection (6) of this section,** the commissioner may, by order, exempt from the requirements of this section, for so long as he or she deems proper, any insurance document or form or type thereof, as specified in **the commissioner's** ~~such~~ order, to which, in his or her opinion: ~~;~~
- (a) This section may not practicably be applied; ~~;~~ or
- (b) The filing and approval of ~~which~~ are ~~, in his or her opinion,~~ not desirable or necessary for the protection of the public.
- (5) Appeals from orders of the commissioner disapproving any **filing** ~~such form~~ or withdrawing a previous approval shall be taken as provided in Subtitle 2 of this chapter.
- (6) **The commissioner shall:**
- (a) **Review every filing relating to a health plan, as defined in Section 1 of this Act, for compliance with Sections 1 to 5 of this Act; and**
- (b) **Not approve any filing referenced in paragraph (a) of this subsection that does not comply with Sections 1 to 5 of this Act.**
- (7) **As used in** ~~For the purposes of~~ this section, unless the context requires otherwise:
- (a) "Advisory organization" has the **same** meaning ~~as provided~~ in KRS 304.13-011; and
- (b) "Form provider" has the **same** meaning ~~as provided~~ in KRS 304.13-011.

➔Section 11. KRS 304.17A-712 is amended to read as follows:

- (1) **Except as provided in subsection (2) of this section,** if an insurer determines that payment was made for services rendered to an individual who was not eligible for coverage or that payment was made for services not covered by a covered person's health benefit plan, the insurer shall give written notice to the provider and:
- (a) ~~(1)~~ Request a refund from the provider; or
- (b) ~~(2)~~ Make a recoupment of the overpayment from the provider in accordance with KRS 304.17A-714.
- (2) **An insurer, a pharmacy benefit manager, or any other administrator of pharmacy benefits shall not request a refund or make a recoupment in violation of Section 3 of this Act.**

➔Section 12. KRS 304.17C-125 (Effective January 1, 2025) is amended to read as follows:

The following ~~KRS 304.17A-262~~ shall apply to limited health service benefit plans, including any limited health service contract, as defined in KRS 304.38A-010:

- (1) **KRS 304.17A-262; and**
- (2) **Sections 1 to 5 of this Act.**

➔Section 13. KRS 304.38A-115 (Effective January 1, 2025) is amended to read as follows:

Limited health service organizations shall comply with:

- (1) KRS 304.17A-262;
- (2) **KRS 304.17A-265; and**
- (3) **Sections 1 to 5 of this Act.**

➔Section 14. KRS 18A.2254 is amended to read as follows:

- (1) Based on the recommendation of the secretary of the Personnel Cabinet, the secretary of the Finance and Administration Cabinet, in lieu of contracting with one (1) or more insurers licensed to do business in this state, shall procure, in compliance with KRS 45A.080, 45A.085, and 45A.090, and reviewed by the Government Contract Review Committee pursuant to KRS 45A.705, a contract with one (1) or more third-party administrators licensed to do business in the Commonwealth pursuant to KRS 304.9-052 to administer a self-insured plan offered to the Public Employee Health Insurance Program for public employees. The requirements for the self-insured plan shall be as follows:

- (a) 1. The secretary of the Personnel Cabinet shall incorporate by reference in an administrative regulation, pursuant to KRS 13A.2251, the plan year handbook distributed by the Department of Employee Insurance in the Personnel Cabinet to public employees covered under the self-insured plan. The plan year handbook shall contain, at a minimum, the premiums, employee contributions, employer contributions, and a summary of benefits, copays, coinsurance, and deductibles for each plan provided to public employees covered under the self-insured plan;
- 2. Notwithstanding any other provision of KRS Chapter 18A to the contrary, the administrative regulation shall not be subject to review by the Personnel Board prior to filing the administrative regulation with the Legislative Research Commission; and
- 3. The secretary of the Personnel Cabinet shall file the administrative regulation for the self-insured plan with the Legislative Research Commission on or before September 15 of the year before each new plan year begins;
- (b) The self-insured plan offered by the program shall cover hospice care at least equal to the Medicare benefit;
- (c) The Personnel Cabinet shall provide written notice of any formulary change to employees covered under the self-insured plan who are directly impacted by the formulary change and to the Kentucky Group Health Insurance Board fifteen (15) days before implementation of any formulary change. If, after consulting with his or her physician, the employee still disagrees with the formulary change, the employee shall have the right to appeal the change. The employee shall have sixty (60) days from the date of the notice of the formulary change to file an appeal with the Personnel Cabinet. The cabinet shall render a decision within thirty (30) days from the receipt of the request for an appeal. After a final decision is rendered by the Personnel Cabinet, the employee shall have a right to file an appeal pursuant to the utilization review statutes in KRS 304.17A-600 to 304.17A-633. During the appeal process, the employee shall have the right to continue to take any drug prescribed by his or her physician that is the subject of the formulary changes;
- (d) The Personnel Cabinet shall develop the necessary capabilities to ensure that an independent review of each formulary change is conducted and includes but is not limited to an evaluation of the fiscal impact and therapeutic benefit of the formulary change. The independent review shall be conducted by knowledgeable medical professionals and the results of the independent review shall be posted on the Web sites of the Personnel Cabinet and the Cabinet for Health and Family Services and made available to the public upon request within thirty (30) days of the notice from the Personnel Cabinet required in paragraph (c) of this subsection;
- (e) If the self-insured plan restricts pharmacy benefits to a drug formulary, the plan shall comply with and have an exceptions policy in accordance with KRS 304.17A-535;
- (f) Premiums for all plans offered by the Public Employee Health Insurance Program to employees shall be based on the experience of the entire group;~~and~~
- (g) The plan year for the Public Employee Health Insurance Program, whether for fully insured or self-insured benefits, shall be on a calendar year basis; *and*
- (h) *The self-insured plan shall comply with subsection (4) of this section.***
- (2) (a) 1. In addition to any fully insured health benefit plans or self-insured plans, beginning January 1, 2015, the Personnel Cabinet shall offer a health reimbursement account or health flexible spending account for public employees insured under the Public Employee Health Insurance Program.
- 2. The Personnel Cabinet may offer a health savings account in conjunction with a high deductible health plan option as defined by 26 U.S.C. sec. 223(c)(2) or as an optional account to which the Personnel Cabinet may deposit funds of an employee who waives coverage in accordance with paragraph (b) of this subsection, provided the employee who waives coverage is eligible to contribute to a health savings account.
- (b) If a public employee waives coverage provided by his or her employer under the Public Employee Health Insurance Program, the employer shall forward a monthly amount to be determined by the secretary of the Personnel Cabinet for that employee as an employer contribution to the health reimbursement account or health flexible spending account, but not less than one hundred seventy-five

dollars (\$175) per month, subject to any conditions or limitations imposed by the secretary to comply with applicable federal law.

- (c) The administrative fees associated with the employee's health savings account, health reimbursement account, or health flexible spending account shall be an authorized expense to be charged to the public employee health insurance trust fund.
- (3) (a) The public employee health insurance trust fund is established in the Personnel Cabinet. The purpose of the public employee health insurance trust fund is to provide funds to pay medical claims and other costs associated with the administration of the Public Employee Health Insurance Program self-insured plan under a competitively bid contract as provided by KRS Chapter 45A and reviewed by the Government Contract Review Committee pursuant to KRS 45A.705. Unless authorized by the General Assembly, the trust fund shall not utilize funds for any other purpose and the trust fund receipts from prior plan years shall not be used to pay claims and expenses for current or subsequent plan years, except as provided by paragraph (b) of this subsection.
- (b) In the event of a projected deficit in the trust fund balance of a prior plan year, the secretary of the Finance and Administration Cabinet may declare an emergency and transfer up to twenty-five percent (25%) of another prior plan year's balance to that plan year, provided the Governor, all members of the General Assembly, and Legislative Research Commission are notified at least thirty (30) days prior to the transfer. The Legislative Research Commission shall refer the notice to appropriate committees of jurisdiction for their review.
- (c) The following moneys shall be directly deposited into the trust fund:
1. Employer and employee premiums collected under the self-insured plan;
 2. Interest and investment returns earned by the self-insured plan;
 3. Rebates and refunds attributed to the self-insured plan; and
 4. All other receipts attributed to the self-insured plan.
- (d) Any balance remaining in the public employee health insurance trust fund at the end of a fiscal year shall not lapse. Any balance remaining at the end of a fiscal year shall be carried forward to the next fiscal year and be used solely for the purpose established in paragraphs (a) and (b) of this subsection. The balance of funds in the public employee health insurance trust fund shall be invested by the Office of Financial Management consistent with the provisions of KRS Chapter 42, and interest income shall be credited to the trust fund. Any balance for a specific plan year and any subsequent interest income for that specific plan year shall be accounted for separately.
- (e) The Auditor of Public Accounts shall be responsible for a financial audit of the books and records of the trust fund. The audit shall be conducted in accordance with generally accepted accounting principles and shall be completed within ninety (90) days of the close of the fiscal year. All audit reports shall be filed with the Governor, the President of the Senate, the Speaker of the House of Representatives, and the secretary of the Personnel Cabinet.
- (f) The secretary of the Personnel Cabinet shall file a quarterly report on the status of the trust fund with the Governor, the Interim Joint Committee on Appropriations and Revenue, the Kentucky Group Health Insurance Board, and the Advisory Committee of State Health Insurance Subscribers. The first status report shall be submitted no later than July 30, 2006, and subsequent reports shall be submitted no later than sixty (60) days following the end of each calendar quarter. The report shall include the following:
1. The current balance of the trust fund and the amount of the balance associated with each plan year;
 2. A detailed description of all income to the trust fund since the last report;
 3. A detailed description of any receipts due to the trust fund;
 4. A total amount of payments made for medical and pharmacy claims from the trust fund by plan year;
 5. A detailed description of all payments made to the third-party administrator of the self-insured plan by the trust fund;

6. Current enrollment data, including monthly enrollment since the last report, of the Public Employee Health Insurance Program self-insured plan;
 7. Any other information the secretary may include;
 8. Any other information requested by the Interim Joint Committee on Appropriations and Revenue concerning the operation of the Public Employee Health Insurance Program self-funded plan or the trust fund; and
 9. In addition to the information required under subparagraphs 1. to 8. of this paragraph, the quarterly report filed in July and January shall also include the following:
 - a. A projection of the medical claims incurred but not yet reported that are considered liabilities to the trust fund;
 - b. A statement of any other trust fund liabilities;
 - c. A detailed calculation outlining proposed premium rates for the next plan year, including base claims, trend assumptions, administrative fees, and any proposed plan or benefit changes;
 - d. A detailed description of the current in-state and out-of-state networks provided under the plan, any changes to the networks since the last report, and any proposed changes to the in-state or out-of-state networks during the next six (6) months; and
 - e. Specific data regarding the third-party administrator's performance under the contract. The data shall include the following:
 - i. Any results or outcomes of disease management and wellness programs;
 - ii. Results of case management audits and educational and communication efforts; and
 - iii. Comparison of actual measurable results to contract performance guarantees.
- (4) (a) *Any fully insured health benefit plan, self-insured plan, or other health plan, as defined in Section 1 of this Act, offered, issued, or renewed to public employees under this section or KRS 18A.225 shall comply with Sections 1 to 5 of this Act, including any state cabinet, agency, or official that contracts with a third-party administrator to administer any self-insured plan offered, issued, or renewed to public employees under this section or KRS 18A.225.*
- (b) *The plan or plans referred to in paragraph (a) of this subsection shall be filed with the commissioner of the Department of Insurance, and the commissioner shall review the plan or plans in accordance with subsection (6) of Section 10 of this Act.*

➔Section 15. KRS 367.828 is amended to read as follows:

- (1) As used in this section, "health discount plan" means any card, program, device, or mechanism that is not insurance that purports to offer discounts or access to discounts from a health care provider without recourse to the health discount plan.
- (2) No person shall sell, market, promote, advertise, or otherwise distribute a health discount plan unless:
 - (a) The health discount plan clearly states in bold and prominent type on all cards or other purchasing devices, promotional materials, and advertising that the discounts are not insurance;
 - (b) The discounts are specifically authorized by an individual and separate contract with each health care provider listed in conjunction with the health discount plan; ~~and~~
 - (c) The discounts or the range of discounts advertised or offered by the plan are clearly and conspicuously disclosed to the consumer; **and**
 - (d) *For health discount plans that purport to offer discounts or access to discounts on prescription drugs:*
 1. *The plan does not utilize the same identifying information used by an insurer under a health insurance policy, certificate, plan, or contract, including but not limited to policy numbers, group numbers, or member identifications; and*
 2. *The person or plan does not seek, or contract for, the payment of any refunds, recoupments, or fees from a pharmacy or pharmacist.*

- (3) The provisions of subsection (2) of this section do not apply to the following:
- (a) A customer discount or membership card issued by a retailer for use in its own facility; or
 - (b) Any card, program, device, or mechanism that:
 - 1. Is not insurance; ~~and which~~
 - 2. Is administered by a health insurer authorized to transact the business of insurance in this state; **and**
 - 3. ***Does not purport to offer discounts or access to discounts on prescription drugs.***
- (4) (a) A violation of this section shall be deemed an unfair, false, misleading, or deceptive act or practice in the conduct of trade or commerce in violation of KRS 367.170.
- (b) All of the remedies, powers, and duties delegated to the Attorney General by KRS 367.190 to 367.300 and penalties pertaining to acts and practices declared unlawful under KRS 367.170 shall be applied to acts and practices in violation of this section.

➔SECTION 16. A NEW SECTION OF KRS CHAPTER 315 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
- (a) *"Ambulatory pharmacy" has the same meaning as in Section 3 of this Act; and*
 - (b) *"Commissioner" means the commissioner of the Department of Insurance.*
- (2) *An ambulatory pharmacy located in Kentucky and permitted under this chapter shall, by March 1, 2026, and by March 1 every other year thereafter, provide data to the board, in accordance with the requirements of Section 3 of this Act and subsection (3) of this section, relating to the pharmacy's dispensing costs for the previous calendar year.*
- (3) *The board shall promulgate an administrative regulation in accordance with KRS Chapter 13A to implement and effectuate subsection (2) of this section, which shall include:*
- (a) *Incorporating the data elements to be collected from each pharmacy, as determined by the commissioner under subsection (2)(c)2.c.i. of Section 3 of this Act; and*
 - (b) *Establishing the reporting format, and the manner, of the data submission.*
- (4) *The data collected by the board under this section shall, within thirty (30) days of receipt, be shared with the commissioner for the purposes set forth in subsection (2)(c)2. of Section 3 of this Act.*
- (5) *In carrying out its duties under this section, the board shall cooperate and consult with the commissioner.*
- (6) *All information and data acquired by the board or the commissioner under this section or Section 3 of this Act shall:*
- (a) *Be deemed, and protected as, confidential and proprietary; and*
 - (b) *Not be subject to disclosure under KRS 61.870 to 61.884.*
- (7) *The board or the commissioner may retain or contract with one (1) or more third-party vendors or contractors to collect or process the data required under this section, or provide any other expertise, service, or function necessary to carry out the board's or commissioner's duties under this section or Section 3 of this Act, if the vendor or contractor:*
- (a) *Agrees in a written or electronic record to maintain the confidential and proprietary status of the data and all information relating to the data; and*
 - (b) *Is not owned by or affiliated with a pharmacy benefit manager, as defined in KRS 304.9-020.*

➔Section 17. KRS 315.191 is amended to read as follows:

- (1) The board is authorized to:
- (a) Promulgate administrative regulations pursuant to KRS Chapter 13A necessary to regulate and control all matters set forth in this chapter relating to pharmacists, pharmacist interns, pharmacy technicians, pharmacies, wholesale distributors, and manufacturers, to the extent that regulation and control of same have not been delegated to some other agency of the Commonwealth, but administrative regulations relating to drugs shall be limited to the regulation and control of drugs sold pursuant to a prescription

- drug order. However, *except as provided in Section 16 of this Act*, nothing contained in this chapter shall be construed as authorizing the board to promulgate any administrative regulations relating to prices or fees or to advertising or the promotion of the sales or use of commodities or services;
- (b) Issue subpoenas, schedule and conduct hearings, or appoint hearing officers to schedule and conduct hearings on behalf of the board on any matter under the jurisdiction of the board;
 - (c) Prescribe the time, place, method, manner, scope, and subjects of examinations, with at least two (2) examinations to be held annually;
 - (d) Issue and renew all licenses, certificates, and permits for all pharmacists, pharmacist interns, pharmacies, pharmacy technicians, wholesale distributors, and manufacturers engaged in the manufacture, distribution, or dispensation of drugs;
 - (e) Investigate all complaints or violations of the state pharmacy laws and the administrative regulations promulgated by the board, and bring all these cases to the notice of the proper law enforcement authorities;
 - (f) Promulgate administrative regulations, pursuant to KRS Chapter 13A, that are necessary and to control the storage, retrieval, dispensing, refilling, and transfer of prescription drug orders within and between pharmacists and pharmacies licensed or issued a permit by it;
 - (g) Perform all other functions necessary to carry out the provisions of law and the administrative regulations promulgated by the board relating to pharmacists, pharmacist interns, pharmacy technicians, pharmacies, wholesale distributors, and manufacturers;
 - (h) Establish or approve programs for training, qualifications, and registration of pharmacist interns;
 - (i) Assess reasonable fees, in addition to the fees specifically provided for in this chapter and consistent with KRS 61.870 to 61.884, for services rendered to perform its duties and responsibilities, including, but not limited to, the following:
 - 1. Issuance of duplicate certificates;
 - 2. Mailing lists or reports of data maintained by the board;
 - 3. Copies of documents; or
 - 4. Notices of meetings;
 - (j) Seize any drug or device found by the board to constitute an imminent danger to public health and welfare;
 - (k)
 - 1. Establish an advisory council to advise the board on statutes, administrative regulations, and other matters within the discretion of the board pertinent to the practice of pharmacy and regulation of pharmacists, pharmacist interns, pharmacy technicians, pharmacies, drug distribution, and drug manufacturing. The council shall provide recommendations for updating policies and procedures, including administrative regulations relating to the practice of pharmacy.
 - 2. The council shall consist of nine (9) pharmacists broadly representative of the profession of pharmacy. For purposes of this subparagraph, "broadly representative" means the following:
 - a. Two (2) pharmacists appointed by the Kentucky Pharmacists Association;
 - b. Two (2) pharmacists appointed by the Kentucky Independent Pharmacy Alliance;
 - c. One (1) pharmacist who practices or specializes primarily in a mail order pharmacy appointed by the Kentucky Pharmacists Association;
 - d. One (1) pharmacist who practices or specializes primarily in a long-term care pharmacy appointed by Kentucky Association of Health Care Facilities;
 - e. One (1) pharmacist who practices or specializes primarily in a veterinary pharmacy appointed by the Kentucky Pharmacists Association;
 - f. One (1) pharmacist who practices or specializes primarily in a hospital pharmacy appointed by the Kentucky Society of Health-System Pharmacists; and

- g. One (1) pharmacist who practices in a specialized pharmacy that solely or mostly provides medication to persons living with serious health conditions requiring complex therapies, appointed by the Kentucky Pharmacists Association.
- 3. Each pharmacist member shall be licensed by the board, a resident of Kentucky, and employed for at least two (2) consecutive years in the practice area he or she represents.
- 4. Members shall serve terms of up to four (4) years and may serve two (2) consecutive terms, but shall not serve on the council for more than two (2) consecutive terms. Members may continue to serve until their successors are appointed.
- 5. Members shall be confirmed by roll call vote of the board at a meeting conducted in accordance with the Open Meetings Act, KRS 61.805 to 61.850; and
- (1) Promulgate administrative regulations establishing the qualifications that pharmacy technicians are required to attain prior to engaging in pharmacy practice activities outside the immediate supervision of a pharmacist.
- (2) The board shall have other authority as may be necessary to enforce pharmacy laws and administrative regulations of the board including, but not limited to:
 - (a) Joining or participating in professional organizations and associations organized exclusively to promote improvement of the standards of practice of pharmacy for the protection of public health and welfare or facilitate the activities of the board; and
 - (b) Receiving and expending funds, in addition to its biennial appropriation, received from parties other than the state, if:
 - 1. The funds are awarded for the pursuit of a specific objective which the board is authorized to enforce through this chapter, or which the board is qualified to pursue by reason of its jurisdiction or professional expertise;
 - 2. The funds are expended for the objective for which they were awarded;
 - 3. The activities connected with or occasioned by the expenditure of the funds do not interfere with the performance of the board's responsibilities and do not conflict with the exercise of its statutory powers;
 - 4. The funds are kept in a separate account and not commingled with funds received from the state; and
 - 5. Periodic accountings of the funds are maintained at the board office for inspection or review.
- (3) In addition to the sanctions provided in KRS 315.121, the board or its hearing officer may direct any licensee, permit holder, or certificate holder found guilty of a charge involving pharmacy or drug laws, rules, or administrative regulations of the state, any other state, or federal government, to pay to the board a sum not to exceed the reasonable costs of investigation and prosecution of the case, not to exceed twenty-five thousand dollars (\$25,000).
- (4) In an action for recovery of costs, proof of the board's order shall be conclusive proof of the validity of the order of payment and any terms for payment.

➔Section 18. The following KRS section is repealed:

304.38A-120 Compliance with KRS 304.17A-265.

➔Section 19. Sections 2, 3, and 4 of this Act apply to contracts issued, delivered, entered, renewed, extended, or amended on or after January 1, 2025.

➔Section 20. If any provision of this Act, or this Act's application to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of the Act, which shall be given effect without the invalid provision or application, and to this end the provisions and applications of this Act are severable.

➔Section 21. (1) Except as provided in subsection (2) of this section, on or before January 1, 2025, the commissioner of the Department of Insurance shall promulgate any emergency and ordinary administrative regulations necessary to implement the provisions of this Act, including but not limited to the administrative regulation required under subsection (2)(c)2.c.i. of Section 3 of this Act.

(2) On or before June 1, 2026, the commissioner of insurance shall promulgate any emergency and ordinary administrative regulations required under subsection (2)(c)2.a. of Section 3 of this Act.

➔Section 22. On or before January 1, 2025, the Kentucky Board of Pharmacy shall promulgate any emergency and ordinary administrative regulations required under Section 16 of this Act.

➔Section 23. Sections 1 to 15, 18, and 19 of this Act take effect January 1, 2025.

Signed by Governor April 5, 2024.

CHAPTER 105

(SJR 149)

A JOINT RESOLUTION directing the Energy and Environment Cabinet to provide guidance and consultation on best management practices for perfluoroalkyl and polyfluoroalkyl substances (PFAS) to entities that discharge directly or indirectly into Kentucky's waterways.

WHEREAS, perfluoroalkyl and polyfluoroalkyl substances (PFAS) are a large and diverse group of chemistries characterized by the strong bond between fluorine and carbon; and

WHEREAS, PFAS are nonpolymeric perfluoroalkyl substances, saturated polyfluoroalkyl substances, and side-chain fluorinated polymers that contain at least two fully fluorinated sequential carbon atoms, excluding gases and substances that become gases in use, and that are regulated under various state, federal, and international programs; and

WHEREAS, because of their strong bonds, PFAS provide products with strength, durability, stability, and resilience and are used in products including but not limited to cell phones, tablets and telecommunications, the aircrafts that power the United States military, alternative energy sources, automotive parts, electronics, textiles, and medical devices; and

WHEREAS, PFAS have been in use around the world for several decades and continue to enable our lives in the 21st Century; and

WHEREAS, the United States Environmental Protection Agency is currently considering regulatory measures with respect to PFAS; and

WHEREAS, with the passage of Senate Bill 104 of the 2019 Regular Session, the General Assembly restricted the use of PFAS in Class B firefighting foam that contains intentionally added PFAS chemicals for firefighting training or testing purposes unless otherwise required by law, regulation, or ordinance, and unless the testing facility has implemented best industry practices to prevent uncontrolled releases of Class B firefighting foam in the environment; and

WHEREAS, the Energy and Environment Cabinet has experience and expertise in the regulation of and best practices for the control of a broad array of constituents;

NOW, THEREFORE,

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

➔Section 1. If requested by an entity discharging pursuant to a Kentucky Pollutant Discharge Elimination System (KPDES) permit or direct or indirect dischargers to a publicly owned treatment works, the Energy and Environment Cabinet shall provide guidance to, and consult with, that entity regarding best practices for the management of materials, including wastewater that contains PFAS.

➔Section 2. The consultation and guidance shall include but not be limited to a discussion of:

(1) Options available to meet applicable requirements imposed by the United States Environmental Protection Agency, if any, that are in effect at the time of the consultation and guidance;

(2) A cost-benefit analysis of available options; and

(3) The availability of funding for the implementation of the best practices.

Signed by Governor April 5, 2024.

CHAPTER 106**(HB 278)**

AN ACT relating to the protection of children.

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

➔Section 1. KRS 15A.190 is amended to read as follows:

The Justice and Public Safety Cabinet, in consultation with the Cabinet for Health and Family Services, the Kentucky Commission on Women, and any other agency concerned with particular acts of criminal activity, shall:

- (1) Design, print, and distribute to all law enforcement agencies in the Commonwealth, an electronic or paper uniform reporting form, to be known as the JC-3, which provides statistical information relating to the crimes involving:
 - (a) Domestic violence;~~;~~
 - (b) Child abuse;~~;~~
 - (c) ***Childhood sexual assault or abuse as defined in Section 3 of this Act;***
 - (d) Victimization of the elderly, including but not limited to elder abuse, neglect, and exploitation and other crimes against the elderly;~~;~~ or
 - (e) Any other particular area of criminal activity deemed by the secretary of justice and public safety to require research as to its frequency; and
- (2) Promulgate administrative regulations, in accordance with KRS Chapter 13A, to provide that the information required in KRS 209A.122 be provided to the Criminal Justice Statistical Analysis Center.

➔Section 2. KRS 160.380 is amended to read as follows:

- (1) As used in this section:
 - (a) "Administrative finding of child abuse or neglect" means a substantiated finding of child abuse or neglect issued by the Cabinet for Health and Family Services that is:
 1. Not appealed through an administrative hearing conducted in accordance with KRS Chapter 13B;
 2. Upheld at an administrative hearing conducted in accordance with KRS Chapter 13B and not appealed to a Circuit Court; or
 3. Upheld by a Circuit Court in an appeal of the results of an administrative hearing conducted in accordance with KRS Chapter 13B;
 - (b) "Alternative education program" means a program that exists to meet the needs of students that cannot be addressed in a traditional classroom setting but through the assignment of students to alternative classrooms, centers, or campuses that are designed to remediate academic performance, improve behavior, or provide an enhanced learning experience. Alternative education programs do not include career or technical centers or departments;
 - (c) "Clear CA/N check" means a letter from the Cabinet for Health and Family Services indicating that there are no administrative findings of child abuse or neglect relating to a specific individual;
 - (d) "Relative" means father, mother, brother, sister, husband, wife, son and daughter; and
 - (e) "Vacancy" means any certified position opening created by the resignation, dismissal, nonrenewal of contract, transfer, or death of a certified staff member of a local school district, or a new position created in a local school district for which certification is required. However, if an employer-employee bargained contract contains procedures for filling certified position openings created by the resignation, dismissal, nonrenewal of contract, transfer, or death of a certified staff member, or creation of a new

position for which certification is required, a vacancy shall not exist, unless certified positions remain open after compliance with those procedures.

- (2) Except as provided in KRS 160.346, the school district personnel actions identified in this section shall be carried out as follows:
- (a) All appointments, promotions, and transfers of principals, supervisors, teachers, and other public school employees shall be made only by the superintendent of schools, who shall notify the board of the action taken. All employees of the local district shall have the qualifications prescribed by law and by the administrative regulations of the Kentucky Board of Education and of the employing board. Supervisors, principals, teachers, and other employees may be appointed by the superintendent for any school year at any time after February 1 preceding the beginning of the school year. No superintendent of schools shall appoint or transfer himself or herself to another position within the school district;
 - (b) When a vacancy occurs in a local school district, the superintendent shall submit the job posting to the statewide job posting system described in KRS 160.152 fifteen (15) days before the position shall be filled. The local school district shall post position openings in the local board office for public viewing;
 - (c) When a vacancy needs to be filled in less than fifteen (15) days' time to prevent disruption of necessary instructional or support services of the school district, the superintendent may seek a waiver from the chief state school officer. If the waiver is approved, the appointment shall not be made until the person recommended for the position has been approved by the chief state school officer. The chief state school officer shall respond to a district's request for waiver or for approval of an appointment within two (2) working days; and
 - (d) When a vacancy occurs in a local district, the superintendent shall conduct a search to locate minority teachers to be considered for the position. The superintendent shall, pursuant to administrative regulations of the Kentucky Board of Education, report annually the district's recruitment process and the activities used to increase the percentage of minority teachers in the district.
- (3) Restrictions on employment of relatives shall be as follows:
- (a) No relative of a superintendent of schools shall be an employee of the school district. However, this shall not apply to a relative who is a classified or certified employee of the school district for at least thirty-six (36) months prior to the superintendent assuming office and who is qualified for the position the employee holds. A superintendent's spouse who has previously been employed in a school system may be an employee of the school district. A superintendent's spouse who is employed under this provision shall not hold a position in which the spouse supervises certified or classified employees. A superintendent's spouse may supervise teacher aides and student teachers. However, the superintendent shall not promote a relative who continues employment under an exception of this subsection;
 - (b) No superintendent shall employ a relative of a school board member of the district;
 - (c) No principal's relative shall be employed in the principal's school; and
 - (d) A relative that is ineligible for employment under paragraph (a), (b), or (c) of this subsection may be employed as a substitute for a certified or classified employee if the relative is not:
 1. A regular full-time or part-time employee of the district;
 2. Accruing continuing contract status or any other right to continuous employment;
 3. Receiving fringe benefits other than those provided other substitutes; or
 4. Receiving preference in employment or assignment over other substitutes.
- (4) No superintendent shall assign a certified or classified staff person to an alternative education program as part of any disciplinary action taken pursuant to KRS 161.011 or 161.790 as part of a corrective action plan established pursuant to the local district evaluation plan.
- (5) No superintendent shall ~~initially~~ employ in any position in the district any person who:
- (a) ***Has been convicted of an offense that would classify a person as*** ~~is~~ a violent offender ***under KRS 439.3401;*** ~~or~~
 - (b) ***Has been convicted of a sex crime as defined by KRS 17.500 or a misdemeanor offense under KRS Chapter 510;*** ~~17.165 which is classified as a felony or~~

- (c) *Is required to register as a sex offender under KRS 17.500 to 17.580; or*
- (d) ~~Has persons with~~ an administrative finding of child abuse or neglect in records maintained by the Cabinet for Health and Family Services. ~~[- The superintendent may employ, at his discretion, except at a Kentucky Educational Collaborative for State Agency Children program, persons convicted of sex crimes classified as a misdemeanor.]~~
- (6) Requirements for background checks shall be as follows:
- (a) A superintendent shall require the following individuals to submit to a national and state criminal background check by the Department of Kentucky State Police and the Federal Bureau of Investigation and have a clear CA/N check, provided by the individual:
1. Each new certified or classified hire;
 2. A nonfaculty coach or nonfaculty assistant as defined under KRS 161.185;
 3. A student teacher;
 4. A school-based decision making council parent member; and
 5. Any adult who is permitted access to school grounds on a regularly scheduled and continuing basis pursuant to a written agreement for the purpose of providing services directly to a student or students as part of a school-sponsored program or activity;
- (b) 1. The requirements of paragraph (a) of this subsection shall not apply to:
- a. Classified and certified individuals employed by the school district prior to June 27, 2019;
 - b. Certified individuals who were employed in another certified position in a Kentucky school district within six (6) months of the date of hire and who had previously submitted to a national and state criminal background check and who have a clear CA/N check for the previous employment; or
 - c. Student teachers who have submitted to and provide a copy of a national and state criminal background check by the Department of Kentucky State Police and the Federal Bureau of Investigation through an accredited teacher education institution in which the student teacher is enrolled and who have a clear CA/N check.
2. The Education Professional Standards Board may promulgate administrative regulations to impose additional qualifications to meet the requirements of Public Law 92-544;
- (c) A parent member may serve prior to the receipt of the criminal history background check and CA/N letter required by paragraph (a) of this subsection but shall be removed from the council on receipt by the school district of a report documenting a record of abuse or neglect, or a sex crime or criminal offense against a victim who is a minor as defined in KRS 17.500, or as a violent offender as defined in KRS 17.165, and no further procedures shall be required; and
- (d) A superintendent may require a volunteer or a visitor to submit to a national and state criminal history background check by the Department of Kentucky State Police and the Federal Bureau of Investigation and have a clear CA/N check, provided by the individual.
- (7) (a) If a certified or classified position remains unfilled after July 31 or if a vacancy occurs during a school term, a superintendent may employ an individual, who will have supervisory or disciplinary authority over minors, on probationary status pending receipt of the criminal history background check and a clear CA/N check, provided by the individual. Application for the criminal record and a request for a clear CA/N check of a probationary employee shall be made no later than the date probationary employment begins.
- (b) Employment shall be contingent on the receipt of the criminal history background check documenting that the probationary employee has no record of a sex crime nor as a violent offender as defined in KRS 17.165 and receipt of a letter, provided by the individual, from the Cabinet for Health and Family Services stating the employee is clear to hire based on no administrative findings of child abuse or neglect found through a background check of child abuse and neglect records maintained by the Cabinet for Health and Family Services.
- (c) Notwithstanding KRS 161.720 to 161.800 or any other statute to the contrary, probationary employment under this section shall terminate on receipt by the school district of a criminal history

background check documenting a record of a sex crime or as a violent offender as defined in KRS 17.165 and no further procedures shall be required.

- (8) The provisions of KRS 161.790 shall apply to terminate employment of a certified employee on the basis of a criminal record other than a record of a sex crime or as a violent offender as defined in KRS 17.165, or on the basis of a CA/N check showing an administrative finding of child abuse or neglect.
- (9) (a) All fingerprints requested under this section shall be on an applicant fingerprint card provided by the Department of Kentucky State Police. The fingerprint cards shall be forwarded to the Federal Bureau of Investigation from the Department of Kentucky State Police after a state criminal background check is conducted. The results of the state and federal criminal background check shall be sent to the hiring superintendent. Any fee charged by the Department of Kentucky State Police, the Federal Bureau of Investigation, and the Cabinet for Health and Family Services shall be an amount no greater than the actual cost of processing the request and conducting the search.
- (b) Each application form, provided by the employer to an applicant for a certified or classified position, shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL AND STATE CRIMINAL HISTORY BACKGROUND CHECK AND A LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT HAS NO ADMINISTRATIVE FINDINGS OF CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET FOR HEALTH AND FAMILY SERVICES."
- (c) Each application form for a district position shall require the applicant to:
1. Identify the states in which he or she has maintained residency, including the dates of residency; and
 2. Provide picture identification.
- (10) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, when an employee of the school district is charged with any offense which is classified as a felony, the superintendent may transfer the employee to a second position until such time as the employee is found not guilty, the charges are dismissed, the employee is terminated, or the superintendent determines that further personnel action is not required. The employee shall continue to be paid at the same rate of pay he or she received prior to the transfer. If an employee is charged with an offense outside of the Commonwealth, this provision may also be applied if the charge would have been treated as a felony if committed within the Commonwealth. Transfers shall be made to prevent disruption of the educational process and district operations and in the interest of students and staff and shall not be construed as evidence of misconduct.
- (11) Notwithstanding any law to the contrary, each certified and classified employee of the school district shall notify the superintendent if he or she has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if he or she has waived the right to appeal a substantiated finding of child abuse or neglect or if the substantiated incident was upheld upon appeal. Any failure to report this finding shall result in the certified or classified employee being subject to dismissal or termination.
- (12) The form for requesting a CA/N check shall be made available on the Cabinet for Health and Family Services website.

➔Section 3. KRS 413.249 is amended to read as follows:

- (1) As used in this section:
- (a) "Childhood sexual assault or abuse" means an act or series of acts against a person less than eighteen (18) years old and which meets the criteria defining a misdemeanor or felony in:
1. KRS Chapter 510;
 2. KRS 529.040 when the defendant advances or profits from the prostitution of a minor;
 3. KRS 529.100 when the offense involves commercial sexual activity;
 4. KRS 529.110 when the offense involves commercial sexual activity;
 5. KRS 530.020 or 530.064(1)(a);
 6. KRS Chapter 531 involving a minor or depiction of a minor; or

7. KRS 506.010 or 506.030 for attempt to commit or solicitation to commit any of the offenses described in subparagraphs 1. to 6. of this paragraph.

No prior criminal prosecution or conviction of the civil defendant for the act or series of acts shall be required to bring a civil action for redress of childhood sexual assault or abuse;

- (b) "Entity" means a firm, partnership, company, corporation, trustee, association, or any private or public entity, including the Commonwealth, a city, county, urban-county, consolidated local government, unified local government, or charter county government, or any of their agencies, departments, or any KRS 58.180 nonprofit nonstock corporation; and
- (c) "Injury or illness" means either a physical or psychological injury or illness.
- (2) A civil action for recovery of damages for injury or illness suffered as a result of childhood sexual assault or abuse shall be brought ~~before whichever of the following periods last expires:~~
- (a) ~~Within ten (10) years of the commission of the act or the last of a series of acts by the same perpetrator;~~
- (b) ~~Within ten (10) years of the date the victim knew, or should have known, of the act;~~
- (c) ~~within ten (10) years after the victim attains the age of eighteen (18) years;~~ ~~or~~
- (d) ~~Within ten (10) years of the conviction of a civil defendant for an offense included in the definition of childhood sexual assault or abuse.~~
- (3) The time ~~period~~~~periods~~ set forth in subsection (2) of this section shall apply to a civil action for recovery of damages for injury or illness against:~~;~~
- (a) A person alleged to have committed the act of childhood sexual assault or abuse; or
- (b) An entity that owed a duty of care to the plaintiff, where a wrongful or negligent act by an employee, officer, director, official, volunteer, representative, or agent of the entity was a legal cause of the childhood sexual assault or abuse that resulted in the injury to the plaintiff.
- (4) ~~If a complaint is filed alleging that an act of childhood sexual assault or abuse occurred more than ten (10) years prior to the date that the action is commenced,~~ The complaint shall be accompanied by a motion to seal the record and the complaint shall immediately be sealed by the clerk of the court. The complaint shall remain sealed until:
- (a) The court rules upon the motion to seal;
- (b) Any motion to dismiss under CR 12.02 is ruled upon, and if the complaint is dismissed, the complaint and any related papers or pleadings shall remain sealed unless opened by a higher court; or
- (c) The defendant files an answer and a motion to seal the record upon grounds that a valid factual defense exists, to be raised in a motion for summary judgment pursuant to CR 56. The record shall remain sealed by the clerk until the court rules upon the defendant's motion to close the record. If the court grants the motion to close, the record shall remain sealed until the defendant's motion for summary judgment is granted. The complaint, motions, and other related papers or pleadings shall remain sealed unless opened by a higher court.
- (5) A victim of childhood sexual assault or abuse shall not have a cause of action against a third party, unless the third party failed to act as a reasonable person or entity in complying with their duties to the victim. ~~If a victim of childhood sexual assault or abuse has a cause of action under this section, the cause of action shall be commenced within the time period set forth in subsection (2) of this section.~~
- (6) (a) Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be a ground for excluding evidence regarding childhood sexual assault or abuse or the cause thereof when an exception to the Kentucky Rules of Evidence is met, in any judicial proceeding. This subsection shall also apply in any criminal proceeding in District or Circuit Court regarding childhood sexual assault or abuse.
- (b) As used in paragraph (a) of this subsection, the clergy-penitent privilege is limited to information received solely through confidential communications with a clergy member, privately or in a confessional setting, when in the course of the discipline or practice of the clergy member's church, denomination, or organization, he or she is authorized or accustomed to hearing those communications, and under the discipline, tenets, customs, or practices of his or her church, denomination, or organization, has a duty to keep those communications secret.

- (7) (a) As was its intention with the passage of 2017 Ky. Acts ch. 114, sec. 2, the General Assembly hereby states that the amendments enacted in 2017 Ky. Acts ch. 114, sec. 2 shall be applied retroactively to actions accruing before its effective date of June 29, 2017. This section is a remedial statute which is to be given the most liberal interpretation to provide remedies for victims of childhood sexual assault or abuse.
- (b) Notwithstanding any provision of law to the contrary, any claim for childhood sexual assault or abuse that was barred as of March 23, 2021, because the applicable statute of limitations had expired is hereby revived, and the action may be brought if commenced within five (5) years of the date on which the applicable statute of limitations expired.

➔Section 4. KRS 510.050 is amended to read as follows:

- (1) A person is guilty of rape in the second degree when:
- (a) Being eighteen (18) years old or more, he or she engages in sexual intercourse with another person less than fourteen (14) years old; or
- (b) He or she engages in sexual intercourse with another person who is mentally incapacitated or who is incapable of consent because he or she is an individual with an intellectual disability.
- (2) Rape in the second degree is a Class C felony, ***unless the defendant is a person in a position of authority or position of special trust as those terms are defined in KRS 532.045, in which case it is a Class B felony.***

➔Section 5. KRS 510.080 is amended to read as follows:

- (1) A person is guilty of sodomy in the second degree when:
- (a) Being eighteen (18) years old or more, he or she engages in deviate sexual intercourse with another person less than fourteen (14) years old; or
- (b) He or she engages in deviate sexual intercourse with another person who is mentally incapacitated or who is incapable of consent because he or she is an individual with an intellectual disability.
- (2) Sodomy in the second degree is a Class C felony, ***unless the defendant is a person in a position of authority or position of special trust as those terms are defined in KRS 532.045, in which case it is a Class B felony.***

➔Section 6. KRS 510.155 is amended to read as follows:

- (1) It shall be unlawful for any person to knowingly use a communications system, including computers, computer networks, computer bulletin boards, cellular telephones, or any other electronic means, for the purpose of:
- (a) Procuring or promoting the use of a minor, including a peace officer, or a person working in coordination with law enforcement, posing as a minor if the person believes that the peace officer or the person working in coordination with law enforcement is a minor or is wanton or reckless in that belief; ~~or~~
- (b) Procuring or promoting the use of a minor from an adult intermediary, including a peace officer, or a person working in coordination with law enforcement, posing as an adult intermediary for a minor if the person believes that the peace officer or the person working in coordination with law enforcement is an adult intermediary for a minor or is wanton or reckless in that belief;

for any activity in violation of KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.110, 529.100 where that offense involves commercial sexual activity, or 530.064(1)(a), or KRS Chapter 531.

- (2) No person shall be convicted of this offense and an offense specified in KRS 506.010, 506.030, 506.040, or 506.080 for a single course of conduct intended to consummate in the commission of the same offense with the same minor or peace officer.
- (3) Each day a person knowingly uses a communications system for the purpose of procuring or promoting the use of a minor shall be a separate violation of this section.
- (4) The solicitation of a minor through electronic communication under subsection (1) of this section shall be prima facie evidence of the person's intent to commit the offense, and the offense is complete at that point without regard to whether the person met or attempted to meet the minor.
- (5) This section shall apply to electronic communications originating within or received within the Commonwealth.

- (6) Except as provided in subsection (7) of this section, a violation of this section is punishable as a **Class C**~~Class D~~ felony.
- (7) A violation of this section is punishable as a **Class B**~~Class C~~ felony if:
- The minor or perceived minor procured or promoted is under twelve (12) years old;
 - The offender is a person in a position of authority or position of special trust as those terms are defined in KRS 532.045;***
 - The offender is a registrant;~~or~~
 - ~~(e)~~ A person enters into the Commonwealth from another jurisdiction for the purpose of procuring or promoting the use of a minor or perceived minor in violation of this section; ***or***
 - The minor or perceived minor procured or promoted is for an activity in violation of Section 7 of this Act where that offense involves commercial sexual activity.***

➔Section 7. KRS 529.100 is amended to read as follows:

- (1) A person is guilty of human trafficking when the person intentionally subjects one (1) or more persons to engage in:
- Forced labor or services; or
 - Commercial sexual activity through the use of force, fraud, or coercion, except that if the person is under the age of eighteen (18), the commercial sexual activity need not involve force, fraud, or coercion.
- (2) ~~(a)~~ Human trafficking is a **Class B**~~Class C~~ felony unless ~~it involves serious physical injury to a trafficked person, in which case it is a Class B felony.~~
- ~~(b)~~ If the victim of human trafficking is under eighteen (18) years of age, ***in which case it is a Class A felony***~~[the penalty for the offense shall be one (1) level higher than the level otherwise specified in this section].~~

➔Section 8. KRS 529.110 is amended to read as follows:

- (1) A person is guilty of promoting human trafficking when the person intentionally:
- Benefits financially or receives anything of value from knowing participation in human trafficking; or
 - Recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, transport, provide, or obtain by any means, another person, knowing that the person will be subject to human trafficking.
- (2) Promoting human trafficking is a **Class C**~~Class D~~ felony unless a victim of the trafficking is under eighteen (18), in which case it is a **Class B**~~Class C~~ felony.

➔Section 9. KRS 531.340 is amended to read as follows:

- (1) A person is guilty of distribution of matter portraying a sexual performance by a minor when, having knowledge of its content and character, he or she:
- Sends or causes to be sent into this state for sale or distribution;~~or~~
 - Brings or causes to be brought into this state for sale or distribution; or
 - In this state, he or she:
 - Exhibits for profit or gain;~~or~~
 - Distributes;~~or~~
 - Offers to distribute; or
 - Has in his or her possession with intent to distribute, exhibit for profit or gain or offer to distribute, any matter portraying a sexual performance by a minor.
- (2) Any person who has in his or her possession more than one (1) unit of ***matter, as defined by***~~material coming within the provision of~~ KRS 531.300(2) shall be rebuttably presumed to have ***that matter***~~[such material]~~ in his or her possession with the intent to distribute it.

- (3) Distribution of matter portraying a sexual performance by a minor is:
- (a) A ~~Class D felony for the first offense, and a Class C felony for each subsequent offense,~~ if the person knows that the minor portrayed is less than eighteen (18) years old at the time of the sexual performance; and
 - (b) A ~~Class C felony for the first offense, and a Class B felony for each subsequent offense,~~ if the person knows that the minor portrayed is less than twelve (12) years old at the time of the sexual performance.
- (4) ***Any person convicted under this section shall not be released on probation or parole until he or she has served at least eighty-five percent (85%) of the sentence imposed.***

➔Section 10. KRS 532.060 is amended to read as follows:

- (1) A sentence of imprisonment for a felony shall be an indeterminate sentence, the maximum of which shall be fixed within the limits provided by subsection (2) ***of this section***, and subject to modification by the trial judge pursuant to KRS 532.070.
- (2) Unless otherwise provided by law, the authorized maximum terms of imprisonment for felonies are:
 - (a) For a Class A felony, not less than twenty (20) years nor more than fifty (50) years, or life imprisonment;
 - (b) For a Class B felony, not less than ten (10) years nor more than twenty (20) years;
 - (c) For a Class C felony, not less than five (5) years nor more than ten (10) years; and
 - (d) For a Class D felony, not less than one (1) year nor more than five (5) years.
- (3) For any felony specified in KRS Chapter 510 ~~or~~ KRS 530.020, 530.064(1)(a), ~~or~~ 531.310, ***531.320, 531.335, or Section 7, 8, or 9 of this Act***, the sentence shall include an additional five (5) year period of postincarceration supervision which shall be added to the maximum sentence rendered for the offense. During this period of postincarceration supervision, if a defendant violates the provisions of postincarceration supervision, the defendant may be reincarcerated for:
 - (a) The remaining period of his ***or her*** initial sentence, if any is remaining; and
 - (b) The entire period of postincarceration supervision, or if the initial sentence has been served, for the remaining period of postincarceration supervision.
- (4) In addition to the penalties provided in this section, for any person subject to a period of postincarceration supervision pursuant to KRS 532.400 his or her sentence shall include an additional one (1) year period of postincarceration supervision following release from incarceration upon expiration of sentence if the offender is not otherwise subject to another form of postincarceration supervision. During this period of postincarceration supervision, if an offender violates the provisions of supervision, the offender may be reincarcerated for the remaining period of his or her postincarceration supervision.
- (5) The actual time of release within the maximum established by subsection (1) ***of this section***, or as modified pursuant to KRS 532.070, shall be determined under procedures established elsewhere by law.

➔Section 11. KRS 532.200 is amended to read as follows:

As used in KRS 532.210 to 532.250, unless the context otherwise requires:

- (1) "Home" means the temporary or permanent residence of a defendant consisting of the actual living area. If more than one (1) residence or family is located on a single piece of property, "home" does not include the residence of any other person who is not part of the social unit formed by the defendant's immediate family. A hospital, nursing care facility, hospice, half-way house, group home, residential treatment facility, or boarding house may serve as a "home" under this section;
- (2) "Home incarceration" means the use of a monitoring device approved by the commissioner of the Department of Corrections to facilitate a prisoner's ability to maintain gainful employment or to participate in programs approved as a condition of his or her incarceration, or both, using the person's home for purposes of confinement;
- (3) "Violent felony offense" means an offense ***that would classify a person as a violent offender under KRS 439.3401*** ~~defined in KRS 507.020 (murder), 507.030 (manslaughter in the first degree), 508.010 (assault in the first degree), 508.020 (assault in the second degree), 509.040 (kidnapping), 510.040 (rape in the first degree),~~

~~510.070 (sodomy in the first degree), 510.110 (sexual abuse in the first degree), 511.020 (burglary in the first degree), 513.020 (arson in the first degree), 513.030 (arson in the second degree), 513.040 (arson in the third degree), 515.020 (robbery in the first degree), 515.030 (robbery in the second degree), 520.020 (escape in the first degree), any criminal attempt to commit the offense (KRS 506.010), or conviction as a persistent felony offender (KRS 532.080) when the offender has a felony conviction for any of the above listed offenses within the five (5) year period preceding the date of the latest conviction];~~

- (4) "Terminal illness" means a medically recognized disease for which the prognosis is death within six (6) months to a reasonable degree of medical certainty; and
- (5) "Approved monitoring device" means an electronic device or apparatus which is capable of recording, tracking, or transmitting information as to the prisoner's location or verifying the prisoner's presence or non-presence in the home, or both. The devices shall be minimally intrusive. Devices shall not be used without the prisoner's knowledge to record or transmit:
- (a) Visual images other than the defendant's face;
 - (b) Oral or wire communications or any auditory sound other than the defendant's voice; or
 - (c) Information as to the prisoner's activities while inside the home.

➔Section 12. The General Assembly hereby finds and declares that:

- (1) Pornography is creating a public health crisis and having a corroding influence on minors;
- (2) Due to advances in technology, the universal availability of the internet, and limited age verification requirements, minors are being exposed to pornography earlier in age;
- (3) Pornography contributes to the hyper-sexualization of teens and prepubescent children and may lead to low self-esteem, body image disorders, an increase in problematic sexual activity at younger ages, and increased desire among adolescents to engage in risky sexual behavior;
- (4) Pornography may also impact brain development and functioning, contribute to emotional and medical illnesses, shape deviate sexual arousal, and lead to difficulty in forming or maintaining positive, intimate relationships, as well as harmful sexual behaviors and addiction; and
- (5) It is in the interest of the people of the Commonwealth of Kentucky to protect minors from being able to access obscene or erotic matter through the internet or other digital networks.

➔SECTION 13. A NEW SECTION OF KRS CHAPTER 436 IS CREATED TO READ AS FOLLOWS:

As used in Sections 13 to 18 of this Act:

- (1) *"Age verification" means verifying that the person seeking access to the matter is eighteen (18) years old or older, through any of the following methods:*
 - (a) *State-issued form of identification, including but not limited to an operator's license or personal identification card issued under KRS Chapter 186 that establishes age;*
 - (b) *Identification issued by any agency of the United States government that establishes age; or*
 - (c) *Any commercially reasonable method of identification that relies on public or private transactional data to verify that the person attempting to access the matter is at least eighteen (18) years of age or older;*
- (2) *"Covered platform" means an entity that:*
 - (a) *Is a website; and*
 - (b) *Is in the regular course of trade or business to create, host, or make available content that meets the definition of matter harmful to minors under subsection (8) of this section, with the objective of earning a profit, regardless of whether:*
 - 1. *The entity actually earns a profit on the activities described in this paragraph; or*
 - 2. *Creating, hosting, or making available content that meets the definition of matter harmful to minors under subsection (8) of this section is the sole source of income or principal business of the entity;*

- (3) *"Distribute" means to issue, sell, give, provide, deliver, transfer, transmit, circulate, or disseminate by any means, with or without consideration;*
- (4) *"Information content provider" has the same meaning as in 47 U.S.C. sec. 230(f)(3);*
- (5) *"Interactive computer service" has the same meaning as in 47 U.S.C. sec. 230(f)(2);*
- (6) *"Internet" has the same meaning as in 47 U.S.C. sec. 230(f)(1);*
- (7) *"Matter" has the same meaning as in KRS 531.010;*
- (8) *"Matter harmful to minors" means:*
 - (a) *Any matter that the average person, applying contemporary community standards, and taking the matter as a whole with respect to minors, would find is designed to appeal to, or pander to, the prurient interest;*
 - (b) *Any matter that exploits, is devoted to, or principally consists of descriptions of actual, simulated, or animated display or depiction of any of the following, in a manner patently offensive with respect to minors:*
 - 1. *Pubic area, anus, vulva, genitals, or nipple of the female breast;*
 - 2. *Touching, caressing, or fondling of buttocks, anuses, pubic areas, genitals, or nipples of the female breast; or*
 - 3. *Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, excretory functions, exhibitions, or any other sexual act; and*
 - (c) *The matter taken as a whole lacks serious literary, artistic, political, or scientific value for minors;*
- (9) *"Minor" means any person under the age of eighteen (18) years;*
- (10) *"Publish" means to communicate or make information available to another person or entity on the internet; and*
- (11) *"Transactional data" means a sequence of information that documents an exchange, agreement, or transfer between an individual, commercial entity, or third party used for the purpose of satisfying a request or event, including but not limited to records from mortgage, utility, and education entities or other reliable document that establishes age.*

➔SECTION 14. A NEW SECTION OF KRS CHAPTER 436 IS CREATED TO READ AS FOLLOWS:

- (1) *Any covered platform that knowingly and intentionally publishes or distributes material on the internet, more than one-third (1/3) of which is matter harmful to minors, and fails to perform age verification, either by itself or through a third party, of individuals attempting to access the matter shall be liable as provided in this section.*
- (2) *Any person injured by a violation of this section, or a parent or legal guardian on behalf of any minor injured by a violation of this section, may bring a civil action against the covered platform to recover:*
 - (a) *Damages of ten thousand dollars (\$10,000) per instance that the covered platform failed to perform age verification to restrict the minor's access to matter harmful to minors; and*
 - (b) *Actual damages, court costs, and reasonable attorney's fees.*
- (3) *This section shall only apply to a minor who:*
 - (a) *Is a permanent resident of this state;*
 - (b) *Has resided in this state for more than one (1) year; or*
 - (c) *Has been sojourning in this state for a period of at least thirty-one (31) consecutive days.*

➔SECTION 15. A NEW SECTION OF KRS CHAPTER 436 IS CREATED TO READ AS FOLLOWS:

- (1) *Any covered platform or third party that performs the age verification required under Section 14 of this Act shall not retain any identifying information of the individual after access has been granted to the matter.*
- (2) *A covered platform or third party that is found to have knowingly retained identifying information of the individual after access has been granted to the matter shall be liable to the individual for:*

- (a) *Damages of one thousand dollars (\$1,000) for each twenty-four (24) hour period that the information is retained; and*
- (b) *Actual damages, court costs, and reasonable attorney's fees.*

➔SECTION 16. A NEW SECTION OF KRS CHAPTER 436 IS CREATED TO READ AS FOLLOWS:

- (1) *Any party filing a civil action under Section 14 or 15 of this Act shall:*
 - (a) *Bring the action in:*
 - 1. *The Circuit Court of the county where the alleged violation occurred;*
 - 2. *The Circuit Court of the county in which the person bringing the action resides; or*
 - 3. *Franklin Circuit Court; and*
 - (b) *Have the right to a jury trial, and the jury shall decide both liability and damages.*
- (2) *An individual may bring an action under Section 14 or 15 of this Act regardless of whether another court has declared any provision of Sections 13 to 18 of this Act unconstitutional, unless that court decision is binding upon the court in which the action is brought.*
- (3) *Nonmutual issue preclusion and nonmutual claim preclusion shall not be defenses to an action brought under Section 14 or 15 of this Act.*
- (4) *Notwithstanding any other law:*
 - (a) *The requirements of Sections 13 to 18 of this Act shall be enforced exclusively through private civil actions; and*
 - (b) *Direct or indirect enforcement of Sections 13 to 18 of this Act shall not be taken or threatened by:*
 - 1. *The Commonwealth of Kentucky;*
 - 2. *A political subdivision of the Commonwealth;*
 - 3. *The Attorney General;*
 - 4. *A Commonwealth's attorney or county attorney; or*
 - 5. *An executive or administrative officer or employee of the Commonwealth in his or her official capacity;*

➔SECTION 17. A NEW SECTION OF KRS CHAPTER 436 IS CREATED TO READ AS FOLLOWS:

- (1) *Nothing in Sections 13 to 18 of this Act shall be construed to impose liability on:*
 - (a) *An internet service provider, or its affiliates or subsidiaries;*
 - (b) *A general purpose search engine; or*
 - (c) *A cloud service provider;*

when acting in its capacity as a provider of those services to the extent the provider is not responsible for the creation of the content of the communication that constitutes matter harmful to minors.
- (2) *Nothing in Sections 13 to 18 of this Act shall be construed to limit or bar any cause of action or preclude the imposition of sanctions or penalties, including criminal penalties, that would otherwise be available under state or federal law.*
- (3) *Compliance with Sections 13 to 18 of this Act shall not excuse any person from any other legal duties or preclude any person from any other legal remedies.*
- (4) *Sections 13 to 18 of this Act shall not subject a covered platform to any cause of action or liability to the extent it is protected from causes of action or liability by federal law, including but not limited to 47 U.S.C. sec. 230.*
- (5) *The provisions of Sections 13 to 18 of this Act shall not apply in cases to the extent the provisions would violate the Commerce Clause of the Constitution of the United States.*

➔SECTION 18. A NEW SECTION OF KRS CHAPTER 436 IS CREATED TO READ AS FOLLOWS:

- (1) *A waiver, purported waiver, or estoppel of a person's right to bring a civil action under Section 14 or 15 of this Act, or of any remedy or any other protection provided by Sections 13 to 18 of this Act, shall be void and unenforceable as against public policy, and a court or arbitrator shall not enforce or give effect to any waiver or estoppel, notwithstanding any choice-of-law or other provision in any contract or other agreement.*
- (2) *The waiver and estoppel prohibition under subsection (1) of this section:*
- (a) *Shall not apply to contractual waivers to the extent any application of the prohibition would impair the obligation of contract in violation of the Constitution of Kentucky or the Constitution of the United States;*
- (b) *Is a public policy limitation on contractual and other waivers or estoppels; and*
- (c) *Shall be enforced to the full extent permitted by the Constitution of Kentucky and the Constitution of the United States.*
- (3) *Any contract, agreement, or arrangement made or entered in violation of Sections 13 to 18 of this Act shall be void and unenforceable as against public policy.*

➔Section 19. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Signed by Governor April 5, 2024.

CHAPTER 107

(HB 595)

AN ACT relating to elections and declaring an emergency.

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

➔Section 1. KRS 13B.020 (Effective July 1, 2024) is amended to read as follows:

- (1) The provisions of this chapter shall apply to all administrative hearings conducted by an agency, with the exception of those specifically exempted under this section. The provisions of this chapter shall supersede any other provisions of the Kentucky Revised Statutes and administrative regulations, unless exempted under this section, to the extent these other provisions are duplicative or in conflict. This chapter creates only procedural rights and shall not be construed to confer upon any person a right to hearing not expressly provided by law.
- (2) The provisions of this chapter shall not apply to:
- (a) Investigations, hearings to determine probable cause, or any other type of information gathering or fact finding activities;
- (b) Public hearings required in KRS Chapter 13A for the promulgation of administrative regulations;
- (c) Any other public hearing conducted by an administrative agency which is nonadjudicatory in nature and the primary purpose of which is to seek public input on public policy making;
- (d) Military adjudicatory proceedings conducted in accordance with KRS Chapter 35;
- (e) Administrative hearings conducted by the legislative and judicial branches of state government;
- (f) Administrative hearings conducted by any city, county, urban-county, charter county, or special district contained in KRS Chapters 65 to 109, or any other unit of local government operating strictly in a local jurisdictional capacity;
- (g) Informal hearings which are part of a multilevel hearing process that affords an administrative hearing at some point in the hearing process if the procedures for informal hearings are approved and promulgated in accordance with subsections (4) and (5) of this section;

- (h) Limited exemptions granted for specific hearing provisions and denoted by reference in the text of the applicable statutes or administrative regulations;
 - (i) Administrative hearings exempted pursuant to subsection (3) of this section;
 - (j) Administrative hearings exempted, in whole or in part, pursuant to subsections (4) and (5) of this section; and
 - (k) Any administrative hearing which was commenced but not completed prior to July 15, 1996.
- (3) The following administrative hearings are exempt from application of this chapter in compliance with 1994 Ky. Acts ch. 382, sec. 19:
- (a) Finance and Administration Cabinet
 - 1. Higher Education Assistance Authority
 - a. Wage garnishment hearings conducted under authority of 20 U.S.C. sec. 1095a and 34 C.F.R. sec. 682.410
 - b. Offset hearings conducted under authority of 31 U.S.C. sec. 3720A and sec. 3716, and 34 C.F.R. sec. 30.33
 - 2. Department of Revenue
 - a. Any licensing and bond revocation hearings conducted under the authority of KRS 138.210 to 138.448 and 234.310 to 234.440
 - b. Any license revocation hearings under KRS 131.630 and 138.130 to 138.205
 - (b) Cabinet for Health and Family Services
 - 1. Office of the Inspector General
 - a. Certificate-of-need hearings and licensure conducted under authority of KRS Chapter 216B
 - b. Licensure revocation hearings conducted under authority of KRS Chapter 216B
 - 2. Department for Community Based Services
 - a. Supervised placement revocation hearings conducted under authority of KRS Chapter 630
 - 3. Department for Medicaid Services
 - a. Administrative appeal hearings following an external independent third-party review of a Medicaid managed care organization's final decision that denies, in whole or in part, a health care service to an enrollee or a claim for reimbursement to the provider for a health care service rendered by the provider to an enrollee of the Medicaid managed care organization, conducted under authority of KRS 205.646
 - (c) Justice and Public Safety Cabinet
 - 1. Department of Kentucky State Police
 - a. Kentucky State Police Trial Board disciplinary hearings conducted under authority of KRS Chapter 16
 - 2. Department of Corrections
 - a. Parole Board hearings conducted under authority of KRS Chapter 439
 - b. Prison adjustment committee hearings conducted under authority of KRS Chapter 197
 - c. Prison grievance committee hearings conducted under authority of KRS Chapters 196 and 197
 - 3. Department of Juvenile Justice
 - a. Supervised placement revocation hearings conducted under KRS Chapter 635
 - (d) Energy and Environment Cabinet
 - 1. Department for Natural Resources

ACTS OF THE GENERAL ASSEMBLY

- a. Surface mining hearings conducted under authority of KRS Chapter 350
 - b. Oil and gas hearings conducted under the authority of KRS Chapter 353, except for those conducted by the Kentucky Oil and Gas Conservation Commission pursuant to KRS 353.500 to 353.720
 - c. Explosives and blasting hearings conducted under the authority of KRS 351.315 to 351.375
- 2. Department for Environmental Protection
 - a. Wild River hearings conducted under authority of KRS Chapter 146
 - b. Water resources hearings conducted under authority of KRS Chapter 151
 - c. Water plant operator and water well driller hearings conducted under authority of KRS Chapter 223
 - d. Environmental protection hearings conducted under authority of KRS Chapter 224
 - e. Petroleum Storage Tank Environmental Assurance Fund hearings under authority of KRS Chapter 224
 - 3. Public Service Commission
 - a. Utility hearings conducted under authority of KRS Chapters 74, 278, and 279
- (e) Education and Labor Cabinet
- 1. Department of Workers' Claims
 - a. Workers' compensation hearings conducted under authority of KRS Chapter 342
 - 2. Kentucky Occupational Safety and Health Review Commission
 - a. Occupational safety and health hearings conducted under authority of KRS Chapter 338
 - 3. Unemployment insurance hearings conducted under authority of KRS Chapter 341
 - 4. Disability determination hearings conducted under authority of 20 C.F.R. pt. 404
- (f) Public Protection Cabinet
- 1. Board of Claims
 - a. Liability hearings conducted under authority of KRS 49.020(5) and 49.040 to 49.180
- (g) ~~Secretary of State~~
- ~~1. Registry of Election Finance~~
 - ~~a. Campaign finance hearings conducted under authority of KRS Chapter 121~~
- (h) ~~State universities and colleges~~
- 1. Student suspension and expulsion hearings conducted under authority of KRS Chapter 164
 - 2. University presidents and faculty removal hearings conducted under authority of KRS Chapter 164
 - 3. Campus residency hearings conducted under authority of KRS Chapter 164
 - 4. Family Education Rights to Privacy Act hearings conducted under authority of 20 U.S.C. sec. 1232 and 34 C.F.R. sec. 99
 - 5. Federal Health Care Quality Improvement Act of 1986 hearings conducted under authority of 42 U.S.C. sec. 11101 to 11115 and KRS Chapter 311.
- (4) Any administrative hearing, or portion thereof, may be certified as exempt by the Attorney General based on the following criteria:
- (a) The provisions of this chapter conflict with any provision of federal law or regulation with which the agency must comply, or with any federal law or regulation with which the agency must comply to

permit the agency or persons within the Commonwealth to receive federal tax benefits or federal funds or other benefits;

- (b) Conformity with the requirement of this chapter from which exemption is sought would be so unreasonable or so impractical as to deny due process because of undue delay in the conduct of administrative hearings; or
 - (c) The hearing procedures represent informal proceedings which are the preliminary stages or the review stages of a multilevel hearing process, if the provisions of this chapter or the provisions of a substantially equivalent hearing procedure exempted under subsection (3) of this section are applied at some level within the multilevel process.
- (5) The Attorney General shall not exempt an agency from any requirement of this chapter until the agency establishes alternative procedures by administrative regulation which, insofar as practical, shall be consistent with the intent and purpose of this chapter. When regulations for alternative procedures are submitted to the Administrative Regulation Review Subcommittee, they shall be accompanied by the request for exemption and the approval of exemption from the Attorney General. The decision of the Attorney General, whether affirmative or negative, shall be subject to judicial review in the Franklin Circuit Court within thirty (30) days of the date of issuance. The court shall not overturn a decision of the Attorney General unless the decision was arbitrary or capricious or contrary to law.
 - (6) Except to the extent precluded by another provision of law, a person may waive any procedural right conferred upon that person by this chapter.
 - (7) The provisions of KRS 13B.030(2)(b) shall not apply to administrative hearings held under KRS 11A.100 or 18A.095.

➔Section 2. KRS 121.015 is amended to read as follows:

As used in this chapter:

- (1) "Registry" means the Kentucky Registry of Election Finance;
- (2) "Election" means any primary, regular, or special election to fill vacancies regardless of whether a candidate or slate of candidates is opposed or unopposed in an election. Each primary, regular, or special election shall be considered a separate election;
- (3) "Committee" includes the following:
 - (a) "Campaign committee," which means one (1) or more persons who receive contributions and make expenditures to support or oppose one (1) or more specific candidates or slates of candidates for nomination or election to any state, county, city, or district office, ***that is authorized by the candidate or slate of candidates to receive contributions, make expenditures, and generally conduct a campaign for the candidate or slate of candidates***, but does not include an entity established solely by a candidate which is managed solely by a candidate and a campaign treasurer and whose name is generic in nature, such as "Friends of (the candidate)," and does not reflect that other persons have structured themselves as a committee, designated officers of the committee, and assigned responsibilities and duties to each officer with the purpose of managing a campaign to support or oppose a candidate in an election;
 - (b) ***"Independent expenditure-only committee," which means one (1) or more persons who receive unlimited contributions for the purpose of making only independent expenditures to support or oppose one (1) or more specific candidates or slates of candidates for nomination or election to any state, county, city, or district office;***
 - (c) "Caucus campaign committee," which means members of one (1) of the following caucus groups who receive contributions and make expenditures to support or oppose one (1) or more specific candidates or slates of candidates for nomination or election, or a committee:
 - 1. House Democratic caucus campaign committee;
 - 2. House Republican caucus campaign committee;
 - 3. Senate Democratic caucus campaign committee;
 - 4. Senate Republican caucus campaign committee; or

5. Subdivisions of the state executive committee of a minor political party, which serve the same function as the above-named committees, as determined by regulations promulgated by the registry;
- ~~(d)~~~~(e)~~ "Political issues committee," which means three (3) or more persons joining together to advocate or oppose a constitutional amendment or public question which appears on the ballot if that committee receives or expends money in excess of one thousand dollars (\$1,000);
- ~~(e)~~~~(d)~~ "Permanent committee," which means a group of individuals, including an association, committee, or organization, other than a campaign committee, *independent expenditure-only committee, federally registered political committee*, political issues committee, inaugural committee, caucus campaign committee, or party executive committee, which is established as, or intended to be, a permanent organization having as a primary purpose expressly advocating the election or defeat of one (1) or more clearly identified candidates, slates of candidates, or political parties, which functions on a regular basis throughout the year;
- ~~(f)~~~~(e)~~ An executive committee of a political party; and
- ~~(g)~~~~(f)~~ "Inaugural committee," which means one (1) or more persons who receive contributions and make expenditures in support of inauguration activities for any candidate or slate of candidates elected to any state, county, city, or district office;
- (4) "Contributing organization" means a group which merely contributes to candidates, slates of candidates, campaign committees, caucus campaign committees, or executive committees from time to time from funds derived solely from within the group, and which does not solicit or receive funds from sources outside the group itself. Any contributions made by the groups in excess of one hundred dollars (\$100) shall be reported to the registry;
- (5) "Testimonial affair" means an affair held in honor of a person who holds or who is or was a candidate for nomination or election to a political office in this state designed to raise funds for any purpose not charitable, religious, or educational;
- (6) "Contribution" means any:
- (a) Payment, distribution, loan, deposit, or gift of money or other thing of value, to a candidate, his or her agent, a slate of candidates, its authorized agent, a committee, or contributing organization. As used in this subsection, "loan" shall include a guarantee, endorsement, or other form of security where the risk of nonpayment rests with the surety, guarantor, or endorser, as well as with a committee, contributing organization, candidate, slate of candidates, or other primary obligor. No person shall become liable as surety, endorser, or guarantor for any sum in any one (1) election which, when combined with all other contributions the individual makes to a candidate, his or her agent, a slate of candidates, its agent, a committee, or a contributing organization, exceeds the contribution limits provided in KRS 121.150;
 - (b) Payment by any person other than the candidate, his or her authorized treasurer, a slate of candidates, its authorized treasurer, a committee, or a contributing organization, of compensation for the personal services of another person which are rendered to a candidate, slate of candidates, committee, or contributing organization, or for inauguration activities;
 - (c) Goods, advertising, or services with a value of more than one hundred dollars (\$100) in the aggregate in any one (1) election which are furnished to a candidate, slate of candidates, committee, or contributing organization or for inauguration activities without charge, or at a rate which is less than the rate normally charged for the goods or services; or
 - (d) Payment by any person other than a candidate, his or her authorized treasurer, a slate of candidates, its authorized treasurer, a committee, or contributing organization for any goods or services with a value of more than one hundred dollars (\$100) in the aggregate in any one (1) election which are utilized by a candidate, slate of candidates, committee, or contributing organization, or for inauguration activities;
- (7) Notwithstanding the foregoing meanings of "contribution," the word shall not be construed to include:
- (a) Services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate, a slate of candidates, committee, or contributing organization;
 - (b) A loan of money by any financial institution doing business in Kentucky made in accordance with applicable banking laws and regulations and in the ordinary course of business; or

- (c) An independent expenditure by any individual or permanent committee;
- (8) "Candidate" means any person who has received contributions or made expenditures, has appointed a campaign treasurer, or has given his or her consent for any other person to receive contributions or make expenditures with a view to bringing about his or her nomination or election to public office, except federal office;
- (9) "Slate of candidates" means:
 - (a) Between the time a certificate or petition of nomination has been filed for a candidate for the office of Governor under KRS 118.365 and the time the candidate designates a running mate for the office of Lieutenant Governor under KRS 118.126, a slate of candidates consists of the candidate for the office of Governor; and
 - (b) After that candidate has designated a running mate under KRS 118.126, that same slate of candidates consists of that same candidate for the office of Governor and the candidate's running mate for the office of Lieutenant Governor. Unless the context requires otherwise, any provision of law that applies to a candidate shall also apply to a slate of candidates;
- (10) "Knowingly" means, with respect to conduct or to a circumstance described by a statute defining an offense, that a person is aware or should have been aware that his or her conduct is of that nature or that the circumstance exists;
- (11) "Fundraiser" means an individual who directly solicits and secures contributions on behalf of a candidate or slate of candidates for a statewide-elected state office or an office in a jurisdiction with a population in excess of two hundred thousand (200,000) residents;
- (12) "Independent expenditure" means the expenditure of money or other things of value for a communication which expressly advocates the election or defeat of a clearly identified candidate or slate of candidates, and which is made without any coordination, consultation, or cooperation with any candidate, slate of candidates, campaign committee, or any authorized person acting on behalf of any of them, and which is not made in concert with, or at the request or suggestion of any candidate, slate of candidates, campaign committee, or any authorized person acting on behalf of any of them;
- (13) "Electronic reporting" means the use of technology, having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities, by which an individual or other entity submits, compiles, or transmits campaign finance reports to the registry, or by which the registry receives, stores, analyzes, or discloses the reports;
- (14) "Security procedure" means a procedure employed for the purpose of verifying that an electronic signature, record, or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. The term includes a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption, or callback or other acknowledgment procedures;
- (15) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record;
- (16) "Filer" means any candidate, a slate of candidates, committee, or other individual or entity required to submit financial disclosure reports to the registry;
- (17) "Filer-side software" means software provided to or used by the filer that enables transmittal of financial reports to the registry;~~and~~
- (18) "Form" means an online web page or an electronic document designed to capture, validate, and submit data for processing to the registry, unless the context otherwise prescribes; *and*
- (19) ***"Reasonable cause" means an event, happening, or circumstance entirely beyond the knowledge or control of the candidate, slate of candidates, or committee, which has exercised due care and prudence in maintaining the records of the campaign or committee pursuant to statute or administrative regulation.***

➔Section 3. KRS 121.140 is amended to read as follows:

- (1) Upon the sworn complaint of any person, or on its own initiative, the registry shall investigate alleged violations of campaign finance law. In conducting any investigation, the registry shall have the power of subpoena and may compel production of evidence including the financial records of any person determined by the registry to be vital to the investigation. The records subject to subpoena include, but are not limited to, a person's bank records and other relevant documents, but excluding individual and business income tax records.

- (2) If the registry concludes that there is probable cause to believe that the law has been violated, the registry shall notify the alleged violator of its conclusions and the evidence supporting them, and shall offer the alleged violator a conciliation agreement to resolve the issue. A conciliation agreement may require the alleged violator to comply with one (1) or more of the following:
- (a) To cease and desist violations of the law;
 - (b) To file required reports or other documents or information;
 - (c) To pay a penalty not to exceed *two hundred dollars (\$200)*~~one hundred dollars (\$100)~~ a day, up to a maximum total fine of five thousand dollars (\$5,000), for failure to file any report, payment of an administrative fee, or other document or information required by law until the report, fee payment, document, or information is filed; except that there shall be no maximum total fine for candidates for statewide office; or
 - (d) To pay a penalty not to exceed five thousand dollars (\$5,000) per violation for acts of noncompliance with provisions contained within this chapter.
- (3) To accept a conciliation agreement, an alleged violator shall deliver the signed agreement to the registry either in person or by mail postmarked not later than ten (10) days after the day he received it. The registry may institute a civil action in Franklin Circuit Court or the Circuit Court for the county of the violator's residence to enforce the provisions of any conciliation agreement accepted by a violator who is not complying with its provisions.
- (4) If the alleged violator declines to accept the conciliation agreement or fails to respond within the time allowed, the registry shall *conduct an administrative hearing. The provisions of KRS Chapter 13B shall apply to all registry administrative hearings except for the provisions of KRS 13B.030(2)(b)*~~submit a written request to the Chief Justice of the Kentucky Supreme Court to recommend not fewer than five (5) nor more than ten (10) retired or former justices or retired or former judges of the Court of Justice who are qualified and willing to conduct a hearing to determine if a violation has occurred. Upon receipt of the recommendations of the Chief Justice, the registry shall randomly select one (1) retired or former justice or judge from the list to conduct the hearing, which shall be held in accordance with the Kentucky Rules of Civil Procedure, or, if the Chief Justice declines to make recommendations, the registry, on its own initiative, shall request retired or former justices or judges to serve. The time and location of hearings shall be determined by the registry. Retired or former justices or judges selected to serve shall receive reimbursement from the registry for their reasonable and necessary expenses incurred as a result of the performance of their duties at the hourly rate set for attorneys by the Finance and Administration Cabinet. The registry shall notify the complainant and the alleged violator that a hearing shall be conducted of the specific offenses alleged not less than thirty (30) days prior to the date of the hearing. At the hearing, which shall be open to the public pursuant to KRS 61.810, the attorney for the registry shall present the evidence against the alleged violator, and the alleged violator shall have all of the protections of due process, including, but not limited to, the right to be represented by counsel, the right to call and examine witnesses, the right to the production of evidence by subpoena, the right to introduce exhibits and the right to cross examine opposing witnesses. If the justice or judge determines that the preponderance of the evidence shows a violation has occurred, the justice or judge shall render a decision not more than sixty (60) days after the case is submitted for determination. The decision shall become the final decision of the registry unless the registry board at its next regular meeting acts to set aside or modify the justice's or judge's decision, in which case the registry board's decision shall become the final registry decision~~. A party adversely affected by the registry's *final* order may appeal to Franklin Circuit Court within thirty (30) days after the date of the registry's *final* order. The violator may be ordered to comply with any one (1) or more of the following requirements:
- (a) To cease and desist violation of this law;
 - (b) To file any reports or other documents or information required by this law;
 - (c) To pay a penalty not to exceed *two hundred dollars (\$200)*~~one hundred dollars (\$100)~~ a day, up to a maximum total fine of five thousand dollars (\$5,000), for failure to file any report, payment of an administrative fee, or other document or information required by law until the report, fee payment, document, or information is filed; except that there shall be no maximum total fine for candidates for statewide office; or
 - (d) To pay a penalty not to exceed five thousand dollars (\$5,000) per violation for acts of noncompliance with provisions contained within this chapter. An appeal of an order shall be advanced on the docket to permit a timely decision.

- (5) If the registry concludes that there is probable cause to believe that the campaign finance law has been violated knowingly, it shall refer the violation to the Attorney General or the appropriate Commonwealth's or county attorney for prosecution. The Attorney General may request the registry's attorney or the appropriate county or Commonwealth's attorney to prosecute the matter and may request from the registry all evidence collected in its investigation. In the event the Attorney General or the appropriate local prosecutor fails to prosecute in a timely fashion, the registry may petition the Circuit Court to appoint the registry's attorney to prosecute, and upon a motion timely filed, for good cause shown, the court shall enter an order to that effect. Prosecutions involving campaign finance law violations, in which the reports are required to be filed in Frankfort, may be conducted in Franklin Circuit Court or in the Circuit Court for the county in which the contribution or expenditure constituting a campaign finance violation was solicited, made, or accepted. The prosecution of a person who unlawfully solicits, makes, or accepts a contribution or expenditure through the use of the mail may be conducted in the Circuit Court for the county in which the solicitation is mailed, the county in which the contribution is mailed or received, or the county in which the expenditure is mailed.
- (6) ~~[Any person directly involved or affected by an action of the registry which is final, other than of a determination to refer a violation to the Attorney General or appropriate Commonwealth's or county attorney for prosecution, may seek judicial review of the action within thirty (30) days after the date of the action.]~~
- (7) ~~If judicial review is sought of any action of the registry relating to a pending election, the matter shall be advanced on the docket of the court. The court may take any steps authorized by law to accelerate its procedures so as to permit a timely decision.~~

➔Section 4. KRS 121.150 is amended to read as follows:

- (1) No contribution shall be made or received, directly or indirectly, other than an independent expenditure, to support inauguration activities or to support or defeat a candidate, slate of candidates, constitutional amendment, or public question which will appear on the ballot in an election, except through the duly appointed campaign manager, or campaign treasurer of the candidate, slate of candidates, or registered committee. Any person making an independent expenditure, shall report these expenditures when the expenditures by that person exceed five hundred dollars (\$500) in the aggregate in any one (1) election, on a form provided or using a format approved by the registry and shall sign a statement on the form, under penalty of perjury, that the expenditure was an actual independent expenditure and that there was no prior communication with the campaign on whose behalf it was made.
- (2) Except as provided in KRS 121.180(10), the solicitation from and contributions by campaign committees, ***independent expenditure-only committees***, caucus campaign committees, political issues committees, permanent committees, and party executive committees to any religious, charitable, civic, eleemosynary, or other causes or organizations established primarily for the public good is expressly prohibited; except that it shall not be construed as a violation of this section for a candidate or a slate of candidates to contribute to religious, civic, or charitable groups.
- (3) No candidate, slate of candidates, committee, or contributing organization, nor anyone acting on their behalf, shall accept any anonymous contribution in excess of one hundred dollars (\$100), and all anonymous contributions in excess of one hundred dollars (\$100) shall be returned to the donor, if the donor can be determined. If no donor is found, the contribution shall escheat to the state. No candidate, slate of candidates, committee, or contributing organization, nor anyone acting on their behalf shall accept anonymous contributions in excess of two thousand dollars (\$2,000) in the aggregate in any one (1) election. Anonymous contributions in excess of two thousand dollars (\$2,000) in the aggregate which are received in any one (1) election shall escheat to the state.
- (4) No candidate, slate of candidates, committee, or contributing organization, nor anyone on their behalf, shall accept a cash contribution in excess of one hundred dollars (\$100) in the aggregate from each contributor in any one (1) election. No candidate, slate of candidates, committee, or contributing organization, nor anyone on their behalf, shall accept a cashier's check or money order in excess of the maximum cash contribution limit unless the instrument clearly identifies both the payor and the payee. A contribution made by cashier's check or money order which identifies both the payor and payee shall be treated as a contribution made by check for purposes of the contribution limits contained in this section. No person shall make a cash contribution in excess of one hundred dollars (\$100) in the aggregate in any one (1) election to a candidate, slate of candidates, committee, or contributing organization, nor anyone on their behalf.
- (5) No candidate, slate of candidates, committee, contributing organization, nor anyone on their behalf, shall accept any contribution in excess of one hundred dollars (\$100) from any person who shall not become eighteen (18) years of age on or before the day of the next general election.

- (6) Except as provided in subsection (22) of this section, no candidate, slate of candidates, campaign committee, nor anyone acting on their behalf, shall accept a contribution of more than two thousand dollars (\$2,000) as indexed for inflation every odd-numbered year using the preceding year's percent increase in the non-seasonally adjusted annual average Consumer Price Index for all Urban Consumers (CPI-U), U.S. City Average, All Items, for that year as published by the United States Bureau of Labor Statistics and rounded to the nearest hundred dollars, from any person, permanent committee, or contributing organization in any one (1) election. No person, permanent committee, or contributing organization shall contribute more than two thousand dollars (\$2,000) as indexed for inflation every odd-numbered year using the preceding year's percent increase in the non-seasonally adjusted annual average Consumer Price Index for all Urban Consumers (CPI-U), U.S. City Average, All Items, as published by the United States Bureau of Labor Statistics and rounded to the nearest hundred dollars, to any one (1) candidate, campaign committee, nor anyone acting on their behalf, in any one (1) election.
- (7) Permanent committees or contributing organizations affiliated by bylaw structure or by registration, as determined by the Registry of Election Finance, shall be considered as one (1) committee for purposes of applying the contribution limits of subsection (6) of this section.
- (8) No permanent committee shall contribute funds to another permanent committee for the purpose of circumventing contribution limits of subsection (6) of this section. ***A permanent committee or independent expenditure-only committee may make unlimited contributions to an independent expenditure-only committee, or as allowed by federal law to a federally registered political committee, provided that if a contribution is earmarked for a particular independent expenditure, the person making the independent expenditure shall disclose the contribution when reporting the independent expenditure pursuant to subsection (1) of this section.***
- (9) No person shall contribute funds to a permanent committee, political issues committee, or contributing organization for the purpose of circumventing the contribution limits of subsection (6) of this section.
- (10) No person shall contribute more than two thousand dollars (\$2,000) as indexed for inflation every odd-numbered year using the preceding year's percent increase in the non-seasonally adjusted annual average Consumer Price Index for all Urban Consumers (CPI-U), U.S. City Average, All Items, for that year as published by the United States Bureau of Labor Statistics and rounded to the nearest hundred dollars, to a permanent committee or contributing organization in any one (1) year.
- (11)
 - (a) No person shall contribute more than five thousand dollars (\$5,000) to the state executive committee of a political party in any one (1) year. The contribution limit in this paragraph shall not apply to a contribution designated exclusively for a state executive committee's building fund account established under KRS 121.172.
 - (b) No person shall contribute more than five thousand dollars (\$5,000) to a subdivision or affiliate of a state political party in any one (1) year.
 - (c) No person shall contribute more than five thousand dollars (\$5,000) to a caucus campaign committee in any one (1) year.
- (12) No person shall make a payment, distribution, loan, advance, deposit, or gift of money to another person to contribute to a candidate, a slate of candidates, committee, contributing organization, or anyone on their behalf. No candidate, slate of candidates, committee, contributing organization, nor anyone on their behalf shall accept a contribution made by one (1) person who has received a payment, distribution, loan, advance, deposit, or gift of money from another person to contribute to a candidate, a slate of candidates, committee, contributing organization, or anyone on their behalf.
- (13) Subject to the provisions of subsection (17) of this section, no candidate or slate of candidates for nomination to any state, county, city, or district office, nor their campaign committees, nor anyone on their behalf, shall solicit or accept contributions for primary election expenses after the date of the primary. No person other than the candidate or slate of candidates shall contribute for primary election expenses after the date of the primary.
- (14) Subject to the provisions of subsection (17) of this section, no candidate or slate of candidates for any state, county, city, or district office at a regular election, nor their campaign committees, nor anyone on their behalf, shall solicit or accept contributions for regular election expenses after the date of the regular election. No person other than the candidate or slate of candidates shall contribute for regular election expenses after the date of the regular election.

- (15) Subject to the provisions of subsection (17) of this section, no candidate or slate of candidates for nomination or election to any state, county, city, or district office, nor their campaign committees, nor anyone on their behalf, shall solicit or accept contributions for special election expenses after the date of the special election. No person other than the candidate or slate of candidates shall contribute for special election expenses after the date of the special election.
- (16) The provisions of subsections (13) and (14) of this section shall apply only to those candidates in a primary or regular election which shall be conducted subsequent to January 1, 1989. The provisions of subsection (15) of this section shall apply only to those candidates or slates of candidates in a special election which shall be conducted subsequent to January 1, 1993.
- (17) A candidate, slate of candidates, or a campaign committee may solicit and accept contributions after the date of a primary election, regular election, or special election to defray necessary expenses that arise after the date of the election associated with election contests, recounts, and recanvasses of a specific election, complaints regarding alleged campaign finance violations that are filed with the registry pertaining to a specific election, or other legal actions pertaining to a specific election to which a candidate, slate of candidates, or campaign committee is a party, and for repayment of debts and obligations owed by the campaign *or previous campaign for the same office*. Reports of contributions received and expenditures made after the date of the specific election shall be made in accordance with KRS 121.180.
- (18) No candidate, slate of candidates, committee, except a political issues committee, *independent expenditure-only committee*, or contributing organization, nor anyone on their behalf, shall knowingly accept a contribution from a corporation, directly or indirectly, except to the extent that the contribution is designated to a state executive committee's building fund account established under KRS 121.172.
- (19) Nothing in this section shall be construed to restrict the ability of a corporation to administer its permanent committee insofar as its actions can be deemed not to influence an election as prohibited by KRS 121.025.
- (20) No candidate, slate of candidates, or committee, nor anyone on their behalf, shall solicit a contribution of money or services from a state employee, whether or not the employee is covered by the classified service provisions of KRS Chapter 18A. However, it shall not be a violation of this subsection for a state employee to receive a solicitation directed to him as a registered voter in an identified precinct as part of an overall plan to contact voters not identified as state employees.
- (21) No candidate or slate of candidates for any office in this state shall accept a contribution, including an in-kind contribution, which is made from funds in a federal campaign account. No person shall make a contribution, including an in-kind contribution, from funds in a federal campaign account to any candidate or slate of candidates for any office in this state.
- (22) It shall be permissible for a married couple to make a contribution with one (1) check that reflects the combined individual contribution limits of each individual spouse per election, as set forth in subsection (6) of this section, for all elections in a calendar year and the following shall be required to be written on the check:
 - (a) The signatures of both spouses on the signature line of the check; and
 - (b) The designation of each contribution amount and the election or elections to which they apply shall be memorialized on the memo line of the check.

➔Section 5. KRS 121.160 is amended to read as follows:

- (1) Each candidate or slate of candidates shall, on a form prescribed and furnished by the registry, designate a campaign treasurer to act as their agent at the time they file as a candidate or slate of candidates, and until this requirement is met, the candidate or slate of candidates shall be listed *on the form* as their own treasurer and accountable as such. The candidate or slate of candidates may appoint themselves or any registered voter in Kentucky as the campaign treasurer. The office with which the candidate or slate of candidates is required to file shall immediately forward to the registry a copy of the candidate's or slate's filing papers. The office with which the candidate or slate of candidates files shall promptly notify the registry when a candidate withdraws.
- (2) The duties of a campaign treasurer shall be to:
 - (a) Designate a depository bank in which the primary campaign account shall be maintained and deposit all contributions in that account;
 - (b) Keep detailed and exact accounts of:

1. Contributions of any amount made by a permanent committee, by name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee; and
 2. Contributions in excess of one hundred dollars (\$100) made to any candidate, by name, address, age if under legal voting age, date of the contribution, amount of the contribution, and the employer and occupation of each other contributor. If the contributor is self-employed, the name under which he is doing business shall be listed. The occupation listed for the contributor shall be specific. A general classification, such as "businessman," shall be insufficient;
- (c) Make or authorize all expenditures on behalf of a candidate or slate of candidates. Any expenditure in excess of twenty-five dollars (\$25) shall be by check and the treasurer's records shall disclose the name, address, and occupation of every person or firm to whom made, and shall list the date and amount of the expenditure and the treasurer shall keep a receipted bill for each;
 - (d) Maintain all receipted bills and accounts required by this section for a period of six (6) years from the date he files his last report under KRS 121.180(3)(b)1.; and
 - (e) Make no payment to any person not directly providing goods or services with the intent to conceal payment to another.
- (3) A candidate or slate of candidates may remove a campaign treasurer at any time.
 - (4) In case of the death, resignation, or removal of a campaign treasurer, the candidate or slate of candidates shall within three (3) days after receiving notice thereof by certified mail, appoint a successor and shall file his name and address with the registry. The candidate, or slate shall be accountable as their own campaign treasurer if they fail to meet this filing requirement.
 - (5) A person may serve as campaign treasurer for more than one (1) candidate or slate of candidates, but all reports shall be made separately for each individual candidate or slate.
 - (6) The candidate or slate of candidates may pay a campaign treasurer a salary for his services which shall be considered a campaign expense and shall comply with the reporting provisions of KRS 121.180 and administrative regulations promulgated by the registry.

➔Section 6. KRS 121.170 is amended to read as follows:

- (1) Any committee, except a federally registered ~~political~~~~out of state permanent~~ committee **as defined in 52 U.S.C. sec. 30101(4)(a)**, organized under any provisions of this chapter shall register with the registry, by filing official notice of intention at the time of organization, giving names, addresses, and positions of the officers of the organization, identifying an official contact person of the committee, and designating the candidate or candidates, slate of candidates, or question it is organized to support or oppose on forms prescribed by the registry; except that no campaign committee for a slate of candidates for Governor and Lieutenant Governor shall be registered prior to the filing of a certificate or petition of nomination for the candidate for Governor under KRS 118.365. No entity which is excluded from the definition of "campaign committee" established in KRS 121.015(3)(a) shall be required to register as a committee with the registry. The name of the committee shall reasonably identify to the public the sponsorship and purpose of the committee. The forms filed with the registry shall require the registrant to clearly identify the specific purpose, sponsorship, and source from which the committee originates; and the registry shall refuse to allow filing by any committee until this requirement has been satisfied.
- (2) Any person who acts as a fundraiser by directly soliciting contributions for an election campaign of a candidate or slate of candidates for statewide-elected state office or an office in a jurisdiction containing in excess of two hundred thousand (200,000) residents shall register with the registry when he or she raises in excess of three thousand dollars (\$3,000) in any one (1) election for the campaign committee by filing official notice giving his or her name, address, occupation, employer or, if he or she is self-employed, the name under which he or she is doing business, and all candidates or slates of candidates for whom he or she is soliciting on forms prescribed by the registry. A registered fundraiser shall comply with the campaign finance reporting requirements of KRS 121.180(3), (4), and (5).
- (3) All provisions of KRS 121.160 governing the duties and responsibilities of a candidate, slate of candidates, or campaign treasurer shall apply to a registered committee **and a person acting as a campaign fundraiser**, except **if the chairperson of the committee is a registered voter in Kentucky, the treasurer may be a registered voter from any state. The provisions of KRS 121.160 shall not apply to** a federally registered ~~political~~~~out of state permanent~~ committee **as defined in 52 U.S.C. sec. 30101(4)(a)**~~], and a person acting as a~~

~~campaign fundraiser~~. In case of the death, resignation, or removal of a campaign treasurer for a permanent committee or executive committee, the chairperson of the permanent committee or executive committee shall, within three (3) days after receiving notice of the vacancy by certified mail, appoint a successor as treasurer for the committee and file the name and address of the successor with the registry. The chairperson of the permanent committee or executive committee shall be accountable as the treasurer for the committee if the chairperson fails to meet this filing requirement.

- (4) The chairperson of a committee and the campaign treasurer shall be separate persons.
- (5) Any federally registered ~~political~~~~out-of-state permanent~~ committee *as defined in 52 U.S.C. sec. 30101(4)(a)* that contributes to a Kentucky candidate or a slate of candidates shall:
 - (a) File with the registry a copy of its federal registration (Federal Election Commission Form 1 - Committee Registration Form);
 - (b) File with the registry a copy of the Federal Election Commission finance report when a contribution is made to, *or an independent expenditure is made in support or opposition of*, a Kentucky candidate or a slate of candidates; and
 - (c) Contribute not more than the maximum amount permitted for a permanent committee to make under Kentucky law to any candidate or to any slate of candidates for any office in this Commonwealth.
- (6) Notwithstanding any provision of law to the contrary, a contribution made by a federally registered ~~political~~~~permanent~~ committee *as defined in 52 U.S.C. sec. 30101(4)(a)* to any candidate or to any slate of candidates for any office in this Commonwealth that complies with the provisions of ~~52 U.S.C. sec. 30118~~~~2 U.S.C. sec. 441b~~, 11 C.F.R. sec. 104.10, 11 C.F.R. sec. 106.6, and 11 C.F.R. sec. 114.1-114.12 regarding limitations on contributions by corporations shall be deemed to comply with the campaign finance laws of this Commonwealth prohibiting corporate contributions to candidates or slates of candidates.
- (7) The organization, formation, or registration of a permanent committee by any member of the General Assembly shall be prohibited.
- (8) The official contact person of a permanent committee shall not be a legislative agent as defined in KRS 6.611 or an executive agency lobbyist as defined in KRS 11A.201.

➔Section 7. KRS 121.175 is amended to read as follows:

- (1) No candidate, committee, or contributing organization shall permit funds in a campaign account to be expended for any purpose other than for allowable campaign expenditures. "Allowable campaign expenditures" means expenditures including reimbursement for actual expenses, made directly and primarily in support of or opposition to a candidate, constitutional amendment, or public question which will appear on the ballot and includes, but is not limited to, expenditures for staff salaries, gifts and meals for volunteer campaign workers, food and beverages provided at a campaign rally, advertising, office space, necessary travel if reported, campaign paraphernalia, purchases of advertisements in athletic and scholastic publications, communications with constituents or prospective voters, polling and consulting, printing, graphic arts, or advertising services, postage, office supplies, stationery, newsletters, and equipment which is used primarily for the administration of the campaign, or for fees incurred from legal services while defending a matter before the Kentucky Legislative Ethics Commission in which the final adjudication is rendered in favor of the candidate. "Allowable campaign expenditures" does not include necessary travel unless reported, expenditures of funds in a campaign account for any purpose made unlawful by other provisions of the Kentucky Revised Statutes or which would bestow a private pecuniary benefit, except for payment of the reasonable value of goods and services provided upon a candidate, member of the candidate's family, committee, or contributing organization, or any of their employees, paid or unpaid, including: tickets to an event which is unrelated to a political campaign or candidacy; items of personal property for distribution to prospective voters except items bearing the name, likeness, or logo of a candidate or a campaign-related communication; expenditures to promote or oppose a candidacy for a leadership position in a governmental, professional, or political organization, or other entity; and equipment or appliances the primary use of which is for purposes outside of the campaign. The provisions of KRS 121.190 notwithstanding, a candidate shall not be required to include a disclaimer on campaign stationery purchased with funds from his campaign account.
- (2) A member of the General Assembly may utilize funds in his or her campaign account to:
 - (a) Contribute up to five thousand dollars (\$5,000) per year to a political party or caucus campaign committee,~~[- A member of the General Assembly may -]~~

- (b) Make allowable campaign expenditures in both election years and nonelection years;
 - (c) *Upon approval by the President of the Senate or the Speaker of the House of Representatives, depending on the member's chamber:*
 - 1. *Attend a conference, meeting, reception, or similar event; or*
 - 2. *Attend an educational course or seminar that maintains or improves skills employed by the member in carrying out the duties of his or her elective office; and*
 - (d) *Pay for fees incurred from legal services while defending a matter arising from his or her campaign or election or the performance of his or her official duties.*
- ~~(3)(2)~~ By December 31, 1993, the registry shall promulgate administrative regulations to implement and enforce the provisions of subsection (1) of this section.
- ~~(4)(3)~~ In lieu of the penalties provided in KRS 121.140 and 121.990 for a violation of this section, the registry may, after hearing:
- (a) For a violation which was not committed knowingly, order the violator to repay the amount of campaign funds which were expended for other than allowable campaign expenditures, and if not repaid within thirty (30) days, may impose a fine of up to one hundred dollars (\$100) for each day the amount is not repaid, up to a maximum fine of one thousand dollars (\$1,000); and
 - (b) For a violation which was committed knowingly, in addition to referring the matter for criminal prosecution, order the violator to repay the amount of campaign funds which were expended for other than allowable campaign expenditures, and if not repaid within thirty (30) days, may impose a fine of up to one hundred dollars (\$100) for each day the amount is not repaid, up to a maximum fine of one thousand dollars (\$1,000).

➔Section 8. KRS 121.180 is amended to read as follows:

- (1) (a) Any candidate, slate of candidates, or political issues committee shall be exempt from filing any campaign finance reports required by subsections (3) and (4) of this section if the candidate, slate of candidates, or political issues committee chair files a form prescribed and furnished by the registry stating that currently no contributions have been received and that contributions will not be accepted or expended in excess of three thousand dollars (\$3,000) in any one (1) election. A separate form shall be required for each primary, regular, or special election in which the candidate or slate of candidates participates or in which the public question appears on the ballot. The form shall be submitted by means of electronic filing with the registry.
- (b) For a primary, a candidate or slate of candidates shall file a request for exemption not later than the deadline for filing nomination papers and, except as provided in subparagraph 2. of paragraph (c) of this subsection, shall be bound by its terms unless it is rescinded in writing not later than thirty (30) days preceding the primary. For a regular election, a candidate or slate of candidates shall file or rescind in writing a request for exemption not later than sixty (60) days preceding the regular election, except as provided in subparagraph 2. of paragraph (c) of this subsection. For a special election, a candidate or slate of candidates shall file a request for exemption not later than ten (10) days after the candidate or slate of candidates is nominated for a special election and shall be bound by its terms unless it is rescinded in writing not later than thirty (30) days preceding the special election. A political issues committee chair shall file a request for exemption when the committee registers with the registry and shall be bound by its terms unless it is rescinded in writing not later than thirty (30) days preceding the date the issue appears on the ballot.
- (c) 1. A candidate or slate of candidates that revokes a request for exemption in a timely manner shall file all reports required of a candidate intending to raise or spend in excess of three thousand dollars (\$3,000) in an election. To revoke the request for an exemption, the candidate or slate of candidates shall file the appropriate form with the registry not later than the deadline for filing a revocation.
- 2. A candidate or slate of candidates that is exempted from campaign finance reporting requirements pursuant to paragraph (a) of this subsection but who accepts contributions or makes expenditures in excess of the exempted amount in an election, shall file all applicable reports required for the remainder of that election, based upon the amount of contributions or expenditures the candidate or slate of candidates accepts or receives in that election.

- (d) Any candidate or slate of candidates that is subject to a June or August filing deadline and that intends to execute a request for exemption shall file the appropriate request for exemption not later than the filing deadline and, except as provided in subparagraph 2. of paragraph (c) of this subsection, shall be bound by its terms unless it is rescinded in writing not later than sixty (60) days preceding the regular election. A candidate or slate of candidates that is covered by this paragraph shall have the same reversion rights as those provided in subparagraph 1. of paragraph (c) of this subsection.
- (e) Any candidate or slate of candidates that will appear on the ballot in a regular election that has signed a request for exemption for that election may exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection if a candidate or slate of candidates that is subject to a June or August filing deadline subsequently files in opposition to the candidate or slate of candidates. Except as provided in subparagraph 2. of paragraph (c) of this subsection, a candidate or slate of candidates covered by this paragraph shall comply with the deadline for rescission provided in subparagraph 1. of paragraph (c) of this subsection.
- (f) Except as provided in subparagraph 2. of paragraph (c) of this subsection, any candidate or slate of candidates that has filed a request for exemption for a regular election that later is opposed by a person who has filed a declaration of intent to receive write-in votes may rescind the request for exemption and exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection.
- (g) Any candidate or slate of candidates that has filed a request for exemption may petition the registry to determine whether another person is campaigning as a write-in candidate prior to having filed a declaration of intent to receive write-in votes, and, if the registry determines upon a preponderance of the evidence that a person who may later be a write-in candidate is conducting a campaign, the candidate or slate of candidates, except as provided in subparagraph 2. of paragraph (c) of this subsection, may petition the registry to permit the candidate or slate of candidates to exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection.
- (h) If the opponent of a candidate or slate of candidates is replaced due to his or her withdrawal because of death, disability, or disqualification, the candidate or slate of candidates, except as provided in subparagraph 2. of paragraph (c) of this subsection, may exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection not later than fifteen (15) days after the party executive committee nominates a replacement for the withdrawn candidate or slate of candidates.
- (i) A person intending to be a write-in candidate for any office in a regular or special election may execute a request for exemption under paragraph (a) of this subsection and shall be bound by its terms unless it is rescinded in writing not later than fifteen (15) days preceding the regular or special election. A person intending to be a write-in candidate who revokes a request for exemption in a timely manner shall file all reports required of a candidate intending to raise or spend in excess of three thousand dollars (\$3,000) in an election. Except as provided in subparagraph 2. of paragraph (c) of this subsection, a person intending to be a write-in candidate who revokes a request for exemption shall file the appropriate form with the registry.
- (j) Except as provided in subparagraph 2. of paragraph (c) of this subsection, the campaign committee of any candidate or slate of candidates that has filed a request for exemption or a political issues committee whose chair has filed a request for exemption shall be bound by its terms unless it is rescinded in a timely manner.
- (k)
 1. Except as provided in subparagraph 2. of paragraph (c) of this subsection, any candidate, slate of candidates, or political issues committee that is exempt from filing campaign finance reports pursuant to paragraph (a), (d), or (i) of this subsection that accepts contributions or makes expenditures, or whose campaign treasurer accepts contributions or makes expenditures, in excess of the applicable limit in any one (1) election without rescinding the request for exemption in a timely manner shall comply with all applicable reporting requirements and, in lieu of other penalties prescribed by law, pay a fine of not less than five hundred dollars (\$500).
 2. Except as provided in subparagraph 2. of paragraph (c) of this subsection, a candidate, slate of candidates, campaign committee, or political issues committee that is exempt from filing campaign finance reports pursuant to paragraph (a), (d), or (i) of this subsection that knowingly accepts contributions or makes expenditures in excess of the applicable spending limit in any one (1) election without rescinding the request for exemption in a timely manner shall comply with all applicable reporting requirements and shall be guilty of a Class D felony.

- (1)
 1. Any candidate exempt from filing under this subsection for a primary shall file a report described in subsection (4) of this section.
 2. Any candidate exempt from filing under this subsection for a primary who advances to the regular election shall file for an additional exemption under this section for the regular election or the candidate shall no longer be exempt from the filing requirements.
 3. In the event a candidate exempt from filing under this subsection is no longer eligible for the exemption, he or she shall immediately file for a revocation of the exemption under paragraph (c) of this subsection.
- (2)
 - (a) State and county executive committees, and caucus campaign committees shall make a full report, upon a prescribed form, to the registry, of all money, loans, or other things of value, received from any source, and expenditures authorized, incurred, or made, since the date of the last report, including:
 1. For each contribution of any amount made by a permanent committee, the name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;
 2. For other contributions in excess of one hundred dollars (\$100), the full name, address, age if less than the legal voting age, the date of the contribution, the amount of the contribution, and the employer and occupation of each contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
 3. The total amount of cash contributions received during the reporting period; and
 4. A complete statement of expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name and address of each person to whom an expenditure is made in excess of twenty-five dollars (\$25), and the amount, date, and purpose of each expenditure.
 - (b) In addition to the reporting requirements in paragraph (a) of this subsection, the state executive committee of a political party that has established a building fund account under KRS 121.172 shall make a full report, upon a prescribed form, to the registry, of all contributions received from any source, and expenditures authorized, incurred, or made, since the date of the last report for the separate building fund account, including:
 1. For each contribution of any amount made by a corporation, the name and business address of the corporation, the date of the contribution, the amount contributed, and a description of the major business conducted by the corporation;
 2. For other contributions in excess of one hundred dollars (\$100), the full name and address of the contributor, the date of the contribution, the amount of the contribution, and the employer and occupation of each contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
 3. The total amount of cash contributions received during the reporting period; and
 4. A complete statement of expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name and address of each person to whom an expenditure is made in excess of twenty-five dollars (\$25), and the amount, date, and purpose of each expenditure.
 - (c) The report required by paragraph (a) of this subsection shall be made on a semiannual basis if the committee has more than ten thousand dollars (\$10,000) in its campaign fund account, and shall be received by the registry by January 31 and by July 31. The January report shall cover the period from July 1 to December 31. The July report shall cover the period from January 1 to June 30. If the committee has less than ten thousand dollars (\$10,000) in its campaign fund account the report required by paragraph (a) of this subsection shall be made on an annual basis, and shall be received by the registry by January 31. If an individual gives a reportable contribution to a caucus campaign committee or to a state or county executive committee with the intention that the contribution or a portion of the contribution go to a candidate or slate of candidates, the name of the contributor and the sum shall be indicated on the committee report. The report required by paragraph (b) of this subsection relating to a state executive committee's building fund account shall be received by the registry within two (2) business days after the close of each calendar quarter. The receipts and expenditures of funds remitted to each political party under KRS 141.071 to 141.073 shall be separately accounted for and reported to

the registry in the manner required by KRS 121.230. The separate report may be made a separate section within the report required by this subsection to be received by the registry by January 31.

- (3) (a) Except for candidates or slates of candidates, campaign committees, or political issues committees exempted from reporting requirements pursuant to subsection (1) of this section, each campaign treasurer of a candidate, slate of candidates, campaign committee, or political issues committee who accepts contributions or expends, expects to accept contributions or expend, or contracts to expend more than three thousand dollars (\$3,000) in any one (1) election, and each fundraiser who secures contributions in excess of three thousand dollars (\$3,000) in any one (1) election, shall make a full report to the registry, on a form provided or using a format approved by the registry, of all money, loans, or other things of value, received from any source, and expenditures authorized, incurred, and made, since the date of the last report, including:
1. For each contribution of any amount made by a permanent committee, the name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;
 2. For each contribution in excess of one hundred dollars (\$100) made to any candidate or campaign committee or a political issues committee, the full name, address, age if less than the legal voting age, the date of the contribution, the amount of the contribution, and the employer and occupation of each other contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
 3. The total amount of cash contributions received during the reporting period; and
 4. A complete statement of all expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name, address, and occupation of each person to whom an expenditure is made in excess of twenty-five dollars (\$25), and the amount, date, and purpose of each expenditure.
- (b) Reports of all candidates, slates of candidates, campaign committees, political issues committees, and registered fundraisers shall be made as follows:
1. a. Candidates seeking statewide office, slates of candidates, authorized campaign committees for candidates seeking statewide office and for slates of candidates, unauthorized campaign committees, political issues committees, and fundraisers which register before the year of an election in which the candidate, a slate of candidates, or public question shall appear on the ballot, shall file financial reports with the registry at the end of the first calendar quarter after persons become statewide candidates or slates of candidates, or following registration of the committee or fundraiser, and each calendar quarter thereafter, ending with the last calendar quarter of that year. The provisions of this subparagraph shall be retroactive to January 1, 2021;
 - b. All other candidates and candidate campaign committees shall file annual financial reports to be received by the registry on or before December 1 for each year that a candidate is not yet on the ballot but has filed a Statement of Spending Intent and Appointment of Campaign Treasurer with the registry for a future-year election; and
 - c. Candidates, slate of candidates, or committees shall make all reports required by subparagraphs 2. to 5. of this paragraph during the year in which the election takes place;
 2. All candidates, slates of candidates, candidate-authorized and unauthorized campaign committees, political issues committees, and registered fundraisers shall make reports on the sixtieth day preceding a regular election, including all previous contributions and expenditures;
 3. All candidates, slates of candidates, candidate-authorized and unauthorized campaign committees, political issues committees, and registered fundraisers shall make reports on the thirtieth day preceding an election, including all previous contributions and expenditures;
 4. All candidates, slates of candidates, candidate-authorized and unauthorized campaign committees, political issues committees, and registered fundraisers shall make reports on the fifteenth day preceding the date of the election; and

5. All reports to the registry shall cover campaign activity during the entire reporting period and must be received by the registry within two (2) business days after the date the reporting period ends to be deemed timely filed.
- (4) Except for candidates, slates of candidates, and political issues committees, exempted pursuant to subsection (1)(a) of this section, all candidates, regardless of funds received or expended, candidate-authorized and unauthorized campaign committees, political issues committees, and registered fundraisers shall make post-election reports within thirty (30) days after the election. All post-election reports to the registry shall cover campaign activity during the entire reporting period and must be received by the registry within two (2) business days after the date the reporting period ends to be deemed timely filed.
- (5) In making the preceding reports, the total gross receipts from each of the following categories shall be listed: proceeds from the sale of tickets for events such as testimonial affairs, dinners, luncheons, rallies, and similar fundraising events, mass collections made at the events, and sales of items such as campaign pins, buttons, hats, ties, literature, and similar materials. When any individual purchase or the aggregate purchases of any item enumerated above from a candidate or slate of candidates for a statewide-elected state office or a campaign committee for a candidate or slate of candidates for a statewide-elected state office exceeds one hundred dollars (\$100), the purchaser shall be identified by name, address, age, if less than the legal voting age, occupation, and employer or, if the purchaser is self-employed, the name under which he or she is doing business, and the amount of the purchase. When any individual purchase or the aggregate purchases of any item enumerated above from any candidate or campaign committee other than a candidate or slate of candidates for a statewide-elected state office or campaign committee for a candidate or slate of candidates for a statewide-elected state office exceeds one hundred dollars (\$100), the purchaser shall be identified by name, address, age if less than the legal voting age, occupation, and employer or, if the purchaser is self-employed, the name under which he or she is doing business, and the amount of the purchase. The lists shall be maintained by the campaign treasurer, political issues committee treasurer, registered fundraiser, or other sponsor for inspection by the registry for six (6) years following the date of the election.
- (6) Each permanent committee, except a federally registered permanent committee, inaugural committee, or contributing organization shall make a full report to the registry, on a form provided or using a format approved by the registry, of all money, loans, or other things of value, received by it from any source, and all expenditures authorized, incurred, or made, since the date of the last report, including:
 - (a) For each contribution of any amount made by a permanent committee, the name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;
 - (b) For other contributions in excess of one hundred dollars (\$100), the full name, address, age if under the legal voting age, the date of the contribution, the amount of the contribution, and the employer and occupation of each contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
 - (c) An aggregate amount of cash contributions, the amount contributed by each contributor, and the date of each contribution; and
 - (d) A complete statement of all expenditures authorized, incurred, or made, including independent expenditures. This report shall be made by a permanent committee, inaugural committee, or contributing organization to the registry on the last day of the first calendar quarter following the registration of the committee with the registry and on the last day of each succeeding calendar quarter until such time as the committee terminates. A contributing organization shall file a report of contributions received and expenditures on a form provided or using a format approved by the registry not later than the last day of each calendar quarter in which contributions are received or expenditures are made. All reports to the registry shall be received on or before each filing deadline, and any report received by the registry within two (2) business days after each filing deadline shall be deemed timely filed.
- (7) If the final statement of a candidate, campaign committee, or political issues committee shows an unexpended balance of contributions, continuing debts and obligations, or an expenditure deficit, the campaign treasurer shall file with the registry a supplemental statement of contributions and expenditures not more than thirty (30) days after the deadline for filing the final statement. Subsequent supplemental statements shall be filed annually, to be received by the registry by December 1 of each year, until the account shows no unexpended balance, continuing debts and obligations, expenditures, or deficit. All post-election reports to the registry shall cover campaign activity during the entire reporting period and must be received by the registry within two (2)

business days after the date the reporting period ends to be deemed timely filed. All contributions shall be subject to KRS 121.150 as of the date of the election in which the candidate appeared on the ballot.

- (8) All reports filed under the provisions of this chapter shall be a matter of public record open to inspection by any member of the public immediately upon receipt of the report by the registry.
- (9) A candidate or slate of candidates is relieved of the duty personally to file reports and keep records of receipts and expenditures if the candidate or slate states in writing or on forms provided by the registry that:
- (a) Within five (5) business days after personally receiving any contributions, the candidate or slate of candidates shall surrender possession of the contributions to the treasurer of their principal campaign committee without expending any of the proceeds thereof. No contributions shall be commingled with the candidate's or slated candidates' personal funds or accounts. Contributions received by check, money order, or other written instrument shall be endorsed directly to the campaign committee and shall not be cashed or redeemed by the candidate;
 - (b) The candidate or slate of candidates shall not make any unreimbursed expenditure for the campaign, except that this paragraph does not preclude a candidate or slate from making an expenditure from personal funds to the designated principal campaign committee, which shall be reported by the committee as a contribution received; and
 - (c) The waiver shall continue in effect as long as the candidate or slate of candidates complies with the conditions under which it was granted.
- (10) (a) No candidate, slate of candidates, campaign committee, political issues committee, or contributing organization shall use or permit the use of contributions or funds solicited or received for the person or in support of or opposition to a public issue which will appear on the ballot to:
1. Further the candidacy of the person for a different public office;
 2. Support or oppose a different public issue; or
 3. Further the candidacy of any other person for public office.
- (b) Nothing in this subsection shall be deemed to prohibit a candidate or slate of candidates from using funds in a campaign account to purchase admission tickets for, or contribute to, any fundraising event or testimonial affair for another candidate or slate of candidates if the amount of the purchase or contribution does not exceed ***the individual contribution limit contained in KRS 121.150(6) in any one (1) election*** ~~two hundred dollars (\$200) per event or affair~~.
- (c) Any funds or contributions solicited or received by or on behalf of a candidate, slate of candidates, or any committee, which has been organized in whole or in part to further any candidacy for the same person or to support or oppose the same public issue, shall be deemed to have been solicited or received for the current candidacy or for the election on the public issue if the funds or contributions are solicited or received at any time prior to the regular election for which the candidate, slate of candidates, or public issue is on the ballot.
- (d) Any unexpended balance of funds not otherwise obligated for the payment of expenses incurred to further a political issue or the candidacy of a person shall, in whole or in part, at the election of the candidate or committee:
1. Escheat to the State Treasury;
 2. Be returned pro rata to all contributors;
 3. In the case of a partisan candidate, be transferred to:
 - a. A caucus campaign committee; or
 - b. The state or county executive committee of the political party of which the candidate is a member;
 4. Be retained to further the same public issue or to seek election to the same office; or
 5. Be donated to any charitable, nonprofit, or educational institution recognized under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, and any successor thereto, from which the candidate or committee receives no financial benefit.

- (11) If adequate and appropriate agency funds are available to implement this subsection, electronic reporting shall be made available by the registry to all candidates, slates of candidates, committees, contributing organizations, registered fundraisers, and persons making independent expenditures. The electronic report submitted to the registry shall be the official campaign finance report for audit and other legal purposes, whether mandated or filed by choice.
- (12) The date that an electronic or on-line report shall be deemed to have been filed with the registry shall be the date on which it is received by the registry.
- (13) All electronic or online filers shall affirm, under penalty of perjury, that the report filed with the registry is complete and accurate.
- (14) Filers who submit electronic campaign finance reports which are not readable, or cannot be copied shall be deemed to not be in compliance with the requirements set forth in this section.
- (15) Beginning with the primary scheduled in calendar year 2020, and for each subsequent election scheduled thereafter, reports required to be submitted to the registry involving candidates, slates of candidates, committees, contributing organizations, and independent expenditures shall be reported electronically.
- (16) (a) On each form that the registry supplies for the reports required under subsections (2), (3), and (6) of this section, the registry shall include an entry reading, "No change since last report."
 (b) If a person or entity that is required to report under subsection (2), (3), or (6) of this section has received no money, loans, or other things of value from any source since the date of its last report and has not authorized, incurred, or made any expenditures since that date, the person or entity may check or otherwise designate the entry that reads, "No change since last report." A person or entity designating this entry in a report shall state the balance carried forward from the last report but need not specify receipts or expenditures in further detail.

➔Section 9. KRS 121.180 is amended to read as follows:

- (1) (a) 1. *Persons becoming a candidate as defined in subsection (8) of Section 2 of this Act or slate of candidates as defined in subsection (9) of Section 2 of this Act, or a political issues committee as defined in subsection (3)(d) of Section 2 of this Act, shall submit a form prescribed and furnished by the registry indicating whether they intend to raise or spend in excess of five thousand dollars (\$5,000) in any one (1) election, or that contributions will not be accepted or expended in excess of five thousand dollars (\$5,000) in any one (1) election. Candidates and slates of candidates shall submit this form to the registry within five (5) days of receiving contributions or making expenditures with a view to bringing about his or her nomination or election to public office, or within five (5) days of filing papers to run for public office, whichever is sooner. Candidates and slates of candidates who advance to a regular election following a primary shall submit this form to the registry within five (5) days after the date of the primary. Political issues committees shall submit the form to the registry within five (5) days of meeting the definition of political issues committee in subsection (3)(d) of Section 2 of this Act.*
~~Any candidate, slate of candidates, or political issues committee shall be exempt from filing any campaign finance reports required by subsections (3) and (4) of this section if the candidate, slate of candidates, or political issues committee chair files a form prescribed and furnished by the registry stating that currently no contributions have been received and that contributions will not be accepted or expended in excess of three thousand dollars (\$3,000) in any one (1) election.~~
- 2. *Each candidate, slate of candidates, or political issues committee indicating that contributions will not be accepted or expended in excess of five thousand dollars (\$5,000) in any one (1) election shall be exempt from filing any campaign finance reports required by subsection (3) of this section.*
- 3. A separate form shall be required for each primary, regular, or special election in which the candidate or slate of candidates participates or in which the public question appears on the ballot. The form shall be submitted by means of electronic filing with the registry.
- 4. *Any person acting as a candidate or slate of candidates by receiving contributions or making expenditures with a view to bringing about his or her nomination or election to public office, or filing papers to run for public office, or group of persons acting as a political issues committee, who fails to file this form as required, or who fails to remedy a deficiency within*

five (5) days, may be fined by the registry an amount not to exceed two hundred dollars (\$200) per day, up to a maximum total fine of five thousand dollars (\$5,000).

- (b) For a primary, a candidate or slate of candidates shall file a request for exemption not later than the deadline *described in paragraph (a) of this subsection* for filing nomination papers and, except as provided in subparagraph 2. of paragraph (c) of this subsection, shall be bound by its terms unless it is rescinded in writing not later than thirty (30) days preceding the primary. For a regular election, a candidate or slate of candidates shall file or rescind in writing a request for exemption not later than sixty (60) days preceding the regular election, except as provided in subparagraph 2. of paragraph (c) of this subsection. For a special election, a candidate or slate of candidates shall file a request for exemption not later than ten (10) days after the candidate or slate of candidates is nominated for a special election and shall be bound by its terms unless it is rescinded in writing not later than thirty (30) days preceding the special election. A political issues committee chair shall file a request for exemption when the committee registers with the registry and shall be bound by its terms unless it is rescinded in writing not later than thirty (30) days preceding the date the issue appears on the ballot.
- (c)
 - 1. A candidate or slate of candidates that revokes a request for exemption in a timely manner shall file all reports required of a candidate intending to raise or spend in excess of *five thousand dollars (\$5,000)* ~~three thousand dollars (\$3,000)~~ in an election. To revoke the request for an exemption, the candidate or slate of candidates shall file the appropriate form with the registry not later than the deadline for filing a revocation.
 - 2. A candidate or slate of candidates that is exempted from campaign finance reporting requirements pursuant to paragraph (a) of this subsection but who accepts contributions or makes expenditures in excess of the exempted amount in an election, shall file all applicable reports required for the remainder of that election, based upon the amount of contributions or expenditures the candidate or slate of candidates accepts or receives in that election.
- (d) Any candidate or slate of candidates that is subject to a June or August filing deadline and that intends to execute a request for exemption shall file the appropriate request for exemption not later than the ~~filing~~ deadline *described in paragraph (a) of this subsection* and, except as provided in subparagraph 2. of paragraph (c) of this subsection, shall be bound by its terms unless it is rescinded in writing not later than sixty (60) days preceding the regular election. A candidate or slate of candidates that is covered by this paragraph shall have the same reversion rights as those provided in subparagraph 1. of paragraph (c) of this subsection.
- (e) Any candidate or slate of candidates that will appear on the ballot in a regular election that has signed a request for exemption for that election may exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection if a candidate or slate of candidates that is subject to a June or August filing deadline subsequently files in opposition to the candidate or slate of candidates. Except as provided in subparagraph 2. of paragraph (c) of this subsection, a candidate or slate of candidates covered by this paragraph shall comply with the deadline for rescission provided in subparagraph 1. of paragraph (c) of this subsection.
- (f) Except as provided in subparagraph 2. of paragraph (c) of this subsection, any candidate or slate of candidates that has filed a request for exemption for a regular election that later is opposed by a person who has filed a declaration of intent to receive write-in votes may rescind the request for exemption and exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection.
- (g) Any candidate or slate of candidates that has filed a request for exemption may petition the registry to determine whether another person is campaigning as a write-in candidate prior to having filed a declaration of intent to receive write-in votes, and, if the registry determines upon a preponderance of the evidence that a person who may later be a write-in candidate is conducting a campaign, the candidate or slate of candidates, except as provided in subparagraph 2. of paragraph (c) of this subsection, may petition the registry to permit the candidate or slate of candidates to exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection.
- (h) If the opponent of a candidate or slate of candidates is replaced due to his or her withdrawal because of death, disability, or disqualification, the candidate or slate of candidates, except as provided in subparagraph 2. of paragraph (c) of this subsection, may exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection not later than fifteen (15) days after the party executive committee nominates a replacement for the withdrawn candidate or slate of candidates.

- (i) A person intending to be a write-in candidate for any office in a regular or special election may execute a request for exemption under paragraph (a) of this subsection and shall be bound by its terms unless it is rescinded in writing not later than fifteen (15) days preceding the regular or special election. A person intending to be a write-in candidate who revokes a request for exemption in a timely manner shall file all reports required of a candidate intending to raise or spend in excess of *five thousand dollars (\$5,000)* ~~three thousand dollars (\$3,000)~~ in an election. Except as provided in subparagraph 2. of paragraph (c) of this subsection, a person intending to be a write-in candidate who revokes a request for exemption shall file the appropriate form with the registry.
- (j) Except as provided in subparagraph 2. of paragraph (c) of this subsection, the campaign committee of any candidate or slate of candidates that has filed a request for exemption or a political issues committee whose chair has filed a request for exemption shall be bound by its terms unless it is rescinded in a timely manner.
- (k)
 1. Except as provided in subparagraph 2. of paragraph (c) of this subsection, any candidate, slate of candidates, or political issues committee that is exempt from filing campaign finance reports pursuant to paragraph (a), (d), or (i) of this subsection that accepts contributions or makes expenditures, or whose campaign treasurer accepts contributions or makes expenditures, in excess of the applicable limit in any one (1) election without rescinding the request for exemption in a timely manner shall comply with all applicable reporting requirements and, in lieu of other penalties prescribed by law, pay a fine of not less than five hundred dollars (\$500).
 2. Except as provided in subparagraph 2. of paragraph (c) of this subsection, a candidate, slate of candidates, campaign committee, or political issues committee that is exempt from filing campaign finance reports pursuant to paragraph (a), (d), or (i) of this subsection that knowingly accepts contributions or makes expenditures in excess of the applicable spending limit in any one (1) election without rescinding the request for exemption in a timely manner shall comply with all applicable reporting requirements and shall be guilty of a Class D felony.
- (l)
 1. Any candidate exempt from filing under this subsection for a primary shall file a report described in subsection (4) of this section.
 2. Any candidate exempt from filing under this subsection for a primary who advances to the regular election shall file for an additional exemption under this section for the regular election or the candidate shall no longer be exempt from the filing requirements.
 3. In the event a candidate exempt from filing under this subsection is no longer eligible for the exemption, he or she shall immediately file for a revocation of the exemption under paragraph (c) of this subsection.
- (2) (a) State and county executive committees, and caucus campaign committees shall make a full report, upon a prescribed form, to the registry, of all money, loans, or other things of value, received from any source, and expenditures authorized, incurred, or made, since the date of the last report, including:
 1. For each contribution of any amount made by a permanent committee, the name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;
 2. For other contributions in excess of one hundred dollars (\$100), the full name, address, age if less than the legal voting age, the date of the contribution, the amount of the contribution, and the employer and occupation of each contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
 3. The total amount of cash contributions received during the reporting period; and
 4. A complete statement of expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name and address of each person to whom an expenditure is made in excess of twenty-five dollars (\$25), and the amount, date, and purpose of each expenditure.
- (b) In addition to the reporting requirements in paragraph (a) of this subsection, the state executive committee of a political party that has established a building fund account under KRS 121.172 shall make a full report, upon a prescribed form, to the registry, of all contributions received from any source, and expenditures authorized, incurred, or made, since the date of the last report for the separate building fund account, including:

1. For each contribution of any amount made by a corporation, the name and business address of the corporation, the date of the contribution, the amount contributed, and a description of the major business conducted by the corporation;
 2. For other contributions in excess of one hundred dollars (\$100), the full name and address of the contributor, the date of the contribution, the amount of the contribution, and the employer and occupation of each contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
 3. The total amount of cash contributions received during the reporting period; and
 4. A complete statement of expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name and address of each person to whom an expenditure is made in excess of twenty-five dollars (\$25), and the amount, date, and purpose of each expenditure.
- (c) The report required by paragraph (a) of this subsection shall be made on a semiannual basis if the committee has more than ten thousand dollars (\$10,000) in its campaign fund account, and shall be received by the registry by January 31 and by July 31. The January report shall cover the period from July 1 to December 31. The July report shall cover the period from January 1 to June 30. If the committee has less than ten thousand dollars (\$10,000) in its campaign fund account the report required by paragraph (a) of this subsection shall be made on an annual basis, and shall be received by the registry by January 31. If an individual gives a reportable contribution to a caucus campaign committee or to a state or county executive committee with the intention that the contribution or a portion of the contribution go to a candidate or slate of candidates, the name of the contributor and the sum shall be indicated on the committee report. The report required by paragraph (b) of this subsection relating to a state executive committee's building fund account shall be received by the registry within two (2) business days after the close of each calendar quarter. The receipts and expenditures of funds remitted to each political party under KRS 141.071 to 141.073 shall be separately accounted for and reported to the registry in the manner required by KRS 121.230. The separate report may be made a separate section within the report required by this subsection to be received by the registry by January 31.
- (3) (a) Except for candidates or slates of candidates, campaign committees, or political issues committees exempted from reporting requirements pursuant to subsection (1) of this section, each campaign treasurer of a candidate, slate of candidates, campaign committee, or political issues committee who accepts contributions or expends, expects to accept contributions or expend, or contracts to expend more than **five thousand dollars (\$5,000)**~~three thousand dollars (\$3,000)~~ in any one (1) election, and each fundraiser who secures contributions in excess of **five thousand dollars (\$5,000)**~~three thousand dollars (\$3,000)~~ in any one (1) election, shall make a full report to the registry, on a form provided or using a format approved by the registry, of all money, loans, or other things of value, received from any source, and expenditures authorized, incurred, and made, since the date of the last report, including:
1. For each contribution of any amount made by a permanent committee, the name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;
 2. For each contribution in excess of one hundred dollars (\$100) made to any candidate or campaign committee or a political issues committee, the full name, address, age if less than the legal voting age, the date of the contribution, the amount of the contribution, and the employer and occupation of each other contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
 3. The total amount of cash contributions received during the reporting period; and
 4. A complete statement of all expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name, address, and occupation of each person to whom an expenditure is made in excess of twenty-five dollars (\$25), and the amount, date, and purpose of each expenditure.
- (b) Reports of all candidates, slates of candidates, campaign committees, **independent expenditure-only committees**, political issues committees, and registered fundraisers shall be made as follows:
1. a. Candidates seeking statewide office, slates of candidates,~~authorized~~ campaign committees for candidates seeking statewide office and for slates of candidates,

- independent expenditure-only committees*~~[unauthorized campaign committees]~~, political issues committees, and fundraisers which *file the form described in subsection (1)(a) of this section*~~[register]~~ before the year of an election in which the candidate, a slate of candidates, or public question shall appear on the ballot, shall file financial reports with the registry at the end of the first calendar quarter after persons become statewide candidates or slates of candidates, or following registration of the committee or fundraiser, and each calendar quarter thereafter, ending with the last calendar quarter of that year. The provisions of this subparagraph shall be retroactive to January 1, 2021;
- b. All other candidates and~~[candidate]~~ campaign committees shall file annual financial reports to be received by the registry on or before December 1 for each year that a candidate is not yet on the ballot but has filed a *form as described in subsection (1)(a) of this section*~~[Statement of Spending Intent and Appointment of Campaign Treasurer]~~ with the registry for a future-year election; and
 - c. Candidates, slate of candidates, or committees shall make all reports required by subparagraphs 2. to 5. of this paragraph during the year in which the election takes place;
2. All candidates, slates of candidates,~~[candidate authorized and unauthorized]~~ campaign committees, *independent expenditure-only committees*, political issues committees, and registered fundraisers shall make reports on the sixtieth day preceding a regular election, including all previous contributions and expenditures;
 3. All candidates, slates of candidates,~~[candidate authorized and unauthorized]~~ campaign committees, *independent expenditure-only committees*, political issues committees, and registered fundraisers shall make reports on the thirtieth day preceding an election, including all previous contributions and expenditures;
 4. All candidates, slates of candidates,~~[candidate authorized and unauthorized]~~ campaign committees, *independent expenditure-only committees*, political issues committees, and registered fundraisers shall make reports on the fifteenth day preceding the date of the election; and
 5. All reports to the registry shall cover campaign activity during the entire reporting period and must be received by the registry within two (2) business days after the date the reporting period ends to be deemed timely filed.
- (4) ~~[Except for candidates, slates of candidates, and political issues committees, exempted pursuant to subsection (1)(a) of this section,]~~All candidates, regardless of funds received or expended,~~[candidate authorized and unauthorized]~~ campaign committees, *independent expenditure-only committees*, political issues committees, and registered fundraisers shall make post-election reports within thirty (30) days after the election. All post-election reports to the registry shall cover campaign activity during the entire reporting period and must be received by the registry within two (2) business days after the date the reporting period ends to be deemed timely filed. *For candidates, slates of candidates, and political issues committees otherwise exempt under subsection (1)(a) of this section, the reporting period begins the day the request for exemption is filed with the registry and continues through the thirtieth day after the election.*
 - (5) In making the preceding reports, the total gross receipts from each of the following categories shall be listed: proceeds from the sale of tickets for events such as testimonial affairs, dinners, luncheons, rallies, and similar fundraising events, mass collections made at the events, and sales of items such as campaign pins, buttons, hats, ties, literature, and similar materials. When any individual purchase or the aggregate purchases of any item enumerated above from a candidate or slate of candidates for a statewide-elected state office or a campaign committee for a candidate or slate of candidates for a statewide-elected state office exceeds one hundred dollars (\$100), the purchaser shall be identified by name, address, age, if less than the legal voting age, occupation, and employer or, if the purchaser is self-employed, the name under which he or she is doing business, and the amount of the purchase. When any individual purchase or the aggregate purchases of any item enumerated above from any candidate or campaign committee other than a candidate or slate of candidates for a statewide-elected state office or campaign committee for a candidate or slate of candidates for a statewide-elected state office exceeds one hundred dollars (\$100), the purchaser shall be identified by name, address, age if less than the legal voting age, occupation, and employer or, if the purchaser is self-employed, the name under which he or she is doing business, and the amount of the purchase. The lists shall be maintained by the campaign treasurer, political issues committee treasurer, registered fundraiser, or other sponsor for inspection by the registry for six (6) years following the date of the election.

- (6) Each permanent committee, except a federally registered ~~political~~ ~~permanent~~ committee *as defined in 52 U.S.C. sec. 30101(4)(a)*, inaugural committee, or contributing organization shall make a full report to the registry, on a form provided or using a format approved by the registry, of all money, loans, or other things of value, received by it from any source, and all expenditures authorized, incurred, or made, since the date of the last report, including:
- (a) For each contribution of any amount made by a permanent committee, the name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;
 - (b) For other contributions in excess of one hundred dollars (\$100), the full name, address, age if under the legal voting age, the date of the contribution, the amount of the contribution, and the employer and occupation of each contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
 - (c) An aggregate amount of cash contributions, the amount contributed by each contributor, and the date of each contribution; and
 - (d) A complete statement of all expenditures authorized, incurred, or made, including independent expenditures. This report shall be made by a permanent committee, inaugural committee, or contributing organization to the registry on the last day of the first calendar quarter following the registration of the committee with the registry and on the last day of each succeeding calendar quarter until such time as the committee terminates. A contributing organization shall file a report of contributions received and expenditures on a form provided or using a format approved by the registry not later than the last day of each calendar quarter in which contributions are received or expenditures are made. All reports to the registry shall be received on or before each filing deadline, and any report received by the registry within two (2) business days after each filing deadline shall be deemed timely filed.
- (7) If the final statement of a candidate, campaign committee, *independent expenditure-only committee*, or political issues committee shows an unexpended balance of contributions, continuing debts and obligations, or an expenditure deficit, the campaign treasurer shall file with the registry a supplemental statement of contributions and expenditures not more than thirty (30) days after the deadline for filing the final statement. Subsequent supplemental statements shall be filed annually, to be received by the registry by December 1 of each year, until the account shows no unexpended balance, continuing debts and obligations, expenditures, or deficit. All post-election reports to the registry shall cover campaign activity during the entire reporting period and must be received by the registry within two (2) business days after the date the reporting period ends to be deemed timely filed. All contributions shall be subject to KRS 121.150 as of the date of the election in which the candidate appeared on the ballot.
- (8) All reports filed under the provisions of this chapter shall be a matter of public record open to inspection by any member of the public immediately upon receipt of the report by the registry.
- (9) A candidate or slate of candidates is relieved of the duty personally to file reports and keep records of receipts and expenditures if the candidate or slate states in writing or on forms provided by the registry that:
- (a) Within five (5) business days after personally receiving any contributions, the candidate or slate of candidates shall surrender possession of the contributions to the treasurer of their ~~principal~~ campaign committee without expending any of the proceeds thereof. No contributions shall be commingled with the candidate's or slated candidates' personal funds or accounts. Contributions received by check, money order, or other written instrument shall be endorsed directly to the campaign committee and shall not be cashed or redeemed by the candidate;
 - (b) The candidate or slate of candidates shall not make any unreimbursed expenditure for the campaign, except that this paragraph does not preclude a candidate or slate from making an expenditure from personal funds to the designated ~~principal~~ campaign committee, which shall be reported by the committee as a contribution received; and
 - (c) The waiver shall continue in effect as long as the candidate or slate of candidates complies with the conditions under which it was granted.
- (10) (a) No candidate, slate of candidates, campaign committee, *independent expenditure-only committee*, political issues committee, or contributing organization shall use or permit the use of contributions or

funds solicited or received for the person or in support of or opposition to a public issue which will appear on the ballot to:

1. Further the candidacy of the person for a different public office;
 2. Support or oppose a different public issue; or
 3. Further the candidacy of any other person for public office.
- (b) Nothing in this subsection shall be deemed to prohibit a candidate or slate of candidates from using funds in a campaign account to purchase admission tickets for, or contribute to, any fundraising event or testimonial affair for another candidate or slate of candidates if the amount of the purchase or contribution does not exceed ***the individual contribution limit contained in KRS 121.150(6) in any one (1) election***~~two hundred dollars (\$200) per event or affair~~.
- (c) Any funds or contributions solicited or received by or on behalf of a candidate, slate of candidates, or any committee, which has been organized in whole or in part to further any candidacy for the same person or to support or oppose the same public issue, shall be deemed to have been solicited or received for the current candidacy or for the election on the public issue if the funds or contributions are solicited or received at any time prior to the regular election for which the candidate, slate of candidates, or public issue is on the ballot.
- (d) Any unexpended balance of funds not otherwise obligated for the payment of expenses incurred to further a political issue or the candidacy of a person shall, in whole or in part, at the election of the candidate or committee:
1. Escheat to the State Treasury;
 2. Be returned pro rata to all contributors;
 3. In the case of a partisan candidate, be transferred to:
 - a. A caucus campaign committee; or
 - b. The state or county executive committee of the political party of which the candidate is a member;
 4. Be retained to further the same public issue or to seek election to the same office; or
 5. Be donated to any charitable, nonprofit, or educational institution recognized under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, and any successor thereto, from which the candidate or committee receives no financial benefit.
- (11) If adequate and appropriate agency funds are available to implement this subsection, electronic reporting shall be made available by the registry to all candidates, slates of candidates, committees, contributing organizations, registered fundraisers, and persons making independent expenditures. The electronic report submitted to the registry shall be the official campaign finance report for audit and other legal purposes, whether mandated or filed by choice.
- (12) The date that an electronic or on-line report shall be deemed to have been filed with the registry shall be the date on which it is received by the registry.
- (13) All electronic or online filers shall affirm, under penalty of perjury, that the report filed with the registry is complete and accurate.
- (14) Filers who submit electronic campaign finance reports which are not readable, or cannot be copied shall be deemed to not be in compliance with the requirements set forth in this section.
- (15) Beginning with the primary scheduled in calendar year 2020, and for each subsequent election scheduled thereafter, reports required to be submitted to the registry involving candidates, slates of candidates, committees, contributing organizations, and independent expenditures shall be reported electronically.
- (16) (a) On each form that the registry supplies for the reports required under subsections (2), (3), and (6) of this section, the registry shall include an entry reading, "No change since last report."
- (b) If a person or entity that is required to report under subsection (2), (3), or (6) of this section has received no money, loans, or other things of value from any source since the date of its last report and has not authorized, incurred, or made any expenditures since that date, the person or entity may check or otherwise designate the entry that reads, "No change since last report." A person or entity designating

this entry in a report shall state the balance carried forward from the last report but need not specify receipts or expenditures in further detail.

➔Section 10. KRS 121.190 is amended to read as follows:

- (1) All newspaper or magazine advertising, posters, circulars, billboards, handbills, sample ballots, and paid-for television or radio announcements which expressly advocate the election or defeat of a clearly identified candidate, slate of candidates, or group of candidates for nomination or election to any public office shall be identified by the words "paid for by" followed by the name and address of the individual or committee which paid for the communication; except that if paid for by a candidate, slate of candidates, or campaign committee, it shall be identified only by the words "paid for by" followed by the name of the candidate, slate of candidates, or campaign committee, whichever is applicable. For television and radio broadcasts, compliance with Federal Communications Commission regulations regarding sponsored programs and broadcasts by candidates for public office shall be considered compliance with this section.
- (2) *The disclaimer described in subsection (1) of this section shall appear and be presented in a clear and conspicuous manner to give the reader or observer adequate notice of the identity of the purchaser of the communication. A disclaimer does not comply with this section if the disclaimer is difficult to read or if the placement of the disclaimer is easily overlooked.*
- (3) *The provisions of subsection (1) of this section shall not apply to:*
 - (a) *Any news articles, editorial endorsements, opinion, or commentary writings, or letter to the editor printed in a newspaper, magazine, flyer, pamphlet, or other periodical not owned or controlled by a candidate or committee;*
 - (b) *Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate or committee;*
 - (c) *Any communication by a person made in the regular course and scope of the person's business or any communication made by a membership organization solely to members of the organization and the members' families; and*
 - (d) *Any communication that refers to any candidate only as part of the popular name of a bill or statute.*
- (4)
 - (a) *A person shall not use, cause or permit to be used, or continue to use any published, distributed, or broadcast political advertising containing express advocacy that the person knows does not include the disclosure required by subsection (1) of this section. A person is presumed to know that the use of political advertising is prohibited by this subsection if the registry notifies the person in writing that the use is prohibited.*
 - (b) *A person who learns that political advertising signs that have been distributed do not include the disclosure required by subsection (1) of this section or include a disclosure that does not comply with subsection (1) of this section does not commit a violation of this subsection if the person makes a good-faith attempt to remove or correct those signs within forty-eight (48) hours and provides the registry with proof of correction.*
- (5) The management of newspapers and magazines shall keep a one (1) year record of all statements, articles, or advertisements referred to in subsection (1) of this section, that appear in their publications, however, nothing in subsection (1) of this section shall be construed to require editors or editorial writers of newspapers and magazines to identify themselves in the manner therein required with any article or editorial written by them as part of their duties as an employee or employer.

➔Section 11. KRS 121.210 is amended to read as follows:

- (1) Each candidate or slate of candidates may designate one (1) central campaign committee as a ~~candidate-authorized~~ campaign committee. If so designated, the central campaign committee shall receive all reports made by any other campaign committee authorized in writing by the candidate or slate of candidates to accept contributions or make expenditures for the purpose of influencing the nomination for election, or election, of the candidate or slate of candidates who designated a central campaign committee.
- (2) Each statement or report which a ~~candidate-authorized~~ **campaign** committee is required to file with or furnish to the registry shall, if that committee is not a central campaign committee, be furnished instead to the central campaign committee for the candidate on whose behalf that committee is, or is established for the purpose of, accepting contributions or making expenditures.

- (3) Each central campaign committee shall receive all reports and statements filed with or furnished to it by other ~~candidate authorized~~ **campaign** committees, and shall consolidate and furnish the reports and statements to the registry, together with its own reports and statements as prescribed by KRS 121.180.

~~{(4) A campaign committee not authorized by, or which has been disavowed by the candidate, shall not include the name of the candidate as part of the committee's name and shall file the reports and statements with the registry as prescribed in KRS 121.180 as an unauthorized campaign committee.}~~

➔Section 12. KRS 121.230 is amended to read as follows:

- (1) (a) No state or local governing authority of a political party to which funds are remitted under KRS 141.071 to 141.073 shall use such funds other than in support of the party's candidates in a general election and for the administrative costs of maintaining a political party headquarters.
- (b) ***Permissible expenditures for the administrative costs of maintaining a political party headquarters shall be limited to payments for or purchases of:***
1. ***Leases, mortgages, insurance, property taxes, and legal expenses;***
 2. ***Appliances and fixtures;***
 3. ***Utilities, pest control, lawn care, security, cleaning, trash removal, and necessary equipment and supplies related thereto;***
 4. ***Equipment for internet, telephone, cable or satellite television, or other communications services;***
 5. ***Major and minor repairs to the political party headquarters, including but not limited to the facility's roof, foundation, and structure, and to the facility's plumbing, HVAC, and electrical systems; and***
 6. ***Office supplies, including but not limited to desks, chairs, computers, printers, copiers, paper, and ink.***
- (2) Each state or local governing authority of a political party to which funds are remitted under KRS 141.071 to 141.073 shall deposit such funds in a bank account and shall report the amount of such funds received as a separate entry on its committee report. All expenditures from such remitted funds shall be by check. A copy of each canceled check written on the account of funds remitted under KRS 141.071 to 141.073 shall be retained by the state or local governing authority of the political party for a period of not less than four (4) years.
- (3) The designated official of each state or local governing authority of a political party to which funds are remitted under KRS 141.071 to 141.073 shall maintain a current record of the receipts, balance, and expenditures of the funds so remitted. In addition, the official shall, by January 31 each year, forward to the Registry of Election Finance a report of:
- (a) The unexpended and unobligated balance of such remitted funds; and
 - (b) An itemized listing of each expenditure authorized, incurred or made from such remitted funds, indicating the amount, date, and purpose of each expenditure, regardless of the amount, and the name, address, and occupation of each person to whom an expenditure of fifty dollars (\$50) or more was made, since the date of the last report.
- (4) The reports required by subsection (3) of this section shall be a matter of public record open to inspection by any member of the public immediately upon receipt of the report by the registry.
- (5) The Registry of Election Finance may annually audit the accounts and records of receipts and expenditures of funds in the amount of one thousand five hundred dollars (\$1,500) or less that are remitted to each state or local governing authority of a political party under KRS 141.071 to 141.073. The registry shall annually audit the accounts and records of receipts and expenditures of funds in the amount of more than one thousand five hundred dollars (\$1,500) that are remitted to each state or local governing authority of a political party under KRS 141.071 to 141.073. The registry shall report the results of each audit conducted to the General Assembly. In the course of such audits, the registry or its authorized agents may ascertain the amount of such remitted funds on deposit in the separate bank account, required by subsection (2) of this section, of the political party audited and may audit the account on the books of the bank. No bank shall be liable for making available to the registry any of the information required under this section.

➔Section 13. KRS 121.990 is amended to read as follows:

- (1) Any corporation or any officer, agent, attorney, or employee of a corporation, who knowingly violates any of the provisions of KRS 121.025, shall be fined not more than ten thousand dollars (\$10,000), and, in the case of individuals, be guilty of a Class D felony.
- (2) Any corporation that knowingly violates any of the provisions of KRS 121.035(1) or KRS 121.310(2) shall be fined not more than ten thousand dollars (\$10,000) for each offense, and upon conviction its charter shall be forfeited or its authority to do business revoked.
- (3) Any person who knowingly violates any of the provisions of KRS 121.035(2), 121.045, 121.055, 121.150 to 121.230, 121.310(1), or 121.320 shall, for each offense, be guilty of a Class D felony. Violations of KRS 121.150 to 121.230 shall include, but shall not be limited to, any of the following acts or omissions:
 - (a) Failure to make required reports or to file reports at times specified;
 - (b) Making any false statement or report;
 - (c) Giving money under a fictitious name; or
 - (d) Making any communication in violation of KRS 121.190(1).
- (4) The nomination for, or election to, an office of any candidate or slate of candidates who knowingly violates any provision of KRS 121.150 to 121.220, or whose campaign treasurer knowingly violates any provision of KRS 121.150 to 121.220, with the knowledge of that candidate or slate of candidates, shall be void, and, upon a final judicial determination of guilt, the office shall be declared vacant and the officeholder shall forfeit all benefits which he would have been entitled to receive had he continued to serve, and the office or candidacy shall be filled as provided by law for the filling of a vacancy. An action to declare a vacancy under this subsection may be brought by the registry, the Attorney General, any candidate or slate of candidates for the office sought to be declared vacant, or any qualified voter.
- (5) The Attorney General, Commonwealth's attorney, the registry, or any qualified voter may sue for injunctive relief to compel compliance with the provisions of KRS 121.056 and KRS 121.120 to 121.230.
- (6) The Commonwealth's attorney or county attorney for the county in which the candidate or slated candidates reside shall be the chief prosecutor upon receipt of a written request from the registry and shall prosecute any violator under this chapter. In the event he fails or refuses to prosecute a violator, upon written request from the registry, the Attorney General shall appoint a special prosecutor with full authority to carry out the provisions of this section.
- (7) Any officeholder who knowingly violates the provisions of KRS 121.150(12) shall, upon a final judicial determination of guilt, have his office declared vacant and shall forfeit all benefits which he would have been entitled to receive had he continued to serve.
- (8) Any Governor or any gubernatorial appointee who knowingly appoints, approves the appointment, or participates in the appointing of any person to any appointive state office or position in violation of KRS 121.056(1) shall be guilty of a Class D felony and, upon a final judicial determination of guilt, have his office declared vacant and shall forfeit all benefits which he would have been entitled to receive had he continued to serve.
- (9) Any person who knowingly receives an appointment to any appointive state office or position in violation of KRS 121.056(1) shall be guilty of a Class D felony and, upon a final judicial determination of guilt, have his office declared vacant, forfeit all benefits which he would have been entitled to receive, and shall be ineligible to receive an appointment to a state office or position for a period of five (5) years from the date of a final judicial determination of guilt.
- (10) Any elected or appointed state officeholder who knowingly awards or participates in the awarding of a contract with the Commonwealth of Kentucky to a person or entity in violation of KRS 121.056(2) shall be guilty of a Class D felony and, upon a final judicial determination of guilt, have his office declared vacant and shall forfeit all benefits which he would have been entitled to receive had he continued to serve.
- (11) Any person or entity who knowingly receives a contract with the Commonwealth of Kentucky in violation of KRS 121.056(2) shall be guilty of a Class D felony. Upon conviction, the contract shall be canceled, and the person or entity convicted shall be ineligible to receive a contract with the Commonwealth of Kentucky for a period of five (5) years from the date of a final judicial determination of guilt.
- (12) Any person who knowingly violates any of the provisions of KRS 121.056(3) shall be guilty of a Class D felony.

- (13) Any person who knowingly fails to pay a civil penalty, assessed by the registry or a judicial panel pursuant to KRS 121.140 for violation of campaign finance laws, shall be disqualified from filing for public office until such penalty is paid or the registry rules that settlement has otherwise been made.
- (14) Any elected official who knowingly awards or participates in the awarding of a nonbid contract or whose appointee knowingly awards or participates in the awarding of a nonbid contract in violation of KRS 121.330(1) shall be guilty of a Class D felony and, upon a final judicial determination of guilt, have his office declared vacant and shall forfeit all benefits which he would have been entitled to receive had he continued to serve.
- (15) Any entity who knowingly receives a nonbid contract with a governing authority in violation of KRS 121.330(2) shall be guilty of a Class D felony. Upon conviction, the nonbid contract shall be canceled, and the entity convicted shall be ineligible to receive a nonbid contract with a governing authority for a period of five (5) years from the date of final judicial determination of guilt.
- (16) Any elected official who knowingly awards or participates in awarding of a nonbid contract, lease, or appointment to an office or board or whose appointee knowingly awards or participates in the awarding of a nonbid contract, lease, or appointment to an office or board in violation of KRS 121.330(3) shall be guilty of a Class D felony and, upon a final judicial determination of guilt, have his office declared vacant and shall forfeit all benefits which he would have been entitled to receive had he continued to serve.
- (17) (a) Any fundraiser who knowingly receives a nonbid contract, lease, or appointment to an office or board or any entity in which he has an interest who knowingly receives a nonbid contract or lease in violation of KRS 121.330(4) shall be guilty of a Class D felony;
- (b) Any immediate family member, employer, or employee of a fundraiser who knowingly receives a nonbid contract, lease, or appointment to an office or board in violation of KRS 121.330(4) shall be guilty of a Class D felony; and
- (c) Upon conviction, the nonbid contract, lease, or appointment shall be canceled, and the person or entity convicted shall be ineligible to receive a nonbid contract, lease, or appointment with a governing authority for a period of five (5) years from the date of a final judicial determination of guilt.
- (18) Any appointed or elected state office holder or any other person who knowingly violates the provisions of KRS 121.120(5) shall be guilty of a Class D felony. In the event a candidate has assumed office, upon a final judicial determination of guilt, his office shall be declared vacant and he shall forfeit all benefits which he would have been entitled to receive had he continued to serve.
- (19) Any person who knowingly violates the provisions of KRS 121.065(1) shall be guilty of a Class A misdemeanor.
- (20) *Any candidate, slate of candidates, or committee that fails to comply with requests from the registry for records necessary to conduct audits pursuant to KRS 121.120 and Section 12 of this Act within ninety (90) days after the registry's request shall, unless the failure is due to reasonable cause as defined in subsection (19) of Section 2 of this Act, be fined not less than one thousand dollars (\$1,000) and no more than ten thousand dollars (\$10,000) for each full month of noncompliance. The fine shall begin on the first day of the month beginning after the expiration of the ninety (90) days.*

➔Section 14. KRS 67C.135 is amended to read as follows:

- (1) After certification of the election at which the voters of a county containing a city of the first class have approved the consolidation of a city of the first class and the county and after receipt of the 2000 census data, a plan to divide the county into twenty-six (26) legislative council districts shall be submitted to the fiscal court in order to establish the initial boundaries of the legislative council districts for the newly consolidated government.
- (2) The district plan for the legislative council shall be prepared and submitted by representatives of a department of geography from the largest public university that exists within the county.
- (3) Upon submission of the plan that lays out the initial boundaries of the legislative council districts, the fiscal court shall approve the plan within thirty (30) days as submitted and without amendment.
- (4) The boundaries of the districts shall be drawn so that the districts are compact and contiguous, and the population of each district shall be as nearly equal as is reasonably possible.

- (5) Thereafter, and not less than every ten (10) years, the legislative council shall initiate reapportionment proceedings in May of the first year following the decennial census of the United States to review the districts and reapportion them if necessary.
- (6) To initiate a reapportionment proceeding, the legislative council shall publish notice of the planned reapportionment in accordance with KRS Chapter 424.
- (7) In no event shall districts be reapportioned during the period from thirty (30) days prior to the last date for filing for candidacy for local government office as provided in KRS 118.165 and the regular election for candidates for local government office.
- (8) Precinct lines shall be drawn when necessary in accordance with the provisions of law. No precinct shall be in more than one (1) district.
- (9) Within twenty (20) days of the establishment of the districts by the legislative council, any registered voter of the county may bring an action in the Circuit Court to enforce the provisions of this section. The Circuit Court shall hear the action and, on a finding that the legislative council has violated the provisions of this section, remand the matter to the legislative council. The Circuit Court, in its discretion, may allow the prevailing party, other than the legislative council, a reasonable attorney's fee, to be paid from the treasury of the local government, as part of the costs.
- (10) ***Upon the completion of reapportionment, if legislative council district boundaries have changed, the county clerk shall mail each voter a notice of his or her current district number and council member.***

➔Section 15. KRS 116.085 is amended to read as follows:

- (1) When a voter changes his place of residence to another location within the county, the clerk shall, upon application of the voter in person, by mail, or through the Transportation Cabinet, transfer the voter's registration record to the proper precinct.
- (2) When a registered voter changes his place of residence from one (1) precinct to another within the same county before the registration books are closed and fails to transfer his registration with the county clerk prior to the date the registration books are closed, the voter shall be permitted to update the voting records and to vote in the present election at the appropriate precinct for the current address upon affirmation of his current address and signing the precinct list as set forth in KRS 117.225. Before being permitted to vote, the voter shall also confirm his identity as required in KRS 117.227 and complete the affidavit which is required to be completed by a voter whose right to vote has been challenged. The subscribed oaths shall be delivered to the county clerk and investigated in accordance with KRS 117.245.
- (3) When a registered voter changes his place of residence from one (1) precinct to another precinct within the same county after the registration books close, the voter shall be permitted to vote in the present election at the appropriate precinct for the current address upon affirmation of his current address and signing the precinct list as set forth in KRS 117.225. Before being permitted to vote, the voter shall confirm his identity as required by KRS 117.227 and complete the affidavit which is required to be completed by a voter whose right to vote is challenged. The subscribed oaths shall be delivered to the county clerk and investigated in accordance with KRS 117.245.
- (4) **(a)** When the boundaries of a precinct are changed by law, placing a registered voter in a new or different precinct, the clerk shall automatically transfer the voter's registration record to the proper precinct and mail the voter a notice of the change.
(b) ***When the General Assembly enacts a new redistricting plan, the clerk shall mail each voter a notice informing the voter of his or her current district number, State Representative, and State Senator.***
- (5) A voter who has changed his name may indicate the change at the precinct on election day by completing the form provided for this purpose by the State Board of Elections. The form shall be returned by the precinct officer to the county clerk who shall make the necessary change on the voter's registration record.

➔Section 16. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

➔Section 17. Whereas, it is critically important to protect the integrity and reliability of the electoral process, and it is a reasonable legislative task to seek improvement, modernization, and transparency in campaign finance and election procedures, an emergency is declared to exist, and Section 8 of this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 5, 2024.

CHAPTER 108

(HB 782)

AN ACT relating to telecommunicators.

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

➔SECTION 1. A NEW SECTION OF KRS 15.530 TO 15.590 IS CREATED TO READ AS FOLLOWS:

- (1) *The Public Safety Telecommunicator Work Group is hereby established as an independent entity to develop a new delivery format for the public safety telecommunicator academy which will incorporate in-person and online training components. The work group shall meet as necessary and submit to the Kentucky Law Enforcement Council within one (1) year of the effective date of this section a training delivery format that shall be developed and unanimously agreed upon by the work group. The work group shall cease to exist after the developed training delivery format is submitted to the Kentucky Law Enforcement Council for approval unless the council directs its continuance. The members of the work group shall not be paid or reimbursed for travel or other expenses. The work group shall consist of at least one (1) member of the following entities:*
- (a) *Department of Criminal Justice Training;*
 - (b) *Kentucky Chapter of the National Emergency Number Association; and*
 - (c) *Association of Public Safety Communications Officials.*
- (2) *The Kentucky Law Enforcement Council shall, upon approval, implement the new training delivery format developed under subsection (1) of this section for the public safety telecommunicator academy on July 1, 2026.*
- (3) *Part-time telecommunicators hired prior to July 1, 2026, shall successfully complete the forty (40) hour online course, "Telecommunicator overview training." All part-time telecommunicators hired after July 1, 2026, shall successfully complete the public safety telecommunicator academy.*

➔Section 2. KRS 15.540 is amended to read as follows:

- (1) An agency seeking to hire a telecommunicator~~[after July 15, 2006,]~~ shall certify to the Kentucky Law Enforcement Council *within one hundred twenty (120) days after the hire date that*~~that before being employed as a telecommunicator,]~~ the applicant:
- (a) Is a citizen of the United States and has reached the age of majority;
 - (b) 1. Is a high school graduate, regardless of whether the school is accredited or certified by a governing body, provided that the education received met the attendance and curriculum standards of Kentucky law at the time of graduation, as determined by the Kentucky Department of Education; or
 - 2. Possesses a High School Equivalency Diploma;
 - (c) Has not been convicted of a felony or other crimes involving moral turpitude as determined by submission of each applicant's fingerprints to the information systems section of the Department of Kentucky State Police and to the Federal Bureau of Investigation identification division, and by such other investigations as required by the hiring agency;
 - (d) Has taken a psychological suitability screening administered or approved by the Kentucky Law Enforcement Council to determine his or her suitability to perform the duties of a telecommunicator. Any agency that administers its own suitability screening shall certify the results to the department;
 - (e) Has taken a polygraph examination administered or approved by the Kentucky Law Enforcement Council to determine his or her suitability to perform the duties of a telecommunicator. Any agency that administers its own polygraph examination shall certify the results to the department; and

- (f) Has passed a drug screening administered or approved by the Kentucky Law Enforcement Council. A person shall be deemed to have passed a drug screening if the results are negative for the use of an illegal controlled substance or prescription drug abuse. Any agency that administers its own screening shall certify passing results to the department.
- (2) Provisions of the Open Records Act, KRS 61.870 to 61.884, to the contrary notwithstanding, the applicant's home address, telephone number, date of birth, Social Security number, and results of any background investigation, psychological suitability screening, and polygraph examination conducted under this section shall not be subject to disclosure.
- (3) *An agency that provides CJIS data using a CJIS terminal to law enforcement agencies and is seeking to hire a telecommunicator after the effective date of this section, shall certify the applicant through the CJIS online training program before the applicant can deliver CJIS data to law enforcement.*
- (4) *An agency that does not have a CJIS terminal but receives CJIS data from an agency holding its originating agency identifier, shall complete the CJIS security and privacy training before the applicant can deliver CJIS data to law enforcement.*
- (5) *If a public safety telecommunicator's only function is a call-taker at an agency that has a CJIS terminal, the telecommunicator shall not be required to complete the CJIS online program but shall complete the CJIS security and privacy training.*

➔Section 3. KRS 15.530 is amended to read as follows:

For the purposes of KRS 15.530 to 15.590:

- (1) "CJIS" means the Criminal Justice Information System;
- (2) "CJIS-full access course" means *an online training program administered and approved by the Kentucky State Police CJIS Services Agency*~~a training program of forty (40) hours approved by the Kentucky Law Enforcement Council~~;
- (3) ~~["CJIS telecommunicator" means any public employee, sworn or civilian, whose primary responsibility is to dispatch law enforcement units by means of radio communications for an agency that utilizes the Criminal Justice Information System, and is part of or administered by the state or any political subdivision;~~
- (4)~~]~~"Commissioner" means the commissioner of the Department of Criminal Justice Training;
- (4)~~(5)~~ *"Public safety telecommunicator" or "telecommunicator" means any public employee, sworn or civilian, who functions as a public safety dispatcher, 911 telecommunicator, or 911 call taker, whose duties and responsibilities include the:*
- (a) *Answering, receiving, transferring, or dispatching functions related to 911 calls, as the primary or secondary public safety answering point or emergency communication center;*
- (b) *Dispatching law enforcement officers, fire rescue services, emergency medical services, emergency management, and other public safety services to the scene of an emergency; or*
- (c) *Providing real-time information from federal, state, and local crime databases; and*
- (5) *"Public safety telecommunicator academy" means a training course of at least one hundred sixty (160) hours approved by the Kentucky Law Enforcement Council and delivered by one (1) of the Kentucky Law Enforcement Council-approved academies in the state*~~["Non-CJIS telecommunicator" means any full-time public employee, sworn or civilian, whose primary responsibility is to dispatch law enforcement units by means of radio communications for an agency that does not utilize the Criminal Justice Information System and is part of or administered by the state or any political subdivision;~~
- (6)~~"Non-CJIS telecommunicator academy" means a training course of one hundred twenty (120) hours approved by the Kentucky Law Enforcement Council; and~~
- (7)~~"Telecommunications academy" means a training course of one hundred sixty (160) hours approved by the Kentucky Law Enforcement Council.~~

➔Section 4. KRS 15.560 is amended to read as follows:

- (1) *All public safety telecommunicators not previously certified as a telecommunicator by the Kentucky Law Enforcement Council shall complete the public safety telecommunicator academy within twelve (12) months from the date of hire*~~[No person shall receive an official appointment on a permanent basis as a law~~

enforcement telecommunicator unless the person has previously been awarded a certificate by the Kentucky Law Enforcement Council attesting to such person's satisfactory completion of a non CJIS telecommunications academy. Every person who is employed after June 24, 2003, as a law enforcement telecommunicator by any law enforcement agency in this state, regardless of prior experience as a non CJIS telecommunicator, shall forfeit his or her position as such unless, within twelve (12) months from the date of his or her employment, he or she satisfactorily completes the non CJIS telecommunications academy and is awarded a certificate attesting thereto. The council shall waive the training requirements listed in this section for all law enforcement telecommunicators who are serving on July 15, 2006, and possess a certificate of completion of an approved law enforcement telecommunicator basic training program].

- (2) All ~~non CJIS~~ telecommunicators~~, whether originally employed before or after July 15, 2006,~~ shall successfully complete each calendar year an in-service training course, appropriate to their job assignment and responsibility, of eight (8) hours' duration at a school certified or recognized by the Kentucky Law Enforcement Council. Each in-service training course shall include a mental health component which highlights post-traumatic stress disorder and work-induced stress, including symptom recognition, treatment, and available resources.
- (3) In the event of extenuating circumstances beyond the control of a ~~non CJIS~~ telecommunicator that prevent completion of training within the time specified, the commissioner or the commissioner's designee may grant the ~~non CJIS~~ telecommunicator an extension of time, not to exceed one hundred eighty (180) days, in which to complete the training.
- (4) A ~~non CJIS~~ telecommunicator who fails to complete the training within a period of twelve (12) months and any extension of time granted under this section shall be terminated by the employing agency and shall not be permitted to serve as a telecommunicator with any governmental agency in the Commonwealth for a period of one (1) year.

➔Section 5. KRS 15.565 is amended to read as follows:

- (1) ~~[No person shall receive an official appointment on a permanent basis as a CJIS telecommunicator unless that person has previously been awarded a certificate by the Kentucky Law Enforcement Council attesting to that person's satisfactory completion of the CJIS telecommunications academy. Every person who is employed after July 15, 2006, as a CJIS telecommunicator shall forfeit his or her position as such unless, within six (6) months from the date of employment, that person satisfactorily completes the CJIS telecommunications academy and is awarded a certificate attesting thereto. The council shall waive the training requirements listed in this section and award a CJIS telecommunicator certificate for all CJIS telecommunicators who are serving on July 15, 2006, and have successfully completed the CJIS full access course.~~
- ~~(2) A non CJIS telecommunicator who gains employment as a CJIS telecommunicator shall successfully complete the CJIS full access course within six (6) months from the date of his or her employment. A non CJIS telecommunicator whose employing agency initiates the use of CJIS shall successfully complete the CJIS full access course within six (6) months from the date that the agency initiates the use of CJIS.~~
- ~~(3) All CJIS telecommunicators, whether originally employed before or after July 15, 2006, shall successfully complete each calendar year an in service training course, appropriate to their job assignment and responsibility, of eight (8) hours' duration, of which the number of hours shall not be changed by the Kentucky Law Enforcement Council, at a school certified or recognized by the council. Each in service training course shall include a mental health component which highlights post traumatic stress disorder and work induced stress, including symptom recognition, treatment, and available resources.~~
- ~~(4)]All ~~CJIS~~ telecommunicators *who have access to CJIS*~~, whether originally employed before or after July 15, 2006,~~ shall successfully complete eight (8) hours of CJIS in-service training every ~~year~~~~two (2) years~~ at a school certified or recognized by the *Kentucky State Police CJIS Services Agency*~~{Kentucky Law Enforcement Council}~~.~~
- ~~(2){(5)}~~ Extensions of time in which to complete the training specified in this section may be granted by the commissioner of the Department of Kentucky State Police or the commissioner's designee.
- ~~(3){(6)}~~ A ~~CJIS~~ telecommunicator who *has access to CJIS and* fails to complete the training within a period of six (6) months and any extension of time granted under this section shall be terminated by the employing agency and shall not be permitted to serve as a telecommunicator with any governmental agency in the Commonwealth for a period of one (1) year.

➔Section 6. KRS 15.590 is amended to read as follows:

- (1) KRS 15.530 to 15.590 shall be administered by the Kentucky Law Enforcement Council, which shall promulgate administrative regulations as necessary regarding training, in-service training, and telecommunications practices.
- (2) The Kentucky Law Enforcement Council may, by administrative regulations promulgated in accordance with KRS Chapter 13A, explicitly set the exact number at a different number of hours from that established in KRS 15.530 required for completion of the *public safety telecommunicator academy*:
 - (a) — ~~Non-CJIS telecommunicators academy; and~~
 - (b) — ~~Telecommunications academy~~.

If the council sets an exact number of hours at a different number from that established in KRS 15.530 in an administrative regulation as set out in this subsection, it shall not further change the number of hours without promulgating administrative regulations in accordance with the provisions of KRS Chapter 13A to set the exact number of hours required for each of the academies.

- (3) Nothing in KRS 15.530 to 15.590 shall be interpreted to permit the Kentucky Law Enforcement Council to increase or decrease the eight (8) hours required to be completed by telecommunicators for in-service training as established in KRS 15.560(2) and 15.565(1)~~(3) and (4)~~.
- (4) The Kentucky Law Enforcement Council shall include mental health training and resources for post-traumatic stress disorder (PTSD) and work-induced stress during each in-service training for all telecommunicators.
- (5) At the conclusion of each in-service training, a guideline for recognizing the symptoms of and available treatment resources for PTSD or work-induced stress shall be provided to all supervisors of telecommunicators.
- (6) All telecommunicators shall have access to the Law Enforcement Professional Development and Wellness Program established in KRS 15.158.

➔Section 7. Sections 3 to 6 of this Act take effect July 1, 2026.

Signed by Governor April 5, 2024.

CHAPTER 109

(SB 127)

AN ACT relating to aerospace infrastructure, making an appropriation therefor, and declaring an emergency.

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

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

As used in Sections 1 to 6 of this Act:

- (1) *"Advisory committee" means the Kentucky Aerospace, Aviation, and Defense Investment Fund Advisory Committee established in Section 2 of this Act;*
- (2) *"Aviation" means the operation, maintenance, or manufacturing of aircraft or other aerospace equipment, aerospace initiatives and efforts, and defense-related products related to aerospace and aviation;*
- (3) *"Aviation industry partner" means a grantor to the fund that the council determines customarily employs individuals with an eligible aviation or aerospace credential in a relevant aviation role in the usual course of the grantor's business;*
- (4) *"Aviation program":*
 - (a) *Means an education or training program located in Kentucky that issues eligible aviation or aerospace credentials or is a specific requirement to earning an eligible aviation or aerospace credential, including but not limited to a public high school vocational program; and*

- (b) *Notwithstanding paragraph (a) of this subsection, does not include a flight training program unless that program is a certified pilot school regulated by the Federal Aviation Administration in accordance with 14 C.F.R. pt. 141 or is a public high school vocational program;*
- (5) *"Council" means the Council on Postsecondary Education;*
- (6) *"Dedicated moneys" means a gift, grant, or donation to the fund that is subject to restrictions imposed by a private grantor under Section 3 of this Act;*
- (7) *"Eligible aviation credential" means:*
- (a) *Any license or certification issued by the Federal Aviation Administration;*
 - (b) *A Bachelor of Science in aviation issued by a postsecondary education institution overseen or licensed by the council and located in Kentucky;*
 - (c) *Any engineering degree issued by a postsecondary education institution overseen or licensed by the council and located in Kentucky; or*
 - (d) *A career and technical education license or certification determined by the council, in collaboration with the advisory committee, to be in high demand and relevant to the aerospace industry;*
- (8) *"Fund" means the Kentucky aerospace, aviation, and defense investment fund established in Section 2 of this Act;*
- (9) *"Grantor" means an individual or an entity that gifts, grants, or donates moneys to the fund;*
- (10) *"Immediate family" means an individual's parents, siblings, spouse, and children;*
- (11) *"Kentucky resident" means a Kentucky resident as defined by the council pursuant to KRS 164.020(8); and*
- (12) *"Public aviation program" is an aviation program that is a public high school vocational program or institution that is a member of Kentucky's public postsecondary education system.*

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

- (1) *It is the intent of the General Assembly to incentivize collaboration between aviation programs, aviation industry partners, and the Commonwealth to grow and strengthen the education and training pipeline of aviation professionals within Kentucky by:*
- (a) *Improving the ability of a broad variety of Kentucky's aviation programs to meet the workforce demands and capacity of the Commonwealth;*
 - (b) *Raising awareness of and interest in a broad variety of aviation occupations;*
 - (c) *Reducing the barriers of access to the aviation programs necessary to pursue these occupations, including financial barriers;*
 - (d) *Improving pathways between high school career and technical programs and aviation programs; and*
 - (e) *Developing strategies for aviation industry partners to support career growth and development for their employees.*
- (2) (a) *The Kentucky Aerospace, Aviation, and Defense Investment Fund Advisory Committee is hereby created to be administered by the council. The advisory committee shall be responsible for advising the council on the implementation of Sections 1 to 6 of this Act.*
- (b) *The advisory committee shall be composed of the following twelve (12) members:*
1. *The president of the council, who shall serve as chair of the advisory committee;*
 2. *The commissioner of the Department of Aviation in the Transportation Cabinet;*
 3. *Ten (10) members appointed by the chair of the council, of whom:*
 - a. *One (1) member shall be selected from a list of three (3) candidates nominated by the Kentucky Association of Manufacturers who possess professional experience and expertise with aviation manufacturing;*
 - b. *One (1) member shall have professional experience and expertise as an aviation engineer;*

- c. *One (1) member shall have professional experience and expertise with Department of Defense contracts related to aviation;*
 - d. *One (1) member shall have professional experience and expertise with Department of Defense contracts related to aerospace;*
 - e. *One (1) member shall have professional experience and expertise with airport management or Federal Aviation Administration airport compliance and classifications;*
 - f. *One (1) member shall be a member from the Kentucky Aviation Association;*
 - g. *One (1) member shall be a licensed air transport pilot;*
 - h. *One (1) member that is a licensed airframe and powerplant mechanic; and*
 - i. *Two (2) members shall be employees of a public aviation program.*
- (c) *Members appointed under paragraph (b)3. of this subsection shall serve for terms of two (2) years, and any vacancy on the advisory committee shall be filled for the remainder of the unexpired term in the same manner as the original appointment. An appointed member shall continue to serve until reappointed or replaced.*
- (d) *The majority of the voting members shall constitute a quorum, and all meetings shall be conducted in accordance with the Open Meetings Act, KRS 61.805 to 61.850.*
- (e) *A member of the advisory committee shall not receive compensation or benefits for the member's service, but a member appointed under paragraph (b)(3) of this subsection shall receive per diem and travel expenses consistent with the reimbursement policy for state employees.*
- (3) *There is hereby created a trust and agency account called the Kentucky aerospace, aviation, and defense investment fund to be administered by the Council for Postsecondary Education for the purpose of funding:*
- (a) *Public and private partnerships to provide aviation training scholarships in accordance with Section 3 of this Act to reduce the financial barriers of Kentucky residents seeking eligible aviation credentials;*
 - (b) *Public and private partnerships to provide aviation and aerospace equipment grants in accordance with Section 4 of this Act to enhance Kentucky's aviation programs' ability to meet the workforce demands and capacity of the Commonwealth; and*
 - (c) *The council's administrative, research, consulting, fundraising, planning, and analysis costs of administering Sections 1 to 6 of this Act.*
- (4) (a) *It is the intent of the General Assembly to encourage private financial and philanthropic support of the Kentucky aerospace, aviation, and defense investment fund, as the aerospace, aviation, and defense industries directly benefit from a well-trained workforce capable of meeting their employment needs and the needs of the Commonwealth. To the extent allowed by applicable laws, the fund may directly accept gifts, grants, or donations subject to restrictions imposed by a grantor.*
- (b) 1. *The Kentucky aerospace, aviation, and defense investment fund shall consist of two (2) accounts.*
 - 2. *There shall be an appropriation account containing all moneys appropriated by the General Assembly and any federal funds received for this purpose.*
 - 3. *There shall be a grantor account containing all moneys received in the form of gifts, grants, or donations subject to restrictions imposed by a grantor, or any other moneys made available for the purposes of the fund.*
- (c) *Notwithstanding KRS 45.229, any moneys appropriated to the fund by the General Assembly that remains in the fund at the end of any fiscal year prior to the 2029-2030 fiscal year shall not lapse.*
- (d) *Any moneys remaining in the appropriation account at the end of fiscal year 2029-2030 shall be forfeited and shall lapse to the general fund.*
- (e) *Any moneys remaining in the grantor fund at the end of the 2029-2030 fiscal year shall be returned to each grantor proportionally based on the amount donated by the grantor in relation to the total amount donated by all grantors.*

- (5) *Subject to available funds, the fund shall consist of any:*
- (a) *Appropriations designated for the fund;*
 - (b) *Funds, grants, and receipts from the council's fundraising activities on behalf of the fund;*
 - (c) *Federal funds; and*
 - (d) *Other moneys made available for the purposes of the fund.*
- (6) *Any interest earnings of the fund shall become a part of the fund and shall lapse only as provided in subsection (4) of this section. Moneys in the fund are hereby appropriated for the purposes set forth in this section.*
- (7) *The portion of the fund expended towards the council's costs of administering Sections 1 to 6 of this Act shall not exceed one-half of one percent (0.5%) of all gross moneys in the fund or seventy-five thousand dollars (\$75,000) annually, whichever is less.*
- (8) (a) *The council shall promulgate administrative regulations by August 1, 2024, in accordance with this subsection and KRS Chapter 13A to administer Sections 1 to 4 of this Act.*
- (b) *At least thirty (30) days before filing an administrative regulation with the regulations compiler, the council shall first submit the draft administrative regulation, a detailed implementation plan, and other documents required to be filed by KRS Chapter 13A to the members of the Interim Joint Committee on Education and the Interim Joint Committee on Transportation for review and comment.*
- (c) *The council shall consider any comments and recommendations provided by the members of the Interim Joint Committee on Education and the Interim Joint Committee on Transportation before filing the administrative regulation.*
- (9) *A member of the advisory committee shall recuse himself or herself from any vote related to any aviation program or industry partner:*
- (a) *Owned by the member or an immediate family of a member;*
 - (b) *That employs the member or immediate family member of the member; or*
 - (c) *That would otherwise result in a direct benefit, financial or otherwise, to that member or an immediate family member of that member.*

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

- (1) *The council shall reserve at least sixty-five percent (65%) of all net moneys in the fund for partnership proposals between aviation programs and aviation industry partners to provide aviation training scholarships to Kentucky residents enrolled in aviation programs.*
- (2) *In accepting partnerships, the council shall collaborate with the advisory committee to evaluate each partnership proposal to determine if the proposal meets the requirements of this section and administrative regulations promulgated by the council. The administrative regulations shall create a process to prioritize accepting partnerships to proposals targeted to reduce the workforce demand of a specific eligible aviation credential that is determined by the council, in collaboration with the advisory committee, to be among the highest in demand in the Commonwealth based on objective criteria.*
- (3) *A partnership shall require a written partnership contract between an aviation program, aviation industry partner, and the council. The partnership contract shall:*
- (a) *Prohibit any disbursement of moneys from the fund until the moneys appropriated by the General Assembly to be distributed are matched, at least dollar for dollar, with moneys deposited to the fund by the aviation industry partner;*
 - (b) *Require the aviation program to use all moneys distributed to the aviation program pursuant to the partnership contract to issue direct aviation training scholarships to Kentucky students enrolled in the aviation program;*
 - (c) *If applicable to an aviation program, require that the aviation training scholarship application process encourage applicants to complete the Free Application for Federal Student Aid; and*

- (d) *Meet all other requirements set forth in this section and administrative regulations, including but not limited to any reporting requirements to the council.*
- (4) *Disbursements of moneys from the fund to support aviation training scholarships shall be made directly to an aviation program pursuant to the terms of the partnership contract.*
- (5) *An aviation program that enters a partnership contract shall solicit, accept, and review aviation training scholarship applications submitted by students enrolled in the aviation program. A partnership contract may require that an aviation program do so in collaboration with the aviation industry partner. The aviation program shall award aviation training scholarships pursuant to any scholarship criteria set forth in the partnership contract, this section, and administrative regulations. The decisions of the aviation program in the issuance of scholarships shall be final.*
- (6) *An aviation training scholarship issued by an aviation program pursuant to a partnership contract shall be made directly to a recipient pursuant to a written scholarship contract between the recipient and the aviation program. The scholarship contract shall not restrict the recipient's ability to utilize the scholarship for the total cost of attendance. Each recipient of a scholarship shall:*
- (a) *Agree in the written contract to be employed within Kentucky's aviation industry for a contract period of one (1) year for each academic year funded by the scholarship, up to a maximum of two (2) total years; and*
- (b) *Sign a promissory note as evidence of the scholarship and the obligation to repay the scholarship amount upon failure to complete terms of the contract.*
- (7) *A grantor may place restrictions upon a contribution to the fund requiring specific criteria for an aviation training scholarship or scholarships funded by the grantor's dedicated moneys, including but not limited to criteria restricting employment at the aviation industry partner for the contract period.*
- (8) *The aviation training scholarship contract shall grant the aviation program, the Commonwealth, or the aviation industry partner the authority to initiate recoupment proceedings for the recovery of the total amount of all aviation training scholarships awarded to an individual that fails to complete the terms of a contract entered into in accordance with subsection (6) of this section, together with reasonable attorney fees and interest at a compound rate not to exceed eight percent (8%) per annum from the date of disbursement from the fund.*

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

- (1) *The council shall reserve up to thirty-five percent (35%) of all net moneys in the fund for aviation equipment partnership contracts between public aviation programs and aviation industry partners to provide aviation and aviation equipment grants for a public high school vocational program or public postsecondary education institution to maintain, acquire, or lease aviation or aviation equipment.*
- (2) *An aviation equipment partnership shall require a written partnership contract between a public aviation program, aviation industry partner, and the council. The partnership contract shall:*
- (a) *Prohibit any disbursement of moneys from the fund until the moneys appropriated by the General Assembly to be distributed are matched, at least dollar for dollar, with moneys deposited to the fund by the aviation partner;*
- (b) *Require a public aviation program to use all moneys of an aviation equipment grant to maintain, acquire, or lease aviation or aviation equipment;*
- (c) *Prohibit the aviation industry partner from maintaining any ownership interest in aviation or aviation equipment maintained, acquired, or leased with the funds from the aviation equipment grant;*
- (d) *Prohibit the aviation industry partner from receiving direct or indirect compensation for the maintenance or purchase of aviation or aviation equipment above the fair market value cost of the services or equipment; and*
- (e) *Meet all other requirements set forth in this section and administrative regulation, including but not limited to any reporting requirements to the council.*
- (3) (a) *The council shall collaborate with the advisory committee to solicit, accept, and review proposals for partnership contracts by aviation industry partners and public aviation programs located in*

Kentucky. The council shall select proposals for partnership contracts, and decisions of the council in these matters shall be final. The council may prioritize partnership contracts:

1. *Targeted towards maintaining, acquiring, or leasing equipment used by a public aviation program for a high-demand eligible aviation credential;*
2. *Based upon the financial advantages afforded to a public aviation program; or*
3. *Based upon the number of students that would have access to the aviation or aviation equipment maintained, acquired, or leased by a public aviation program with funds from an aviation equipment grant.*

(b) Disbursements of moneys from the fund to support aviation equipment grants shall be made directly to a public aviation program pursuant to the terms of the partnership contract.

- (4) The council shall require the public aviation program to submit proof that the entire amount of the aviation equipment grant is invested in the maintenance, acquisition, or lease of aviation or aviation training equipment utilized by students enrolled in a public aviation program. A public aviation program that fails to submit the proof required by the council shall return the entire amount of the grant to the fund.*

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

- (1) By December 1 of each year, the council shall collaborate with the advisory committee to submit a written report to the Legislative Research Commission for referral to the Interim Joint Committee on Education, the Interim Joint Committee on Transportation, and the Interim Joint Committee on Appropriations and Revenue Budget Review Subcommittee on Education. The report shall include:*

- (a) A detailed summary of the council's costs throughout the year;*
- (b) Legislative recommendations to help grow and strengthen the education and training pipeline of aviation professions within Kentucky;*
- (c) A detailed overview of the Kentucky aerospace, aviation, and defense investment fund, including an accounting of all moneys raised and expended;*
- (d) A detailed analysis of aviation training scholarships awarded pursuant to Section 3 of this Act, including but not limited to:

 1. *The criteria used to award the scholarships;*
 2. *The number of scholarships awarded and the amount of each scholarship;*
 3. *An overview of the demographic information of scholarship recipients, including the county of residence;*
 4. *The names of the aviation programs with scholarship recipients and the type of eligible aviation credential corresponding to each program; and*
 5. *To the extent available, student and program outcomes, including but not limited to:

 - a. *Graduation rates of the aviation program overall and of scholarship recipients as compared to an established baseline within any such program;*
 - b. *Employment and employment retention rates of the aviation program overall and scholarship recipients; and*
 - c. *The workforce participation of program graduates practicing in Kentucky under an eligible aviation credential in relation to the workforce demand and capacity for that specific eligible aviation credential; and***
- (e) A detailed analysis of aviation equipment partnership contracts awarded pursuant to Section 4 of this Act, including but not limited to the following for each aviation equipment partnership contract:

 1. *The amount of the aviation equipment grant;*
 2. *The public aviation program that is a party to the partnership contract and the eligible aviation credential corresponding to that program;*
 3. *The aviation industry partner or partners that are a party to the partnership contract and the amount contributed by each aviation industry partner to the fund;**

4. *A detailed summary of the aviation or aviation equipment maintained, acquired, or leased by the public aviation program with moneys from the aviation equipment grant;*
 5. *Financial documentation of all transactions utilizing moneys from the aviation equipment grant; and*
 6. *A detailed summary of how the aviation equipment grant will impact the opportunities and outcomes for students enrolled in public aviation program.*
- (2) *If the report required by subsection (1) of this section is not filed by December 14 of each year, or a later date jointly approved by the Interim Joint Committee on Education and the Interim Joint Committee on Transportation, any appropriations to the fund shall be forfeited and any remaining moneys in the fund appropriated by the General Assembly shall lapse to the general fund. The council shall return any remaining private moneys to its grantor, prorated as necessary.*

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

Sections 1 to 6 of this Act shall expire on and have no force or effect after June 30, 2030, unless extended by an act of the General Assembly.

➔Section 7. This Act may be cited as the Aerospace Education Reinvestment Opportunity (A.E.R.O.) Act.

➔Section 8. Whereas the General Assembly recognizes the urgent need to address the ability of the Kentucky aviation and aerospace workforces to meet their workforce needs, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 5, 2024.

CHAPTER 110

(SB 50)

AN ACT relating to alcoholic beverages.

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

➔Section 1. KRS 243.0305 is amended to read as follows:

- (1) Any licensed Kentucky distiller that is located in wet territory or in any precinct that has authorized the limited sale of alcoholic beverages at distilleries under KRS 242.1243 and that has a gift shop or other retail outlet on its premises may conduct the activities permitted under this section as a part of its distiller's license.
- (2) (a) For purposes of all retail drink and package sales that occur pursuant to subsection (3), (4), (7), (9), (10), ~~(11)~~ (12), **or (13)** of this section, the distillery shall:
 1. Be permitted to transfer its products from the distillery proper to the location where those retail sales occur without having to transfer physical possession of those distilled spirits to a licensed wholesaler; and
 2. Without otherwise reporting those distilled spirits to a licensed wholesaler, report those retail sales and pay all taxes required to the Department of Revenue at the time and in the manner required by the Department of Revenue in accordance with its powers under KRS 131.130(3).
- (b) 1. A distiller selling distilled spirits in accordance with this subsection shall pay all wholesale sales taxes due under KRS 243.884. For the purposes of this subsection, "wholesale sales" means a sale of distilled spirits made by a distiller under subsection (3)(b), (4), (7), (9), (10), ~~and (12)~~, **and (13)** of this section, if required by KRS 243.884, excluding sales made by a distiller under subsection (4)(a)3. and (b) of this section that utilize a licensed wholesaler.
2. A distiller shall pay the excise tax on distilled spirits in accordance with KRS 243.720 and 243.730.
- (c) All other distilled spirits that are produced by the distillery shall be sold and physically transferred in compliance with all other relevant provisions of KRS Chapters 241 to 244.

- (3) A distiller may sell its own private selection packages and souvenir packages at retail:
- (a) To consumers in accordance with KRS 243.027 to 243.029 if it holds a direct shipper license; and
 - (b) To distillery visitors of legal drinking age, in quantities not to exceed an aggregate of nine (9) liters per purchaser per day.
- (4) A distiller may conduct private selection events and sell private selection packages at retail, as follows:
- (a) Distillers may sell private selection packages to consumers who participated in a private selection event only by:
 1. Shipping the private selection packages in accordance with KRS 243.027 to 243.029 if the distiller holds a direct shipper license, but these sales and shipments shall be exempt from the quantity limitations established in KRS 243.028(1);
 2. Selling the private selection packages to the participating consumers directly from the distillery premises, but these sales shall be exempt from the quantity limitations established in subsection (3)(b) of this section; or
 3. Selling the private selection packages through a wholesaler and to a licensed retailer of the consumer's choice. The distillery and wholesaler's cooperation in facilitating the sale of the private selection packages to the retailer of the consumer's choice shall not be deemed a violation of KRS 244.240.
 - (b) Except as provided in KRS 243.036, distillers may sell private selection packages to retail licensees that participated in a private selection event only through a licensed wholesaler.
 - (c) A distillery shall make available for purchase not less than seventy percent (70%) of its annual private selection packages to licensed wholesalers and shall maintain records of such transactions in accordance with KRS 244.150.
 - (d) Distillers may sell private selection packages to wine and distilled spirits wholesalers, malt beverage distributors, and microbreweries that hold a quota retail drink or quota retail package license that participated in a private selection event if the private selection packages resulting from the event are sold only through a licensed retailer.
- (5) Hours of sale for souvenir packages sold at retail and private selection packages sold at retail shall be in conformity with KRS 244.290(3).
- (6) Except as provided in this section, souvenir package and private selection package sales to distillery visitors shall be governed by all the statutes and administrative regulations governing the retail sale of distilled spirits by the package.
- (7) Souvenir packages sold to distillery visitors under subsection (3)(b) of this section, which are not made available to wholesalers licensed in Kentucky or elsewhere, shall be registered by the licensed distiller with the department and shall be sold exclusively to in-person distillery visitors in quantities not to exceed three (3) liters per person per day.
- (8) Notwithstanding any provision of KRS 244.050 to the contrary, a distillery holding a sampling license may allow visitors to sample distilled spirits under the following conditions:
- (a) Sampling shall be permitted only on the licensed premises during regular business hours;
 - (b) A distillery shall not charge for the samples; and
 - (c) A distillery shall not provide more than one and three-fourths (1-3/4) ounces of samples per visitor per day, except in connection with a private selection event.
- (9) Notwithstanding the provisions of KRS 243.110, in accordance with this section, a distillery located in wet territory or in any territory that has authorized the limited sale of alcoholic beverages under an election held pursuant to KRS 242.1243 may:
- (a) Hold an NQ2 retail drink license for the sale of alcoholic beverages on the distillery premises; and
 - (b) Employ persons to engage in the sale or service of alcohol under an NQ2 license, if each employee completes the department's Server Training in Alcohol Regulations program within thirty (30) days of beginning employment.

- (10) A distiller may sell to consumers at fairs, festivals, and other similar types of events located in wet territory. A distiller may:
- (a) Sell alcoholic beverages by the drink, containing spirits distilled or bottled on the premises of the distillery;
 - (b) Sell by the package in quantities not to exceed nine (9) liters per person, per day; and
 - (c) Serve complimentary samples not to exceed one and three-fourths (1-3/4) ounces per person, per day.
- (11) A distiller may offer for sale in its gift shop products that were produced in collaboration with a brewer or microbrewer, except that:
- (a) These packages shall not be exclusive to the distiller's gift shop; and
 - (b) The distiller shall purchase the jointly branded souvenir package only from a licensed malt beverage distributor or a microbrewery pursuant to KRS 243.157(1)(f). A microbrewery selling and delivering the jointly branded souvenir package directly to a distiller under this subsection shall provide notice to the distributor of any self-distribution delivery by electronic or other means.
- (12) (a) *A distiller that holds a Class B distiller's license but does not hold a Class A distiller's license under KRS 243.030 may sell and deliver to any licensed retailer up to five thousand (5,000) gallons of distilled spirits annually, sold under a brand name owned or exclusively licensed to the distillery, provided the distilled spirits were:*
1. *Produced by the distillery;*
 2. *Produced for the distillery under a written contract with another licensed manufacturer; or*
 3. *Bottled for or by the distillery.*
- (b) *Any products sold and delivered under this subsection that are not otherwise registered by a licensed wholesaler shall be registered by the distillery with the department.*
- (c) *Any products sold and delivered under this subsection shall be delivered by the distillery in vehicles owned and operated by the distillery, displaying the distillery's name and license number.*
- (d) *The distillery is responsible for payment of all applicable taxes and reporting of self-distributed distilled spirits.*
- (e) *The distillery may extend credit on distilled spirits sold to retail licensees for a period not to exceed thirty (30) days from the date of invoice, with the date of invoice included in the total number of days.*
- (f) *A distillery shall report self-distribution sales under this subsection as follows:*
1. *For a sale of in excess of nine (9) liters to any given retailer on any given day, the distillery shall provide at least twenty-four (24) hours advance written or electronic notice to wholesalers that have an existing business relationship with the distillery and that distribute the products the distillery is self-distributing. If advance notice is not practicable, the distillery shall notify the wholesaler within one (1) business day of delivery;*
 2. *A distillery shall submit a quarterly report of its self-distribution sales under this subsection to wholesalers that have an existing business relationship with the distillery and that distribute the products the distillery is self-distributing. The quarterly report shall describe the type, quantity, and price of the product that was self-distributed, the retail delivery location, and the date of delivery of the self-distribution sales in the most recently completed quarter preceding the due date of the report; and*
 3. *Each distillery engaging in self-distribution sales under this subsection shall report to the department the total number of gallons self-distributed annually at the time of the renewal of its Class B distiller's license.*
- (13) A distiller that sells souvenir packages and serves complimentary samples in accordance with this section at any of its licensed premises may, for each such premises, maintain one (1) separately licensed off-premises retail sales outlet and engage in the activities and hold the licenses authorized in subsections (3), (4), (8), (9), {~~and~~ (11), *and* (12) of this section if the off-premises retail sales outlet premises are located in wet territory or in a precinct that has authorized alcoholic beverage sales by the distillery under KRS 242.1243. The distiller shall pay the fee required under KRS 243.030 for each off-premises retail sales outlet it maintains.

~~(14)~~~~(13)~~ Except as expressly stated in this section, this section does not exempt the holder of a distiller's license from:

- (a) The provisions of KRS Chapters 241 to 244;
- (b) The administrative regulations of the board; and
- (c) Regulation by the board at all the distiller's licensed premises.

~~(15)~~~~(14)~~ Nothing in this section shall be construed to vitiate the policy of this Commonwealth supporting an orderly three (3) tier system for the production and sale of alcoholic beverages.

→Section 2. KRS 243.710 is amended to read as follows:

Each wholesaler *or self-distributing distiller* shall pay to the Department of Revenue five cents (\$0.05) per case on each case of distilled spirits sold by *the wholesaler or self-distributing distiller*~~him~~ in the state. This tax shall be computed each month according to the report required to be filed by KRS 243.850 and shall be paid on or before the date in each succeeding month when reports are required to be filed.

→Section 3. KRS 243.884 is amended to read as follows:

- (1) (a) For the privilege of making "wholesale sales" or "sales at wholesale" of beer, wine, or distilled spirits, a tax is hereby imposed upon all wholesalers of wine and distilled spirits, all distributors of beer, all direct shipper licensees shipping alcohol to a consumer at a Kentucky address, all distillers making sales pursuant to KRS 243.0305(3), (4)(a)1. and 2. and (c), (7), (9), (10), ~~and~~ (12), **and (13)**, all microbreweries selling malt beverages under KRS 243.157, and all small farm wineries selling wine under KRS 243.155.
 - (b) Prior to July 1, 2015, the tax shall be imposed at the rate of eleven percent (11%) of the gross receipts of any such wholesaler or distributor derived from "sales at wholesale" or "wholesale sales" made within the Commonwealth, except as provided in subsection (3) of this section. For the purposes of this section, the gross receipts of a microbrewery making "wholesale sales" shall be calculated by determining the dollar value amount that the microbrewer would have collected had it conveyed to a distributor the same volume sold to a consumer as allowed under KRS 243.157 (3)(b) and (c).
 - (c) On and after July 1, 2015, the following rates shall apply:
 - 1. For distilled spirits, eleven percent (11%) of wholesale sales or sales at wholesale; and
 - 2. For wine and beer:
 - a. Ten and three-quarters of one percent (10.75%) for wholesale sales or sales at wholesale made on or after July 1, 2015, and before June 1, 2016;
 - b. Ten and one-half of one percent (10.5%) for wholesale sales or sales at wholesale made on or after June 1, 2016, and before June 1, 2017;
 - c. Ten and one-quarter of one percent (10.25%) for wholesale sales or sales at wholesale made on or after June 1, 2017, and before June 1, 2018; and
 - d. Ten percent (10%) for wholesale sales or sales at wholesale made on or after June 1, 2018.
 - (d) On and after March 12, 2021, the following rates shall apply for direct shipper sales:
 - 1. For distilled spirits shipments, eleven percent (11%) for wholesale sales or sales at wholesale; and
 - 2. For wine and beer shipments, ten percent (10%) for wholesale sales or sales at wholesale.
 - (e) For direct shipper sales or sales made pursuant to KRS 243.0305, if a wholesale price is not readily available, the direct shipper licensee or distillery shall calculate the wholesale price to be seventy percent (70%) of the retail price of the alcoholic beverages.
- (2) Wholesalers of distilled spirits and wine, distributors of malt beverages, microbreweries, distillers, and direct shipper licensees shall pay and report the tax levied by this section on or before the twentieth day of the calendar month next succeeding the month in which possession or title of the distilled spirits, wine, or malt beverages is transferred from the wholesaler or distributor to retailers, or by microbreweries, distillers, or direct shipper licensees to consumers in this state, in accordance with rules and regulations of the Department of Revenue designed reasonably to protect the revenues of the Commonwealth.

- (3) Gross receipts from sales at wholesale or wholesale sales shall not include the following sales:
- (a) Sales made between wholesalers or between distributors;
 - (b) Sales from the first fifty thousand (50,000) gallons of wine produced by a small farm winery in a calendar year made by:
 1. The small farm winery; or
 2. A wholesaler of that wine produced by the small farm winery; and
 - (c) Sales made between a direct shipper licensee and a consumer located outside of Kentucky.

Signed by Governor April 5, 2024.

CHAPTER 111

(HB 11)

AN ACT relating to nicotine products.

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

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

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

- (1) (a) "Alternative nicotine product" means a noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means.
- (b) "Alternative nicotine product" does not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act;
- (2) ***"Authorized vapor product" means a vapor product containing nicotine for which the manufacturer has obtained:***
 - (a) ***Authorization from the FDA; or***
 - (b) ***A safe harbor certification;***
- (3) ***"Department" means the Department of Alcoholic Beverage Control;***
- (4) ***"FDA" means the United States Food and Drug Administration;***
- (5) "Manufacturer" means any person who manufactures or produces tobacco products within or without this Commonwealth;
- ~~(6)~~~~(3)~~ "Nonresident wholesaler" means any person who purchases cigarettes or other tobacco products directly from the manufacturer and maintains a permanent location or locations outside this state at which Kentucky cigarette tax evidence is attached or from which Kentucky cigarette tax is reported and paid;
- ~~(7)~~~~(4)~~ "Proof of age" means a driver's license or other documentary or written evidence of an individual's age;
- ~~(8)~~~~(5)~~ "Resident wholesaler" means any person who purchases at least seventy-five percent (75%) of all cigarettes or other tobacco products purchased by that person directly from the cigarette manufacturer on which the cigarette tax provided for in KRS 138.130 to 138.205 is unpaid, and who maintains an established place of business in this state at which the person attaches cigarette tax evidence or receives untaxed cigarettes;
- (9) ***"Retailer" means any person, online or in person, who sells tobacco products, alternative nicotine products, or vapor products to a consumer for any purpose other than resale;***
- (10) ***"Safe harbor certification":***
 - (a) ***Means a certification provided by a manufacturer establishing that a vapor product:***
 1. ***Falls within a safe harbor established by the FDA by the manufacturer's timely pursuing the path to market described in subparagraph 2. of this paragraph; and***

2. ***Is a nicotine product containing tobacco-derived nicotine that was commercially marketed in the United States as of August 8, 2016, for which the manufacturer submitted a premarket tobacco product application on or before September 9, 2020, to the FDA that:***

- a. ***Remains under review, but has not received either a marketing denial order or a marketing granted order;***
- b. ***Has received a marketing denial order, but remains under a stay by the FDA or continues to be subject to an appeal to or review by a court of competent jurisdiction; or***
- c. ***Has had a marketing denial order that has been rescinded by the FDA or vacated by a court of competent jurisdiction;***

(b) ***Shall contain a copy of the first page of the communication from the FDA reflecting an acceptance for review or the submission tracking number or, if on appeal, a copy of the first page of the document filed with the applicable agency or court; and***

(c) ***May be provided and maintained in hard copy or in electronic form;***

~~(11)(6)~~ "Sample" means a tobacco product, alternative nicotine product, or vapor

product distributed to members of the general public at no cost;

~~(12)(7)~~ "Subjobber" means any person who purchases tobacco products, on which the Kentucky cigarette tax has been paid, from a wholesaler licensed pursuant to KRS 138.195, and makes them available to a retail establishment for resale;

(13) ***"Tobacco noncompliance database and reporting system" means the database of retailers that have violated Section 6 or 7 of this Act developed and maintained by the department under Section 3 of this Act;***

~~(14)(8)~~ (a) "Tobacco product" means any cigarette, cigar, snuff, smokeless tobacco product, smoking tobacco, chewing tobacco, and any kind or form of tobacco prepared in a manner suitable for chewing or smoking, or both, or any kind or form of tobacco that is suitable to be placed in a person's mouth. "Tobacco product" also means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product, except for raw materials other than tobacco used in manufacturing any component, part, or accessory of a tobacco product, in accordance with the federal Tobacco Control Act, Pub. L. No. 111-31;

(b) "Tobacco product" does not include any alternative nicotine product, vapor product, or product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act;~~and~~

(15) ***"Unauthorized vapor product":***

(a) ***Means any vapor product that has not been authorized by the FDA; and***

(b) ***Does not include a vapor product for which the manufacturer has received:***

- 1. ***A marketing granted order or other authorization to market from the FDA; or***
- 2. ***A safe harbor certification; and***

~~(16)(9)~~ (a) "Vapor product" means any noncombustible product that employs a heating element, battery, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size and including the component parts and accessories thereto, that can be used to deliver vaporized nicotine or other substances to users inhaling from the device. "Vapor product" includes but is not limited to any device deemed to be an electronic nicotine delivery system by the United States Food and Drug Administration, any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and every variation thereof, regardless of whether marketed as such, and any vapor cartridge or other container of a liquid solution or other material that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar product or device.

(b) "Vapor product" does not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

➔SECTION 2. A NEW SECTION OF KRS 438.305 TO 438.340 IS CREATED TO READ AS FOLLOWS:

- (1) *Each retailer shall, upon organizational filing or application for certificate of authority to the Secretary of State and upon its annual report, state whether it is involved in the retail sale of authorized vapor products.*
- (2) *The Secretary of State shall:*
 - (a) *Create a list of retailers that sell authorized vapor products; and*
 - (b) *Provide the list of retailers created under paragraph (a) of this subsection to the department and the Department of Revenue on a monthly basis.*

➔SECTION 3. A NEW SECTION OF KRS 438.305 TO 438.340 IS CREATED TO READ AS FOLLOWS:

The department shall:

- (1) (a) *Enforce Sections 4, 5, 6, and 7 of this Act; and*
 (b) *Not enforce Sections 4, 5, and 7 of this Act against manufacturers, distributors, and wholesalers of vapor products that are not intended for resale in this state;*
- (2) *On the first day of each month, update and publish online the list of retailers of authorized vapor products provided by the Secretary of State under Section 2 of this Act; and*
- (3) *Develop, maintain, and utilize a coordinated tobacco noncompliance database and reporting system to:*
 - (a) *Identify the retailers that have violated Section 6 or 7 of this Act; and*
 - (b) *Publish that information online on the first day of each month.*

➔SECTION 4. A NEW SECTION OF KRS 438.305 TO 438.340 IS CREATED TO READ AS FOLLOWS:

- (1) *A manufacturer of vapor products shall only sell authorized vapor products.*
- (2) *A manufacturer shall provide an applicable safe harbor certification to a wholesaler or retailer when selling a vapor product that has not been authorized by the FDA.*
- (3) *If the FDA or a court of competent jurisdiction takes final action that removes a vapor product from safe harbor certification or authorized to market status, the manufacturer shall provide notice of the final action to any wholesaler or retailer that has purchased the vapor product from the manufacturer within thirty (30) days of the final action being taken.*
- (4) *A manufacturer that provides false or misleading information in a safe harbor certification or other notice to retailers or wholesalers violates this section and shall be subject to a fine of:*
 - (a) *Twenty-five thousand dollars (\$25,000) for a first citation issued for a violation of this section;*
 - (b) *Fifty thousand dollars (\$50,000) for a second citation issued for a violation of this section; and*
 - (c) *Seventy-five thousand dollars (\$75,000) for a third or subsequent citation issued for a violation of this section.*

➔SECTION 5. A NEW SECTION OF KRS 438.305 TO 438.340 IS CREATED TO READ AS FOLLOWS:

- (1) *A wholesaler shall not sell:*
 - (a) *Authorized vapor products to a retailer until the wholesaler verifies that the retailer is not in the tobacco noncompliance database and reporting system; or*
 - (b) *Unauthorized vapor products.*
- (2) *Any wholesaler that violates this section shall be subject to a fine of:*
 - (a) *Five thousand dollars (\$5,000) for a first citation issued for a violation of this section; and*
 - (b) *Fifteen thousand dollars (\$15,000) for a second or subsequent citation issued for a violation of this section.*

➔SECTION 6. A NEW SECTION OF KRS 438.305 TO 438.340 IS CREATED TO READ AS FOLLOWS:

- (1) *A retailer shall not sell, give away, or distribute an authorized vapor product or tobacco product to any person under twenty-one (21) years of age. A retailer who sells a tobacco product to a person under twenty-one (21) years of age shall be subject to the penalties listed in KRS 438.310(4).*

- (2) (a) *A retailer shall have an affirmative defense to a violation of subsection (1) of this section if the sale was induced by the use of false, fraudulent, or altered identification papers or other documents.*
- (b) *Evidence to support an affirmative defense under this subsection may be introduced either in mitigation of the violation or as a defense to the violation itself.*
- (3) *Any retailer that violates subsection (1) of this section regarding authorized vapor products shall be:*
- (a) *Subject to a fine of:*
1. *Not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for the first citation issued for a violation of this section;*
 2. *One thousand dollars (\$1,000) for the second citation issued for a violation of this section; and*
 3. *Five thousand dollars (\$5,000) for a third or subsequent citation issued for a violation of this section that is not subject to paragraph (b) of this subsection; and*
- (b) *For a fourth or subsequent citation issued for a violation of this section within a two (2) year period, placed in the tobacco noncompliance database and reporting system and lose the ability to lawfully sell vapor products for one (1) year.*
- (4) *Any retailer with unpaid fines under this section that are more than sixty (60) days overdue shall lose the ability to lawfully sell vapor products until the fines are paid.*

➔SECTION 7. A NEW SECTION OF KRS 438.305 TO 438.340 IS CREATED TO READ AS FOLLOWS:

- (1) *A retailer shall not sell an unauthorized vapor product to any person.*
- (2) *Except as provided in subsection (3) of this section, any retailer selling vapor products shall obtain from the manufacturer an applicable safe harbor certification and shall maintain a copy of the certification at the physical location where the vapor product is being sold.*
- (3) *A retailer is not required to obtain a safe harbor certification for vapor products if those products were purchased from a Kentucky-licensed resident wholesaler.*
- (4) *Any retailer that violates this section shall be:*
- (a) *Subject to a fine of:*
1. *One thousand dollars (\$1,000) for the first citation issued for a violation of this section; and*
 2. *Five thousand dollars (\$5,000) for a second or subsequent citation issued for a violation of this section; and*
- (b) *Placed in the tobacco noncompliance database and reporting system and lose the ability to lawfully sell vapor products for one (1) year for any third or subsequent citation issued for a violation within a two (2) year period.*
- (5) *A retailer in the tobacco noncompliance database and reporting system that sells vapor products that are unauthorized vapor products shall be subject to a fine of ten thousand dollars (\$10,000) per unlawful transaction.*
- (6) *Any retailer with unpaid fines under this section that are more than sixty (60) days overdue shall lose the ability to lawfully sell vapor products until the fines are paid.*
- (7) *A retailer shall have an affirmative defense to a violation of selling an unauthorized vapor product if the retailer can establish:*
- (a) *Proof of an official material change in the status of a vapor product under review by the FDA within forty-five (45) days of the issuance of the citation; or*
- (b) *A safe harbor certification for the vapor product exists onsite at the retail location at the time the citation was issued.*

➔SECTION 8. A NEW SECTION OF KRS 438.305 TO 438.340 IS CREATED TO READ AS FOLLOWS:

- (1) *All certified peace officers with general law enforcement authority and investigators of the department may issue a citation for a violation of Section 4, 5, 6, or 7 of this Act.*

- (2) *A citation shall not be issued to a minor, and a minor shall not be arrested, in connection with a retailer's violation of Section 6 or 7 of this Act.*
- (3) (a) *All citations issued pursuant to Sections 4, 5, 6, and 7 of this Act shall be reported to and enforced by the department.*
- (b) *Multiple violations found during one (1) visit shall be reported on a single citation and shall be considered to be one (1) violation for purposes of the penalties set forth in Sections 6 and 7 of this Act.*
- (c) *Each violation shall be specific to the physical location in which the violation occurred.*

➔Section 9. KRS 438.310 is amended to read as follows:

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

➔Section 10. KRS 438.313 is amended to read as follows:

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

➔Section 11. KRS 241.060 is amended to read as follows:

The board shall have the following functions, powers, and duties:

- (1) To promulgate reasonable administrative regulations governing procedures relative to the applications for and revocations of licenses, the supervision and control of the use, manufacture, sale, transportation, storage, advertising, and trafficking of alcoholic beverages, and all other matters over which the board has jurisdiction. The only administrative regulation that shall be promulgated in relation to the direct shipper license is to establish the license application, as set forth in KRS 243.027(4). To the extent any administrative regulation previously promulgated is contrary to the provisions of KRS 13A.120(2), the board shall repeal or amend the administrative regulation as necessary by January 1, 2022. Administrative regulations need not be uniform in their application but may vary in accordance with reasonable classifications;

- (2) To limit in its sound discretion the number of licenses of each kind or class to be issued in this state or any political subdivision, and restrict the locations of licensed premises. To this end, the board may make reasonable division and subdivision of the state or any political subdivision into districts. Administrative regulations relating to the approval, denial, and revocation of licenses may be different within the several divisions or subdivisions;
- (3) To hold hearings in accordance with the provisions of KRS Chapter 13B. The department may pay witnesses the per diem and mileage provided in KRS 421.015;
- (4) To conduct hearings and appeals under KRS 241.150, 241.200, 241.260, 243.470, ~~and~~ 243.520, **438.340 and Sections 4, 5, 6, and 7 of this Act** and render final orders upon the subjects of the hearings and appeals;
- (5) To order the destruction of evidence in the department's possession after all administrative and judicial proceedings are conducted;
- (6) To suspend, revoke, or cancel for cause, after a hearing in accordance with KRS Chapter 13B, any license; and
- (7) To prohibit the issuance of a license for the premises until the expiration of two (2) years from the time the offense was committed if a violation of KRS Chapters 241 to 244 has taken place on the premises which the owner knew of or should have known of, or was committed or permitted in or on the premises owned by the licensee.

➔Section 12. This Act takes effect January 1, 2025.

Signed by Governor April 5, 2024.

CHAPTER 112

(SB 376)

AN ACT relating to reorganization of the Department of Law and declaring an emergency.

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

➔Section 1. KRS 15.010 (Effective until March 15, 2024) is amended to read as follows:

- (1) The Attorney General is the head of the Department of Law.
- (2) The Department of Law shall include the following major organizational units:
 - (a) Department of Criminal ~~Investigations~~~~Litigation~~;
 1. ~~Office of Counter-Exploitation~~~~Department of Criminal Investigations~~;
 - a. ~~Special Victims Division~~~~Public Corruption Division~~;
 - b. ~~Cyber Crimes Division~~~~Special Victims Division~~; and
 - c. ~~Trafficking and Abuse Prevention and Prosecution Division~~~~Special Investigations Division~~; and
 - d. ~~Protective Intelligence Division~~;
 2. Office of ~~Investigative Operations~~~~Special Prosecutions~~;
 - a. ~~Public Corruption Division~~;
 - b. ~~Special Investigations Division~~; and
 - c. ~~Protective Intelligence Division~~;
 - (b) ~~Department of Criminal Litigation~~;
 1. ~~Office of Special Prosecutions~~;
 - 2~~3~~. ~~Office of Medicaid Fraud and Abuse Control~~;
 - 3~~4~~. ~~Office of Trafficking and Abuse Prevention and Prosecution~~;

- 5. ~~—~~ Office of Prosecutors Advisory Council; and
- 4~~6~~. Office of Victims Advocacy;
- (c)~~(b)~~ Department of Civil Litigation;
 - 1. Office of Consumer Protection;
 - 2. Office of Civil and Environmental Law;
 - a. Open Records and Meetings Division; and
 - b. **Civil Litigation**~~[Administrative Hearings]~~ Division;
 - 3. Office of Rate Intervention;~~[and]~~
 - 4. Office of Senior Protection; **and**
 - 5. **Office of Administrative Hearings;**
 - a. **Family and Children Division;**
 - b. **Health Services Division; and**
 - c. **General Government Division;**
- (d)~~(e)~~ Office of the Solicitor General;
 - 1. Criminal Appeals Division; and
 - 2. Civil Appeals Division;
- (e)~~(d)~~ Office of Legal Counsel;
- (f)~~(e)~~ Office of Communications;~~[and]~~
- (g)~~(f)~~ Office of **Management and Budget**~~[Administrative Services]; and~~
- (h) **Kentucky Office of Regulatory Relief.**

➔ Section 2. KRS 15.010 (Effective March 15, 2024) is amended to read as follows:

- (1) The Attorney General is the head of the Department of Law.
- (2) The Department of Law shall include the following major organizational units:
 - (a) Department of Criminal **Investigations**~~[Litigation]~~;
 - 1. **Office of Counter-Exploitation**~~[Department of Criminal Investigations]~~;
 - a. **Special Victims Division**~~[Public Corruption Division]~~;
 - b. **Cyber Crimes Division**~~[Special Victims Division]~~; **and**
 - c. **Trafficking and Abuse Prevention and Prosecution Division**~~[Special Investigations Division; and~~
 - d. ~~—~~ **Protective Intelligence Division]**;
 - 2. Office of **Investigative Operations**~~[Special Prosecutions]~~;
 - a. **Public Corruption Division;**
 - b. **Special Investigations Division; and**
 - c. **Protective Intelligence Division;**
 - (b) **Department of Criminal Litigation;**
 - 1. **Office of Special Prosecutions;**
 - 2~~3~~. Office of Medicaid Fraud and Abuse Control;
 - 3~~4~~. ~~[Office of Trafficking and Abuse Prevention and Prosecution;~~
 - 5. ~~—~~ Office of Prosecutors Advisory Council; and

- ~~4[6]~~. Office of Victims Advocacy;
- (c)(b) Department of Civil Litigation;
 - 1. Office of Consumer Protection;
 - 2. Office of Civil and Environmental Law;
 - a. Open Records and Meetings Division; and
 - b. **Civil Litigation**~~[Administrative Hearings]~~ Division;
 - 3. Office of Rate Intervention; ~~and~~
 - 4. Office of Senior Protection; *and*
 - 5. **Office of Administrative Hearings;**
 - a. **Family and Children Division;**
 - b. **Health Services Division; and**
 - c. **General Government Division;**
- (d)(e) Office of the Solicitor General;
 - 1. Criminal Appeals Division; and
 - 2. Civil Appeals Division;
- (e)(d) Office of Legal Counsel;
- (f)(e) Office of Communications;
- (g)(f) Office of **Management and Budget**~~[Administrative Services]~~; and
- (h)(g) Kentucky Office of Regulatory Relief.

➔Section 3. KRS 13B.010 is amended to read as follows:

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

- (1) "Administrative agency" or "agency" means each state board, bureau, cabinet, commission, department, authority, officer, or other entity in the executive branch of state government authorized by law to conduct administrative hearings.
- (2) "Administrative hearing" or "hearing" means any type of formal adjudicatory proceeding conducted by an agency as required or permitted by statute or regulation to adjudicate the legal rights, duties, privileges, or immunities of a named person.
- (3) "Party" means:
 - (a) The named person whose legal rights, duties, privileges, or immunities are being adjudicated in the administrative hearing;
 - (b) Any other person who is duly granted intervention in an administrative hearing; and
 - (c) Any agency named as a party to the adjudicatory proceeding or entitled or permitted by the law being enforced to participate fully in the administrative hearing.
- (4) "Agency head" means the individual or collegial body in an agency that is responsible for entry of a final order.
- (5) "Recommended order" means the whole or part of a preliminary hearing report to an agency head for the disposition of an administrative hearing.
- (6) "Final order" means the whole or part of the final disposition of an administrative hearing, whenever made effective by an agency head, whether affirmative, negative, injunctive, declaratory, agreed, or imperative in form.
- (7) "Hearing officer" means the individual, duly qualified and employed pursuant to this chapter, assigned by an agency head as presiding officer for an administrative hearing or the presiding member of the agency head.

- (8) "**Office**"~~["Division"]~~ means the **Office**~~[Division]~~ of Administrative Hearings in the Office of the Attorney General created pursuant to KRS 15.111.

➔Section 4. KRS 13B.030 is amended to read as follows:

- (1) An agency head may exercise all powers conferred on an agency relating to the conduct of administrative hearings, and he may delegate conferred powers to a hearing officer or a member of a collegial body that serves as an agency head, or he may delegate conferred powers to a hearing officer to conduct an administrative hearing before a hearing panel, reserving the authority to render a recommended order to that panel. An agency head may not, however, delegate the power to issue a final order unless specifically authorized by statute, or unless disqualified in accordance with KRS 13B.040(2).
- (2) (a) In securing hearing officers as necessary to conduct administrative hearings under the jurisdiction of the agency, an agency may:
1. Employ hearing officers;
 2. Contract with another agency for hearing officers; or
 3. Contract with private attorneys through personal service contract.
- (b) An agency may secure hearing officers pursuant to subsection (2)(a)3. of this section only if the Attorney General has first determined that the Attorney General's Office cannot provide the needed hearing officers to the agency. If the Attorney General determines that the Attorney General's Office can provide the needed hearing officers to the agency, the agency shall use the hearing officers provided by the Attorney General's Office. The expenses incurred by the Attorney General's Office in providing the hearing officers to the agency shall be paid to the Attorney General's Office by the agency in the following manner:
1. The amount to be paid by the agency to the Attorney General's Office shall be established by vouchers submitted by the Attorney General's Office to the agency which shall be promptly paid by the agency, at the beginning of, at the end of, or at any time during the provision of the hearing officers by the Attorney General's Office.
 2. The expenses to be paid to the Attorney General's Office shall be calculated according to the amount of time spent by the salaried hearing officers of the Attorney General's Office in providing the services. The charge for time spent shall not exceed twenty-five percent (25%) more than the amount allowed for a sole practitioner under personal service contract. The Attorney General may require payment in advance of the provision of the requested services based on his calculation of the amount of time that will be spent by the salaried hearing officers of the Attorney General's Office in providing the services. The agency shall be reimbursed for any overpayment at the conclusion of the provision of services by the Attorney General's Office.
- (3) A hearing officer shall possess and meet qualifications as the Personnel Cabinet and the employing agency, with the advice of the ~~office~~~~[division]~~, may find necessary to assure competency in the conduct of an administrative hearing. The qualifications in this subsection shall not, however, apply to a member of a board, commission, or other collegial body who may serve as a hearing officer in his capacity as a member of the collegial body.
- (4) All hearing officers, including members of collegial bodies who serve as hearing officers, shall receive training necessary to prepare them to conduct a competent administrative hearing. The training shall pertain to the conduct of administrative hearings generally and to the applications of the provisions of this chapter, specifically. The ~~office~~~~[division]~~ shall establish by administrative regulation minimum standards concerning the length of training, course content, and instructor qualifications. Required training shall not exceed eighteen (18) classroom hours for initial training and six (6) classroom hours per year for continuing training. Actual training may be conducted by an agency or any other organization, if the training program offered has been approved by the ~~office~~~~[division]~~ as meeting minimum standards.

➔Section 5. KRS 15.111 (Effective until July 1, 2024) is amended to read as follows:

- (1) The **Office**~~[Division]~~ of Administrative Hearings is created in the Office of Attorney General.
- (2) This **office**~~[division]~~ shall have the following responsibilities:

- (a) Employing and maintaining a pool of hearing officers for assignment to the individual agencies at their request, for the conduct of administrative hearings. The Attorney General's office may also employ other staff as necessary to carry out functions and responsibilities assigned by KRS Chapter 13B;
- (b) Reviewing and approving or disapproving requests from agencies for waivers from provisions of KRS Chapter 13B;
- (c) Providing training in administrative hearing procedures for hearing officers as required in KRS 13B.030, either by developing and offering the training, or by contracting with appropriate organizations for the provision of training, or by approving training developed and submitted by the agencies;
- (d) Consulting with the Personnel Cabinet and employing agencies in the establishment of relevant and appropriate qualifications for classes of hearing officers;
- (e) Establishing, in cooperation with the ~~Office~~~~Division~~ of Consumer Protection, a clearinghouse for complaints concerning the administrative hearing process in Kentucky. Each complaint received shall be referred to the agency that is the subject of the complaint, and the action of the agency to resolve the complaint shall be noted and reported to the ~~office~~~~division~~; and
- (f) Reporting to the Legislative Research Commission by July 1 of each odd-numbered year, the status of the administrative hearing process in Kentucky. The report shall include a compilation of statistical data and other information necessary to assess the effectiveness and efficiency of hearing procedures and recommendations for making improvements to the system. Agencies shall provide the information requested by the ~~Office~~~~Division~~ of Administrative Hearings necessary to complete the report.

➔Section 6. KRS 15.111 (Effective July 1, 2024) is amended to read as follows:

- (1) The ~~Office~~~~Division~~ of Administrative Hearings is created in the Office of Attorney General.
- (2) This ~~office~~~~division~~ shall have the following responsibilities:
 - (a) Employing and maintaining a pool of hearing officers for assignment to the individual agencies at their request, for the conduct of administrative hearings. The Attorney General's office may also employ other staff as necessary to carry out functions and responsibilities assigned by KRS Chapter 13B;
 - (b) Reviewing and approving or disapproving requests from agencies for waivers from provisions of KRS Chapter 13B;
 - (c) Providing training in administrative hearing procedures for hearing officers as required in KRS 13B.030, either by developing and offering the training, or by contracting with appropriate organizations for the provision of training, or by approving training developed and submitted by the agencies;
 - (d) Consulting with the Personnel Cabinet and employing agencies in the establishment of relevant and appropriate qualifications for classes of hearing officers;
 - (e) Establishing, in cooperation with the ~~Office~~~~Division~~ of Consumer Protection, a clearinghouse for complaints concerning the administrative hearing process in Kentucky. Each complaint received shall be referred to the agency that is the subject of the complaint, and the action of the agency to resolve the complaint shall be noted and reported to the ~~office~~~~division~~;
 - (f) Reporting to the Legislative Research Commission by July 1 of each odd-numbered year, the status of the administrative hearing process in Kentucky. The report shall include a compilation of statistical data and other information necessary to assess the effectiveness and efficiency of hearing procedures and recommendations for making improvements to the system. Agencies shall provide the information requested by the ~~Office~~~~Division~~ of Administrative Hearings necessary to complete the report;
 - (g) Reporting to the Cabinet for Health and Family Services, Office of Inspector General, for review and investigation:
 - 1. Any charge or case against any employee of the Cabinet for Health and Family Services where it has cause to believe the employee has engaged in dishonest, unethical, or illegal conduct or practices related to his or her job duties; or
 - 2. Any violation of state law or administrative regulation by any organization or individual regulated by, or contracted with, the Cabinet for Health and Family Services; and

- (h) Conducting and providing oversight of administrative hearings as it relates to the Cabinet for Health and Family Services.

➔Section 7. KRS 15.753 is amended to read as follows:

- (1) This section shall apply to:
 - (a) The Attorney General and his or her staff;
 - (b) A county attorney and his or her staff; and
 - (c) A Commonwealth's attorney and his or her staff.
- (2) A person named in subsection (1) of this section who is sued for any act or omission in the course of his or her duties and who suffers actual financial loss, unreimbursed from any source, including any costs or attorney's fees awarded as a result of the action, or any costs or reasonable attorney's fees incurred in defending the action, shall be indemnified by the Commonwealth from funds appropriated to the Finance and Administration Cabinet for the payment of judgments, to the extent of his or her actual financial loss.
- (3) The indemnification shall be contingent upon an express determination by the **Prosecutors**~~Prosecutor's~~ Advisory Council that the act or omission which resulted in liability or financial loss was within the scope and course of the officer's employment and occurred during the performance of duty and was committed or omitted in the good faith belief that the act or omission was lawful and proper.
- (4) If the officer seeking indemnification is the Attorney General, the determination referred to in subsection (3) of this section shall be made by the Governor.
- (5) The indemnification shall not be construed to abrogate or limit any privilege, immunity, or matter of defense otherwise available to the person claiming indemnification and shall not constitute a waiver of any privilege, immunity, or matter of defense including the sovereign immunity of the Commonwealth.
- (6) The indemnification shall not be the subject of comment, directly or indirectly, before any jury hearing any cause of action in which the Attorney General, a county or Commonwealth's attorney, or a member of their staff is a party, and any comment before the jury shall result in an immediate mistrial.

➔Section 8. KRS 189A.050 is amended to read as follows:

- (1) All persons convicted of violation of KRS 189A.010(1)(a), (b), (c), (d), or (e) shall be sentenced to pay a service fee of four hundred twenty-five dollars (\$425), which shall be in addition to all other penalties authorized by law.
- (2) The fee shall be imposed in all cases but shall be subject to the provisions of KRS 534.020 and KRS 534.060.
- (3) The first fifty dollars (\$50) of each service fee imposed by this section shall be paid into the general fund, the second fifty dollars (\$50) of each service fee imposed by this section shall be paid to the ignition interlock administration fund established in KRS 189A.380, and the remainder of the revenue collected from the service fee imposed by this section shall be utilized as follows:
 - (a) Twelve percent (12%) shall be transferred to the Department of Kentucky State Police forensic laboratory for the acquisition, maintenance, testing, and calibration of alcohol concentration testing instruments and the training of laboratory personnel to perform these tasks;
 - (b) Twenty percent (20%) shall be allocated to the Department of Public Advocacy;
 - (c) One percent (1%) shall be transferred to the **Prosecutors**~~Prosecutor's~~ Advisory Council for training of prosecutors for the prosecution of persons charged with violations of this chapter and for obtaining expert witnesses in cases involving the prosecution of persons charged with violations of this chapter or any other offense in which driving under the influence is a factor in the commission of the offense charged;
 - (d) Sixteen percent (16%) shall be transferred as follows:
 1. Fifty percent (50%) shall be credited to the traumatic brain injury trust fund established under KRS 211.476; and
 2. Fifty percent (50%) shall be credited to the Cabinet for Health and Family Services, Department for Behavioral Health, Developmental and Intellectual Disabilities, for the purposes of providing direct services to individuals with brain injuries that may include long-term supportive services and training and consultation to professionals working with individuals with brain injuries. As

funding becomes available under this subparagraph, the cabinet may promulgate administrative regulations pursuant to KRS Chapter 13A to implement the services permitted by this subparagraph;

- (e) Any amount specified by a specific statute shall be transferred as provided in that statute;
 - (f) Forty-six percent (46%) shall be transferred to be utilized to fund enforcement of this chapter and for the support of jails, recordkeeping, treatment, and educational programs authorized by this chapter and by the Department of Public Advocacy; and
 - (g) The remainder shall be transferred to the general fund.
- (4) The amounts specified in subsection (3)(a), (b), (c), and (d) of this section shall be placed in trust and agency accounts that shall not lapse.

➔Section 9. KRS 205.8465 is amended to read as follows:

- (1) Any person who knows or has reasonable cause to believe that a violation of this chapter has been or is being committed by any person, corporation, or entity, shall report or cause to be reported to the **Office of Medicaid Fraud and Abuse Control in the Office of the Attorney General**~~[state Medicaid Fraud Control Unit]~~, or the Medicaid Fraud and Abuse hotline, the following information, if known:
- (a) The name and address of the offender;
 - (b) The offender's place of employment;
 - (c) The nature and extent of the violation;
 - (d) The identity of the complainant; and
 - (e) Any other information that the receiving person reasonably believes might be helpful in investigation of the alleged fraud, abuse, or misappropriation.

The **Office of Medicaid Fraud and Abuse Control**~~[state Medicaid Fraud Control Unit]~~ shall periodically publicize the provisions of this subsection.

- (2) The identity of any person making a report under this section shall be considered confidential by the receiving party. Any person making a report under this section regarding the offenses of another shall not be liable in any civil or criminal action based on the report if it was made in good faith.
- (3) No employer shall, without just cause, discharge or in any manner discriminate or retaliate against any person who in good faith makes a report required or permitted by KRS 205.8451 to 205.8483, testifies, or is about to testify, in any proceeding with regard to any report or investigation. Any individual injured by any act in violation of the provisions of this subsection shall have a civil cause of action in Circuit Court to enjoin further violations, and to recover the actual damages sustained, together with the costs of the lawsuit, including a reasonable fee for the individual's attorney of record.
- (4) No employee of the state **Office of Medicaid Fraud and Abuse Control in**~~[Medicaid Fraud Control Unit]~~ the Office of the Attorney General, the Office of the Inspector General, or the Cabinet for Health and Family Services shall notify the alleged offender of the identity of the person who in good faith makes a report required or permitted by KRS 205.8451 to 205.8483 nor shall the employee notify the alleged offender that a report has been made alleging a violation of KRS 205.8451 to 205.8483 until such time as civil or criminal proceedings have been initiated or a formal investigation has been initiated. Any information or report concerning an alleged offender shall be considered confidential in accordance with the Kentucky Open Records Law, KRS 61.870 to 61.884.

➔Section 10. KRS 205.8483 is amended to read as follows:

- (1) The Office of the Inspector General in the Cabinet for Health and Family Services shall establish, maintain, and publicize a twenty-four (24) hour toll-free hotline for the purpose of receiving reports of alleged fraud and abuse by Medical Assistance Program recipients and participating providers.
- (2) The Office of the Inspector General in the Cabinet for Health and Family Services shall develop and implement procedures for screening alleged fraud and abuse of the Medical Assistance Program to ensure that appropriate written referrals are made to:

- (a) The *Office of Medicaid Fraud and Abuse Control* in ~~state Medicaid Fraud Control Unit and to~~ the Office of the Attorney General of credible allegations of fraud and abuse by providers participating in the Medical Assistance Program; and
 - (b) Other agencies and licensure boards of all allegations received on the hotline that are relevant to their jurisdiction.
- (3) The Office of the Inspector General in the Cabinet for Health and Family Services shall provide, upon request, a Medicaid fraud and abuse report that shall include but not be limited to the following information from the prior fiscal year:
- (a) The number and type of reports received in the Office of the Inspector General in the Cabinet for Health and Family Services, from the Medicaid fraud and abuse hotline categorized by recipient and provider groups; and
 - (b) The number and type of alleged Medicaid recipient fraud and abuse reports which were opened for investigation by the Office of Inspector General and their disposition.

➔Section 11. KRS 217.896 is amended to read as follows:

The *Office* ~~Division~~ of Consumer Protection of the Office of the Attorney General shall develop and distribute to licensed pharmacies without charge a pamphlet for citizens of the Commonwealth which explains the provisions of KRS 217.815 to 217.826 and 217.895. Pharmacists shall display such distributed pamphlets in a prominent place and make them available without charge. Pharmacies shall maintain a sufficient stock of the distributed pamphlets to assure that the supply will not become exhausted for any lengthy time.

➔Section 12. KRS 248.353 is amended to read as follows:

- (1) Compliance with the provisions of KRS 248.350 shall be monitored by the department with enforcement assistance provided by the *Office of Special Prosecutions* in ~~Unit of~~ the Office of the Attorney General.
- (2) The Attorney General at the request of the commissioner:
 - (a) May make such public or private investigations within or outside of this state as he deems necessary to determine if any person has violated or is about to violate KRS 248.350 or any administrative regulation or order thereunder, or to aid in the enforcement of KRS 248.350 or in the prescribing of administrative regulations and forms thereunder;
 - (b) May require or permit any person to file a statement in writing, under oath or otherwise as the Attorney General may determine, as to all the facts and circumstances concerning the matter to be investigated; and
 - (c) May publish information concerning any violation of KRS 248.350 or any administrative regulation or order thereunder.
- (3) For the purpose of any investigation or proceeding under KRS 248.350, the Attorney General or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the Attorney General deems relevant or material to the inquiry.
- (4) In case of contumacy by, or refusal to obey a subpoena issued to, any person, any court of competent jurisdiction, upon application by the Attorney General, may issue to that person an order requiring him to appear before the Attorney General, or the officer designated by him, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question; and any failure to obey the order of the court may be punished by the court as a contempt of court.
- (5) No person is excused from attending and testifying or from producing any document or record before the Attorney General, or in obedience to the subpoena of the Attorney General or any officer designated by him, or in any proceeding instituted by the Attorney General, on the ground that the testimony or evidence (documentary or otherwise) required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after claiming his privilege against self-incrimination, to testify or produce evidence (documentary or otherwise), except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

➔Section 13. KRS 304.1-120 is amended to read as follows:

No provision of this code shall apply to:

- (1) Fraternal benefit societies (as identified in Subtitle 29), except as stated in Subtitle 29.
- (2) Nonprofit hospital, medical-surgical, dental, and health service corporations (as identified in Subtitle 32) except as stated in Subtitle 32.
- (3) Burial associations (as identified in KRS Chapter 303), except as stated in Subtitle 31.
- (4) Assessment or cooperative insurers (as identified in KRS Chapter 299), except as stated in KRS Chapter 299.
- (5) Insurance premium finance companies (as identified in Subtitle 30), except as stated in Subtitle 30.
- (6) Qualified organizations which issue charitable gift annuities within the Commonwealth of Kentucky. For the purposes of this subsection:
 - (a) A "qualified organization" means one which is:
 1. Exempt from taxation under Section 501(c)(3) of the Internal Revenue Code as a charitable organization, if it files a copy of federal form 990 with the ~~Office~~~~Division~~ of Consumer Protection in the Office of the Attorney General; or
 2. Exempt from taxation under Section 501(c)(3) of the Internal Revenue Code as a religious organization; or
 3. Exempt as a publicly owned or nonprofit, privately endowed educational institution approved or licensed by the State Board of Education, the Southern Association of Colleges and Schools, or an equivalent public authority of the jurisdiction where the institution is located; and
 - (b) A "charitable gift annuity" means a giving plan or method by which a gift of cash or other property is made to a qualified organization in exchange for its agreement to pay an annuity.
- (7) A religious organization, as identified in this subsection, or its participants, that:
 - (a) Is a nonprofit religious organization;
 - (b) Is limited to participants who are members of the same denomination or religion;
 - (c) Matches its participants who have financial, physical, or medical needs with participants who choose to assist with those needs;
 - (d)
 1. Includes the following notice for delivery to all participants, printed in not less than ten (10) point, bold-faced type on or accompanying all applications, guideline materials, or any similar documents:

"NOTICE: UNDER KENTUCKY LAW, THE RELIGIOUS ORGANIZATION FACILITATING THE SHARING OF MEDICAL EXPENSES IS NOT AN INSURANCE COMPANY, AND ITS GUIDELINES, PLAN OF OPERATION, OR ANY OTHER DOCUMENT OF THE RELIGIOUS ORGANIZATION DO NOT CONSTITUTE OR CREATE AN INSURANCE POLICY. PARTICIPATION IN THE RELIGIOUS ORGANIZATION OR A SUBSCRIPTION TO ANY OF ITS DOCUMENTS SHALL NOT BE CONSIDERED INSURANCE. ANY ASSISTANCE YOU RECEIVE WITH YOUR MEDICAL BILLS WILL BE TOTALLY VOLUNTARY. NEITHER THE ORGANIZATION OR ANY PARTICIPANT SHALL BE COMPELLED BY LAW TO CONTRIBUTE TOWARD YOUR MEDICAL BILLS. WHETHER OR NOT YOU RECEIVE ANY PAYMENTS FOR MEDICAL EXPENSES, AND WHETHER OR NOT THIS ORGANIZATION CONTINUES TO OPERATE, YOU SHALL BE PERSONALLY RESPONSIBLE FOR THE PAYMENT OF YOUR MEDICAL BILLS."
 2. A participant shall acknowledge receipt of the "Notice" by signing below the "Notice" on the application;
 - (e) Suggests amounts to give that are voluntary among the participants, with no assumption of risk or promise to pay either among the participants or between the participants and the organization.
- (8) A public or private ambulance service licensed and regulated by the Cabinet for Health and Family Services to the extent that it solicits membership subscriptions, accepts membership applications, charges membership fees, and furnishes prepaid or discounted ambulance services to subscription members and designated members of their households.

- (9) A direct primary care agreement established under KRS 311.6201, 311.6202, 314.198, and 314.199.

➔Section 14. KRS 367.120 is amended to read as follows:

- (1) The General Assembly finds that the public health, welfare and interest require a strong and effective consumer protection program to protect the public interest and the well-being of both the consumer public and the ethical sellers of goods and services; toward this end, a Consumers' Advisory Council and ~~the Office~~ ~~of~~ ~~Consumer Protection~~ ~~in~~ ~~of~~ ~~the~~ ~~Office of the Attorney General~~ ~~Department of Law~~ are hereby created for the purpose of aiding in the development of preventive and remedial consumer protection programs and enforcing consumer protection statutes.
- (2) KRS 367.110 to 367.300 may be cited as the "Consumer Protection Act."

➔Section 15. KRS 367.46951 is amended to read as follows:

As used in KRS 367.46951 to 367.46999 and 367.990, unless the context otherwise requires:

- (1) "Telephone solicitation" means:
- (a) A live or recorded communication sent by a telephone or message sent by a facsimile machine to a residential, mobile, or telephone paging device telephone number, including a call made by an automatic dialing or recorded message device, for the purpose of:
 1. Soliciting a sale of consumer goods or services, offering an investment, business, or employment opportunity, or offering a consumer loan to the person called;
 2. Obtaining information that will or may be used for the solicitation of a sale of consumer goods or services, the offering of an investment, business, or employment opportunity, or the offering of a consumer loan to the person called;
 3. Offering the person called a prize, gift, or anything else of value, if payment of money or other consideration is required in order to receive the prize or gift, including the purchase of other merchandise or services or the payment of any processing fees, delivery charges, shipping and handling fees, or other fees or charges; or
 4. Offering the person called a prize, gift, or other incentive to attend a sales presentation for consumer goods or services, an investment or business opportunity, or a consumer loan; or
 - (b) A live or recorded communication sent by telephone, facsimile machine, mobile telephone, or telephone paging device in response to inquiries generated by unrequested notifications sent by the merchant to persons who have not previously purchased goods or services from the merchant or telemarketer or who have not previously requested credit from the merchant, to a prospective purchaser if the merchant or telemarketer represents or implies to the recipient of the notification that any of the following applies:
 1. That the recipient has in any manner been specially selected to receive the notification or the offer contained in the notification;
 2. That the recipient will receive a prize or gift if the recipient calls the merchant or telemarketer; or
 3. That if the recipient buys one (1) or more items from the merchant or telemarketer, the recipient will also receive additional or other items of the same or a different type at no additional cost or for less than the regular price of the items;
- (2) "Telephone solicitation" does not mean the following:
- (a) A telephone call made in response to an express request of a person called, unless the request was made during a prior telephone solicitation;
 - (b) A telephone call made to the debtor or a party to the contract in connection with the payment or performance of an existing debt or contract, the payment or performance of which has not been completed at the time of the call;
 - (c) A telephone call to any person with whom the telemarketer or merchant has a prior or existing business relationship, including but not limited to the solicitation of contracts for the maintenance or repair of items previously purchased from the person making the solicitation or on whose behalf the solicitation is made;
 - (d) A telephone call made by the following:

1. A merchant or telemarketer located in Kentucky to a location outside of the Commonwealth of Kentucky;
 2. A telephone call made by one (1) merchant to another;
- (3) "Consumer goods or services" means goods, services, or interests in real property used by natural persons primarily for personal, family, or household purposes;
 - (4) "Consumer loan" means any extension of credit, including credit cards and other forms of revolving credit, to a natural person primarily for the purposes of purchasing consumer goods or services or for paying existing personal, family, or household debts;
 - (5) "Consumer" means a natural person who receives a telephone solicitation;
 - (6) "Legal name of the merchant" means the real name of the merchant, as defined in KRS 365.015(1), or the assumed name of the merchant for which all proper certificates have been filed pursuant to KRS 365.015;
 - (7) "Merchant" means the individual or business entity offering the consumer goods or services, an investment, business, or employment opportunity, or a consumer loan;
 - (8) "Caller" or "sales person" means the individual making the call or operating the automatic dialing or recorded message device and causing the call to be made;
 - (9) "~~Office~~" [~~Division~~] means the *Office of Consumer Protection* ~~in~~ [~~Division of~~] the Office of the Attorney General;
 - (10) "Automated calling equipment" means any device or combination of devices used to select or dial telephone numbers and to deliver recorded messages to those numbers without the use of a live operator;
 - (11) "Telemarketer" means any person who under contract with a merchant or in connection with a telephone solicitation initiates or receives telephone calls to or from a consumer of goods and services. A telemarketer includes but is not limited to any such person that is an owner, operator, officer, director, or partner to the management activities of a business;
 - (12) "Publicly traded corporation" means an issuer or subsidiary of an issuer that has a class of securities which is:
 - (a) Subject to Section 12 of the Securities Exchange Act of 1934 (15 U.S.C. sec. 78l) and which is registered or exempt from registration under paragraph (A), (B), (C), (E), (F), (G), or (H) of subsection (g)(2) of that section;
 - (b) Listed on the New York Stock Exchange, the American Stock Exchange, or the NASDAQ National Market System; or
 - (c) A reported security within the meaning of subparagraph (4) of Regulation Section 240.11Aa3-1.(a) under the Securities Exchange Act of 1934. A subsidiary of an issuer that qualifies for exemption under this paragraph shall not itself be exempt unless at least sixty percent (60%) of the voting power of its shares is owned by the qualifying issuer;
 - (13) "Telemarketing company" means a company whose primary business is to engage in telephone solicitation; and
 - (14) "Zero call list" means the national Do Not Call Registry maintained by the United States Federal Trade Commission containing the residential or wireless telephone numbers of the individuals that indicate their preference not to receive telephone solicitations.

➔Section 16. KRS 367.46971 is amended to read as follows:

- (1) At least ten (10) days prior to doing business in this state, a telemarketing company shall register with the ~~office~~ [~~division~~] by filing the information described below and paying a filing fee of three hundred dollars (\$300). A telemarketing company shall be deemed to do business in this state if the telemarketing company solicits prospective purchasers from locations in this state or solicits prospective purchasers who are located in this state. The information required by this section shall be submitted on a form provided by the Attorney General and shall be verified by a declaration signed by each principal of the telemarketing company, under penalty of perjury. The declaration shall specify the date and location of signing. Information submitted pursuant to KRS 367.46951 to 367.46999 shall be clearly identified and appended to the filing.
- (2) Registration of a telemarketing company shall be valid for one (1) year from the effective date thereof and may be renewed annually by making the filing required by this section and paying a filing fee of fifty dollars (\$50).

- (3) If, prior to expiration of a telemarketing company's annual registration, there is a material change in the information required by KRS 367.46951 to 367.46999, the telemarketing company shall, within ten (10) days, file an addendum updating the information with the ~~office~~~~division~~. However, changes in salespersons soliciting on behalf of a telemarketing company shall be updated by filing addenda, if necessary, in quarterly intervals computed from the effective date of registration. The addendum shall include the required information for all salespersons currently soliciting or having solicited on behalf of the telemarketing company at any time during the period between the filing of the registration, or the last addendum, and the current addendum, and shall include information on salespersons no longer soliciting for the telemarketing company as of the date of the filing of the current addendum.
- (4) Upon receiving the filing and the filing fee pursuant to this section, the ~~office~~~~division~~ shall send the telemarketing company a written confirmation of receipt of the filing. If the telemarketing company has more than one (1) business location, the written confirmation shall be sent to the telemarketing company's principal business location as identified in the telemarketing company's filing in sufficient numbers so that the telemarketing company can meet the requirements of this subsection. Within ten (10) days of receipt of the confirmation, the telemarketing company shall post in a conspicuous place at each of the telemarketing company's business locations within this state a copy of the entire registration statement which has been filed with the ~~office~~~~division~~. Until confirmation of receipt of filing is received and posted, the telemarketing company shall post in a conspicuous place at each of the telemarketing company's business locations within this state a copy of the first page of the registration form sent to the department. The telemarketing company shall also post in close proximity to either the confirmation of receipt of filing or the first page of the submitted registration form the name of the individual in charge of each location from which the telemarketing company does business in this state.

➔Section 17. KRS 367.46981 is amended to read as follows:

- (1) Every telemarketing company shall maintain a bond issued by a surety company admitted to do business in this state. The bond shall be in the amount of fifty thousand dollars (\$50,000) in favor of the Attorney General for the benefit of any person suffering injury or loss by reason of any violation of KRS 367.46951 to 367.46999 to be paid under the terms of any order of a court of competent jurisdiction obtained by the Attorney General, as a result of any violation of KRS 367.46951 to 367.46999. A copy of the bond shall be filed with the ~~office~~~~division~~.
- (2) At least ten (10) days prior to the inception of any promotion offering a premium with an actual market value or advertised value of five hundred dollars (\$500) or more, the telemarketing company shall notify the Attorney General in writing of the details of the promotion, describing the premium and its current market value, the value at which it is advertised or held out to the customer, the date the premium shall be awarded, and the conditions under which the award shall be made. The telemarketing company shall maintain an additional bond for the greater of the current total market value or the advertised value of the premiums held out or advertised to be available to a purchaser or recipient. A copy of the bond shall be filed with the ~~office~~~~division~~. The bond, or a portion of it necessary to cover the cost of the award, shall be forfeited if the premium is not awarded to a bona fide customer within thirty (30) days of the date disclosed as the time of award or the time otherwise required by law. The proceeds of the bond shall be paid to any person suffering injury or loss by reason of any violation of KRS 367.46951 to 367.46999 or shall be paid pursuant to the terms of any order of a court of competent jurisdiction obtained by the Attorney General, Commonwealth's attorney, or county attorney as a result of any violation of KRS 367.46951 to 367.46999. The bond shall be maintained until the telemarketing company files with the Attorney General proof that the premium was awarded.

➔Section 18. KRS 367.801 is amended to read as follows:

As used in KRS 367.801 to 367.819 and KRS 367.990, unless the context requires otherwise:

- (1) "~~Office~~"~~["Division"]~~ means *the Office*~~["Division"]~~ of Consumer Protection ~~in~~~~of~~ the Office of the Attorney General.
- (2) "Person" means natural persons, corporations, trusts, partnerships, incorporated or unincorporated associations, or any other legal entity.
- (3) "Offeror" means a person who is engaged in the business of selling business opportunities including any subsidiary business which affiliates with the offeror for goods or services or locations.
- (4) "Consumer/investor" means a person who has purchased or is solicited for the purchase of a business opportunity.

- (5) "Business opportunity" means the sale or lease, or offer to sell or lease, of any products, equipment, supplies, or services for the purpose of enabling the consumer investor to start a business when:
- (a) The offeror obtains an initial required consideration of not less than five hundred dollars (\$500) from the purchase or lease of the business opportunity or inventory associated therewith; and
 - (b) The offeror has represented, directly or indirectly, that the consumer/investor will earn, can earn, or is likely to earn a gross or net profit in excess of the initial required investment paid by the consumer/investor for the business opportunity; or
 - (c)
 1. The offeror has represented that he has knowledge of the relevant market and that the market demand will enable the consumer/investor to earn a profit from the business opportunity; or
 2. The offeror has represented that locations will be provided or assistance will be given directly or indirectly to the consumer/investor in finding locations for the use or operation of the business opportunity including, but not limited to, supplying the consumer/investor with names of locator companies, contracting with the consumer/investor to provide assistance with or supply names of or collect a fee on behalf of or for a locator company; or
 3. The offeror has represented that there is a guaranteed market or that the offeror will buy back or is likely to buy back any product made, manufactured, produced, fabricated, grown, or bred by the consumer/investor using, in whole or in part, the products, supplies, equipment, or services which were initially sold or offered for sale to the consumer/investor by the offeror.

➔Section 19. KRS 367.805 is amended to read as follows:

- (1) It is unlawful for any person to engage in the sale of business opportunities unless prior to the offering the offeror has registered with the ~~office~~~~division~~ and has furnished a bond pursuant to KRS 367.815(2) and provided all of the following:
- (a) All trade names, assumed names, and all trademarks by which the offeror or the prospective consumer/investor of the business opportunity will be doing business.
 - (b) The names, home addresses, and home telephone numbers of the persons and company offering the business opportunity, and the company's directors and chief executive officers, and the names, home addresses, and home telephone numbers of all representatives selling business opportunities in Kentucky.
 - (c) A statement as to the length of time the person and company offering the business opportunity has conducted a business of the type being offered both within and without Kentucky.
 - (d) A statement as to whether the person or company offering the business opportunity or any of its directors or chief executive officers or sales representatives operating in Kentucky is currently involved in litigation or has been held liable in a civil action by final judgment for having engaged in unfair, false, misleading, or deceptive practices or is currently charged with or has been convicted of or pleaded nolo contendere to a felony involving fraud, embezzlement, fraudulent conversion, or misappropriation of property during the most recent seven (7) year period, or has entered into any agreed settlements or is currently in any bankruptcy proceeding or has been declared bankrupt in any judicial proceeding during the most recent seven (7) year period.
 - (e) A statement as to whether the person or the company offering the business opportunity or its officers, directors, or agents making the offering of the business opportunity has been a party to any legal cause of action brought by a consumer/investor of the business opportunity within the last seven (7) year period and, if so, the name and address of such individual who has brought the legal action.
 - (f) A statement disclosing the names, addresses, and telephone numbers of all persons who have been sold a business opportunity by the offeror within the last two (2) year period.
 - (g) A statement listing the names and addresses of any consumer/investor who has requested within the preceding three (3) years that the offeror return his money.
 - (h) A current audited financial statement of the offeror.
 - (i) A specimen of each contract proposed for use in connection with the business opportunity.
 - (j) A full and detailed description of the actual services that the offeror of the business opportunity undertakes to perform for the consumer/investor.

- (k) If training is promised by the offeror, a complete description of the training, including length of the training and costs.
- (2) The offeror shall immediately notify the *office*~~[division]~~ of any material change in information contained in the application for registration and shall make appropriate amendment of the disclosure statement.
- (3) The division shall collect, from any offeror required to comply with this section, an initial fee of one hundred fifty dollars (\$150), and an annual renewal fee of fifty dollars (\$50), and an update fee of twenty-five dollars (\$25) for the administration and enforcement of KRS 367.801 to 367.819. Funds so collected shall be credited to a trust or agency account for the administrative purpose of the Attorney General's *Office*~~[office, Division]~~ of Consumer Protection.
- (4) The Attorney General may promulgate administrative regulations as needed to provide for: a hearing, to be conducted in accordance with KRS Chapter 13B, for any business opportunity which the Attorney General initially determines should not be registered or should have registration revoked or suspended; for the establishment of specific standards for the form and content of the disclosure document; and for registration procedures including fee schedules.

➔Section 20. KRS 367.807 is amended to read as follows:

- (1) An offeror is exempt from the provisions of KRS 367.801 to 367.819 and KRS 367.990 when the offeror:
- (a) Meets the definition of a franchise as defined in the Federal Trade Commission's Regulation on Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures, as set forth in 16 C.F.R. 436 et seq., and has complied with these and filed written notice so stating with the *office*~~[division]~~; or
- (b) Offers a security pursuant to KRS 292.313;
- (c) Offers an ongoing business for sale; or
- (d) Offers a not-for-profit sale of sales demonstration equipment, materials, or samples for use in making sales and not for resale for a total price of \$500 or less.
- (2) The Attorney General may promulgate administrative regulations as needed to provide for additional exemptions. ~~[Is offering to sell or selling a package franchise as described in KRS 367.801(7).]~~

➔Section 21. KRS 367.809 is amended to read as follows:

- (1) The *office*~~[division]~~, after ascertaining that the applicant has complied with KRS 367.805, shall issue a registration number.
- (2) It shall be unlawful for the registrant to fail to include the registration number in any advertising.

➔Section 22. KRS 367.811 is amended to read as follows:

It shall be unlawful for any offeror to make any oral or written representation, actual or hypothetical, regarding the business opportunity's potential sales, income, gross or net profit unless such sales, income, or profits are examples based upon the actual earnings made by existing consumer/investors of the business opportunity. Upon request by the *office*~~[division]~~, names and addresses of the consumer/investors shall be made available for verification of the earnings claims. If such actual or hypothetical earnings examples are in excess of the average net earnings realized by all of the consumer/investors of the business opportunity, then there must be a full and complete disclosure of the average net earnings actually realized by all of these consumer/investors.

➔Section 23. KRS 367.813 is amended to read as follows:

- (1) Prior to the solicitation of potential consumer/investors the offeror shall furnish and display to the potential consumer/investor a copy of the material required to be furnished the *office*~~[division]~~ when registering pursuant to KRS 367.805.
- (2) When furnishing the information required by subsection (1) of this section, the offeror shall furnish the prospective consumer/investor with a notice in at least ten (10) point bold-face type, stating that registration with the *office*~~[division]~~ does not directly or indirectly imply approval by the *office*~~[division]~~ or the Commonwealth of Kentucky of the business opportunity or any of the activities of representatives selling such business opportunities.

➔Section 24. KRS 367.815 is amended to read as follows:

- (1) Any person who offers a business opportunity and makes representations that are false, misleading, or deceptive shall be liable to the consumer/investor of such business opportunity in an amount equal to the sum of his actual damages or fifteen hundred dollars (\$1,500), whichever is greater, as well as the cost of the action together with reasonable attorney's fees, as determined by the court.
- (2) (a) All persons registering pursuant to KRS 367.805 shall either furnish a bond by a surety company authorized to do business in the Commonwealth or establish a full cash certificate of deposit with a licensed and insured bank or savings institution located in the Commonwealth to insure the veracity of all statements contained in the registration. The amount of the bond or certificate of deposit shall be in an amount equal to the total amount of the initial payments under all business opportunity agreements the offeror has entered into in the Commonwealth during the previous year but in no case shall the amount be less than seventy-five thousand dollars (\$75,000). The bond or certificate of deposit shall be in the favor of the Attorney General of Kentucky.
- (b) Any person who is damaged by any violation of KRS 367.801 to 367.819, or by the offeror's breach of contract for the business opportunity sale, or of any obligation arising therefrom may bring an action against the bond or certificate of deposit to recover damages suffered, provided that the aggregate liability of the surety or trustee shall be only for the actual damages and shall not exceed the amount of the bond or trust account.
- (3) A person who has furnished a bond described in subsection (2) of this section may petition the ~~office~~~~division~~ for release of the bond by submitting a verified statement that such person has not offered business opportunities in the state for the last five (5) years.
- (4) Any offeror of a business opportunity who has offered or sold in this state shall maintain a complete set of books, records, and accounts of its business opportunity sales. The sale documents shall be maintained on each transaction for a period of four (4) years after the date of agreement. The offeror shall make the books and records available to the ~~office~~~~division~~ upon demand at a location within the state.

➔Section 25. KRS 367.905 is amended to read as follows:

- (1) Any person, corporation, partnership, association, or group intending to open or operate a health spa within the Commonwealth, shall:
 - (a) File a registration statement, accompanied by a one hundred dollar (\$100) initial registration fee, with the Attorney General's ~~Office~~~~Division~~ of Consumer Protection prior to the sale of any memberships in the Commonwealth of Kentucky. Such a registration statement shall contain the name and address of the health spa; the names and addresses of the officers, directors, and stockholders of the health spa and its parent corporation, if such an entity exists; the type of available facilities; approximate size of the health spa measured in square feet; whether or not a shower area is provided; the names and addresses of employees and their respective qualifications for employment in the health spa field; type of membership plans to be offered and their cost; and a full and complete disclosure of any completed or pending litigation initiated against the health spa and any of its officers or directors within the last three (3) years.
 - (b) Prior to the sale of any memberships in the Commonwealth of Kentucky, provide the Attorney General's ~~Office~~~~Division~~ of Consumer Protection with a surety bond meeting the requirements of KRS 367.906.
- (2) A new registration statement, accompanied by an annual registration fee of fifty dollars (\$50), shall be filed with the Attorney General's ~~Office~~~~Division~~ of Consumer Protection on or before July 1 of each year following the opening of the health spa.
- (3) Each health spa selling contracts on a prepayment basis shall deposit all funds received from such contracts in an escrow account until the health spa has remained open for a period of thirty (30) days. At the end of this thirty (30) day period, such prepayment funds shall be eligible for withdrawal at the depositor's discretion.
- (4) Each health spa registering pursuant to this statute shall maintain in the files of the health spa, a copy of its registration statement filed pursuant to this section. This registration statement shall be made available for inspection by current health spa members or prospective purchasers of health spa memberships.
- (5) The registration fees required by this section shall be credited to a trust or agency account for the administrative purposes of the Attorney General's ~~Office~~~~Division~~ of Consumer Protection, as set forth in KRS 367.900 to 367.930.

- (6) Each separate location where health spa services are offered shall be considered a separate health spa and shall file a separate registration statement and surety bond, even though the separate locations are owned or operated by the same owner.

➔Section 26. KRS 367.906 is amended to read as follows:

- (1) The surety bond required by KRS 367.905(1)(b) shall be in favor of the Attorney General's *Office*~~Division~~ of Consumer Protection and shall be held for compensation to any member who suffers loss of money paid due to the insolvency of the health spa, cessation of operation of the health spa, or failure of the health spa to open for business within ninety (90) days from the sale of the first contract.
- (2) The bond shall be in a form prescribed by the Attorney General's *Office*~~Division~~ of Consumer Protection and shall be issued by a company authorized to transact business in the Commonwealth of Kentucky.
- (3) The amount of the bond shall be computed as follows:

Number of unexpired contracts	Amount of bond
150 or fewer	\$10,000
151 to 300	\$25,000
301 or more	\$50,000

- (4) The Attorney General's *Office*~~Division~~ of Consumer Protection shall exempt a spa from the bonding requirement if all of its unexpired contracts and present membership plans meet the following criteria:
- (a) No initiation fee, or similar nonrecurring fee, is charged at or near the beginning of the contract term or renewal period, and
- (b) At no time is any member charged for use of facilities or services more than thirty-one (31) days in advance.
- (5) If, because of an increase in membership or change in membership plans, a spa is required to file a bond or increase the amount of its bond, it shall notify the Attorney General's *Office*~~Division~~ of Consumer Protection in writing at least thirty (30) days prior to the expected change. No contract in excess of the limits stated in subsection (3) of this section or not in compliance with subsection (4) of this section shall be sold until a new bond in the required amount has been provided.
- (6) A change in ownership shall not release, cancel or terminate liability under any bond previously filed unless the Attorney General's *Office of Consumer Protection* ~~Division~~ agrees in writing to the release, cancellation or termination because the new owner has filed a new bond for the benefit of the previous owner's members, or because the former owner has paid the required refunds to its members.

➔Section 27. KRS 367.932 is amended to read as follows:

As used in KRS 367.934 to 367.974 and 367.991~~, unless the context requires otherwise~~:

- (1) "Attorney General" means *the Office*~~Division~~ of Consumer Protection in the office of the Attorney General;~~[-]~~
- (2) "Financial institution" means a bank, trust company, federally chartered credit union, or savings and loan association authorized by law to do business in this state;~~[-]~~
- (3) "Preneed burial contract" means a contract, which has for a purpose the furnishing or performance of funeral services, or the furnishing or delivery of personal property, merchandise, or services of any nature in connection with the final disposition of a dead human body, for future use at a time determinable by the death of the person whose body is to be disposed of; but does not mean the furnishing of a cemetery lot or mausoleum;~~[-]~~
- (4) "Agent" means the licensee who is the person, partnership, association or corporation receiving any payments on a preneed funeral contract;~~[-]~~
- (5) "Trustee" means the financial institution;~~[-]~~
- (6) "Person" means an individual, corporation, partnership, joint venture, association, business trust, or any other form of business organization; provided, however, that an individual employee of an entity registered pursuant

to KRS 367.934 to 367.974 and 367.991 shall not be required to comply with the registration requirement herein;~~;~~

- (7) "Remains" means the bodies of deceased persons, in whatever stage of decomposition, and cremated remains;~~;~~
- (8) "Cemetery" means any one (1) or combination of more than one (1) of the following in a place used or to be used and dedicated or designated for such purposes:
 - (a) A burial park, for earth interment;~~;~~
 - (b) A mausoleum, for entombment;~~;~~
 - (c) A columbarium, for inurnment;~~;~~
- (9) "Mausoleum" means a building or structure substantially exposed above ground used or intended to be used for the entombment of human remains, which is sold or offered for sale to the public;~~;~~
- (10) "Columbarium" means a structure or building substantially exposed above ground intended to be used for the inurnment of cremated remains and sold or offered for sale to the public;~~;~~
- (11) "Columbarium niche" means an inurnment space in a columbarium as defined herein;~~;~~
- (12) "Cemetery company" means any person who conducts the business of a cemetery. Excepted are small community cemeteries, their agents, lessees and otherwise that operate nonprofit; have no salaried employees, directors, officers or managers other than maintenance caretakers; are owned, controlled by lot owners; and do not sell any preneed merchandise or services;~~;~~
- (13) "Grave space" means a space of ground in a cemetery intended to be used for the interment in the ground of the remains of one (1) human being;~~;~~
- (14) "Underground crypt" means a single unit entombment space in preplaced chambers below ground and also known as lawn crypt, westminister turftop mausoleum or below ground crypt;~~;~~
- (15) "Bank of underground crypts" means any construction unit of twenty (20) or more underground crypts designed as a part of a below ground crypt program, whether physically connected or not, having a common drainage system;~~;~~
- (16) "Mausoleum crypt" means an entombment space in a mausoleum as defined herein;~~;~~
- (17) "Cemetery merchandise" means urns, memorials, monuments, markers, vases, foundations, memorial bases, and other similar personal property commonly sold by or used in cemeteries; **and**~~;~~
- (18) "Preneed cemetery merchandise contract" means any agreement or contract, or any series or combination of agreements or contracts, which has for a purpose the furnishing or delivery of cemetery merchandise, which within six (6) months of the date of the contract is not attached to the realty and permanently installed or which is not stored in a bonded warehouse with the receipt of ownership issued by the manufacturer in the name of the purchaser and transmitted to the purchaser.

➔Section 28. KRS 367.954 is amended to read as follows:

- (1) Forty percent (40%), not including interest or finance charges, of all payments of money made to any person, partnership, association, or corporation upon any agreement or contract, or any series or combination of agreements or contracts, which has for a purpose the furnishing or delivery of cemetery merchandise, which within six (6) months of the date of the contract is not delivered by attachment to the realty and permanent installation or which is not stored in a bonded warehouse with the receipt of ownership issued by the manufacturer in the name of the purchaser and transmitted to the purchaser are held to be trust funds. The person, partnership, association, or corporation receiving the payments shall deposit forty percent (40%) of all payments received on a preneed cemetery merchandise contract in a trust fund account within six (6) months of the date of contract, and forty percent (40%) of all payments received thereafter on said contract shall be deposited in the trust fund account within thirty (30) days after each calendar quarter of operation. The trustee shall be the financial institution holding said funds. All of the interest, dividends, increases, or accretions of whatever nature earned by the funds deposited in a trust account shall remain with the principal of such account and become a part thereof, subject to all of the regulations concerning the principal of said fund herein contained.
- (2) All trust funds mentioned in this section shall be deposited in the name of the person making said deposits, with the financial institution as trustee, and shall be held together with the interest, dividends, or accretions

thereon, in trust, subject to the provisions of KRS 367.932 to 367.974 and 367.991. The person at the time of making deposit or investment shall furnish to the financial institution the name of each payor, and the amount of payment on each account for which the deposit or investment is being made.

- (3) Forty percent (40%) of all payments, not including interest or finance charges, made under the agreement, contract, or plan are and shall remain trust funds with the financial institution, until the financial institution receives a sworn affidavit from the depositor stating one of the following:
 - (a) That the delivery of all merchandise by attachment to the realty, or permanent installation of the merchandise has been completed and that there has been full performance of all services called for by the agreement, contract or plan; or
 - (b) That there has been delivery of all of the merchandise called for by the agreement by storing the same in a bonded warehouse with the receipt of ownership issued by the manufacturer in the name of the purchaser and transmitted to the purchaser.

Upon receiving said affidavit, the financial institution shall remit the funds on deposit for the performed contract, plus interest, to the depositor. Release of funds may also be made pursuant to a request for a refund or cancellation under KRS 367.932 to 367.974 and 367.991.

- (4) In the event that a purchaser is in default of a preneed cemetery merchandise contract, the financial institution shall release to the depositor the funds, plus interest, deposited on behalf of the defaulted contract upon receiving from the depositor a sworn affidavit stating that the purchaser is in default of the preneed cemetery merchandise agreement, the date of the default, an explanation of the default, and that the depositor has mailed a copy of the affidavit to the purchaser's last known address at least thirty (30) days prior to said request for release.
- (5) Deposits to such funds and the amounts deposited may be commingled, but the accounting records shall establish a separate account for each prepaid contract and shall show amounts deposited and the income and loss occurring thereon with respect to each contract.
- (6) The trustee may rely upon all certifications and affidavits made pursuant to or required by the provisions of KRS 367.932 to 367.974 and 367.991, and shall not be liable to any person for such reliance.
- (7) In lieu of the trust fund deposits required herein, the person may post with the Attorney *General's Office* ~~[General, Division]~~ of Consumer Protection, a good and sufficient bond by a surety company licensed to do business in Kentucky and in an amount sufficient to cover all payments made by or on account of purchasers who have not received the purchased property and services. This bond shall be held for the benefit of a purchaser, or his or her heir or assign or duly authorized representative, who suffers a loss of money paid pursuant to a preneed cemetery merchandise contract entered into after July 13, 1984, due to the insolvency of the registrant, or failure to provide the cemetery merchandise called for by contract that has been paid in full and not provided after a ninety (90) day request in writing to do so. If a bond is posted, the Attorney General's office shall receive sixty (60) days' written notice in the event of cancellation. On or before the cancellation date, the person shall comply with the trust fund requirements herein or post another good and sufficient bond.
- (8) Any person selling a preneed cemetery merchandise contract shall pay to the Attorney General five dollars (\$5), for each said contract entered into and all of which fees shall be remitted by the person collecting them to the Attorney General at least once each month, and such funds shall be used by the Attorney General in administering this chapter.

➔Section 29. KRS 367.958 is amended to read as follows:

- (1) Every person before engaging in a sale, contract for sale, reservation for sale or agreement for sale of a mausoleum crypt within a mausoleum, underground crypt within a crypt section, or columbarium niche within a mausoleum prior to the completion of the construction thereof, shall give notice in writing to the Attorney General of the commencement of such sale at least thirty (30) days prior thereto and register with the Attorney General. Such registration shall be on forms provided by the Attorney General.
- (2) Every person engaged in the sale of a mausoleum crypt, underground crypt or columbarium niche shall commence construction thereof within twenty-four (24) months of the date of such sale and shall complete such construction within sixty (60) months of the date of such sale. A delay caused by strike, national emergency, shortage of materials, civil disorder, natural disaster or any like occurrence beyond the control of such person shall extend the time of such commencement and completion by the length of such delay. This subsection shall not apply to the sale of mausoleum crypts, underground crypts or columbarium niches if there has been any sale in the same project prior to July 13, 1984. Prior projects shall have commenced construction

thereof within thirty-six (36) months of the date of such sale and shall complete construction within seventy-two (72) months of the date of such sale.

- (3) Every person who plans to offer for sale space in a section of a mausoleum or bank of underground crypts prior to its construction shall establish a preconstruction trust account. The trust account shall be administered and operated in the same manner as the merchandise trust account provided for in this chapter and shall be exclusive of the merchandise trust account or such other trust accounts or funds that may be required by law.
- (4) Every person shall place thirty-six percent (36%), not including interest or finance charges, of all payments of money made to any person pursuant to any agreement, contract or any series or combination of agreements or contracts which are for the purchase of sections in a mausoleum, columbarium, or any kind of underground crypt which at the time of the payment of money have not been completely and totally constructed, in a trust fund account in a financial institution within thirty (30) days after each calendar quarter of operations. Excepted therefrom, however, are persons who have constructed in the past their own mausoleum using primarily equipment owned by the self-constructing person and their own personnel with a minimum of subcontracting, and in that event there shall be deposited a minimum of twenty percent (20%) of all payments of money, subject, however, to the actual cost. If, from project to project, their actual cost is in excess of twenty percent (20%), the full cost percentage shall be deposited from project to project, not to exceed thirty-six percent (36%). At the time of notification to the Attorney General's office the self-constructing mausoleum person shall also notify the Attorney General that he intends to self-construct and the percentage of contribution of trust that is required.
- (5) All trust funds mentioned in this section shall be deposited in the name of the person depositing said funds, with the financial institution as trustee, and shall be held together with the interest, dividends, or accretions thereon, in trust, subject to the provisions of KRS 367.932 to 367.974 and 367.991. The person at the time of making deposit or investment shall furnish to the financial institution the name of each payor, and the amount of payment on each account for which the deposit or investment is being made.
- (6) Deposits to such funds and the amounts deposited may be commingled, but the accounting records shall establish a separate account for each prepaid contract and shall show amounts deposited and the income and loss occurring thereon with respect to each contract.
- (7) All payments made to the preconstruction trust fund account shall remain in the trust fund with the financial institution until the financial institution receives a certified statement from the depositor stating that the particular project for which the preconstruction trust fund has been established is totally completed. During the construction stage, trust funds may be withdrawn by presenting the trustee with appropriate evidence of expenditure for construction cost. The trustee shall thereupon disburse moneys from the trust fund to pay for the expenses of construction presented for payment.
- (8) A trustee may rely upon all certifications and affidavits made pursuant to or required by the provisions of KRS 367.932 to 367.974 and 367.991, and shall not be liable to any person for such reliance.
- (9) If a mausoleum section or bank of underground crypts is not completed within the time limits set out in KRS 367.932 to 367.974 and 367.991, the financial institution acting as trustee, if any, may contract for and cause said project to be completed and paid therefor from the trust account funds deposited to the project's account, paying any balance, less cost and expenses, to the depositor. In the event there is no corporate trustee, or the trustee chooses not to serve in the capacity to complete construction, the Attorney General shall appoint a committee to serve as trustees to trust account funds deposited to the project's account, paying any balance, less cost and expenses, to the cemetery company.
- (10) If it is determined by the trustee after the expiration of the time of construction set out above that there is not enough money in the trust fund account to complete the project, the trustee shall make a refund of all moneys held to all purchasers, or his heirs or assigns, in the amount of the deposit to the credit of their particular contract and all income those funds have earned. The purchasers shall be entitled to receive any remainder of the purchase price paid from the depositor. However, nothing herein contained shall relieve any person from any liability for nonperformance of the contract terms.
- (11) If temporary entombment or inurnment is not used, upon written notification to the seller, the personal representative or any purchaser of such space who dies before completion of construction shall be entitled to a refund of all moneys paid into the preconstruction trust fund for such space, including any income earned thereon, and from the seller, the remainder of the purchase price paid.
- (12) In lieu of the trust fund deposits required herein, the person may post with the Attorney *General's Office* ~~General, Division~~ of Consumer Protection, a good and sufficient bond by a surety company licensed to

do business in Kentucky and in an amount sufficient to cover all payments made by or on account of purchasers who have not received the purchased property and services. This bond shall be held for the benefit of any purchaser, or his or her heir or assign or duly authorized representative, who suffers a loss of money paid for a preconstructed mausoleum crypt or niche or underground crypt after July 13, 1984, due to the insolvency of the registrant, or failure to construct within the time limits set out herein. If a bond is posted, the Attorney General's office shall receive sixty (60) days' written notice in the event of cancellation. On or before the cancellation date, the person shall comply with the trust fund requirements herein or post another good and sufficient bond.

- (13) Any person selling preconstruction mausoleum, columbarium or underground crypt contracts shall pay to the Attorney General five dollars (\$5) for each sale of said contract and all of which fees shall be remitted by the person collecting them to the Attorney General at least once each month, and such funds shall be used by the Attorney General in administering this chapter.

➔Section 30. KRS 367.976 is amended to read as follows:

As used in KRS 367.976 to 367.985~~[-, unless the context otherwise requires]:~~

- (1) "Advertisement" means a commercial message in any medium that aids, promotes, or assists directly or indirectly a rental-purchase agreement, excluding in-store merchandising aids;~~[-]~~
- (2) "Cash price" means the price at which the lessor would have sold the property to the consumer for cash on the date of the rental-purchase agreement;~~[-]~~
- (3) "Consumer" means a natural person who rents personal property under a rental-purchase agreement;~~[-]~~
- (4) "Consummation" means the time a consumer becomes contractually obligated on a rental-purchase agreement;~~[-]~~
- (5) "~~Office~~"~~["Division"]~~ means the ~~Office~~~~["Division"]~~ of Consumer Protection in the Office of the Attorney General;~~[-]~~
- (6) "Lessor" means a person who, in the ordinary course of business, regularly leases, offers to lease, or arranges for the leasing of property under a rental-purchase agreement; ~~and~~~~[-]~~
- (7) "Rental-purchase agreement" means an agreement for the use of personal property by a natural person primarily for personal, family, or household purposes, for an initial period of four (4) months or less, whether or not there is any obligation beyond the initial period, that is automatically renewable with each payment and that permits the consumer to become the owner of the property. The term rental-purchase agreement shall not be construed to be, nor be governed by, any of the following:
 - (a) A lease or agreement which constitutes a credit sale as defined in 12 C.F.R. part 226.2(a)(16) and Section 1602(g) of the Truth in Lending Act, 15 U.S.C. secs. 1601 et seq.;
 - (b) A lease which constitutes a consumer lease as defined in 12 C.F.R. part 213.2(a)(6);
 - (c) Any lease for agricultural, business, or commercial purposes;
 - (d) Any lease made to an organization;
 - (e) A lease or agreement which constitutes a retail installment transaction or retail installment contract as defined in KRS 371.210;
 - (f) A security interest as defined in KRS 355.1-201(37); or
 - (g) A home solicitation sale as that term is defined in KRS 367.410.

➔Section 31. KRS 367.981 is amended to read as follows:

- (1) A renegotiation shall occur when an existing rental-purchase agreement is satisfied and replaced by a new lease agreement undertaken by the same consumer. A renegotiation shall be a new agreement covered by KRS 367.976 to 367.985. However, events such as the following shall not be treated as a renegotiation:
 - (a) The addition or return of property in a multiple item agreement or the substitution of lease property, if in either case the average payment allocable to a payment period is not changed by more than twenty-five percent (25%);
 - (b) A deferral or extension of one (1) or more periodic payments, or portions of a periodic payment;
 - (c) A reduction in charges in the agreement;

- (d) An agreement involving a court proceeding; or
- (e) Any other event described in administrative regulations prescribed by the ~~office~~~~division~~.

(2) No disclosures shall be required for any extension of a rental-purchase agreement.

➔Section 32. KRS 367.985 is amended to read as follows:

- (1) A lessor shall not be liable under KRS 367.983 for a violation of KRS 367.976 to 367.985 if the lessor shows by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error, such as a clerical miscalculation, computer malfunctions, programming error, or printing error, even though the lessor maintained procedures reasonably adapted to avoid such an error. An error of legal judgment with respect to requirements of this title shall not be considered a bona fide error.
- (2) A lessor shall not be liable under KRS 367.983 for any act done or omitted in good faith in conformity with any administrative regulation or interpretation promulgated by the Attorney General or by the ~~office~~~~division~~ or by an official duly authorized by the Attorney General or by the ~~office~~~~division~~. This rule shall apply even if, after the act or omission has occurred, the regulation or interpretation is amended, rescinded, or determined by judicial or other authority to be invalid for any reason.
- (3) A lessor shall not be liable under KRS 367.983 for any error if, before the thirty-first day after the date the merchant discovers the error and before an action against the lessor has been filed or written notice of the error received by the lessor, the lessor gives the consumer written notice of the error and makes adjustments in the consumer's account as necessary to assure that the consumer will not be required to pay an amount in excess of the amount disclosed and that the agreement otherwise complies with KRS 367.976 to 367.985.

➔Section 33. KRS 367.990 is amended to read as follows:

- (1) Any person who violates the terms of a temporary or permanent injunction issued under KRS 367.190 shall forfeit and pay to the Commonwealth a civil penalty of not more than twenty-five thousand dollars (\$25,000) per violation. For the purposes of this section, the Circuit Court issuing an injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the Attorney General acting in the name of the Commonwealth may petition for recovery of civil penalties.
- (2) In any action brought under KRS 367.190, if the court finds that a person is willfully using or has willfully used a method, act, or practice declared unlawful by KRS 367.170, the Attorney General, upon petition to the court, may recover, on behalf of the Commonwealth, a civil penalty of not more than two thousand dollars (\$2,000) per violation, or where the defendant's conduct is directed at a person aged sixty (60) or older, a civil penalty of not more than ten thousand dollars (\$10,000) per violation, if the trier of fact determines that the defendant knew or should have known that the person aged sixty (60) or older is substantially more vulnerable than other members of the public.
- (3) Any person with actual notice that an investigation has begun or is about to begin pursuant to KRS 367.240 and 367.250 who intentionally conceals, alters, destroys, or falsifies documentary material is guilty of a Class A misdemeanor.
- (4) Any person who, in response to a subpoena or demand as provided in KRS 367.240 or 367.250, intentionally falsifies or withholds documents, records, or pertinent materials that are not privileged shall be subject to a fine as provided in subsection (3) of this section.
- (5) The Circuit Court of any county in which any plan described in KRS 367.350 is proposed, operated, or promoted may grant an injunction without bond, upon complaint filed by the Attorney General to enjoin the further operation thereof, and the Attorney General may ask for and the court may assess civil penalties against the defendant in an amount not to exceed the sum of five thousand dollars (\$5,000) which shall be for the benefit of the Commonwealth of Kentucky.
- (6) Any person, business, or corporation who knowingly violates the provisions of KRS 367.540 shall be guilty of a violation. It shall be considered a separate offense each time a magazine is mailed into the state; but it shall be considered only one (1) offense for any quantity of the same issue of a magazine mailed into Kentucky.
- (7) Any solicitor who violates the provisions of KRS 367.513 or 367.515 shall be guilty of a Class A misdemeanor.
- (8) In addition to the penalties contained in this section, the Attorney General, upon petition to the court, may recover, on behalf of the Commonwealth a civil penalty of not more than the greater of five thousand dollars (\$5,000) or two hundred dollars (\$200) per day for each and every violation of KRS 367.175.

- (9) Any person who shall willfully and intentionally violate any provision of KRS 367.976 to 367.985 shall be guilty of a Class B misdemeanor.
- (10) (a) Any person who violates the terms of a temporary or permanent injunction issued under KRS 367.665 shall forfeit and pay to the Commonwealth a penalty of not more than five thousand dollars (\$5,000) per violation. For the purposes of this section, the Circuit Court issuing an injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the Attorney General acting in the name of the Commonwealth may petition for recovery of civil penalties.
- (b) 1. The Attorney General may, upon petition to a court having jurisdiction under KRS 367.190, recover on behalf of the Commonwealth from any person found to have willfully committed an act declared unlawful by KRS 367.667 a penalty of not more than five thousand dollars (\$5,000) per violation.
2. In addition to any other penalties provided for the commission of the offense, any person found guilty of violating KRS 367.667(1)(c):
- a. Shall be punished by a fine of no less than five hundred dollars (\$500) for the first offense and no less than five thousand dollars (\$5,000) for any subsequent offense; and
- b. Pay restitution of any financial benefit secured through conduct proscribed by KRS 367.667(1)(c).
3. The Office of the Attorney General or the appropriate Commonwealth's attorney shall have concurrent enforcement powers as to fines, felonies, and misdemeanors under this paragraph.
- (c) Any person who knowingly violates any provision of KRS 367.652, 367.653, 367.656, 367.657, 367.658, 367.666, or 367.668 or who knowingly gives false or incorrect information to the Attorney General in filing statements or reports required by KRS 367.650 to 367.670 shall be guilty of a Class D felony.
- (11) Any dealer who fails to provide a statement under KRS 367.760 or a notice under KRS 367.765 shall be liable for a penalty of one hundred dollars (\$100) per violation to be collected in the name of the Commonwealth upon action of the Attorney General.
- (12) Any dealer or manufacturer who falsifies a statement under KRS 367.760 shall be liable for a penalty not exceeding one thousand dollars (\$1,000) to be collected in the name of the Commonwealth upon action by the Attorney General.
- (13) Any person who violates KRS 367.805, 367.809(2), 367.811, 367.813(1), or 367.816 shall be guilty of a Class C felony.
- (14) Either the Attorney General or the appropriate Commonwealth's attorney shall have authority to prosecute violations of KRS 367.801 to 367.819.
- (15) A violation of KRS 367.474 to 367.478 and 367.482 is a Class C felony. Either the Attorney General or the appropriate Commonwealth's attorney shall have authority to prosecute violators of KRS 367.474 to 367.478 and 367.482.
- (16) Any person who violates KRS 367.310 shall be guilty of a violation.
- (17) Any person, partnership, or corporation who violates the provisions of KRS 367.850 shall be guilty of a Class A misdemeanor.
- (18) Any dealer in motor vehicles or any other person who fraudulently changes, sets back, disconnects, fails to connect, or causes to be changed, set back, or disconnected, the speedometer or odometer of any motor vehicle, to effect the sale of the motor vehicle shall be guilty of a Class D felony.
- (19) Any person who negotiates a contract of membership on behalf of a club without having previously fulfilled the bonding requirement of KRS 367.403 shall be guilty of a Class D felony.
- (20) Any person or corporation who operates or attempts to operate a health spa in violation of KRS 367.905(1) shall be guilty of a Class A misdemeanor.
- (21) (a) Any person who violates KRS 367.832 shall be guilty of a Class C felony; and
- (b) The appropriate Commonwealth's attorney shall have authority to prosecute felony violations of KRS 367.832.

- (22) (a) Any person who violates the provisions of KRS 367.855 or 367.857 shall be guilty of a violation. Either the Attorney General or the appropriate county health department may prosecute violators of KRS 367.855 or 367.857.
- (b) The provisions of this subsection shall not apply to any retail establishment if the wholesaler, distributor, or processor fails to comply with the provisions of KRS 367.857.
- (23) Notwithstanding any other provision of law, any telemarketing company, telemarketer, caller, or merchant shall be guilty of a Class D felony when that telemarketing company, telemarketer, caller, or merchant three (3) times in one (1) calendar year knowingly and willfully violates KRS 367.46955(15) by making or causing to be made an unsolicited telephone solicitation call to a telephone number that appears in the current publication of the zero call list maintained by the Office of the Attorney ~~General's Office~~ ~~General Division~~ of Consumer Protection.
- (24) Notwithstanding any other provision of law, any telemarketing company, telemarketer, caller, or merchant shall be guilty of a Class A misdemeanor when that telemarketing company, telemarketer, caller, or merchant uses a zero call list identified in KRS 367.46955(15) for any purpose other than complying with the provisions of KRS 367.46951 to 367.46999.
- (25) (a) Notwithstanding any other provision of law, any telemarketing company, telemarketer, caller, or merchant that violates KRS 367.46951 to 367.46999 shall be assessed a civil penalty of not more than five thousand dollars (\$5,000) for each offense.
- (b) The Attorney General, or any person authorized to act in his or her behalf, shall initiate enforcement of a civil penalty imposed under paragraph (a) of this subsection.
- (c) Any civil penalty imposed under paragraph (a) of this subsection may be compromised by the Attorney General or his or her designated representative. In determining the amount of the penalty or the amount agreed upon in compromise, the Attorney General, or his or her designated representative, shall consider the appropriateness of the penalty to the financial resources of the telemarketing company, telemarketer, caller, or merchant charged, the gravity of the violation, the number of times the telemarketing company, telemarketer, caller, or merchant charged has been cited, and the good faith of the telemarketing company, telemarketer, caller, or merchant charged in attempting to achieve compliance, after notification of the violation.
- (d) If a civil penalty is imposed under this subsection, a citation shall be issued which describes the violation which has occurred and states the penalty for the violation. If, within fifteen (15) working days from the receipt of the citation, the affected party fails to pay the penalty imposed, the Attorney General, or any person authorized to act in his or her behalf, shall initiate a civil action to collect the penalty. The civil action shall be taken in the court which has jurisdiction over the location in which the violation occurred.
- (26) Any person who violates KRS 367.500 shall be liable for a penalty of two thousand five hundred dollars (\$2,500) per violation. Either the Attorney General or the appropriate Commonwealth's attorney may prosecute violations of KRS 367.500.

➔Section 34. KRS 380.040 is amended to read as follows:

- (1) Subject to subsection (3) of this section, a person, whether or not located in this state, who is engaged in debt adjusting and actually or constructively receives any money or other thing of value, other than the fees permitted by this chapter, for the purpose of disbursing the money or thing of value to the debtor's creditors, shall do both of the following:
- (a) Unless specifically instructed otherwise by a debtor, disburse to the appropriate creditors all funds received from the debtor, less any contributions or fees not prohibited by subsection (2) of this section, within thirty (30) days of receipt of the funds from the debtor; and
- (b) Maintain a separate trust account for the receipt of any funds from debtors and the disbursement of the funds to creditors on behalf of the debtors.
- (2) If a fee, contribution, or other consideration for engaging in debt adjusting is accepted, directly or indirectly, a person engaged in debt adjusting shall not do any of the following:
- (a) Accept a fee, contribution, or other consideration exceeding seventy-five dollars (\$75) from a debtor residing in this state for an initial set up;

- (b) Accept a fee, contribution, or other consideration exceeding fifty dollars (\$50) per calendar year from a debtor residing in this state for consultation;
 - (c) If money or anything else of value is received and held by the person engaged in debt adjusting for the purpose of disbursing the money or thing of value to the debtor's unsecured creditors, accept a periodic fee, contribution, or other consideration from a debtor who resides in this state that exceeds the greater of eight and one-half percent (8.5%) of the amount paid by the debtor each month for distribution to the debtor's creditors or thirty dollars (\$30); or
 - (d) Accept any other fee, contribution, or other consideration in advance of the complete performance of all promised services in relation to secured debt. Acceptance of a fee, contribution, or other consideration in advance of the complete performance of all promised services in relation to secured debt, including the placement of the fee, contribution, or other consideration into an escrow account to be paid upon completion of the services, is specifically prohibited. For purposes of this paragraph, "secured debt" means any debt primarily for personal, family, or household use that is secured by a mortgage, deed of trust, other equivalent consensual security interest on residential real property, or collateral that has a mortgage lien interest in residential real property.
- (3) Subsections (1) and (2) of this section shall not prohibit a person engaged in debt adjusting for a debtor who resides in this state from charging the debtor a bad check charge of twenty dollars (\$20) or the amount passed on from the debt adjuster's bank, whichever is greater, in addition to fees, contributions, or other consideration not prohibited by subsection (2) of this section.
- (4) Fees, contributions, or other consideration permitted in subsections (1), (2), and (3) of this section may be adjusted on an annual basis by the amount equivalent to any increase in the consumer price index, published by the United States Department of Labor, Bureau of Labor Statistics.
- (5) Any person that engages in debt adjusting shall file an initial registration form, accompanied by an initial registration fee of two hundred fifty dollars (\$250), and the registration shall be renewed each year thereafter for a fee of two hundred fifty dollars (\$250) to cover the actual cost of filing the registration, in accordance with administrative regulations promulgated by the Attorney General.
- (6) Any person that engages in debt adjusting shall arrange for and undergo an annual audit of the person's business, including any trust funds deposited and distributed to creditors on behalf of debtors, which shall be conducted by an independent, third-party certified public accountant. Both of the following shall apply to an audit performed under this subsection:
- (a) The person shall file the results of the audit and the auditor's opinion with the *Office of Consumer Protection* ~~in the Division of~~ the Office of the Attorney General within thirty (30) days of the anniversary date of filing the initial registration; and
 - (b) The Attorney General shall make available a summary of the results of the audit and the auditor's opinion upon written request of any person and payment of a fee not to exceed the cost of copying the summary and opinion.
- (7) (a) A person engaged in debt adjusting shall obtain and at all times maintain insurance coverage for errors and omissions, employee dishonesty, depositor's forgery, computer fraud, and violations of this chapter in the amount of ten percent (10%) of the monthly average for the immediately preceding six (6) months of the aggregate amount of all deposits made with the person by all debtors. The insurance coverage shall comply with all of the following:
- 1. The minimum limit of the insurance coverage shall not be less than one hundred thousand dollars (\$100,000), and the maximum limit of the insurance coverage shall not be more than two hundred fifty thousand dollars (\$250,000);
 - 2. The insurance coverage shall not include a deductible in excess of ten percent (10%) of the face amount of the policy coverage;
 - 3. The insurance coverage shall be issued by an insurer and rated at least A-, or its equivalent, by a nationally recognized rating organization; and
 - 4. The insurance coverage shall provide that the *Office of Consumer Protection* ~~in the Division of~~ the Office of the Attorney General shall be named as an additional interested party.
- (b) If the debt adjuster engages in debt adjusting in relation to any debt that is primarily for personal, family, or household use that is secured by a mortgage, deed of trust, other equivalent consensual

security interest on residential real property, or collateral that has a mortgage lien interest in residential real property, the amount of insurance coverage required in paragraph (a) of this subsection shall be increased by two hundred fifty thousand dollars (\$250,000).

- (8) (a) A debt adjuster shall maintain a bond issued by a surety company admitted to do business in this Commonwealth. The bond shall be in the amount of twenty-five thousand dollars (\$25,000) in favor of the Attorney General for the benefit of the Commonwealth for any violation of this chapter or any person suffering injury or loss by reason of any violation of this chapter. A copy of the bond shall be filed with the Attorney General.
- (b) The bond required by paragraph (a) of this subsection shall be in effect during the period of the debt adjuster's registration as well as for two (2) years after the debt adjuster ceases to provide debt-adjusting services to debtors.
- (c) A change in ownership of a debt adjuster shall not release, cancel, or terminate liability under any bond previously filed unless the Attorney General agrees in writing to the release, cancellation, or termination because the debt adjuster has filed a new bond meeting the requirements of paragraph (a) of this subsection.
- (d) The proceeds of the bond required by paragraph (a) of this subsection shall be paid to any person suffering injury or loss by reason of any violation of this chapter or to the Attorney General for any violation of this chapter or shall be paid pursuant to the terms of any order of a court of competent jurisdiction. Any person who is damaged by any violation of this chapter may bring an action against the bond to recover damages pursuant to this paragraph, provided the aggregate liability of the surety shall not exceed the amount of the bond.
- (e) In lieu of the bond required by paragraph (a) of this subsection, a debt adjuster may, with the written approval of the Attorney General, deliver to the Attorney General an irrevocable letter of credit issued or confirmed by a financial institution authorized by law to transact business in the Commonwealth. The irrevocable letter of credit shall be in the amount of twenty-five thousand dollars (\$25,000) in favor of the Attorney General for the benefit of the Commonwealth or any person suffering injury or loss by reason of any violation of this chapter.
- (f) If the debt adjuster engages in debt adjusting in relation to any debt that is primarily for personal, family, or household use that is secured by a mortgage, deed of trust, other equivalent consensual security interest on residential real property, or collateral that has a mortgage lien interest in residential real property, the amount of the bond required in paragraph (a) of this subsection or the irrevocable letter of credit approved pursuant to paragraph (e) of this subsection shall be increased by fifty thousand dollars (\$50,000).
- (9) A debt adjuster may not, directly or indirectly:
- (a) Misappropriate or misapply money held in trust;
- (b) Settle a debtor's debt if the amount the debtor will owe after settlement is equal to or more than fifty percent (50%) of the amount of the debt prior to settlement unless, after the creditor has assented, the debtor assents to a settlement for which the amount the debtor will owe after settlement is equal to or more than fifty percent (50%) of the amount of the debt prior to settlement;
- (c) Take a power of attorney that authorizes the debt adjuster to settle a debt, unless the power of attorney is expressly limited to the debtor's debts and grants authority to settle debts only if the amount the debtor will owe after settlement is less than fifty percent (50%) of the amount of the debt prior to settlement. However, in no event shall an agreement confer on a debt adjuster a power of attorney to negotiate or settle any of the debtor's debt that is primarily for personal, family, or household use that is secured by a mortgage, deed of trust, other equivalent consensual security interest on residential real property, or collateral that has a mortgage lien interest in residential real property;
- (d) Exercise or attempt to exercise a power of attorney after a debtor has terminated an agreement;
- (e) Initiate a transfer from a debtor's account at a bank or with another person unless the transfer is:
1. A return of money to the debtor; or
 2. Before termination of an agreement, properly authorized by the agreement and this chapter, and for payment to one (1) or more creditors pursuant to a plan or payment of a fee;

- (f) Structure a plan in a manner that would result in a negative amortization of any of a debtor's debts, unless a creditor that is owed a negatively amortizing debt agrees to refund or waive the finance charge upon payment of the principal amount of the debt;
 - (g) Settle a debt or lead a debtor to believe that a payment to a creditor is in settlement of a debt to the creditor unless, at the time of settlement, the debtor receives a certification by the creditor that the payment is in full settlement of the debt or is part of a payment plan, the terms of which are included in the certification, that upon completion will lead to full settlement of the debt;
 - (h) Make a representation that:
 - 1. The debt adjuster will furnish money to pay bills or prevent attachments;
 - 2. Payment of a certain amount will permit satisfaction of a certain amount or range of indebtedness;
 - 3. Participation in a plan will or may prevent litigation, garnishment, attachment, repossession, foreclosure, eviction, or loss of employment, and will or may stop efforts to collect a debt from the debtor;
 - 4. Failure to make required minimum payments to creditors will not or may not break the terms of agreements with creditors, will not or may not lead creditors to increase finance charges and pursue litigation, will not or may not be reported to consumer reporting agencies, or will not or may not have an adverse effect on the debtor's credit report and credit score; or
 - 5. Fees paid to a debt adjuster will be used to pay creditors;
 - (i) Misrepresent that it is authorized or competent to furnish legal advice or perform legal services;
 - (j) Take a confession of judgment or power of attorney to confess judgment against a debtor;
 - (k) Purchase a debt or obligation of the debtor;
 - (l) Receive from or on behalf of the debtor:
 - 1. A promissory note or other negotiable instrument other than a check or a demand draft; or
 - 2. A postdated check or demand draft;
 - (m) Lend money or provide credit to the debtor, except as a deferral of a settlement fee at no additional expense to the debtor;
 - (n) Obtain a mortgage or other security interest from any person in connection with the services provided to the debtor;
 - (o) Provide the debtor less than the full benefit of a compromise of a debt arranged by the debt adjuster; or
 - (p) Charge the debtor for or provide credit or other insurance, coupons for goods or services, membership in a club, access to computers or the Internet, or any other matter not directly related to debt adjusting services or educational services concerning personal finance.
- (10) Any unfair, false, misleading, or deceptive act or practice in the conduct of debt adjusting is prohibited. For purposes of this subsection, "unfair" shall be construed to mean unconscionable.

➔Section 35. KRS 403.707 is amended to read as follows:

- (1) The Sexual Assault Response Team Advisory Committee is established.
- (2) The Sexual Assault Response Team Advisory Committee shall be co-chaired by the executive director of the Kentucky Association of Sexual Assault Programs and the commissioner of the Department of Kentucky State Police or the commissioner's designee.
- (3) The membership of the Sexual Assault Response Team Advisory Committee shall consist of the following:
 - (a) The executive director of the Kentucky Board of Nursing or the executive director's designee;
 - (b) The executive director of the Kentucky Nurses Association or the executive director's designee;
 - (c) The executive director of the Kentucky Hospital Association or the executive director's designee;
 - (d) The executive director of the Kentucky Association of Children's Advocacy Centers;

- (e) The director of the Department of Kentucky State Police Crime Lab;
 - (f) The commissioner of the Department for Community Based Services or the commissioner's designee;
 - (g) The director of the *Office of Victims* ~~[Victims]~~ Advocacy ~~in~~ ~~Division of~~ the Office of the Attorney General or the director's designee;
 - (h) A sexual assault nurse examiner appointed by the secretary of the Cabinet for Health and Family Services;
 - (i) A representative from a sexual assault response team appointed by the executive director of the Kentucky Association of Sexual Assault Programs;
 - (j) A physician appointed by the secretary of the Cabinet for Health and Family Services; and
 - (k) A Commonwealth's attorney or an assistant Commonwealth's attorney appointed by the Attorney General.
- (4) Members appointed under subsection (3)(h) to (k) of this section shall serve at the pleasure of the appointing authority and shall not serve longer than four (4) years without reappointment.
- (5) The Sexual Assault Response Team Advisory Committee shall:
- (a) Serve in an advisory capacity to the Kentucky Board of Nursing in accomplishing the duties set forth under KRS 314.142;
 - (b) Serve in an advisory capacity to the Justice and Public Safety Cabinet in the development of the statewide sexual assault protocol required under KRS 216B.400(4);
 - (c) Develop a model protocol for the operation of sexual assault response teams which shall include the roles of sexual assault nurse examiners, physicians, law enforcement, prosecutors, and victim advocates;
 - (d) Provide assistance to each regional rape crisis center, as designated by the Cabinet for Health and Family Services, in establishing a regional sexual assault response team;
 - (e) Develop model policies for law enforcement agencies related to handling sexual assault examination kits and investigating sexual assaults with a victim-centered, evidence-based approach;
 - (f) By January 1, 2018, report to the General Assembly on the results of the analysis of previously untested sexual assault examination kits submitted to the Department of Kentucky State Police forensic laboratory pursuant to 2016 Ky. Acts ch. 58, sec. 1, including whether analysis of those kits led to the identification and prosecution of suspects and the cost to society of the offenses committed by the suspects identified;
 - (g) By July 1, 2018, and by each July 1 thereafter, report to the General Assembly and to the secretary of the Justice and Public Safety Cabinet on the number of sexual assaults reported, the number of sexual assault examination kits submitted to the Department of Kentucky State Police forensic laboratory, the number of kits tested, and the number of charges filed and convictions obtained in sexual assault cases in the previous calendar year;
 - (h) Provide information and recommendations concerning the activities of the agency or organization represented by each individual committee member as related to sexual assault issues and programs within the purview of the agency or organization; and
 - (i) Recommend to the appropriate state agency any changes in statute, administrative regulation, training, policy, and budget to promote a multidisciplinary response to sexual assault.

➔Section 36. Whereas it is critical to the proper management and administration of the Department of Law that reorganization take place as soon as possible, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 5, 2024.

CHAPTER 113**(HB 478)**

AN ACT relating to construction or demolition waste disposal.

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

➔Section 1. KRS 224.40-120 is amended to read as follows:

- (1) The cabinet shall ~~not~~ permit the off-site disposal of construction or demolition waste at a site *initially no larger*~~less~~ than one (1) acre ~~if~~~~unless~~, as a minimum, the following conditions are imposed:
 - (a) The applicant shall provide a written certification that a copy of the application has been delivered to the governing body of the solid waste management area and that disposal of construction and demolition waste at the proposed site will not violate local land use regulations;
 - (b) Disposal shall only occur during daylight hours in accordance with a posted schedule that will allow inspection by local or state officials;
 - (c) The applicant shall erect on the site a sign clearly indicating that the site is permitted for disposal of construction and demolition debris only, and the operating hours shall appear on the sign along with the applicant's permit number;
 - (d) The cabinet shall establish a schedule for closing and covering the site, including provisions for intermediate cover when flammable waste is involved;
 - (e) Notwithstanding any other provision of law, the applicant shall not allow the disposal of tires in a waste disposal facility regulated by this section; and
 - (f) The cabinet shall require the applicant to post a bond in the amount of ten thousand dollars (\$10,000) to *ensure*~~insure~~ compliance with the conditions of the permit.
- (2) *Upon request of the applicant, the cabinet may increase the size of a construction or demolition waste site permitted under subsection (1) of this section to a total of no more than two (2) acres if the applicant:*
 - (a) *Is compliant with all permit requirements for the currently permitted construction or demolition waste disposal site; and*
 - (b) *Complies with the requirements of subsection (1) of this section with regard to the additional permitted waste site area, including posting an additional bond with the cabinet in the amount of ten thousand dollars (\$10,000) to ensure compliance with the conditions of the permit for the newly permitted area.*
- (3) The cabinet may waive the requirement of subsection (1)(b) of this section, that the hours of operation shall be posted, and the requirements of subsection (1)(c) and (d) of this section, if the cabinet determines that the area of land to be affected, the limited duration of the disposal operation, or the materials to be disposed of do not require imposition of these standards to assure the safety of the public.
- ~~(4)(3)~~ This section shall not apply to beneficial reuse of industrial solid waste.

Became law without Governor's signature April 6, 2024.

CHAPTER 114**(SB 215)**

AN ACT relating to motor vehicles.

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

➔SECTION 1. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

An agency, department, air pollution control district, or political subdivision of the Commonwealth, including the Transportation Cabinet, shall not adopt or enforce standards relating to control of emissions from new motor

vehicles that are identical to the standards established by the State of California, pursuant to 42 U.S.C. sec. 7507 of the Clean Air Act.

Became law without Governor's signature April 7, 2024.

CHAPTER 115

(SB 58)

AN ACT relating to property tax rates.

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

➔Section 1. KRS 132.017 is amended to read as follows:

- (1) As used in this section, "local governmental entity" includes a county fiscal court and legislative body of a city, urban-county government, consolidated local government, charter county government, unified local government, or other taxing district.
- (2) (a) 1. Except as provided in subparagraph 2. of this paragraph, the portion of a tax rate levied by an ordinance, order, resolution, or motion of a local governmental entity or district board of education subject to recall as provided for in KRS 68.245, 132.023, 132.027, and 160.470, shall go into effect forty-five (45) days after its passage.
 2. When a tax rate is levied by a district board of education or other taxing district that is primarily located in a county containing an urban-county government or a consolidated local government, the portion of a tax rate levied by an ordinance, order, resolution, or motion of a district board of education or other taxing district subject to recall as provided for in KRS 68.245, 132.023, 132.027, and 160.470, shall go into effect fifty (50) days after its passage.
- (b) During the same forty-five (45) day or fifty (50) day time period provided by paragraph (a) of this subsection, any **three (3)**~~five (5)~~ qualified voters, who reside in the area where the tax levy will be imposed, may commence petition proceedings to protest the passage of the ordinance, order, resolution, or motion by filing an affidavit with the county clerk. The affidavit shall state:
 1. The **three (3)**~~five (5)~~ qualified voters constitute the members of the petition committee;
 2. The petition committee will be responsible for circulating the petition;
 3. The petition committee will file the petition in the proper form within the same forty-five (45) day or fifty (50) day time period provided by paragraph (a) of this subsection;
 4. The names and addresses of the petition committee members;
 5. The address to which all notices to the committee are to be sent; and
 6. For petition committees filing petitions in response to a tax rate levied by a district board of education or other taxing district that is primarily located in a county containing an urban-county government or a consolidated local government, whether or not the petition committee is willing to incur all of the expenses associated with electronic petition signatures. If the petition committee is not willing to incur all of the expenses, then electronic petition signatures shall not be allowed for the petition.
- (c) Upon receipt of the affidavit, the county clerk shall immediately:
 1. Notify the petition committee of all statutory requirements for the filing of a valid petition under this section;
 2. Notify the petition committee that the clerk will publish a notice identifying the tax levy being challenged and providing the names and addresses of the petition committee in a newspaper of general circulation within the county, if:
 - a. There is a newspaper within the county in which to publish the notice; and

- b. The petition committee remits an amount equal to the cost of publishing the notice determined in accordance with the provisions of KRS 424.160 at the time of the filing of the affidavit.

If the petition committee elects to have the notice published, the clerk shall publish the notice within five (5) days of receipt of the affidavit; and

3. Deliver a copy of the affidavit to the appropriate local governmental entity or district board of education.
- (d) The petition shall ~~be filed with the county clerk within the same forty five (45) day or fifty (50) day time period provided by paragraph (a) of this subsection and~~ meet the following requirements:
1. All papers of the petition shall be substantially uniform in size and style and shall be assembled in one (1) instrument for filing;
 2. ~~{For a district board of education or other taxing district that is primarily located in a county containing an urban county government or a consolidated local government, }Each sheet of the petition may contain the names of voters from more than one (1) voting precinct~~, and for a district board of education or other taxing district that is not primarily located in a county containing an urban county government or a consolidated local government, each sheet of the petition shall contain the names of voters from one (1) voting precinct~~};~~
 3. Each nonelectronic petition signature shall be executed in ink or indelible pencil;
 4. Each electronic petition signature shall comply with the requirements of the Uniform Electronic Transactions Act, KRS 369.101 to 369.120;
 5. Each ~~{electronic and nonelectronic }~~petition signature shall be followed by the printed name, street address, ~~Social Security number or~~ birth month, and *birth year*~~{the name and number of the designated voting precinct}~~ of the person signing; and
 6.
 - a.
 - i. *Except for petitions filed in response to a tax rate levied by a district board of education, the petition shall be signed by a number of registered and qualified voters residing in the affected jurisdiction equal to at least ten percent (10%) of the total number of votes cast in the last preceding presidential election.*
 - ii. *For petitions filed in response to a tax rate levied by a district board of education, the petition shall be signed by at least five thousand (5,000) registered and qualified voters residing in the affected jurisdiction or signed by a number of registered and qualified voters residing in the affected jurisdiction equal to at least ten percent (10%) of the total number of votes cast in the last preceding presidential election, whichever is less.*
 - b. Electronic petition signatures shall be included in determining whether the required number of petition signatures has been obtained when:
 - i. The expenses associated with the electronic petition signatures have been incurred in accordance with paragraph (b)6. of this subsection;
 - ii. ~~{ }~~The electronic petition signatures comply with the requirements of this subsection;~~{ }~~ and
 - iii. The petition was filed in response to a tax rate levied by a district board of education or other taxing district that is primarily located in a county containing an urban-county government or a consolidated local government.
 - c. The inclusion of an invalid ~~{electronic or nonelectronic}~~ petition signature on a page shall not invalidate the entire page of the petition, but shall instead result in the invalid petition signature being stricken and not counted.
 - ~~{c. Notwithstanding subdivision a. of this subparagraph if a petition is filed in response to a tax rate levied by a district board of education, the petition shall be signed by at least five thousand (5,000) registered and qualified voters residing in the affected jurisdiction, or signed by a number of registered and qualified voters residing in the affected jurisdiction equal to at least ten percent (10%) of the total number of votes cast in the last preceding presidential election, whichever is less. }~~

- (e) Upon the filing of the petition with the county clerk, the ordinance, order, resolution, or motion shall be suspended from going into effect until after the election referred to in subsection (3) of this section is held, or until the petition is finally determined to be insufficient and no further action may be taken pursuant to paragraph (i) of this subsection.
 - (f) The county clerk shall immediately notify the presiding officer of the appropriate local governmental entity or district board of education that the petition has been received and shall, within thirty (30) days of the receipt of the petition, make a determination of whether the petition contains enough signatures of qualified voters to place the ordinance, order, resolution, or motion before the voters.
 - (g) If the county clerk finds the petition to be sufficient, the clerk shall certify to the petition committee and the local governmental entity or district board of education within the thirty (30) day period provided for in paragraph (f) of this subsection that the petition is properly presented and in compliance with the provisions of this section, and that the ordinance, order, resolution, or motion levying the tax will be placed before the voters for approval.
 - (h) If the county clerk finds the petition to be insufficient, the clerk shall, within the thirty (30) day period provided for in paragraph (f) of this subsection, notify, in writing, the petition committee and the local governmental entity or district board of education of the specific deficiencies found. Notification shall be sent by certified mail and shall be published at least one (1) time in a newspaper of general circulation within the county containing the local governmental entity or district board of education levying the tax. If there is not a newspaper within the county in which to publish the notification, then the notification shall be posted at the courthouse door.
 - (i) A final determination of the sufficiency of a petition shall be subject to final review by the Circuit Court of the county in which the local governmental entity or district board of education is located, and shall be limited to the validity of the county clerk's determination. Any petition challenging the county clerk's final determination shall be filed within ten (10) days of the issuance of the clerk's final determination.
 - (j) The local governmental entity or district board of education may cause the cancellation of the election by reconsidering and amending the ordinance, order, resolution, or motion to levy a tax rate which will produce no more revenue from real property, exclusive of revenue from new property as defined in KRS 132.010, than four percent (4%) over the amount of revenue produced by the compensating tax rate defined in KRS 132.010 from real property. The action by the local governmental entity or district board of education shall be valid only if taken within fifteen (15) days following the date the clerk finds the petition to be sufficient.
- (3)
- (a) If an election is necessary under the provisions of subsection (2) of this section, the local governmental entity shall cause to be submitted to the voters of the district at the next regular election, the question as to whether the property tax rate shall be levied. The question shall be submitted to the county clerk not later than the second Tuesday in August preceding the regular election.
 - (b) If an election is necessary for a school district under the provisions of subsection (2) of this section, the district board of education may cause to be submitted to the voters of the district in a called common school election not less than thirty-five (35) days nor more than forty-five (45) days from the date the signatures on the petition are validated by the county clerk, or at the next regular election, at the option of the district board of education, the question as to whether the property tax rate shall be levied. If the election is held in conjunction with a regular election, the question shall be submitted to the county clerk not later than the second Tuesday in August preceding the regular election. The cost of a called common school election shall be borne by the school district holding the election. Any called common school election shall comply with the provisions of KRS 118.025.
 - (c) In an election held under paragraph (a) or (b) of this subsection, the question shall be so framed that the voter may by his or her vote answer "for" or "against." If a majority of the votes cast upon the question oppose its passage, the ordinance, order, resolution, or motion shall not go into effect. If a majority of the votes cast upon the question favor its passage, the ordinance, order, resolution, or motion shall become effective.
 - (d) If the ordinance, order, resolution, or motion fails to pass pursuant to an election held under paragraph (a) or (b) of this subsection, the property tax rate which will produce four percent (4%) more revenues from real property, exclusive of revenue from new property as defined in KRS 132.010, than the amount of revenue produced by the compensating tax rate defined in KRS 132.010, shall be levied without further approval by the local governmental entity or district board of education.

- (e) Local, state, and federal tax dollars shall not be used to advocate, in partial terms, for or against any public question that appears on the ballot in this subsection. For purposes of this section, "local" means and includes any city, county, urban-county government, consolidated local government, unified local government, charter county, or special district.
- (4) Notwithstanding any statutory provision to the contrary, if a local governmental entity or district board of education has not established a final tax rate as of September 15, due to the recall provisions of this section, KRS 68.245, 132.027, or 160.470, regular tax bills shall be prepared as required in KRS 133.220 for all districts having a tax rate established by that date; and a second set of bills shall be prepared and collected in the regular manner, according to the provisions of KRS Chapter 132, upon establishment of final tax rates by the remaining districts.
- (5) If a second billing is necessary, the collection period shall be extended to conform with the second billing date.
- (6) All costs associated with the second billing shall be paid by the taxing district or districts requiring the second billing.

Became law without Governor's signature April 7, 2024.

CHAPTER 116

(HB 109)

AN ACT relating to swimming pools and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "Class A" means any pool or bathing facility intended for or used by the general public for recreational use; and

(b) "Class B" means any pool not open to the general public, but open to limited groups and their invited guests, including but not limited to:

- 1. Health or athletic clubs;**
- 2. Country clubs; or**
- 3. Residential communities.**

(2) (a) Lifeguards shall be required at all Class A and Class B pools if the pool facility meets at least one (1) of the following criteria:

- 1. Allows persons seventeen (17) years of age or younger to enter the pool facility enclosure without a responsible adult eighteen (18) years or older;**
- 2. Contains features such as induced waves or slides that are available for use; or**
- 3. Contains an entry into the pool from a height above the deck from a diving board, platform, climbing wall or other similar feature, that is available for use.**

(b) If a Class A or Class B pool meets any of the criteria in paragraph (a) of this subsection, it shall provide one (1) lifeguard for each one (1) to one hundred (100) bathers.

(3) Lifeguards shall be required at all Class A pools that do not meet any of the criteria in subsection (2)(a) of this section if the pool facility has:

- (a) Two thousand (2,000) square feet or greater of water surface area, in which case it shall provide one (1) lifeguard for each two thousand (2,000) square feet or major fraction more than half thereof; or**
- (b) One hundred (100) or more bathers, in which case it shall provide one (1) lifeguard for each one hundred (100) or more bathers.**

- (4) *At a pool where the use is intended for aquatic events, swimming practice, or swimming competition, the swimming coach or instructor that provides instruction during the program may count as a lifeguard, provided the coach or instructor can supervise the entire group.*
- (5) *Notwithstanding subsections (2) and (3) of this section, the Cabinet for Health and Family Services may allow Class A and Class B pools to submit an alternative lifeguard staffing plan that has been certified by a third-party compliance specialist that is recognized by the Cabinet for Health and Family Services.*
- (6) *All Class A and Class B pools shall be equipped with an emergency shut-off switch to disconnect power to pool recirculation, chemical feed, and electrical devices engaged with the water circulation system, which is located at a place quickly accessible to lifeguards and other pool staff, but secure from the public.*
- (7) *Any pool located on the same plat as a single-family residence and not used in connection with a home occupation or business shall be exempted from the provisions of this section.*
- (8) *The Cabinet for Health and Family Services shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section.*

➔Section 2. Whereas swimming pool safety is paramount to all citizens of the Commonwealth, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Became law without Governor's signature April 9, 2024.

CHAPTER 117

(HB 386)

AN ACT relating to purchase limits for pseudoephedrine.

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

➔Section 1. KRS 218A.1446 is amended to read as follows:

- (1) Any compound, mixture, or preparation containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts or optical isomers, or salts of optical isomers shall be dispensed, sold, or distributed only by a registered pharmacist, a pharmacy intern, or a pharmacy technician.
- (2) Any person purchasing, receiving, or otherwise acquiring any nonprescription compound, mixture, or preparation containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts or optical isomers, or salts of optical isomers shall:
 - (a) Produce a government-issued photo identification showing the date of birth of the person; and
 - (b) Sign a log or record showing the:
 - 1. Date of the transaction;
 - 2. Name, date of birth, and address of the person making the purchase; and
 - 3. The amount and name of the compound, mixture, or preparation.

Only an electronic logging or recordkeeping mechanism approved by the Office of Drug Control Policy may be utilized to meet the requirements of this subsection. No pharmacy may dispense or sell any compound, mixture, or preparation containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts or optical isomers, or salts of optical isomers unless the electronic logging or recordkeeping mechanism required by this section is provided at no cost to the pharmacy.

- (3) An electronic log or record, as described in subsection (2) of this section, shall be kept of each day's transactions. The registered pharmacist, a pharmacy intern, or a pharmacy technician shall initial the entry of each sale in the log, evidencing completion of each transaction. The log shall be:
 - (a) Kept for a period of two (2) years; and
 - (b) Subject to random and warrantless inspection by city, county, or state law enforcement officers.

- (4) (a) Intentional failure of a registered pharmacist, a pharmacy intern, or a pharmacy technician to make an accurate entry of a sale of a product or failure to maintain the log records as required by this section may subject him or her to a fine of not more than one thousand dollars (\$1,000) for each violation and may be evidence of a violation of KRS 218A.1438.
- (b) If evidence exists that the pharmacist's, the pharmacy intern's, or the pharmacist technician's employer fails, neglects, or encourages incorrect entry of information by improper training, lack of supervision or oversight of the maintenance of logs, or other action or inaction, the employer shall also face liability under this section and any other applicable section of this chapter.
- (c) It shall be a defense to a violation of this section that the person proves that circumstances beyond the control of the registered pharmacist, pharmacy intern, or pharmacy technician delayed or prevented the making of the record or retention of the record as required by this section. Examples of circumstances beyond the control of the registered pharmacist, pharmacy intern, or pharmacy technician include but are not limited to:
1. Fire, natural or manmade disaster, loss of power, and similar events;
 2. Robbery, burglary, shoplifting, or other criminal act by a person on the premises;
 3. A medical emergency suffered by the registered pharmacist, pharmacy intern, or pharmacy technician, another employee of the establishment, a customer, or any other person on the premises; or
 4. Some other circumstance that establishes that an omission was inadvertent.
- (5) No person shall purchase, receive, or otherwise acquire any product, mixture, or preparation or combinations of products, mixtures, or preparations containing more than seven and one-fifth (7.2) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts or optical isomers, or salts of optical isomers within any thirty (30) day period ~~or twenty four (24) grams within any one (1) year period~~, provided that *this limit* ~~either of these limits~~ shall not apply to any quantity of product, mixture or preparation dispensed pursuant to a valid prescription. ~~In addition to the thirty (30) day and the one (1) year restrictions, no person shall purchase, receive, or otherwise acquire more than three (3) packages of any product, mixture, or preparation containing ephedrine, pseudoephedrine, or phenylpropanolamine, their salts or optical isomers, or salts of optical isomers during each transaction.~~
- (6) A person under eighteen (18) years of age shall not purchase or attempt to purchase any quantity of a nonprescription ephedrine, pseudoephedrine, or phenylpropanolamine product as described in subsection (1) of this section. No person shall aid or assist a person under eighteen (18) years of age in purchasing any quantity of a nonprescription ephedrine, pseudoephedrine, or phenylpropanolamine product as described in subsection (1) of this section.
- (7) The requirements of this section shall not apply to any compounds, mixtures, or preparation containing ephedrine, pseudoephedrine, or phenylpropanolamine, their salts or optical isomers, or salts of optical isomers which are in liquid, liquid capsule, or gel capsule form or to any compounds, mixtures, or preparations containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts or optical isomers which are deemed to be not subject to abuse upon joint review and agreement of the Office of Drug Control Policy, the Board of Pharmacy, and the Cabinet for Health and Family Services.
- (8) The provisions of this section shall not apply to a:
- (a) Licensed manufacturer manufacturing and lawfully distributing a product in the channels of commerce;
 - (b) Wholesaler lawfully distributing a product in the channels of commerce;
 - (c) Pharmacy with a valid permit from the Kentucky Board of Pharmacy;
 - (d) Health care facility licensed pursuant to KRS Chapter 216B;
 - (e) Licensed long-term care facility;
 - (f) Government-operated health department;
 - (g) Physician's office;
 - (h) Publicly operated prison, jail, or juvenile correctional facility, or a private adult or juvenile correctional facility under contract with the Commonwealth;

- (i) Public or private educational institution maintaining a health care program; or
 - (j) Government-operated or industrial medical facility serving its own employees.
- (9) The provisions of this section shall supersede and preempt all local laws, ordinances, and regulations pertaining to the sale of any compounds, mixtures, or preparation containing ephedrine, pseudoephedrine, phenylpropanolamine, their salts or optical isomers, or salts of optical isomers.
- (10) To be approved for use under this section, a logging or recordkeeping system shall:
- (a) Be designed to block the dispensing of any compound, mixture, or preparation containing ephedrine, pseudoephedrine, phenylpropanolamine, their salts or optical isomers, or salts of optical isomers, where the dispensing would exceed the quantity limitations established in this section or would be prohibited under KRS 218A.1440; and
 - (b) Allow unimpeded access by the Office of Drug Control Policy to any data stored in the system for statistical analysis purposes.
- (11) The Office of Drug Control Policy shall prepare and submit to the Legislative Research Commission an annual statistical report on the sale of compounds, mixtures, or preparations containing ephedrine, pseudoephedrine, phenylpropanolamine, their salts or optical isomers, or salts of optical isomers, including state and county sale amounts and numbers of individual purchasers.

Became law without Governor's signature April 9, 2024.

CHAPTER 118

(HB 825)

AN ACT relating to an audit of the Kentucky Department of Education.

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

➔Section 1. (1) Notwithstanding any law to the contrary, the Office of the Auditor of Public Accounts shall conduct a special examination of the Kentucky Department of Education, the Kentucky School for the Blind, the Kentucky School for the Deaf, and the department operated area technology centers and shall assess the extent to which the department complies with statutory mandates and requirements.

(2) The Office of the Auditor of Public Accounts or its authorized agents shall conduct a special examination to assess the Kentucky Department of Education's operational effectiveness relating to the efficient management, control, and operation of the schools, departments, projects, and initiatives under its jurisdiction, including identification of those departments, projects, and initiatives that do not serve to improve the educational outcomes of the Commonwealth's students. The examination shall identify any area of operation demonstrating a significant lack of efficiency and effectiveness. The examination shall include but not be limited to the following areas:

- (a) Academic standards;
- (b) Statewide accountability and assessments;
- (c) Monitoring and consolidated monitoring of districts and programs;
- (d) Diversity, equity, and inclusion initiatives;
- (e) Exceptional children;
- (f) Preschool;
- (g) Model curriculum;
- (h) State board oversight of the commissioner of education;
- (i) Area technology centers;
- (j) Interscholastic athletics;

- (k) Staffing and support of the Education Professional Standards Board;
 - (l) Community education programs and services; and
 - (m) The performance of the commissioner of education as it relates to managing the Kentucky Department of Education.
- (3) The Office of the Auditor of Public Accounts or its authorized agents shall have the authority provided under KRS 43.080 for conducting the special examination under this Act.
- (4) The Office of the Auditor of Public Accounts may contract with a third party to perform a full performance review of the facilities operated by and the programs administered by the Department of Education. The Office of the Auditor of Public Accounts may contract with an entity that has experience in reviewing the performance of state education agencies and their facilities and programs.
- (5) Notwithstanding any law to the contrary, the Office of Public Accounts shall procure professional services by a personal service contract through noncompetitive negotiation with an entity that has experience in reviewing the performance of state education agencies and their facilities and programs.
- (6) The contracting party shall enter into a memorandum of understanding with the Legislative Research Commission concerning the exchange of materials and work papers and maintenance of confidentiality. The contract shall provide that the performance review results shall be reported to the Legislative Research Commission, the standing and interim Education Committees, and any materials related to the performance review shall be provided to the Legislative Research Commission and the standing and interim Education Committees. An initial preliminary report of the results of the performance review shall be submitted to the Legislative Research Commission by October 15, 2024, to be distributed to relevant committees.
- (7) Upon completion of the special examination, the office shall prepare a report of the examination's findings and recommendations. The report shall include recommendations on how the fiscal controls and operations of the Kentucky Department of Education may be improved. The report shall be electronically submitted and presented to the Interim Joint Committee on Education by July 1, 2025. A copy shall be furnished to the Kentucky Board of Education.
- (8) The cost of the special examination shall be borne by the Kentucky Department of Education through the department's general operating fund.

Became law without Governor's signature April 9, 2024.

CHAPTER 119

(SB 128)

AN ACT relating to youth employment programs.

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

➔SECTION 1. A NEW SECTION OF KRS 339.210 TO 339.450 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

- (a) *"Department" means the Department of Workplace Standards;*
- (b) *"Nonprofit organization" means an organization that:*
 - 1. *Is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and*
 - 2. *Is not an enterprise under the Fair Labor Standards Act of 1938, as amended;*
- (c) *"Student attendance day" has the same meaning as in KRS 158.070; and*
- (d) *"Work week" means seven (7) consecutive twenty-four (24) hour periods, as established by the employer.*

- (2)
 - (a) *A nonprofit organization may submit an application to the department to create a work program that allows a minor who is twelve (12) or thirteen (13) years of age to work for the nonprofit organization under this section.*
 - (b) *Any work program established by a nonprofit organization under this section shall exist to provide minors with life skills and employment skills, and the primary benefit of the work performed shall be for the vocational and educational value to the minors.*
 - (c) *Hourly wages paid to minors participating in a work program under this section shall comply with the wage requirements of KRS 337.275.*
- (3) *If approved by the department, participation in a work program established under this section shall:*
 - (a) *Except as provided in subsection (5) of this section, not occur on a student attendance day;*
 - (b) *Not exceed three (3) hours per day;*
 - (c) *Except as outlined in subsection (5) of this section, occur only between the hours of 7 a.m. and 7 p.m.;*
 - (d) *Not exceed eighteen (18) hours per work week;*
 - (e) *Be subject to the lunch and rest period provisions of KRS 339.270; and the recordkeeping requirements of KRS 339.400;*
 - (f) *Not involve activities that engage in interstate commerce or the production of goods for interstate commerce, as defined in the Fair Labor Standards Act of 1938, as amended;*
 - (g) *Be limited to the nonhazardous occupations allowed for minors fourteen (14) and fifteen (15) years of age as determined by the United States Secretary of Labor under provisions of the Fair Labor Standards Act of 1938, as amended; and*
 - (h) *Not occur in, about, or in connection with any establishment where alcoholic beverages are distilled, rectified, compounded, brewed, manufactured, bottled, sold for consumption, or dispensed.*
- (4) *Prior to participating in a work program under this section, the parent or guardian of a minor shall sign a form prescribed by the department giving permission for the minor to participate in the program.*
- (5) *A nonprofit organization that is currently operating or that has previously operated a work program under this section may submit an application to the department, along with any other documentation that the department may require, to allow a minor to work under this section on student attendance days. Work by a minor under this subsection shall not occur during regular school hours. It shall be the burden of the nonprofit organization to prove to the department the necessity, benefit, and worthiness of operating a work program on student attendance days. A minor shall not be allowed to work on a student attendance day if the nonprofit organization is aware that the minor missed school that day.*
- (6) *The department shall be the sole decision maker in the approval or denial of applications for work programs under this section. The department shall evaluate the work program of each applicant for compliance with subsection (2)(b) of this section. A nonprofit organization that has been denied by the department shall have the right to a hearing conducted in accordance with KRS Chapter 13B, if a written request for a hearing is made within ten (10) days after service of notice of the denial.*
- (7) *A nonprofit organization may allow a minor who has passed his or her fourteenth birthday but is under eighteen (18) years of age to also participate in any work program established under this section. Minors participating in a work program under this subsection shall be subject to the gainful occupation standards established in this chapter.*
- (8) *The department shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section and to properly protect the life, health, safety, and welfare of minors, including but not limited to establishing the criteria for work program approval and documentation required by a nonprofit organization for application. The department may consider sex, age, premises of employment, substances to be worked with, machinery to be operated, nature of the employment, and other pertinent factors. In promulgating administrative regulations, the department may mirror similar protections as outlined for minors fourteen (14) years of age or older by the United States Secretary of Labor under the Fair Labor Standards Act of 1938, as amended. For minors twelve (12) or thirteen (13) years of age, the administrative regulations shall have no effect on the definition of "gainful occupation" in Section 2 of this Act.*

➔Section 2. KRS 339.210 is amended to read as follows:

As used in KRS ~~339.210~~~~[339.220]~~ to 339.450:

- (1) "Gainful occupation" does not include employment in farm work or in domestic service in a private home, nor occasional employment by a householder in connection with the household and not in connection with the householder's business or occupation, such as grass cutting or carrying ashes or similar casual domestic tasks, nor the delivery of newspapers on regularly scheduled routes, nor to employment as an actor or performer in motion pictures or theatrical productions, or in radio or television productions, nor to employment of minors by their own parents or persons standing in the place of a parent in occupations other than manufacturing, mining, or those found by the commissioner of the Department of Workplace Standards to be particularly hazardous;~~and~~
- (2) "Gainful occupation" does not include a minor who is at least twelve (12) years of age working as a referee, umpire, or official in a youth athletic program, subject to the following:
 - (a) The minor is a referee, umpire, or official for an age bracket younger than the minor's own age;
 - (b) An adult representing the youth athletic program is on the premises where the athletic event is occurring; and
 - (c) The minor has on file with the person responsible for assigning the minor to officiate for the youth athletic program the original or a copy of a written consent to the child's employment as a referee, umpire, or official signed by the minor's parent or guardian; *and*
- (3) *"Gainful occupation" does not include participation in a work program established under Section 1 of this Act by a minor who is twelve (12) or thirteen (13) years of age.*

Became law without Governor's signature April 9, 2024.

CHAPTER 120

(HB 186)

AN ACT relating to fiscal impacts of health insurance mandates and declaring an emergency.

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

➔SECTION 1. KRS 6.948 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

- (1) *As used in this section:*
 - (a) *"Amendment" includes a committee substitute;*
 - (b) *"Department" means the Department of Insurance;*
 - (c) *"Federal cost defrayal impact statement" means a statement prepared and transmitted in accordance with subsection (6) of this section;*
 - (d) *"Health benefit plan" has the same meaning as in KRS 304.17A-005, except that for purposes of this section the term does not include:*
 1. *A state employee health plan; or*
 2. *Any other self-insured policy, certificate, plan, or contract;*
 - (e) *"Health mandate impact statement" means a statement prepared and transmitted in accordance with subsection (5) of this section;*
 - (f) *"Mandated health benefit" means a requirement that any health benefit plan or state employee health plan:*
 1. *Provide a specified benefit, including but not limited to a specified coverage;*
 2. *Pay, indemnify, or reimburse for a specified medical service; or*
 3. *Pay, indemnify, or reimburse specified health care providers for specific health care services;*

- (g) *"Sponsor" means a member of the General Assembly that has made a request to the Legislative Research Commission for a bill or amendment;*
 - (h) *"State employee health plan" means any fully insured health benefit plan or self-insured plan issued or renewed to public employees under KRS 18A.225 or 18A.2254; and*
 - (i) *"State employee health plan impact statement" means a statement prepared and transmitted in accordance with subsection (7) of this section.*
- (2) (a) *Any bill or amendment that contains a mandated health benefit shall be identified by the staff of, and on a form specified by, the Legislative Research Commission.*
- (b) *If a bill or amendment is identified as having a mandated health benefit under paragraph (a) of this subsection, the staff of the Legislative Research Commission shall:*
- 1. *Notify the sponsor of the bill or amendment that a health mandate impact statement, federal cost defrayal impact statement, and state employee health plan impact statement, as applicable, are required; and*
 - 2. *Upon introduction, adoption, or filing of the legislation:*
 - a. *For a mandated health benefit that applies to any health benefit plan, request the department to prepare and transmit a health mandate impact statement and federal cost defrayal impact statement in accordance with this section; and*
 - b. *For a mandated health benefit that applies to any state employee health plan, request the Department of Employee Insurance to prepare and transmit a state employee health plan impact statement in accordance with this section.*
- (3) (a) *The individuals referenced in paragraph (b) of this subsection may, in accordance with that paragraph, request the department or the Department of Employee Insurance, as applicable, to prepare any or all of the following:*
- 1. *A health mandate impact statement;*
 - 2. *A federal cost defrayal impact statement; or*
 - 3. *A state employee health plan impact statement.*
- (b) *Any or all of the following may make a request under paragraph (a) of this subsection:*
- 1. *For any introduced bill or adopted or filed amendment:*
 - a. *The sponsor of the bill or amendment; or*
 - b. *Any of the following members from a chamber of the General Assembly with possession of the legislation:*
 - i. *Any member of the majority or minority leadership; or*
 - ii. *A chair of a standing committee; and*
 - 2. *For any bill or amendment that has not been introduced, filed, or adopted, the sponsor of the bill or amendment.*
- (4) (a) *Except as provided in paragraph (b) of this subsection, when a request is made under this section, the department or Department of Employee Insurance, including its staff and third-party contractors, shall:*
- 1. *Keep the bill or amendment confidential until the bill or amendment is published for public distribution by the Legislative Research Commission; and*
 - 2. *Keep the impact statement, including the request for the statement and any information relating thereto, confidential until the statement is published for public distribution by the Legislative Research Commission.*
- (b) *Paragraph (a) of this subsection shall not apply to any communications with or transmittals to:*
- 1. *Staff or third-party contractors designated by the department or Department of Employee Insurance to receive and prepare the impact statements required under this section;*

2. *Staff designated by the Legislative Research Commission;*
 3. *The requester; or*
 4. *Any other person designated by the requester.*
- (c) *Any health mandate impact statement, federal cost defrayal impact statement, or state employee health plan impact statement requested under this section shall be prepared and transmitted by the department or Department of Employee Insurance as provided in this section.*
- (5) *A health mandate impact statement shall:*
- (a) *Be in writing;*
 - (b) *Be signed by the commissioner of the department or the commissioner's designee;*
 - (c) *Determine the extent to which the mandated health benefit will:*
 1. *Increase or decrease administrative expenses of insurers offering health benefit plans;*
 2. *Increase or decrease health benefit plan premiums in the market or markets to which the mandate applies; and*
 3. *Impact the total cost of health care for health benefit plan insureds, including any potential cost savings that may be realized; and*
 - (d) *Be completed and transmitted to staff designated by the Legislative Research Commission and the requester as soon as possible, but not later than thirty (30) days after the request is made to the department, unless the requestor and commissioner of the department agree otherwise.*
- (6) (a) *A federal cost defrayal impact statement shall:*
1. *Be in writing;*
 2. *Be signed by the commissioner of the department or the commissioner's designee;*
 3. *a. Indicate:*
 - i. *Whether a bill or amendment that contains a mandated health benefit may result in the state being required to make payments to defray costs under 42 U.S.C. sec. 18031(d)(3) and 45 C.F.R. sec. 155.170, as amended; and*
 - ii. *If applicable, which provision or provisions of the bill or amendment may trigger the requirement to make payments to defray costs under 42 U.S.C. sec. 18031(d)(3) and 45 C.F.R. sec. 155.170, as amended.*
 - b. When making a determination under subdivision a. of this subparagraph, the department shall consider whether the provision or provisions would apply under subsection (2) of Section 2 of this Act;*
 4. *If it is indicated under subparagraph 3. of this paragraph that the bill or amendment may result in the state being required to make payments, include a cost defrayal fiscal analysis prepared in accordance with paragraph (b) of this subsection; and*
 5. *Be completed and transmitted to staff designated by the Legislative Research Commission and the requestor as soon as possible, but not later than the following, unless the requestor and the commissioner of the department agree otherwise:*
 - a. For an indication required under subparagraph 3. of this paragraph, ten (10) business days after the request is made to the department; and*
 - b. For a cost defrayal fiscal analysis required under subparagraph 4. of this paragraph, thirty (30) days after the request is made to the department.*
- (b) *A cost defrayal fiscal analysis shall:*
1. *Be conducted by:*
 - a. The department; and*
 - b. An actuary selected by the department;*

2. *Be based on an analysis performed in accordance with generally accepted actuarial principles and methodologies;*
 3. *Determine the extent to which benefits required under the bill or amendment are already covered by health insurers; and*
 4. *Include an estimate of the payments the state may be required to make under 42 U.S.C. sec. 18031(d)(3) and 45 C.F.R. sec. 155.170, as amended, if the bill or amendment is enacted into law.*
- (7) *A state employee health plan impact statement shall:*
- (a) *Be in writing;*
 - (b) *Be signed by the commissioner of the Department of Employee Insurance or the commissioner's designee;*
 - (c) *Determine the extent to which:*
 1. *The mandated health benefit will increase or decrease state employee health plan premiums; and*
 2. *The increased or decreased premiums identified in subparagraph 1. of this paragraph may be passed on to public employees; and*
 - (d) *Be completed and transmitted to staff designated by the Legislative Research Commission and the requester as soon as possible, but not later than thirty (30) days after the request is made to the Department of Employee Insurance, unless the requestor and commissioner of the Department of Employee Insurance agree otherwise.*

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

- (1) *As used in this section, "qualified health plan" has the same meaning as in 42 U.S.C. sec. 18021(a)(1), as amended.*
- (2) *Notwithstanding any other provision of this chapter:*
 - (a) *Except as provided in paragraph (b) of this subsection, if the application of a provision of this chapter results, or would result, in a determination that the state must make payments to defray the cost of the provision under 42 U.S.C. sec. 18031(d)(3) and 45 C.F.R. sec. 155.170, as amended, then the provision shall not apply to a qualified health plan or any other health insurance policy, certificate, plan, or contract until the requirement to make cost defrayal payments is no longer applicable; and*
 - (b) *This subsection shall not apply to a provision of this chapter that became effective on or before January 1, 2024.*
- (3) *To the extent permitted by federal law, if the state is required under 42 U.S.C. sec. 18031(d)(3) and 45 C.F.R. sec. 155.170, as amended, to make payments to defray the cost of a provision of this chapter:*
 - (a) 1. *Each qualified health plan issuer shall determine, and provide to the commissioner, the cost attributable to the provision for the qualified health plan.*
 2. *The cost attributable to a provision for a qualified health plan under subparagraph 1. of this paragraph shall be:*
 - a. *Calculated in accordance with generally accepted actuarial principles and methodologies;*
 - b. *Conducted by a member of the American Academy of Actuaries; and*
 - c. *Reported by the qualified health plan issuer to:*
 - i. *The commissioner; and*
 - ii. *The Division of Health Benefit Exchange within the Office of Data Analytics;*

- (b) *The commissioner shall use the information obtained under paragraph (a) of this subsection to determine the statewide average of the cost attributable to the provision for all qualified health plan issuers to which the provision is applicable; and*
- (c) *The required payments shall be:*
 - 1. *Calculated based on the statewide average of the cost attributable to the provision as determined by the commissioner under paragraph (b) of this subsection; and*
 - 2. *Submitted directly to qualified health plan issuers by the department through a process established by the commissioner.*
- (4) *A qualified health plan issuer that receives a payment under subsection (3)(c)2. of this section shall:*
 - (a) *Reduce the premium charged to an individual on whose behalf the issuer received the payment in an amount equal to the amount of the payment; or*
 - (b) *Notwithstanding KRS 304.12-090, provide a premium rebate to an individual on whose behalf the issuer received the payment in an amount equal to the amount of the payment.*
- (5) *Any fines collected for violations of this section shall be:*
 - (a) *Placed in a trust and agency account within the department, which shall not lapse; and*
 - (b) *Used solely by the department to make payments in accordance with subsection (3)(c)2. of this section.*
- (6) *The commissioner shall promulgate any administrative regulations necessary to enforce and effectuate this section.*

➔Section 3. KRS 194A.099 is amended to read as follows:

Except as provided in Section 2 of this Act:

- (1) The Division of Health Benefit Exchange *within the Office of Data Analytics* shall administer the provisions of the Patient Protection and Affordable Care Act of 2010, Pub. L. No. 111-148; ~~;~~
- (2) The Division of Health Benefit Exchange shall:
 - (a) Facilitate enrollment in health coverage and the purchase and sale of qualified health plans in the individual market;
 - (b) Facilitate the ability of eligible individuals to receive premium tax credits and cost-sharing reductions and enable eligible small businesses to receive tax credits, in compliance with all applicable federal and state laws and regulations;
 - (c) Oversee the consumer assistance programs of navigators, in-person assisters, certified application counselors, and insurance agents as appropriate;
 - (d) At a minimum, carry out the functions and responsibilities required pursuant to 42 U.S.C. sec. 18031 to implement and comply with federal regulations in accordance with 42 U.S.C. sec. 18041; and
 - (e) Regularly consult with stakeholders in accordance with 45 C.F.R. sec. 155.130; *and* ~~;~~
- (3) The Office *of Data Analytics*:
 - (a) May enter into contracts and other agreements with appropriate entities, including but not limited to federal, state, and local agencies, as permitted under 45 C.F.R. sec. 155.110, to the extent necessary to carry out the duties and responsibilities of the office, provided that the agreements incorporate adequate protections with respect to the confidentiality of any information to be shared; ~~;~~
 - (b) ~~(4)~~ ~~The office~~ Shall pursue all available federal funding for the further development and operation of the Division of Health Benefit Exchange; ~~;~~
 - (c) ~~(5)~~ ~~The Office of Health Data and Analytics~~ Shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section; *and* ~~;~~
 - (d) ~~(6)~~ ~~The office~~ Shall not establish procedures and rules that conflict with or prevent the application of the Patient Protection and Affordable Care Act of 2010, Pub. L. No. 111-148.

➔Section 4. Whereas there is an immediate, significant, and legitimate need to assess, calculate, and limit the fiscal impacts of health insurance mandates, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 9, 2024.

CHAPTER 121

(SB 70)

AN ACT relating to charitable donor intent protection.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 273 IS CREATED TO READ AS FOLLOWS:

- (1) As used in this section:
 - (a) *"Charitable organization" means an entity organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, educational, or other specified purposes and that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code;*
 - (b) *"Donor" means an individual who has made a contribution of property or money to either an existing endowment fund, or to establish a new endowment fund, of a charitable organization pursuant to the terms of an endowment agreement that may include donor-imposed restrictions or conditions governing the use of the contribution;*
 - (c) *"Donor-imposed restriction" means a provision of an endowment agreement that specifies obligations of the charitable organization regarding the management or use of the contribution made by the donor;*
 - (d) *"Endowment agreement" means a written agreement between a charitable organization and a donor regarding the contribution made by the donor and accepted by the charitable organization which may include donor-imposed restrictions or other conditions governing the use of the contribution;*
 - (e) *"Endowment fund" means an institutional fund, including any aggregate institutional fund or part thereof, that under the terms of a gift instrument is not wholly expendable by the institution on a current basis;*
 - (f) *"Gift instrument" means a record, including an institutional solicitation, under which property is granted to, transferred to, or held by an institution as an institutional fund; and*
 - (g) *"Legal representative" means the administrator or executor of an individual's estate, a surviving spouse if there is a judicial settlement of the accounts of an individual's estate, or any living, named individual designated in an endowment agreement to act in place of a party to an endowment agreement with respect to all matters expressed in the endowment agreement and all actions that the agreement contemplates, including but not limited to interpreting, performing, and enforcing any provisions of the endowment agreement and defending their validity.*
- (2) *Except as required or authorized by federal or state law, or valid court order, a charitable organization that accepts a contribution of property or money pursuant to an endowment agreement containing a donor-imposed restriction shall not violate the terms of that restriction.*
- (3)
 - (a) *If a charitable organization violates a donor-imposed restriction, the donor or that individual's legal representative, ninety (90) days after notification to the charitable organization, may bring a civil action which shall be limited to appropriate declaratory and injunctive relief within four (4) years after discovery of a breach of the endowment agreement.*
 - (b) *The civil action may be filed in the county where a charitable organization named as a party has its principal office or principal place of carrying out its charitable purpose.*
 - (c) *The civil action seeking relief may be filed regardless of whether the agreement expressly reserves a right to sue or enforce, and it shall not seek a judgment awarding monetary damages to the plaintiff.*

- (4) *A charitable organization may obtain a judicial declaration of rights as to the terms of an endowment agreement, including any donor-imposed restrictions, and the actions the agreement contemplates, including but not limited to the interpretation, specific performance, and enforcement of the agreement and determination of its validity by bringing a civil action under this section.*
- (5) *If the court determines that a charitable organization violated a donor-imposed restriction, the court may order one (1) or more remedies consistent with the charitable purposes expressed in the endowment agreement. The court shall not order the return of the contribution to the donor or the donor's legal representative or estate.*

Signed by Governor April 9, 2024.

CHAPTER 122

(HB 535)

AN ACT relating to civic education.

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

➔Section 1. KRS 158.141 is amended to read as follows:

- (1) *Beginning with the entering ninth grade class of the 2025-2026 school year, and each year thereafter, graduation requirements for each student in every public high school in Kentucky graduating with a regular diploma shall include successful completion of either:*
- (a) *A one-half (1/2) credit course in civic literacy that includes instruction in the areas required in subsection (5) of this section; or*
- (b) ~~{on July 1, 2018, to graduate from a Kentucky public high school with a regular diploma, a student shall pass }~~*A civics test composed of one hundred (100) questions drawn from those that are set forth within the civics test administered by the United States Citizenship and Immigration Services to persons seeking to become naturalized citizens.*
- (2) *A local board of education shall determine which option under subsection (1) of this section shall be required for graduates of the school district.*
- (3) *If the board requires the completion of subsection (1)(b) of this section:*
- (a) *The board shall prepare or approve a test composed of the questions described in subsection (1)(b) of this section and shall disseminate the test to all public high schools of the district. The test shall be administered by each~~{the}~~ public high school~~{schools}~~ in the~~{each}~~ district;*
- (b) *A public high school shall provide each student with the opportunity to take the test as many times as necessary for the student to pass the test without the use of instructional aids during testing, including but not limited to textbooks and internet browser searching. A student shall not receive a regular high school diploma until the student successfully completes the test as specified in paragraph (c) of this subsection;*
- (c) *A student shall be considered to have successfully completed the test if at least seventy percent (70%) of the questions are answered correctly. A student who has passed a similar test within the previous five (5) years may provide the board with evidence of successful completion and shall not be required to take the test under this section;*
- (d) *By September 1, 2026, and each year thereafter, each school district requiring a civics test for graduation shall submit annual testing data to the Kentucky Department of Education. The department shall compile the data and by November 1 of each year submit an annual report to the Legislative Research Commission for referral to the Interim Joint Committee on Education. The report shall include:*
1. *The first-time successful completion rate of the civics test; and*
 2. *The average number of times a student takes the civics test for successful completion; and*

- (e) *Provisions of this section shall be subject to the requirements and accommodations of a student's individualized education program as defined in KRS 158.281 or a Section 504 Plan as defined in KRS 156.027.*
- ~~(4)(3)~~ *Students pursuing an early graduation program as established in KRS 158.142 shall complete the requirement prior to the student's graduation.*
- (5) *A civic literacy course shall include but not be limited to instruction in the following areas:*
- (a) *An overview of America's founding history, including but not limited to key texts; the role and operations of local, state, and national governments; the rights and responsibilities of citizenship; federalism; civil liberties; and civil rights;*
 - (b) *Principles of the United States government;*
 - (c) *The Constitution of Kentucky and the Constitution of the United States;*
 - (d) *Institutions of the United States government and the responsibilities of the executive branch, legislative branch, and judicial branch;*
 - (e) *State government and local governments and the role of each;*
 - (f) *Political parties and interest groups;*
 - (g) *Campaigns and elections;*
 - (h) *United States Congress;*
 - (i) *Domestic policy;*
 - (j) *Foreign policy;*
 - (k) *Comparative systems;*
 - (l) *International relations; and*
 - (m) *Major issues facing government*~~[public high school shall provide each student with the opportunity to take the test as many times as necessary for the student to pass the test. A student shall not receive a regular high school diploma until the student passes the test].~~
- (6) *The Kentucky Board of Education shall promulgate administrative regulations in accordance with KRS 156.160 to establish academic standards for civic literacy*~~[~~
- ~~(4) A student passes the test if at least sixty percent (60%) of the questions are answered correctly.~~
- ~~(5) A student who has passed a similar test within the previous five (5) years shall not be required to take the test under this section.~~
- ~~(6) Provisions of this section shall be subject to the requirements and accommodations of a student's individualized education program as defined in KRS 158.281 or a Section 504 Plan as defined in KRS 156.027.~~

Signed by Governor April 9, 2024.

CHAPTER 123

(SB 199)

AN ACT relating to motor vehicles and making an appropriation.

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

➔Section 1. KRS 281A.010 is amended to read as follows:

As used in this chapter:

- (1) "Alcohol" means:

- (a) Beer, ale, port, or stout and other similar fermented beverages, including sake or similar products, of any name or description containing one-half of one ~~percent~~~~percentum~~ (0.5%) or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor;
 - (b) Wine of not less than one-half of one ~~percent~~~~percentum~~ (0.5%) of alcohol by volume;
 - (c) Distilled spirits, which means that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced; or
 - (d) Any substance containing ethyl alcohol, hydrated oxide of ethyl, spirit of wine, or any distilled spirits including but not limited to ethanol, methanol, propanol, and isopropanol;~~;~~
- (2) "Alcohol concentration" means:
- (a) The number of grams of alcohol per one hundred (100) milliliters of blood;
 - (b) The number of grams of alcohol per two hundred ten (210) liters of breath; or
 - (c) The number of grams of alcohol per sixty-seven (67) milliliters of urine;~~;~~
- (3) "Cabinet" means the Transportation Cabinet;~~[of the Commonwealth of Kentucky.]~~
- (4) "Commerce" means:
- (a) Any trade, traffic, or transportation within the jurisdiction of the United States between a place in a state and a place outside of the state, including a place outside of the United States; and
 - (b) Trade, traffic, and transportation in the United States that affects any trade, traffic, and transportation described in paragraph (a) of this subsection;~~;~~
- (5) "Commercial driver's license~~;~~" or "CDL~~;~~" means a license issued to an individual in accordance with the requirements of this chapter or, if the license is issued by another state in accordance with the Federal Commercial Motor Vehicle Safety Act, to an individual that authorizes the individual to drive any class of commercial motor vehicle;~~;~~
- (6) "Commercial driver's license information system" or "CDLIS" means the national information system established to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers;~~;~~
- (7) "Commercial ~~learner's~~~~[driver's instruction]~~ permit" or "**CLP**" means a permit issued pursuant to KRS 281A.120;~~;~~
- (8) "Commercial motor vehicle~~;~~" or "CMV~~;~~" means a motor vehicle or combination motor vehicle used in commerce that is:
- (a) Designed to carry property and has a gross vehicle weight rating as determined by federal regulation which has been adopted into cabinet administrative regulations pursuant to KRS Chapter 13A;
 - (b) Designed to transport sixteen (16) or more passengers, including the driver;
 - (c) Transporting hazardous materials and is required to be placarded in accordance with~~[Title]~~ 49 **C.F.R. pt.**~~[, Code of Federal Regulations, Part]~~ 172; or
 - (d) Any other vehicle that is required by cabinet administrative regulation, pursuant to KRS Chapter 13A, to be operated by a licensed commercial driver;~~;~~
- (9) "Controlled substance" means any substance so classified under~~[Section 102(6) of the Controlled Substances Act,]~~ 21 U.S.C. sec. 802(6), and includes all substances listed on Schedules I through V~~;~~ of~~[Title]~~ 21 **C.F.R. pt.**~~[, Code of Federal Regulations, Part]~~ 1308, as adopted by the Transportation Cabinet by administrative regulation pursuant to KRS Chapter 13A. It shall also include those substances defined or listed in KRS Chapter 218A;~~;~~
- (10) "Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty, a plea of nolo contendere, or Alford plea entered and accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated;~~;~~

- (11) "Disqualification" means any of the following actions:
- (a) The suspension, revocation, or cancellation of a CDL by the Commonwealth or the jurisdiction of issuance;
 - (b) Any withdrawal of a person's privilege to drive a commercial motor vehicle by the Commonwealth or another jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control, other than parking, vehicle weight, or vehicle defect violations; or
 - (c) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 C.F.R. pt. 391;{+}
- (12) "Drive" means to drive, operate, or be in physical control of a motor vehicle;{+}
- (13) "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle, or who is required to hold a commercial driver's license;{+}
- (14) "Driver's license" *or* "**operator's license**" means a license issued by a state to an individual that authorizes the individual to drive a motor vehicle;{+}
- (15) "Employee" means any operator of a commercial motor vehicle, including full-time, regularly employed drivers; casual, intermittent, or occasional drivers; leased drivers and independent, owner-operator contractors while in the course of operating a commercial motor vehicle who are either directly employed by, under lease to, or operating in a manner indicating employment to an employer;{+}
- (16) "Employer" means any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle, or assigns a person to drive a commercial motor vehicle;{+}
- (17) "Felony" means any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one (1) year;{+}
- (18) "Gross combination weight rating{+}" or "GCWR{+}" is the gross vehicle weight rating of power unit plus the gross vehicle weight rating of any towed unit. In the absence of a value specified by the manufacturer, GCWR shall be determined by **the combined actual physical weight of the vehicle, including passengers, cargo, fuel, all other items, and, if towing, the tongue weight;**~~adding the gross vehicle weight rating of the power unit and the total weight of the towed unit and load therein.~~
- (19) "Gross vehicle weight rating{+}" or "GVWR{+}" means the value specified by the manufacturer as the maximum loaded weight of a single, a combination or an articulated vehicle;{+}
- (20) "Hazardous materials" has the same meaning as in 49 C.F.R. sec. 383.5;{+}
- (21) "Highway" shall include any way or place of any nature when any part of it is open to the use of the public as a matter of right, license, or privilege for the use of vehicular traffic;{+}
- (22) "Imminent hazard" means a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a danger to health, property, or the environment exists;{+}
- (23) "Moped" shall have the same meaning as in KRS 186.010(5);{+}
- (24) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, or any other vehicle required to be registered under the laws of this state, but shall not include any vehicle, machine, tractor, trailer, or semitrailers operated exclusively on a rail;{+}
- (25) "NDR" means the national driver register;{+}
- (26) "Out-of-service order" means a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican, or local jurisdiction that a driver, commercial motor vehicle, or a motor carrier operation is out of service pursuant to 49 C.F.R. ~~secs.~~~~sec.~~ 386.72, 392.5, 395.13, or 396.9; comparable laws or regulations; or the North American Uniform Out-of-Service Criteria;{+}
- (27) "Resident" means a person who has established Kentucky as his or her state of domicile. Proof of residency shall include but not be limited to a deed or property tax bill, utility agreement or utility bill, or rental housing agreement;{+}
- (28) "School bus" means a vehicle that meets the specification of KRS 156.153 used to transport preprimary, primary, or secondary school students between school and home, or to and from school-sponsored events. A school bus shall not include a bus used as a common carrier;{+}

- (29) "Serious traffic violation" means a conviction when operating a commercial motor vehicle of:
- (a) Excessive speeding, involving a single charge of any speed fifteen (15) miles per hour or more, above the specified speed limit;
 - (b) Reckless driving, as defined under state or local law, including conviction of driving a commercial motor vehicle in willful or wanton disregard for the safety of persons or property;
 - (c) Improper or erratic traffic lane changes;
 - (d) Following the vehicle ahead too closely;
 - (e) A violation of any state or local law related to motor vehicle traffic control, other than a parking violation, arising in connection with a fatal accident;
 - (f) Driving a commercial motor vehicle without a CDL;
 - (g) Driving a commercial motor vehicle without a CDL in one's possession or refusing to display a CDL upon request;
 - (h) Driving a commercial motor vehicle without the proper class of CDL or endorsements, or both, for the specific vehicle type or types being operated or for the passengers or type or types of cargo being transported; or
 - (i) Any conviction of an offense that requires mandatory suspension under KRS 186.560 or a serious violation as defined by ~~Title 49 C.F.R. pt. of the Code of Federal Regulations Part 383 or as amended by the Federal Highway Administration~~; ~~[-]~~

(30) **"Severe forms of trafficking in persons" has the same meaning as in 22 U.S.C. sec. 7102;**

(31) "State" means a state of the United States and the District of Columbia; ~~[-]~~

~~(32)(31)~~ "State police" means the Department of Kentucky State Police; **and** ~~[-]~~

~~(33)(32)~~ "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn along a public highway, except devices moved by human or animal power, used exclusively upon stationary rails or tracks, or which derives its power from overhead wires.

➔Section 2. KRS 281A.120 is amended to read as follows:

- (1) A commercial **learner's** ~~driver's instruction~~ permit may be issued to an individual twenty-one (21) years and older who:
- (a) Has complied with the criminal history background check required by KRS 281A.300;
 - (b) Holds a valid Kentucky Class D operator's license;
 - (c) Is a citizen or permanent resident of the United States, or can provide to the cabinet documentation issued by the United States Citizenship and Immigration Services in the United States Department of Homeland Security, authorizing the person to be in the United States and to be employed while in the United States; and
 - (d) Has passed the vision and knowledge tests required for a commercial driver's license of the class vehicle to be driven. **Commercial learner's** ~~Instruction~~ permits shall be class specific.
- (2) A commercial **learner's** ~~driver's instruction~~ permit may be issued to a resident eighteen (18) years of age who:
- (a) Has complied with the criminal history background check required by KRS 281A.300;
 - (b) Holds a valid Kentucky Class D operator's license;
 - (c) Is a citizen or permanent resident of the United States, or can provide to the cabinet documentation issued by the United States Citizenship and Immigration Services in the United States Department of Homeland Security, authorizing the person to be in the United States and to be employed while in the United States; and
 - (d) Has passed the vision and knowledge tests required for a commercial driver's license of the class vehicle to be driven.

A commercial *learner's*~~[driver's license instruction]~~ permit issued under this subsection shall be valid only for the operation of a commercial motor vehicle in intrastate commerce that is not a school bus or a vehicle hauling hazardous material. The *CLP*~~[instruction permit]~~ shall be class specific and shall contain~~[an]~~ a "*K*"~~[I]~~ restriction noting that the commercial driver is limited to Kentucky intrastate commerce.

- (3) A commercial *learner's*~~[driver's instruction]~~ permit shall not be issued to a resident for a period to exceed one hundred eighty (180) days. Only one (1) renewal or reissuance may be granted within a two (2) year period for the same class of vehicle. The holder of a commercial *learner's*~~[driver's instruction]~~ permit may, unless otherwise disqualified, drive a commercial motor vehicle on the highways of Kentucky only when accompanied by the holder of a commercial driver's license valid for the type of vehicle driven and who occupies a seat beside the permit holder for the purpose of giving instruction in driving the commercial motor vehicle.
- (4) ~~[A person who is not a resident who is enrolled in a program offering commercial truck driving under the Kentucky Community and Technical College System or a proprietary school licensed under KRS Chapter 165A may be issued a provisional Class D license that allows an applicant to include a commercial driver's instruction permit into a single license that shall be valid for ninety (90) days. The fee for a provisional Class D license shall be the same as for a regular Class D license. A provisional Class D license may be renewed for one (1) ninety (90) day period. A person issued a provisional Class D license under this subsection shall be required to convert the license to a regular Kentucky CDL or return to the person's state of domicile and transfer the Kentucky provisional Class D license to his or her state of domicile. A provisional Class D license issued under this subsection shall not be converted to a regular Class D license unless the applicant satisfies all Kentucky residency requirements.]~~ A commercial *learner's*~~[driver's instruction]~~ permit shall contain *the same elements and meet the same*~~[, in addition to other information required by the cabinet, those]~~ requirements *as those for commercial driver's licenses* set forth in KRS 281A.170~~[. The commercial driver's instruction permit shall not contain the permit holder's Social Security number but shall include a color photo of the permit holder].~~

➔ Section 3. KRS 281A.140 is amended to read as follows:

- (1) The application for a commercial driver's license or commercial *learner's*~~[driver's instruction]~~ permit shall include the following information:
 - (a) The *applicant's* full legal name, *any*~~[including]~~ nicknames *or other names by which he or she is known*, and present Kentucky resident address~~[of the applicant]~~. If the applicant's mailing address is different from the resident address, the mailing address shall also be included~~[. If the applicant is not a resident, the application shall include the person's resident address in the person's state of domicile and the address of the Kentucky driver training school where the applicant is currently enrolled]~~;
 - (b) A physical description of the applicant including sex, height, weight, eye color, and race;
 - (c) The applicant's date of birth;
 - (d) The applicant's Social Security number;
 - (e) The applicant's signature;
 - (f) Certifications including those required by~~[Title] 49 C.F.R. [Code of Federal Regulations,]~~ secs. 383.71, 383.73, and 384.206, as adopted by the cabinet;
 - (g) A consent to release driving record information;
 - (h) A valid Class D operator's license issued pursuant to KRS 186.4102 and 186.412;
 - (i) A birth certificate if the applicant does not hold a valid operator's license at the time of application;
 - (j) The name of every jurisdiction in which the applicant has previously been licensed to drive any type of motor vehicle during the ten (10) year period immediately preceding the date of the application; and
 - (k) Any other information required by the cabinet.
- (2) The cabinet or state police may require any other information needed in order to process the application.
- (3) When the holder of a commercial driver's license changes his or her name or residence, the information shall be reported to the cabinet within ten (10) days. The holder of a Class A, B, or C license shall make an application for a duplicate license within thirty (30) days of changing his *or her* name or address.

(4) Any person whose commercial driver's license has been legitimately lost or destroyed shall make an application for a duplicate. ~~†~~

~~(a) —~~ A person applying for ~~a [the first]~~ duplicate within the time period for which the original license was issued~~†~~, shall apply to the Transportation Cabinet. The person shall provide the cabinet with proof of the person's identity and a notarized affidavit with a raised seal explaining in detail the loss or destruction of the original license.

~~[(b) —~~ A person applying for a second or subsequent duplicate within the time period for which the original license was issued, shall apply to the Transportation Cabinet in Frankfort or a Transportation Cabinet field office. The person shall provide the cabinet with proof of the person's identity and a notarized affidavit explaining in detail the loss or destruction of the previous duplicate issued. The Transportation Cabinet shall, within thirty (30) days of receipt of the application, review the person's proof of identity and affidavit and determine if the person will be issued a duplicate.]

(5) A person who is a resident of this state shall not drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.

(6) Any person who knowingly falsifies information or certifications required to obtain a commercial driver's license, a commercial driver's license permit, or a duplicate commercial driver's license subsequent to an administrative hearing conducted in accordance with KRS 186.570, shall be subject to suspension, revocation, or cancellation of his *or her* commercial driver's license for a period of at least sixty (60) consecutive days.

➔Section 4. KRS 281A.160 is amended to read as follows:

(1) (a) Except as provided in subsection (4) of this section, the State Police shall be responsible for administering both the knowledge and skills test required by KRS 281A.130.

(b) ***Prior to taking the knowledge test, a first-time applicant for a hazardous materials endorsement shall complete the entry level driver training required under 49 C.F.R. pt. 380.***

(c) Applicants who fail the written knowledge test shall be permitted to retake the written test on the next day the tests are administered. Applicants who fail the written test six (6) times shall be required to wait three (3) days before taking the knowledge test again. Applicants who subsequently fail the written test three (3) additional times shall be required to wait three (3) days prior to retaking the test.

(2) (a) Except as provided for in subsection (3) of this section, at the time a CDL permit is issued:

1. An applicant who has held a Kentucky operator's license for thirty (30) days or longer shall pay a skills-testing fee of fifty dollars (\$50); and

2. An applicant who has held a Kentucky operator's license for less than thirty (30) days ***or an applicant who holds an out-of-state operator's license and commercial learner's permit*** shall pay a skills-testing fee of one hundred fifty dollars (\$150).

~~(b) —~~ A person applying under subsection (8) of this section shall pay a skills testing fee of one hundred fifty dollars (\$150).

~~(e)†~~ There is created within the State Treasury a trust fund to be known as the State Police CDL skills-testing fund. The fund shall be administered by the State Police and shall receive all skills-testing and retesting fees collected under ***paragraph [paragraphs] (a) [and (b)]*** of this subsection and subsection (6)(e) of this section, in addition to any grants, gifts, or appropriations of state or federal moneys and any interest earned on moneys in the fund. Moneys in the fund shall not lapse and shall be carried forward to the next succeeding fiscal year. The State Police CDL skills-testing fund shall be used by the State Police to contract with and train civilian CDL skills examiners and to improve the logistics of the CDL skills-testing process.

~~(c)†(d)†~~ The State Police, upon request of an applicant who has passed both the vision and knowledge tests, ***and has successfully completed all of the entry level driver training required under 49 C.F.R. pt. 380 for the license class and endorsements the applicant seeks***, may schedule the applicant for the skills test at the first available test date at a test site designated by the State Police but not less than fourteen (14) days after the applicant has filed the application and been issued a CDL permit. Except in extenuating circumstances, a retest for a failed portion of the skills test shall be given within three (3) days of a request of a retest.

- ~~(d)(e)~~ An applicant shall provide a class representative commercial vehicle, for the class of CDL for which the applicant is testing, in which to take the skills test. Unless the State Police grant an exemption at the time the application for testing is made, the vehicle supplied under this paragraph shall be unloaded. Upon arrival for the skills test, the applicant shall have in his or her possession a valid Kentucky operator's license and a valid CDL permit. A CDL-licensed driver who is at least twenty-one (21) years old shall accompany the applicant at all times the applicant is in operation of a commercial vehicle.
- (3) A testing fee shall not be charged to:
- (a) An individual applying for a CDL with an "S" endorsement as defined in KRS 281A.170; or
 - (b) Military personnel applying for a CDL under KRS 281A.165.
- (4) The State Police may authorize a third party to administer the skills test specified by this section if:
- (a) The test is the same that would otherwise be administered by the state; and
 - (b) The third party has entered into an agreement with this Commonwealth which complies with requirements of ~~Title 49 C.F.R. sec. 383.75, Code of Federal Regulations, Part~~ 383.75, as adopted by the Transportation Cabinet.
- (5) The State Police shall promulgate administrative regulations *in accordance with* ~~under~~ KRS Chapter 13A that establish procedures that ensure an arm's-length relationship is maintained between a third-party tester and any owner, officer, or employee of any program offering commercial truck driving under the Kentucky Community and Technical College System or a proprietary school licensed under KRS Chapter 165A.
- (6)
 - (a) Applicants shall be permitted to take the skills test for a particular class vehicle an unlimited number of times; however, an applicant shall not retest more than one (1) time in any twenty-four (24) hour period.
 - (b) The skills test shall consist of three (3) separate portions: pre-trip inspection, basic maneuvering, and road skills. An applicant must achieve a score of at least eighty percent (80%) on each portion of the skills test before a CDL may be issued to the applicant. An applicant who passes one (1) or more portions of the skills test but does not pass all portions of the skills test shall retest only on those portions of the skills test the applicant failed.
 - (c) An applicant who fails any portion of the skills test four (4) times shall be notified by the State Police that the applicant is required to wait one (1) week before retaking a portion of this skills test again.
 - (d) Failure of an applicant to notify the State Police at least forty-eight (48) hours prior to missing an appointment for a skills test, or provide a written medical excuse from a licensed physician, advanced registered nurse practitioner, or physician's assistant, shall be considered a failure~~[-]~~ on all parts of the skills test scheduled to be given~~[-]~~ for the purposes of determining number of failures, waiting periods, and retesting fees under paragraphs (c) and (e) of this subsection for individual applicants. The fees for a missed appointment failure shall be forfeited and retained in the State Police CDL skills-testing fund established under this section. If the forty-eight (48) hour notice or medical excuse is given, the fee shall be applied to the rescheduled test. A missed appointment failure under this paragraph shall not be reported as a failure to the board.
 - (e) Except as provided for in paragraph (d) of this subsection, at the time of application for a retest under this subsection, the applicant shall pay a retesting fee of fifty dollars (\$50).
- (7)
 - (a) An applicant who seeks reinstatement of a commercial driver's license after a suspension, withdrawal, revocation, or disqualification of less than one (1) year shall pay the reinstatement fee as prescribed by KRS 281A.150(7) and shall receive his or her commercial driver's license with all endorsement and restrictions that were in effect at the time of suspension. An applicant who seeks reinstatement of a commercial driver's license after a suspension, withdrawal, revocation, or disqualification of one (1) year or more shall submit to the skills, knowledge, and vision tests.
 - (b) Subject to paragraphs (c) and (d) of this subsection, a person who possessed a Kentucky commercial driver's license that has expired for a period of less than five (5) years and was not subject to suspension, withdrawal, revocation, or disqualification for any reason at the time of expiration may have that license reinstated, with all endorsements, without submitting to the skills and knowledge tests by applying to the cabinet for renewal. Upon submission of medical certification, driver self-certifications required under KRS 281A.140(1)(f), successful completion of any necessary criminal

background check, and review of the person's driving history record, the cabinet shall issue a renewal CDL, with all endorsements, to an applicant under this paragraph.

- (c) A person who otherwise meets the requirements of paragraph (b) of this subsection whose CDL was subject to suspension or revocation solely for failure to provide medical certification may apply for renewal of a CDL under paragraph (b) of this subsection.
- (d) If the CDL held by a person who otherwise meets the requirements of paragraph (b) of this subsection carried a hazardous materials endorsement, and the applicant wishes to retain that endorsement, he or she shall complete any examinations required for a hazardous materials endorsement renewal in KRS 281A.180(2) prior to renewing the CDL under paragraph (b) of this subsection.

~~(8) An applicant who is not a resident of the Commonwealth, possesses both a valid operator's license and a commercial driver's instruction permit, and has complied with all necessary federal requirements may take a commercial driver's license skills test under this section.~~

- ~~(9)~~ (a) The commissioner of the Department of Kentucky State Police shall promulgate administrative regulations *in accordance with* ~~pursuant to the provisions of~~ KRS Chapter 13A to implement the provisions of this section.
- (b) The State Police shall promulgate administrative regulations *in accordance with* ~~under~~ KRS Chapter 13A to set forth the qualifications for contract examiners retained under subsection (2)(~~b~~)(~~c~~) of this section.

➔Section 5. KRS 281A.170 is amended to read as follows:

- (1) The commercial driver's license shall be marked "commercial driver's license" and "CDL" and shall be, to the maximum extent practicable, tamper proof. It shall include but is not limited to the following information:
 - (a) The name and present resident address of the licensee;
 - (b) The licensee's photograph;
 - (c) A physical description of the licensee including sex, height, weight, and eye color;
 - (d) The licensee's date of birth;
 - (e) The licensee's signature;
 - (f) The class or type of commercial motor vehicle or vehicles that the person is authorized to drive together with any endorsements or restrictions;
 - (g) The name of this state;
 - (h) The dates between which the license is valid; and
 - (i) Any other information required by the cabinet, except for a person's Social Security number.
- (2) A commercial driver's license issued under this chapter shall contain a denotation that either:
 - (a) The commercial driver's license is a voluntary travel ID identity document that complies with the security standards set forth by Pub. L. No. 109-13, Title II, and may be used for identification for federal purposes; or
 - (b) The commercial driver's license shall not be used for federal identification purposes.
- (3) A commercial driver's license shall be issued with classifications, endorsements, and restrictions. Vehicles that require an endorsement shall not be driven unless the proper endorsement appears on the license and the applicant has passed the knowledge and skills test required by the State Police.
 - (a) Classifications:
 - 1. Class A - Any combination of vehicles with a gross vehicle weight rating of twenty-six thousand and one (26,001) pounds or more, if the gross vehicle weight rating of the vehicle being towed is in excess of ten thousand (10,000) pounds. Licensees with an "A" classification may with the proper endorsement drive Class B and C vehicles;~~;~~
 - 2. Class B - Any single vehicle with a gross vehicle weight rating of twenty-six thousand and one (26,001) pounds or more, and any vehicle towing a vehicle not in excess of ten thousand

(10,000) pounds *gross vehicle weight rating*. Licensees with a "B" classification may with the proper endorsements drive Class C vehicles;{+}

3. Class C - Any single vehicle with a gross *vehicle* weight rating of less than twenty-six thousand and one (26,001) pounds or any vehicle towing a vehicle with a gross vehicle weight rating not in excess of ten thousand (10,000) pounds which includes:
 - a. Vehicles designed to transport sixteen (16) or more passengers, including the driver; or
 - b. Vehicles used in the transportation of hazardous materials which requires the vehicle to be placarded under~~{Title}~~ 49 *C.F.R. secs. 172.500 to 172.560~~{, Code of Federal Regulations, Part 172, sub part F}~~, as adopted by administrative regulations of the cabinet, pursuant to KRS Chapter 13A;{+}*
 4. Class D - All other vehicles not listed in any other class, *including mopeds; and*{+}
 5. ~~{Class E - Moped only.}~~
 6. ~~{Class M - Motorcycles. Licensees with a "M" classification may also drive mopeds{Class E vehicles}.}~~
- (b) Endorsements:
1. "H" - Authorizes the driver to operate a vehicle transporting hazardous materials;{+}
 2. "T" - Authorizes operation of double trailers and triple trailers in those jurisdictions allowing the operation of triple trailers;{+}
 3. "P" - Authorizes operation of vehicles carrying passengers;{+}
 4. "N" - Authorizes operation of tank vehicles;{+}
 5. "X" - Authorizes operation of combination of hazardous materials and tank vehicle endorsements;{+}
 6. "R" - Authorizes operation of all other endorsements not otherwise specified; *and*{+}
 7. "S" - Authorizes operation of school buses.
- (c) The Transportation Cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to outline restrictions on the operation of commercial vehicles and the associated codes to identify such restrictions, which shall appear on the face of the commercial driver's license.
- (4) Within ten (10) days after issuing a commercial driver's license, the cabinet shall notify the commercial driver's license information system of that fact, providing all information required to ensure identification of the person.
 - (5) A commercial driver's license issued to a resident pursuant to this chapter shall expire in eight (8) years unless the license was issued to a resident under the age of twenty-one (21).~~{A commercial driver's license issued to a person who is not a resident shall be issued for one (1) year and shall not be renewable. The fee for a commercial driver's license issued to a nonresident shall be the same as the fee charged to a resident.}~~
 - (6) A person under the age of twenty-one (21) shall not be licensed to operate a Class A, B, or C vehicle unless he *or she* has a "K"~~{an "I"}~~ restriction. A commercial driver with a "K"~~{an "I"}~~ restriction shall not drive a commercial motor vehicle in interstate commerce, unless he *or she* is exempt pursuant to 49 C.F.R. *sec.* 391.2. A commercial driver under the age of twenty-one (21) shall not be allowed to operate a school bus or a vehicle transporting hazardous material in intrastate commerce.
 - (7) The holder of a commercial driver's license shall be considered to hold a valid Kentucky driver's license issued under the provisions of KRS 186.4102 and 186.412.
- ➔Section 6. KRS 281A.165 is amended to read as follows:
- (1) The cabinet may waive the *written knowledge test, the* driving skills test, *or both*, for an applicant on active or reserve military service, or who is a member of the National Guard, or within one (1) year of separation of service, who:
 - (a) Is currently licensed;

- (b) Has experience driving a vehicle in the military that would require a commercial driver's license to operate as a civilian;
 - (c) Has a good driving record;~~and~~
 - (d) Certifies and provides verification that, during the two (2) year period immediately prior to applying for a commercial driver's license, the applicant:
 - 1. Drove a motor vehicle in the military that was representative of the commercial driver's license class~~and endorsement~~ for which he or she is applying;
 - 2. Has not had his or her operator's license or commercial driver's license suspended, revoked, or canceled, or been disqualified from operating a commercial motor vehicle;
 - 3. Has not been convicted of any of the disqualifying offenses in 49 C.F.R. sec. 383.51(b) while operating a commercial motor vehicle, or of any offense in a noncommercial vehicle that would be disqualifying under 49 C.F.R. sec. 383.51(b) if committed in a commercial motor vehicle;
 - 4. Has not been convicted of more than one (1) serious traffic violation, as defined in 49 C.F.R. sec. 383.5, while operating any type of motor vehicle;
 - 5. Has not been convicted of any violation of military, state, or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with a traffic accident, and has no record of being at fault in an accident while driving a vehicle in the military that would require a commercial driver's license to operate as a civilian;
 - 6. Has not been convicted of any motor vehicle traffic violation that resulted in an accident; and
 - 7. Is or was regularly employed in a position in the Armed Forces of the United States requiring operation of a commercial motor vehicle of the group the applicant seeks to drive, and provides evidence of that employment in accordance with subsection ~~(4)~~~~(5)~~ of this section; **and**
 - (e) ***If applying for a license endorsement, provides the verification for a testing waiver required under 49 C.F.R. sec. 838.77(c).***
- (2) The **written knowledge and** skills test waiver process described in subsection (1) of this section shall be completed, and the commercial driver's license issued, within one (1) year of separation of service.
- ~~(3)~~ ~~Military personnel who obtain the skills test waiver under this section shall be required to take the knowledge test pursuant to KRS 281A.130.~~
- ~~(4)~~ Military personnel who obtain the **written knowledge and** skills test waiver under this section shall be required to pay the application fee as prescribed by KRS 281A.150, but shall not be charged the skills-testing fee as prescribed by KRS 281A.160.
- ~~(4)~~~~(5)~~ The cabinet shall promulgate administrative regulations **in accordance with**~~under~~ KRS Chapter 13A that establish an application form for waiver of the **written knowledge and** skills test by military personnel. As part of the application process, the applicant shall be required to provide:
- (a) A copy of the applicant's DD-214 form showing the applicant's military occupational specialty; ~~and~~~~or~~
 - (b) A signed statement by the applicant's commanding officer or transportation officer, on a form provided by the cabinet, attesting to the fact that the applicant meets the requirements of this section.
- ➔Section 7. KRS 281A.190 is amended to read as follows:
- (1) A person who holds or is required to hold a CDL shall be disqualified from driving a commercial motor vehicle for a period of one (1) year if convicted of:
- (a) Driving or being in physical control of a motor vehicle under the influence of alcohol or a controlled substance;
 - (b) Driving or being in physical control of a motor vehicle while the alcohol concentration of the person's blood or breath or urine is four hundredths (0.04) or more;
 - (c) Leaving the scene of an accident involving a motor vehicle driven by a person who holds or is required to hold a CDL;
 - (d) Using a motor vehicle in the commission of any felony listed in KRS 186.560;

- (e) Refusing to submit to testing as required by KRS 281A.220 when driving a motor vehicle;
 - (f) Committing a first violation of driving a commercial motor vehicle while the person's commercial driver's license is revoked, suspended, or canceled, or when the person is disqualified from operating a commercial motor vehicle; or
 - (g) Causing a fatality through negligent or criminal operation of a commercial motor vehicle.
- (2) A person who holds or is required to hold a CDL shall be disqualified for life if convicted of two (2) or more violations of any of the offenses specified in subsection (1) of this section or any combination of those offenses~~[,]~~ arising from two (2) or more separate incidents. The provisions of this subsection shall only apply to convictions that occurred after the disqualification dates established by the Federal Motor Carrier Safety Administration. The Transportation Cabinet shall set forth those dates in an administrative regulation promulgated *in accordance with*~~[pursuant to]~~ KRS Chapter 13A.
- (3) If any violation specified in subsection (1) of this section occurred while transporting a hazardous material required to be placarded, the person who holds or is required to hold a CDL shall be disqualified for a period of three (3) years.
- (4) Notwithstanding any other provisions of law, a period of suspension, revocation, or disqualification imposed under the provisions of this chapter shall not be reduced. However, in accordance with the provisions of ~~[Title] 49 C.F.R. pt. [Code of Federal Regulations, Part] 383~~, the cabinet may establish guidelines including conditions under which a disqualification of not less than ten (10) years may be imposed.
- (5) A person who holds or is required to hold a CDL shall be disqualified from driving a commercial motor vehicle for life *if the person is convicted*~~[who uses a commercial motor vehicle in the commission]~~ of any felony *in which a commercial motor vehicle was used and that involved*~~:[involving]~~
- (a) The manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance; *or*
 - (b) *An act or practice of severe forms of trafficking in persons.*
- (6) A person who holds or is required to hold a CDL shall be disqualified from driving a commercial motor vehicle for a period of sixty (60) days if convicted of two (2) serious traffic violations, or one hundred twenty (120) days consecutively if convicted of three (3) serious traffic violations, committed in a commercial motor vehicle arising from separate incidents occurring within a three (3) year period.
- (7) A person who holds or is required to hold a CDL shall be disqualified for the first offense from driving a commercial motor vehicle for six (6) months if the person has been convicted of committing any of those offenses enumerated in KRS 186.610 involving a commercial motor vehicle, commercial driver's license, or application for that license. For the second and each subsequent offense, the person shall be disqualified from operating a commercial motor vehicle for a period of one (1) year.
- (8) The cabinet shall deny a person a commercial driver's license or shall suspend, revoke, or cancel his *or her* commercial driving privilege, subject to a hearing conducted in accordance with KRS 189A.107, when the cabinet has reason to believe that the person refused to submit to a test to determine his *or her* alcohol concentration while driving a commercial motor vehicle.
- (9) If a person who holds or is required to hold a CDL is convicted of any of the railroad crossing offenses or conduct enumerated in KRS 189.500, 189.560, and 189.565, then the person shall be disqualified from operating a commercial motor vehicle for a period of:
- (a) Sixty (60) days for the first offense;
 - (b) One hundred twenty (120) days for the second offense within a three (3) year period; and
 - (c) One (1) year for the third or subsequent offense within a three (3) year period.
- (10) If a person who holds or is required to hold a CDL violates an out-of-service order while transporting nonhazardous materials, then the person shall be disqualified from operating a commercial motor vehicle for a period of:
- (a) *One hundred eighty (180)*~~[Ninety (90)]~~ days for the first offense;
 - (b) *Two (2) years*~~[One (1) year]~~ for the second offense in a separate incident within a ten (10) year period; and

- (c) Three (3) years for the third or subsequent offense in a separate incident within a ten (10) year period.
- (11) If a person who holds or is required to hold a CDL violates an out-of-service order while transporting hazardous materials required to be placarded under the 49 U.S.C. sec. 5101 et seq., or operating a commercial motor vehicle designed to transport sixteen (16) or more passengers, including the driver, then the person shall be disqualified from operating a commercial motor vehicle for a period of:
- (a) One hundred eighty (180) days for the first offense; and
 - (b) Three (3) years for the second or subsequent offense in a separate incident within a ten (10) year period.
- (12) A person who violates the provisions of KRS 281A.205 shall be fined fifty dollars (\$50) for the first offense. For a subsequent offense, a violator shall be fined one hundred dollars (\$100) and shall have his or her school bus endorsement suspended for a period of six (6) months.
- (13) After disqualifying a commercial driver's license holder or suspending, revoking, or canceling a commercial driver's license, the Transportation Cabinet shall update its records to reflect that action within ten (10) days of receipt. After disqualifying a commercial driver's license holder or suspending, revoking, or canceling an out-of-state commercial driver's license holder's privilege to operate a commercial motor vehicle for at least sixty (60) days, the Transportation Cabinet shall notify the licensing authority of the state which issued the commercial driver's license or commercial *learner's* ~~driver's instruction~~ permit with this information within ten (10) days. The notification shall include both the disqualification and the violation that resulted in the disqualification, suspension, cancellation, or revocation.
- (14) Upon notice from the Federal Motor Carrier Safety Administration that a driver has been determined to be an imminent hazard and has been disqualified from operating a commercial motor vehicle, the cabinet shall act in accordance with the provisions of 49 C.F.R. sec. 383.52. The cabinet shall notify the driver of the disqualification, which shall not exceed one (1) year in duration, and of the right to appeal to the Federal Motor Carrier Safety Administration in accordance with 49 C.F.R. sec. 383.52.

➔Section 8. KRS 281A.270 is amended to read as follows:

The Transportation Cabinet may adopt ~~in whole or in part~~ those federally mandated requirements set forth in ~~Title~~ 49 *C.F.R. pt. 383*, ~~Code of Federal Regulations, Part~~ 383, notwithstanding the fact that the provisions may conflict with other provisions of this chapter.

➔Section 9. KRS 281A.185 is amended to read as follows:

- (1) The Commonwealth shall not mask, defer imposition of judgment, or allow an individual to enter into a diversion program that would prevent a *CLP or* CDL holder's conviction for any violation, in any type of motor vehicle, of a state or local traffic control law from appearing on the CDLIS driver record, whether the driver was convicted for an offense committed in the Commonwealth or another state.
- (2) This section shall not apply to the following violations:
 - (a) Parking;
 - (b) Vehicle weight; or
 - (c) Vehicle defect.

➔Section 10. KRS 281A.090 is amended to read as follows:

- (1) Except when driving under a commercial *learner's* ~~driver's instruction~~ permit and accompanied by the holder of commercial driver's license valid for the vehicle being driven, no person shall drive a commercial motor vehicle on the highways of this state unless the person holds a valid commercial driver's license with applicable endorsements valid for the vehicle he or she is driving.
- (2) No person shall drive a commercial motor vehicle on the highways of this state while his or her driving privilege for a commercial or noncommercial motor vehicle is suspended, revoked, or canceled, or while he or she is subject to a disqualification, or in violation of an out-of-service order.
- (3) The licensee shall have in his or her immediate possession at all times when operating a motor vehicle his or her commercial driver's license, and shall display the license upon demand to the Transportation Cabinet, a license examiner, a peace officer, a State Police officer, or an inspector or officer of the Department of Vehicle Regulation. It shall be a defense to a violator of this subsection if the person so charged produces in court a commercial driver's license, issued to him or her before his or her arrest or violation and which was valid at that time.

➔Section 11. KRS 281A.130 is amended to read as follows:

- (1) A person shall not be issued a commercial driver's license unless that person:
 - (a) Is a resident of this state;
 - (b) Holds a valid operator's license;
 - (c) Has complied with the provisions of KRS 281A.300;
 - (d) Except as provided in KRS 281A.165, has passed the knowledge and skills tests for driving a commercial motor vehicle which comply with minimum federal standards established by federal regulation enumerated in ~~in Title 49 C.F.R. pt. [Code of Federal Regulations, Part]~~ 383, as adopted by the cabinet; and
 - (e) Has satisfied all other safety requirements including those requirements imposed by state law or federal regulation. The tests shall be prescribed and conducted as set forth in KRS 281A.160.
- (2) A commercial driver's license~~[,]~~ or commercial *learner's*~~[driver's instruction]~~ permit shall not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle~~[,]~~ or while the person's driver's license or driving privilege is suspended, revoked, or canceled in any state or jurisdiction.
- (3) A commercial driver's license shall not be issued to a person who has a commercial driver's license issued by any other state unless the person first surrenders all such licenses, which shall be returned to the issuing jurisdiction for cancellation.
- (4) To ensure that an applicant for a commercial driver's license or *commercial learner's*~~[instruction]~~ permit complies with the requirements of subsections (2) and (3) of this section, the Transportation Cabinet shall verify through the commercial driver's license information system and national driver register that the person applying for a Kentucky CDL does not currently have his or her operator's license or driving privilege suspended or revoked in another licensing jurisdiction. If the person's operator's license or driving privilege is currently suspended or revoked in another licensing jurisdiction, the Transportation Cabinet shall not issue the person a Kentucky CDL until the person resolves the matter in the other licensing jurisdiction and complies with the provisions of this chapter and KRS Chapter 186.

➔Section 12. KRS 281A.150 is amended to read as follows:

- (1) Every person seeking a commercial driver's license or a commercial *learner's*~~[driver's instruction]~~ permit shall first apply in person to the cabinet. The application shall be in the form prescribed by KRS 281A.140 as provided by the cabinet. Except as provided in KRS 281A.160(6), each time a person applies for a commercial driver's license, *a commercial learner's*~~[an instruction]~~ permit, or seeks to upgrade or change his or her commercial driver's license, the person shall be required to:
 - (a) Update the application; and
 - (b) Submit the appropriate fee to the cabinet.
- (2) In addition to the fees for an operator's license under KRS 186.531, the cabinet shall set fees by administrative regulation, *in accordance with*~~[pursuant to]~~ KRS Chapter 13A, for the following applications that shall not exceed:
 - (a) Forty dollars (\$40) for each application for a commercial driver's license. The fee shall be based on the class, type of license, endorsement, restriction, or tests to be taken;
 - (b) Thirty-five dollars (\$35) for each application for a commercial *learner's*~~[driver's instruction]~~ permit;
 - (c) Fifteen dollars (\$15) for each application for a change or addition in class or type of license, endorsement, or restriction; and
 - (d) Forty dollars (\$40) for each application for a duplicate if it is the first duplicate applied for within the time period for which the original license was issued. Sixty dollars (\$60) for a second or subsequent duplicate applied for within the time period for which the original license was issued. The fees required for a duplicate shall be in addition to fees charged under subsection (2)(c) of this section.
- (3) In addition to the fees for an operator's license KRS 186.531, the cabinet shall set fees by administrative regulation *in accordance with*~~[, pursuant to]~~ KRS Chapter 13A, for the following commercial driver's licenses that shall not exceed:
 - (a) Forty-five dollars (\$45) for each initial or renewal of a commercial driver's license;

- (b) Sixty dollars (\$60) for each transfer of a commercial driver's license; and
 - (c) Thirty dollars (\$30) for each initial or renewal of a commercial driver's license with an "S" endorsement.
- (4) All fees remitted to the cabinet shall be nonrefundable regardless of whether the applicant completes the requirements for a commercial driver's license or is tested.
 - (5) All fees collected for the issuance of a commercial driver's license or a commercial *learner's*~~driver's~~ ~~instruction~~ permit shall be deposited into trust and agency accounts to be used exclusively for the administration and implementation of this chapter, except as prescribed in subsection (6) of this section. The accounts shall not lapse but shall be continuing from year to year.
 - (6) All fees collected pursuant to this section~~[-]~~ shall be allocated between the Transportation Cabinet and Department of Kentucky State Police, except a fifty cent (\$0.50) issuance fee shall be allocated to the general fund from issuance of a commercial driver's license permit *and*~~[-]~~ a three dollar (\$3) issuance fee shall be allocated to the general fund from issuance of a commercial driver's license.
 - (7) Any applicant who seeks reinstatement of his or her commercial driving privilege after a suspension, withdrawal, revocation, or disqualification shall pay a reinstatement fee of fifty dollars (\$50) in addition to those fees required by subsection (2) of this section and shall satisfy the requirements of KRS 281A.160. This fee shall not be required if his or her commercial driving privilege was withdrawn only as a result of the withdrawal of his or her privilege to drive a noncommercial motor vehicle.
 - (8) ~~Beginning July 1, 2020, -~~As payment for any fee identified in this section, the cabinet:
 - (a) Shall accept cash and personal checks; and
 - (b) May accept other methods of payment in accordance with KRS 45.345.

➔Section 13. KRS 281A.240 is amended to read as follows:

- (1) Notwithstanding any law to the contrary, a person may drive a commercial motor vehicle in this state if the person has a valid commercial driver's license or commercial *learner's*~~driver's license~~ ~~instruction~~ permit issued by any state, Canada, or Mexico in accordance with the minimum federal standards for the issuance of commercial motor vehicle driver's *licenses*~~license~~, if:
 - (a) The person's driving privilege is not suspended, revoked, or canceled; and
 - (b) ~~if -~~The person is not disqualified from driving a commercial motor vehicle or subject to an out-of-service order.
- (2) The Commonwealth of Kentucky shall give all out-of-state convictions full faith and credit and treat them for sanctioning purposes under this chapter as if they occurred in this state. Except as otherwise provided, when in this chapter reference is made to an offense which is a violation of a provision of this chapter or other Kentucky state law, the reference shall be deemed to include offenses under any local ordinance, any federal law, any law, or local ordinance of another state substantially similar to any provision of the Kentucky Revised Statutes.

➔Section 14. KRS 281A.300 is amended to read as follows:

- (1) (a) Any person initially applying for, or~~[-]~~ ~~initially~~ renewing, a Kentucky CDL ~~instruction permit~~ ~~or~~ *CLP*~~operator's license~~, shall be required to undergo a state and national criminal history background check of state and federal wanted or "hot file" records conducted by the State Police.
- (b) All initial and renewal application forms for a Kentucky CDL *or* *CLP*~~instruction permit~~ ~~or~~ ~~operator's license~~ shall conspicuously state the following: "STATE LAW REQUIRES A STATE AND NATIONAL CRIMINAL HISTORY BACKGROUND CHECK AS A CONDITION OF APPLYING FOR A KENTUCKY CDL. ANY PERSON WHO REFUSES TO SUBMIT TO A CRIMINAL HISTORY BACKGROUND CHECK SHALL NOT BE ELIGIBLE TO APPLY FOR, OR BE ISSUED, A KENTUCKY CDL."
- (2) The results of the state and national criminal history background checks shall be sent to the cabinet for review within seventy-two (72) hours. An applicant for a *CLP*~~CDL instruction permit~~ may enroll in a commercial driver training program under the Kentucky Community and Technical College System or a proprietary school licensed under KRS Chapter 165A, and may be issued a *CLP*~~CDL instruction permit~~ upon enrollment, however the status of the applicant retaining the *CLP*~~CDL instruction permit~~ shall not be determined until

the results of the background checks are made available to the cabinet. The cabinet shall inform an applicant, based upon the criminal history background check, of the applicant's eligibility to be issued a ~~CLP instruction permit~~ or CDL. The cabinet shall promulgate administrative regulations *in accordance with* ~~under~~ KRS Chapter 13A to specify conditions that will cause a person to be denied a ~~CLP instruction permit~~ or CDL based upon the person's criminal history background check.

- (3) Any fee charged by the State Police to conduct a criminal history background check shall be paid by the applicant and shall not be refundable. Any fee charged to conduct a criminal history background check shall be an amount not greater than the actual cost of processing the request and conducting the search.
- (4) The criminal history background checks required by this section shall be in addition to any type of background check that may be required by federal statute, rule, regulation, or order.

➔Section 15. KRS 281A.020 is amended to read as follows:

- (1) It is the purpose of this chapter to implement the Federal Commercial Motor Vehicle Safety Act of 1986 (Title XII of *Pub. L. No.* ~~Public Law~~ 99-570) and reduce or prevent commercial vehicle accidents, fatalities and injuries by:
 - (a) Permitting commercial drivers to hold only one (1) license;
 - (b) Disqualifying commercial drivers who have committed certain serious traffic violations, or other specified offenses as herein defined; and
 - (c) Strengthening commercial driver licensing and testing standards.
- (2) This chapter shall be liberally construed to promote the public health, safety, and welfare. As applied to commercial drivers, to the extent this chapter conflicts with general driver licensing provisions this chapter prevails. If this chapter is silent, general driver licensing provisions shall apply.
- (3) The issuance of a Class D~~E~~ or M license as set forth in KRS 281A.170 shall be in accordance with the general driver licensing statutes in KRS Chapter 186 and shall be subject to the fees as set forth in KRS 186.531 in addition to any other fee required by statute.
- (4) Any administrative action taken pursuant to this chapter against a Class A, B, or C license shall be in addition to any administrative action taken against a Class D~~E~~ or M license imposed under any other applicable statute.

➔Section 16. KRS 186.410 is amended to read as follows:

- (1) Every person except those exempted by KRS 186.420 and 186.430 shall, before operating a motor vehicle, motorcycle, or moped upon a highway, secure an operator's license as provided in this chapter.
- (2) Except as provided in KRS 186.4121, all original, renewal, and duplicate personal identification cards and licenses for the operation of motor vehicles, *or* motorcycles ~~or mopeds~~ shall be applied for with the Transportation Cabinet, or through alternative technology, and issued by the Transportation Cabinet. Subject to the provisions of KRS 186.4101, applications for renewal licenses and personal identification cards shall be made every eight (8) years within the birth month of the applicant. A license shall not be issued until the application has been certified by the cabinet and the applicant has, if required under KRS 186.635, successfully completed the examinations required under KRS 186.480.
- (3) All personal identification cards shall be issued under the provisions of KRS 186.4102, 186.4122, and 186.4123.
- (4) A person under the age of eighteen (18) years who applies for an instruction permit shall, at any time between the age of sixteen (16) and before the person's eighteenth birthday, enroll in one (1) of the following driver training programs:
 - (a) A driver's education course administered by a school district;
 - (b) A driver training school licensed pursuant to KRS Chapter 332 which offers a course meeting or exceeding the minimum standards established by the Transportation Cabinet; or
 - (c) State traffic school. The person may seek to enroll in state traffic school before the person's eighteenth birthday. Persons enrolling in state traffic school pursuant to this paragraph shall not be required to pay a fee.

- (5) Any applicant for any initial or renewal instruction permit, operator's license, or personal identification card under KRS 186.400 to 186.640 may apply for either:
- (a) A voluntary travel ID document; or
 - (b) A standard document that does not meet standards for federal identification purposes.

➔Section 17. KRS 186.018 is amended to read as follows:

- (1) For purposes of maintaining driving history records of operators of motor vehicles of the Commonwealth, the files of the Transportation Cabinet shall be used to ascertain the driving history record of each person who is licensed to operate a motor vehicle within the Commonwealth.
- (2) Except as provided in *subsections (3) and (4)*~~subsection (2)~~ of this section, the Transportation Cabinet shall destroy, and shall not maintain, records of moving traffic convictions that are more than five (5) years old.
- (3) ~~Notwithstanding,~~ For any licensee who now holds, who has applied for, or has ever held a *commercial driver's license or commercial learner's permit*~~Class A, B, or C license~~ issued pursuant to *Section 2 of this Act* or KRS 281A.170, the cabinet shall keep conviction records indefinitely.
- ~~(4)(2)~~ The Transportation Cabinet shall not release information on the driving history record of a person under the age of twenty-one (21) whose operator license has been suspended pursuant to KRS 189A.010(6). The cabinet shall destroy, and shall not maintain, the record of the suspension of a person's operator's license if the license was suspended pursuant to KRS 189A.010(6), within five (5) working days of the person's operator's license being reinstated. This subsection shall not apply to a person who holds, or is required to hold, a commercial driver's license *or commercial learner's permit*.
- ~~(5)(3)~~ The cabinet shall charge a fee of three dollars (\$3) for any driving history record, ten cents (\$.10) of which shall be deposited in a special account within the road fund to be used exclusively by the Transportation Cabinet for the state driver education program as designated in KRS 186.535.

➔Section 18. KRS 186.4122 is amended to read as follows:

- (1) As used in this section, "applicant" means a person who is a citizen or permanent resident of the United States.
- (2) The Transportation Cabinet shall issue a personal identification card to an applicant who:
 - (a) Is a Kentucky resident;
 - (b) Applies in person to the cabinet or through alternative technology; and
 - (c) Complies with the provisions of this section.
- (3) Upon application for a personal identification card under this section, the cabinet shall capture a photograph of the applicant in accordance with KRS 186.4102(1).
- (4)
 - (a) Except as provided in paragraph (b) of this subsection, the cabinet shall electronically scan the documents required for application under this section and shall electronically retain the application, supporting documents, and the photograph of the applicant. The cabinet shall present the applicant with a temporary personal identification card, which shall be valid for thirty (30) days until a permanent personal identification card is mailed to the applicant by the Transportation Cabinet.
 - (b) The cabinet shall only electronically scan the birth certificate of an individual applying for a voluntary travel ID personal identification card. If the applicant is not seeking such a document, the cabinet shall not electronically scan the applicant's birth certificate.
 - (c) An applicant for a personal identification card shall not be required to surrender the applicant's birth certificate for image capture, image storage, or image transmission to any entity, including the federal government, unless express consent is given by the applicant during the course of obtaining a voluntary travel ID personal identification card.
- (5)
 - (a) An application for a personal identification card shall be accompanied by the same information as is required for an operator's license under KRS 186.412, except if an applicant does not have an established and fixed nighttime residence of regular return, the applicant may:
 - 1. Until July 1, 2025, use as proof of residency a signed letter from a homeless shelter, health care facility, or social service agency currently providing the applicant treatment or services and attesting that the applicant is a resident of Kentucky; or

2. On or after July 1, 2025, follow the procedures outlined in KRS 186.412(3).
- (b) An applicant who does not have an established and fixed nighttime residence of regular return shall not be issued a voluntary travel ID personal identification card.
- (c) An applicant for a personal identification card who is at least sixteen (16) years of age but less than eighteen (18) years of age shall not be required to obtain a signature of a parent or legal guardian on the application if the applicant has been verified as a homeless child or youth, as defined in 42 U.S.C. sec. 11434a(2), by at least one (1) of the following:
 1. A director or designee of a governmental or nonprofit agency that receives public or private funding to provide services to homeless people;
 2. A local educational agency liaison for homeless children and youths designated pursuant to 42 U.S.C. sec. 11432(g)(1)(J)(ii), or a school social worker or school counselor;
 3. The director or director's designee of a federal TRIO Program or a Gaining Early Awareness and Readiness for Undergraduate Program; or
 4. A financial aid administrator for an institution of higher education.
- (d) It shall be permissible for the application form for a personal identification card to include as an applicant's most current resident address a mailing address or an address provided on a voter registration card.
- (e) If the applicant is not the legal owner or possessor of the address provided on the application form, the applicant shall swear that he or she has permission from the legal owner, authorized agent for the legal owner, or possessor to use the address for purposes of obtaining the personal identification card.
- (6) (a) Every applicant for a personal identification card under this section shall swear an oath to the cabinet as to the truthfulness of the statements contained on the application form.
- (b) A personal identification card may be suspended or revoked if the person who was issued the card presents false or misleading information to the cabinet when applying for the card.
- (7) A personal identification card issued under this section shall be valid for a period of eight (8) years from the date of issuance, except that if the personal identification card is issued to a person who does not have an established and fixed nighttime residence of regular return, then the personal identification card shall be valid for one (1) year from the date of issuance.
- (8) (a) An applicant **shall not**~~may~~ be issued a personal identification card if the applicant currently holds a valid Kentucky instruction permit or operator's license. ~~[except that] A person shall not hold more than one (1) license or personal identification card [that is a voluntary travel ID identity document which indicates that it meets the requirements for federal identification under Pub. L. No. 109-13, Title II, as referenced in KRS 186.4102(8)].~~
- (b) If a person's instruction permit or operator's license has been suspended or revoked, the person may be issued a personal identification card. ~~[Subject to the limitations in paragraph (a) of this subsection,]~~ A personal identification card **shall**~~may~~ be surrendered when the person applies to have his or her instruction permit or operator's license reinstated.

➔Section 19. KRS 186.4123 is amended to read as follows:

- (1) As used in this section, "applicant" means a person who is not a United States citizen and has not been granted status as a permanent resident of the United States.
- (2) The Transportation Cabinet shall issue a personal identification card to an applicant who:
 - (a) Is a Kentucky resident;
 - (b) Applies in person to either the Transportation Cabinet in Frankfort or a Transportation Cabinet field office; and
 - (c) Complies with the provisions of this section.
- (3) Upon application for a personal identification card under this section, the cabinet shall capture a photograph of the applicant in accordance with KRS 186.4102(1).

- (4) The cabinet shall electronically scan the documents required for application under this section, supporting documents, and the photograph of the applicant into the cabinet's database.
- (5) (a) An application for a personal identification card shall be accompanied by the same information as is required for an operator's license under KRS 186.412, along with other documents required under this section, except if an applicant does not have an established and fixed nighttime residence of regular return, the applicant may:
 1. Until July 1, 2025, use as proof of residency a signed letter from a homeless shelter, health care facility, or social service agency currently providing the applicant treatment or services and attesting that the applicant is a resident of Kentucky; or
 2. On or after July 1, 2025, follow the procedures outlined in KRS 186.412(3).
- (b) An applicant who does not have an established and fixed nighttime residence of regular return shall not be issued a voluntary travel ID personal identification card.
- (c) It shall be permissible for the application form for a personal identification card to include as an applicant's most current resident address a mailing address or an address provided on a voter registration card.
- (d) If the applicant is not the legal owner or possessor of the address provided on the application form, the applicant shall swear that he or she has permission from the legal owner, authorized agent for the legal owner, or possessor to use the address for purposes of obtaining the personal identification card.
- (6) The application form under this section shall be accompanied by the applicant's documentation issued by the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services, authorizing the applicant to be in the United States. The Transportation Cabinet shall verify the information submitted under this subsection through the Systematic Alien Verification for Entitlements (SAVE) program.
- (7) The application form of a special status individual with a K-1 status shall be accompanied by an original or certified copy of the applicant's completed marriage license signed by the official who presided over the marriage ceremony and two (2) witnesses. The application form of a special status individual with a K-1 status shall also include the applicant's petition to enter the United States for the purpose of marriage that contains the name of the prospective spouse. If the name of the prospective spouse on the petition does not match the name of the spouse on the marriage license, the Transportation Cabinet shall not be required to issue an operator's license.
- (8) (a) The Transportation Cabinet shall verify and validate the immigration status and personal identity of an applicant under this section through federal government systems and databases.
- (b) If an applicant's identity and immigration status is validated, the cabinet shall capture a photograph of the applicant, ~~and~~ scan the required documents into the cabinet's database, and ~~shall~~ present the applicant with a temporary personal identification card, which shall be valid for thirty (30) days until a permanent personal identification card is mailed to the applicant.
- (c) An applicant under this section shall only be issued a standard personal identification card.
- (9) (a) An applicant shall apply to renew a personal identification card, or obtain a duplicate personal identification card, at the Transportation Cabinet in Frankfort or a Transportation Cabinet field office.
- (b) If a person has any type of change in his or her immigration status, the person shall apply to update with either the Transportation Cabinet in Frankfort or a Transportation Cabinet field office within ten (10) days.
- (10) (a) Every applicant for a personal identification card under this section shall swear an oath to the Transportation Cabinet as to the truthfulness of the statements contained on the application form.
- (b) A personal identification card may be suspended or revoked if the person who was issued the card presents false or misleading information to the cabinet when applying for the card.
- (11) (a) Except as provided in paragraph (b) of this subsection, an initial or renewal personal identification card issued to an applicant who is not a special status individual shall be valid for a period equal to the length of time the applicant's documentation from the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services, is valid, or eight (8) years, whichever time period is shorter.

- (b) ~~A~~~~[An initial or renewal]~~ personal identification card shall be valid for a period of one (1) year if:
1. The applicant is not a special status individual and the applicant's documentation issued by the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services, is issued for an indefinite period of time and does not have an expiration date. The fee shall be the same as for a regular personal identification card; or
 2. The personal identification card is issued to a person who does not have an established and fixed nighttime residence of regular return.

➔Section 20. KRS 186.4125 is amended to read as follows:

~~{(1) }~~In order to apply for a voluntary travel ID identity document under KRS 186.403, the applicant shall present the applicant's certified birth certificate or a valid, unexpired, United States passport or Permanent Resident Card (Form I-551).

~~{(2) }~~For the purposes of KRS 186.400 to 186.640, an original hospital birth certificate signed by the attending physician shall be acceptable as certifying the birth date of an applicant for a standard instruction permit, operator's license, or personal identification card.

~~{(3) }~~The Transportation Cabinet shall apply to the United States Department of Homeland Security for an exception to allow birth certificates described in subsection (2) of this section to be used to apply for a voluntary travel ID identity document under KRS 186.403.

➔Section 21. KRS 186.060 is amended to read as follows:

- (1) Applications for registration of motor vehicles leased or owned by a county, city, urban-county, or board of education, or emergency and ambulance vehicles operated by nonprofit corporations organized by units of government in the state or by the state or federal government shall be **submitted to the county clerk, who shall enter the application into AVIS and** ~~accompanied by a statement from the head of the department of the governmental unit that leases or owns the motor vehicle, certifying that the motor vehicle is leased or owned and operated by the governmental unit. The application and statement shall be forwarded by the county clerk to the cabinet, which shall give special authority to the clerk to register it. Upon receiving that authority, the clerk shall~~ issue a registration receipt and the official *license* ~~number~~ plate described in KRS 186.240. **If the cabinet subsequently determines the registration should not have processed under this section, it may revoke**~~{(6), and report the registration to the head of the department authorizing}~~ the registration. For **providing the** ~~his~~ services, **the entity requesting the registration under this section shall pay the fees described in Section 23 of this Act** ~~in issuing such certificate of registration and number plate and reporting the same, the county clerk shall be entitled to a fee of three dollars (\$3) in each instance, to be paid by the department upon whose authorization such license was issued}~~.
- (2) After **the issuance of a license plate under subsection (1) of this section** ~~such registration of any vehicle leased or owned by a county, city, urban county, or board of education, or emergency and ambulance vehicles operated by nonprofit corporations organized by units of government in the state, or by the state or federal government and after issuance of such number plate for such vehicle so leased or owned}~~, no subsequent registration or renewal ~~of same, and no subsequent renewal of a number plate of the vehicle~~ shall be necessary so long as the vehicle is leased or owned by the governmental unit, except in the case of loss or destruction of the license plate. In the event of loss or destruction **of the license plate, the license** ~~number~~ plate shall be replaced in the same manner as if no plate had ever been issued.
- (3) When a motor vehicle leased or owned by **an entity allowed to use an official plate under this section** ~~a county, city, urban county, or board of education, or emergency and ambulance vehicles operated by nonprofit corporations organized by units of government in the state, or by the state or federal government}~~ is transferred or sold to another governmental unit, a new license plate shall be issued for the vehicle in the same manner as provided for in subsection (1) of this section and shall have the same effect as given to such license plates in subsection (2) of this section.
- (4) ~~A~~~~[No]~~ person shall **not use any license plate that has been issued for use on a motor vehicle leased or owned by a governmental unit** on a motor vehicle **that is** ~~}~~ not leased or owned by **an entity allowed to use an official plate under this section** ~~a county, city, urban county, board of education, or emergency and ambulance vehicles operated by nonprofit corporations organized by units of government in the state, or the state or federal government, any license plate that has been issued for use on a motor vehicle leased or owned by the governmental unit}~~.

- (5) Notwithstanding the provisions of KRS 186.020 and 186.050, a governmental entity which leases a motor vehicle may have that vehicle equipped with an official plate under this section. Upon termination of the lease agreement, if ownership of the motor vehicle does not revert to an entity allowed to use an official plate under this section, the owner of the motor vehicle shall surrender the official plates and apply for registration under the provisions of KRS 186.050.

➔Section 22. KRS 186.1911 is amended to read as follows:

- (1) In any instance where a transfer of a motor vehicle ~~is~~~~shall be~~ accompanied by a certificate of title or registration and ~~the~~~~such~~ vehicle:

(1) ~~—~~ has had the vehicle identification number removed, ~~or~~

(2) ~~—~~ Has had the vehicle identification number altered, ~~or~~

(3) ~~—~~ Has had the vehicle identification number defaced, or

(4) ~~—~~ Has had the vehicle identification number covered,

the owner ~~thereof~~ shall, before delivery of the vehicle to any other person, obtain a replacement vehicle identification number from the manufacturer and affix it to the vehicle at the places specified by the Department of Vehicle Regulation or obtain a Kentucky identification number from the department and affix it to the vehicle at the places specified by the Department of Vehicle Regulation.

- (2) ***Each application for a Kentucky identification number from the department shall be assessed a five dollar (\$5) fee, which shall be retained by the department to defray the costs of processing, producing, and transmitting the plates to the applicant.***

➔Section 23. KRS 186.040 is amended to read as follows:

- (1) Upon receiving the application and fee, the county clerk shall issue to the owner a certificate of registration containing the information required by subsection (2) of this section and a registration plate. If the cabinet finds that there is a shortage of materials suitable for making plates, or that a substantial saving will result, it may require by ***an administrative regulation promulgated in accordance with KRS Chapter 13A and*** with the approval of the Governor that ***the*** previously issued plates continue to be used for a designated period. Except as provided in subsection (3) of this section and in KRS 186.162, for services performed, the owner shall pay the county clerk the sum of six dollars (\$6) for each registration, or if the registration exceeds a twelve (12) month period, the clerk shall receive a fee of nine dollars (\$9).
- (2) The certificate of registration shall contain the registration number, the name and post office address of the owner, and such other information as the cabinet may require.
- (3) An owner who registers a vehicle under KRS 186.050 that has a declared gross vehicle weight with any towed unit of forty-four thousand and one (44,001) pounds or greater shall pay the county clerk thirty dollars (\$30) for each registration. The clerk shall retain the thirty dollar (\$30) fee for services performed under this subsection.
- (4) Any person requesting a certificate of registration or renewal of registration of any type of motor vehicle shall have the opportunity to donate one dollar (\$1) to the child care assistance account. The one dollar (\$1) donation shall be added to the regular fee for vehicle registration. One (***I***) donation may be made per issuance or renewal of vehicle registration. Donation to the child care assistance account shall be voluntary and may be refused by the applicant at the time of the issuance or renewal of any vehicle registration.
- (5) The county clerk may retain five percent (5%) of fees collected for the child care assistance account under subsection (4) of this section. The remaining funds shall be deposited into a trust and agency account in the State Treasury to the credit of the Cabinet for Health and Family Services for the exclusive use as follows:
- (a) Funds shall be made available to the agencies that administer child care subsidy funds; and
- (b) Funds shall be used as determined by the cabinet for working families whose income exceeds the state income eligibility limits for child day care assistance.
- (6) Except as provided in KRS 186.162, in addition to the registration fee provided for county clerks in subsections (1) and (3) of this section, an additional three dollars (\$3) per registration shall be collected by the county clerk at the time of registration. This additional fee shall be distributed as follows:
- (a) One dollar (\$1) shall be placed in an agency fund to provide additional funds exclusively for technological improvements or replacement of the AVIS system. The operation and maintenance of

AVIS shall remain as currently provided for from the operational budget of the Transportation Cabinet and shall not be reduced below the 2005-2006 funding level;

- (b) One dollar (\$1) shall be placed in an agency trust fund to provide funds exclusively for technological improvements to the hardware and software in county clerk offices related to the collection and administration of road fund taxes. The Transportation Cabinet, in consultation with county clerks, shall allocate funds as necessary from this fund to be used for this exclusive purpose; and
 - (c) One dollar (\$1) shall be placed in a trust fund to be maintained by the Transportation Cabinet to provide an unrestricted revenue supplement, for operations of the office related to the collection and administration of road fund taxes, to county clerk offices in counties containing a population of less than twenty thousand (20,000), as determined by the decennial census, and for no other purpose. Annually, by March 1, the Transportation Cabinet shall calculate the amount collected in the previous calendar year and distribute the entire fund proportionate to each county that qualifies under this paragraph based on population. This revenue shall be considered current year revenue when paid to the clerk and shall not be identified as excess fees from the previous year.
- (7) ***Any motor vehicle registration cancelled for nonrenewal shall be subject to the provisions of KRS 186.181.***
- (8) ***The owner of a motor vehicle for which the registration has been cancelled under this section shall be subject to a reinstatement fee of forty dollars (\$40), payable to the county clerk. The county clerk shall retain twenty dollars (\$20) of the reinstatement fee and forward the remaining twenty dollars (\$20) to the cabinet.***

➔Section 24. KRS 186.050 is amended to read as follows:

- (1) The annual registration fee shall be eleven dollars fifty cents (\$11.50) for:
 - (a) Motor vehicles, including pickup trucks and passenger vans; and
 - (b) Motor carrier vehicles, as defined in KRS 281.010, primarily designed for carrying passengers or passengers for hire and having been designed or constructed to transport not more than fifteen (15) passengers, including the operator.
- (2) Except as provided in KRS 186.041 and 186.162, the annual registration fee for each motorcycle shall be nine dollars (\$9).
- (3) (a) All motor vehicles having a declared gross weight of vehicle and any towed unit of ***more than*** ten thousand (10,000) pounds ~~or less, except those mentioned in subsections (1) and (2) of this section,~~ are classified as commercial vehicles and the annual registration fee ~~, except as provided in subsections (4) to (14) of this section,~~ shall be ***as set forth in paragraph (b) of this subsection*** ~~eleven dollars and fifty cents (\$11.50)~~.
- (b) ***The registration fee for*** all motor vehicles ~~, except those mentioned in subsections (1) and (2) of this section, and those~~ engaged in hauling passengers for hire which are designed or constructed to transport more than fifteen (15) passengers including the operator, ~~whose registration fee~~ shall be one hundred dollars (\$100). ***The registration fee for all other*** ~~, are classified as~~ commercial vehicles ~~and the annual registration fee~~, except as provided in subsections ~~(3)(a) and~~ (4) to ***(10)*** ~~(14)~~ ***and (13)*** of this section, shall be as follows:

Declared Gross Weight of Vehicle and Any Towed Unit	Registration Fee
10,001-14,000	30.00
14,001-18,000	50.00
18,001-22,000	132.00
22,001-26,000	160.00
26,001-32,000	216.00
32,001-38,000	300.00
38,001-44,000	474.00
44,001-55,000	669.00

55,001-62,000	1,007.00
62,001-73,280	1,250.00
73,281-80,000	1,410.00

- (4) (a) 1. Any farmer owning a truck having a gross weight of twenty-six thousand (26,000) pounds or less may have it registered as a farmer's truck and obtain a license for eleven dollars and fifty cents (\$11.50). The applicant's signature upon the certificate of registration and ownership shall constitute a certificate that **the applicant~~he~~** is a farmer engaged in the production of crops, livestock, or dairy products, that **the applicant~~he~~** owns a truck of the gross weight of twenty-six thousand (26,000) pounds or less, and that during the next twelve (12) months the truck shall not be used in for-hire transportation and may be used in transporting persons, food, provender, feed, machinery, livestock, material, and supplies necessary for **the applicant's~~his~~** farming operation, and the products grown on **the applicant's~~his~~** farm.
2. Any farmer owning a truck having a gross weight of twenty-six thousand one (26,001) pounds to thirty-eight thousand (38,000) pounds may have it registered as a farmer's truck and obtain a license for eleven dollars and fifty cents (\$11.50). The applicant's signature upon the certificate of registration and ownership shall constitute a certificate that **the applicant~~he~~** is a farmer engaged in the production of crops, livestock, or dairy products, that **the applicant~~he~~** owns a truck of the gross weight between twenty-six thousand one (26,001) pounds and thirty-eight thousand (38,000) pounds, and that during the next twelve (12) months the truck shall not be used in for-hire transportation and may be used in transporting persons, food, provender, feed, machinery, livestock, material, and supplies necessary for **the applicant's~~his~~** farming operation and the products grown on **the applicant's~~his~~** farm.
- (b) Any farmer owning a truck having a declared gross weight in excess of thirty-eight thousand (38,000) pounds shall not be required to pay the fee set out in subsection (3) of this section and, in lieu thereof, shall pay forty percent (40%) of the fee set out in subsection (3) of this section and shall be exempt from any fee charged under the provisions of KRS 281.752. The applicant's signature upon the registration receipt shall be considered to be a certification that **the applicant~~he~~** is a farmer engaged solely in the production of crops, livestock, or dairy products, and that during the current registration year the truck will be used only in transporting persons, food, provender, feed, and machinery used in operating **the applicant's~~his~~** farm and the products grown on **the applicant's~~his~~** farm.
- (c) An initial applicant for, or an applicant renewing, his or her registration pursuant to this subsection, may at the time of application make a voluntary contribution to be deposited into the agricultural program trust fund established in KRS 246.247. The recommended voluntary contribution shall be set at ten dollars (\$10) and automatically added to the cost of registration or renewal unless the individual registering or renewing the vehicle opts out of contributing the recommended amount. The county clerk shall collect and forward the voluntary contribution to the cabinet for distribution to the Department of Agriculture.
- (5) Any person owning a ~~truck or~~ bus used solely in transporting school children and school employees may have the truck or bus registered as a school bus and obtain a license for eleven dollars fifty cents (\$11.50) by filing with the county clerk, in addition to other information required, an affidavit stating that the ~~truck or~~ bus is used solely in the transportation of school children and persons employed in the schools of the district, that **the words "School Bus" are~~he has caused to be~~** printed on each side of the ~~truck or~~ bus and on the rear door ~~the words "School Bus"~~ in letters at least six (6) inches high, and of a conspicuous color, and the ~~truck or~~ bus will be used during the next twelve (12) months only for the purpose stated.
- (6) Any church or religious organization owning a ~~truck or~~ bus used solely in transporting persons to and from a place of worship or for other religious work may have the ~~truck or~~ bus registered as a church bus and obtain a license for eleven dollars and fifty cents (\$11.50) by filing with the county clerk, in addition to other information required, an affidavit stating that the ~~truck or~~ bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the ~~truck or~~ bus in large letters the words "Church Bus," with the name of the church or religious organization owning and using the ~~truck or~~ bus, and that during the next twelve (12) months the ~~truck or~~ bus will be used only for the purpose stated.
- (7) Any person owning a motor vehicle with a gross weight of fourteen thousand (14,000) pounds or less on which a wrecker crane or other equipment suitable for wrecker service has been permanently mounted may

register the vehicle and obtain a license for eleven dollars fifty cents (\$11.50) by filing with the county clerk, in addition to other information required, an affidavit that a wrecker crane or other equipment suitable for wrecker service has been permanently mounted on ~~the [such]~~ vehicle and that during the next twelve (12) months the vehicle will be used only in wrecker service. If the gross weight of the vehicle exceeds fourteen thousand (14,000) pounds, the vehicle shall be registered in accordance with subsection (3) of this section. The gross weight of a vehicle used in wrecker service shall not include the weight of the vehicle being towed by the wrecker.

- (8) Motor vehicles having a declared gross weight in excess of eighteen thousand (18,000) pounds, which when operated in this state are used exclusively for the transportation of property within the limits of the city named in the affidavit hereinafter required to be filed, or within ten (10) miles of the city limits of the city if it is a city with a population equal to or greater than three thousand (3,000) based upon the most recent federal decennial census, or within five (5) miles of its limits if it is a city with a population of less than three thousand (3,000) based upon the most recent federal decennial census, or anywhere within a county containing an urban-county government, shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof shall pay seventy-five percent (75%) of the fee set forth in subsection (3) of this section and shall be exempt from any fee charged under the provisions of KRS 281.752. Nothing in this section shall be construed to limit any right of nonresidents to exemption from registration under any other provisions of the laws granting reciprocity to nonresidents. Operations outside of this state shall not be considered in determining whether or not the foregoing mileage limitations have been observed. When claiming the right to the reduced fee, the applicant's signature on the certificate of registration and ownership shall constitute a certification or affidavit stating that the motor vehicle when used within this state is used only for the transportation of property within the city to be named in the affidavit and the area above set out and that the vehicle will not be used outside of a city and the area above set out during the current registration period.
- (9) Motor vehicles having a declared gross weight in excess of eighteen thousand (18,000) pounds, which are used exclusively for the transportation of primary forest products from the harvest area to a mill or other processing facility, where ~~the [such]~~ mill or processing facility is located at a point not more than fifty (50) air miles from the harvest area or which are used exclusively for the transportation of concrete blocks or ready-mixed concrete from the point at which ~~the [such]~~ concrete blocks or ready-mixed concrete is produced to a construction site where ~~the [such]~~ concrete blocks or ready-mixed concrete is to be used, where ~~the [such]~~ construction site is located at a point not more than thirty (30) air miles from the point at which ~~the [such]~~ concrete blocks or ready-mixed concrete is produced shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof, shall pay seventy-five percent (75%) of the fee set out in subsection (3) of this section and shall be exempt from any fee charged under the provisions of KRS 281.752. The applicant's signature upon the certificate of registration and ownership shall constitute a certification that the motor vehicle will not be used during the current registration period in any manner other than that for which the reduced fee is provided in this section.
- (10) Any owner of a commercial vehicle registered for a declared gross weight in excess of eighteen thousand (18,000) pounds, intending to transfer same and desiring to take advantage of the refund provisions of KRS 186.056(2), may reregister ~~the [such]~~ vehicle and obtain a "For Sale" certificate of registration and ownership for one dollar (\$1). Title to a vehicle so registered may be transferred, but ~~the [such]~~ registration shall not authorize the operation or use of the vehicle on any public highway. No refund may be made under the provisions of KRS 186.056(2) until ~~such time as~~ the title to such vehicle has been transferred to the purchaser thereof. Provided, however, that nothing herein shall be so construed as to prevent the seller of a commercial vehicle from transferring the registration of ~~the [such]~~ vehicle to any purchaser thereof.
- (11) The annual registration fee for self-propelled vehicles containing sleeping or eating facilities shall be twenty dollars (\$20) and the multiyear license plate issued shall be designated "Recreational vehicle." The foregoing shall not include any motor vehicle primarily designed for commercial or farm use having temporarily attached thereto any sleeping or eating facilities, or any commercial vehicle having sleeping facilities.
- (12) The registration fee on any vehicle registered under this section shall be increased fifty percent (50%) when the vehicle is not equipped wholly with pneumatic tires.
- (13) (a) The Department of Vehicle Regulation is authorized to negotiate and execute an agreement or agreements for the purpose of developing and instituting proportional registration of motor vehicles engaged in interstate commerce, or in a combination of interstate and intrastate commerce, and operating into, through, or within the Commonwealth of Kentucky. The agreement or agreements may be made on a basis commensurate with, and determined by, the miles traveled on, and use made of, the highways of this Commonwealth as compared with the miles traveled on and use made of highways of

other states, or upon any other equitable basis of proportional registration. Notwithstanding the provisions of KRS 186.020, the cabinet shall promulgate administrative regulations concerning the registration of motor vehicles under any agreement or agreements made under this section and shall provide for direct issuance by it of evidence of payment of any registration fee required under ~~the [such]~~ agreement or agreements. Any proportional registration fee required to be collected under any proportional registration agreement or agreements shall be in accordance with the taxes established in this section.

- (b) Any owner of a commercial vehicle who is required to title his *or her* motor vehicle under this section shall first title ~~the [such]~~ vehicle with the county clerk pursuant to KRS 186.020 for a state fee of one dollar (\$1). Title to ~~the [such]~~ vehicle may be transferred; however title without proper registration shall not authorize the operation or use of the vehicle on any public highway. Any commercial vehicle properly titled in Kentucky may also be registered in Kentucky, and, upon payment of the required fees, the department may issue an apportioned registration plate to ~~the [such]~~ commercial vehicle.
 - (c) Any commercial vehicle that is properly titled in a foreign jurisdiction, which vehicle is subject to apportioned registration, as provided in paragraph (a) of this subsection, may be registered in Kentucky, and, upon proof of proper title and payment of the required fees, the department may issue an apportioned registration plate to the commercial vehicle. The department shall promulgate administrative regulations in accordance with this section.
- (14) Any person seeking to obtain a special license plate for an automobile that has been provided to him *or her* pursuant to an occupation shall meet both of the following requirements:
- (a) The automobile shall be provided for the full-time exclusive use of the applicant; and
 - (b) The applicant shall obtain permission in writing from the vehicle owner or lessee on a form provided by the cabinet to use the vehicle and for the vehicle to bear the special license plate.
- (15) An applicant for any motor vehicle registration issued pursuant to this section shall have the opportunity to make a donation of two dollars (\$2) to promote a hunger relief program through specific wildlife management and conservation efforts by the Department of Fish and Wildlife Resources in accordance with KRS 150.015. If an applicant elects to make a contribution under this subsection, the two dollar (\$2) donation shall be added to the regular fee for any motor vehicle registration issued pursuant to this section. One (1) donation may be made per issuance of each registration. The fee shall be paid to the county clerk and shall be transmitted by the State Treasurer to the Department of Fish and Wildlife Resources to be used exclusively for the purpose of wildlife management and conservation activities in support of hunger relief. The county clerk may retain up to five percent (5%) of the fees collected under this subsection for administrative costs associated with the collection of this donation. Any donation requested under this subsection shall be voluntary and may be refused by the applicant at the time of issuance or renewal of a license plate.
- (16) In addition to the fees outlined in this section, the county clerk shall collect from the registrants of electric vehicles, electric motorcycles, and hybrid vehicles the electric vehicle ownership fees imposed in KRS 138.475. ***The county clerk may retain one dollar (\$1) of the fee collected under this subsection.***

➔Section 25. KRS 186A.035 is amended to read as follows:

- (1) (a) ***Except for vehicles described in paragraph (b) of this subsection,*** all motor vehicles, including motorcycles, with a gross vehicular weight of ***ten thousand (10,000)***~~[six thousand (6,000)]~~ pounds or less, first registered, or for which the registration is renewed~~[in this state on or after January 1, 1983]~~, shall be placed in a system of year-round registration based upon the birth ~~date~~~~[month]~~ of the owner, in order to distribute the work of registering motor vehicles as uniformly as practicable throughout the twelve (12) months of the year.
 - (b) ***Owners of the following motor vehicles may elect to register these vehicles on an annual registration schedule of April 1 to March 31:***
 - 1. ***Farm vehicles registered under subsection (4) of Section 24 of this Act; or***
 - 2. ***Motor vehicles with a gross vehicular weight of ten thousand (10,000) pounds or less that are owned by a business.***
- (2) (a) If the owner of a motor vehicle is other than an individual, the month in which the owning entity came into being shall be used for purposes of this section.

- (b) If a motor vehicle is jointly owned, the owners shall indicate to the county clerk the birth *date of the designated owner* ~~[month of one (1) of them]~~ to be used for purposes of this section.
- (c) ~~[In addition,]~~ If a motor vehicle is jointly owned by a *married couple* ~~[husband and wife]~~, the ownership shall exist as a joint tenancy with right of survivorship, unless the registration expressly states to the contrary and gives an alternative specific status. *One (1) of the owners shall indicate to the county clerk his or her birth date to be used for purposes of this section.* Upon the death of one (1) of the spouses, the jointly-owned vehicle shall transfer to the surviving spouse free from payment of any state-required *transfer* ~~[transferal]~~ fees.
- (3) The certificate of registration and license plate issued for a motor vehicle first registered, renewed, or titled in this state ~~[on or after January 1, 1983,]~~ shall be valid *until the expiration date on the registration receipt*, unless revoked in accordance with KRS 186A.040 or canceled by the cabinet in accordance with KRS Chapter 186 or this chapter ~~[, upon payment of the required fee, for a period beginning on the first day of the month of the year in which registration is applied for, and expiring on the last day of the next birth month of the owner following the month during which registration is applied for. Upon the owner's request, and after payment of the proper prorated fee, an owner may obtain a certificate of registration and license plate valid through the last day of his second birth month following the month and year in which he applied for a certificate of registration].~~ Any transaction relating to registration or registration renewal which would cause an unexpired Kentucky motor vehicle license plate to be surrendered shall have that unexpired fee prorated or credited against any additional fee required by a subsequent registration.
- (4) *Except for vehicles registered under subsection (1)(b) of this section, KRS 186.041, 186.042, and 186.162 that have a specified, universal expiration date*, after a motor vehicle has been initially placed in the system of year-round registration, the owner shall renew the registration annually during the owner's birth month, *either* by making application to the county clerk *or on the cabinet's website*, and paying the fee required for twelve (12) consecutive months of registration, which shall take effect on the first day of the month succeeding the owner's birth month and shall expire on the last day of the owner's next birth month. The county clerk shall *collect the fees set forth in subsections (1) and (6) of Section 23 of this Act for each renewal* ~~[be entitled to a registration fee of two dollars (\$2) for each registration, or if the registration exceeds a twelve (12) month period, the clerk shall receive a fee of three dollars (\$3)].~~
- (5) At least forty-five (45) days prior to the expiration of the registration of any motor vehicle previously registered in the Commonwealth as provided by subsection (1) of this section, the owner of the vehicle shall be notified by mail *or email* on the same notice required by KRS 134.805(5) of the date of expiration. Nonreceipt of the notice required by this subsection shall not constitute a defense to any registration-related offense.
- (6) Any owner who fails to renew the registration of a motor vehicle during the month in which the previous registration expired shall, if he *or she* applies for renewal of the registration in some later month, pay the same fees that would have been required if the registration had been renewed in the month which the previous registration expired, *and, if applicable, the reinstatement fee for a cancelled registration required under Section 23 of this Act.*
- (7) Fees which must be prorated in carrying out the intent of this section shall be prorated on the basis of twelfths of the annual registration fee. Any vehicle which is registered at any time during a month shall pay the fee required for that whole month plus any additional months of registration purchased consistent with the intent of the section.
- (8) The county clerk shall ensure that the certificate of registration issued to an owner displays the month and year in which the registration period begins and the month and year of its expiration, and shall issue to the owner a decal or decals corresponding to the month and year of expiration shown in the certificate of registration which shall be placed upon the corresponding license plate by the owner in the manner required by administrative regulations of the Department of Vehicle Regulation.

➔Section 26. KRS 281.720 is amended to read as follows:

Except for vehicles operating under a TNC, *peer-to-peer*, household goods, property, or U-Drive-It certificate, the department shall prescribe and furnish a motor carrier license plate, which shall at all times be displayed on each motor carrier vehicle authorized to be operated under a certificate. A person shall not transfer a motor carrier license plate from one (1) motor vehicle to another, except by the authority and with the consent of the department.

➔Section 27. KRS 138.655 is amended to read as follows:

As used in KRS 138.660 to 138.7291 and 138.990(13) and (14), unless the context requires otherwise:

- (1) "Cabinet" means the Transportation Cabinet;
- (2) "Person" includes every natural person, fiduciary, association, state or political subdivision, or corporation. Whenever used in any clause describing and imposing imprisonment the term "person" as applied to an association means and includes the partners or members thereof, and as applied to a corporation the officers thereof;
- (3) "Public highway" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel notwithstanding that it may be temporarily closed or travel thereon restricted for the purpose of construction, maintenance, repair, or reconstruction; also including all city streets, alleys, and any way or place on which a toll is charged for using such way or place;
- (4) "Motor vehicle" means any vehicle, machine, or mechanical contrivance propelled by an internal combustion engine and licensed for operation and operated upon the public highways and any trailer or semitrailer attached to or having its front end supported by such motor vehicle;
- (5) "Motor carrier" means every person who operates or causes to be operated on any highway in this state, any bus engaged in hauling passengers for hire operating under a certificate of convenience and necessity and any commercial truck or commercial tractor-trailer combination having a total of two (2) or more axles and a declared gross weight above twenty-six thousand (26,000) pounds. The number of axles shall include not only those axles on the power unit but if a tractor-trailer combination is involved, also those axles on the trailer or semitrailer:
 - (a) "Axle" means any two (2) or more load-carrying wheels mounted in a single transverse vertical plane;
 - (b) "Trailers and semitrailers" are those as defined in KRS 186.650(1) and (2), except that it does not include those trailers defined in KRS 186.650(3) and (4) and those exempted from regulation under KRS 186.675. The term "motor carrier" shall not mean or shall not include any person operating or causing to be operated a city bus;
 - (c) "Commercial" refers to any activity for business purposes; **and**
 - (d) For the purposes of KRS 138.660(3) motor carriers, trailers, and semitrailers shall not mean a farm vehicle as defined in KRS 186.050(4) or under another jurisdiction's law as a farm vehicle;
- ~~(6)~~ "City bus" means any motor vehicle used for the transportation of persons for hire exclusively within the limits of any city or within ten (10) miles of its limits over a regular route and exclusively within the boundaries of this state;
- ~~(7)~~ "Heavy equipment motor carrier" means any person who operates on the public highways of this state as a "motor carrier" as defined in subsection (5) of this section, except that it shall not include motor vehicles used to transport persons for hire;
- ~~(7)(8)~~ "Trip permit" means a permit for the operating during a ten (10) consecutive day period of any motor vehicle of any "heavy equipment motor carrier" not licensed under KRS 138.665;
- ~~(8)(9)~~ "Licensee" means for purposes of KRS 138.660 to 138.7291 any person who has been granted a license as a "motor carrier" or a "heavy equipment motor carrier," or any motor vehicle in which a valid trip permit is carried;
- ~~(9)(10)~~ "Use" means the consumption of gasoline and special fuels in propelling motor vehicles on the public highways;
- ~~(10)(11)~~ "Gasoline" has the same meaning as in KRS 138.210;
- ~~(11)(12)~~ "Special fuels" means and includes all combustible gases and liquids used for the generation of power in an internal combustion engine to propel vehicles of any kind upon the public highways, except that it does not include gasoline;
- ~~(12)(13)~~ "Quarterly" for the purposes of KRS 138.660 to 138.7291 means a calendar quarter; **and**
- ~~(13)(14)~~ "Combined licensed weight" shall mean the greater of:
 - (a) The declared combined maximum gross weight of the vehicle and any towed unit for registration purposes for the current registration period; or
 - (b) The highest actual combined gross weight of the vehicle and any towed unit when operated on the public highways of the state during the current registration period.

➔Section 28. KRS 138.665 is amended to read as follows:

- (1) (a) ***Except as provided in paragraph (b) of this subsection,*** a license shall be required of each motor carrier or heavy equipment motor carrier subject to the provisions of KRS 138.660 before he ***or she*** uses or continues to use the public highways of this state.
- (b) ~~Notwithstanding the requirement in subsection (1)(a), the cabinet may issue a trip permit for each motor vehicle subject to KRS 138.660(1) for a fee of twenty dollars (\$20) for each permit. If the vehicle is subject to those taxes in KRS 138.660(1) to (3), the cabinet may issue a trip permit for each motor vehicle for a fee of forty dollars (\$40) for each permit.~~
- (2) Application for a license or trip permit shall be made to the cabinet ***by using the motor carrier portal***~~and shall contain such information as the cabinet deems necessary~~.
- (3) (a) ***Except as provided for in paragraph (b) of this subsection, if an***~~The~~ application in proper form ~~has~~***has***~~having~~ been accepted for filing~~, the bond, if required, having been accepted~~ and approved, and the other conditions and requirements of this section ~~have~~***have***~~having~~ been complied with, the cabinet shall issue a license.
- (b) ***The cabinet may refuse to issue a license:***
 1. ~~To~~~~However, if an application for a license is filed by~~ any person whose license has, at any time previously, been revoked for cause by the cabinet;~~;~~ or
 2. If the cabinet is of the opinion that:
 - a. The person who ~~made~~***makes*** the application ~~did~~***does*** so as a subterfuge for the real party in interest whose license, prior to the time of filing the application, has been revoked for cause;~~;~~ or
 - b. That the application is not for any other reason filed in good faith or is not sufficient cause~~, the cabinet may, after a hearing of which the applicant shall be given ten (10) days' notice in writing and in which he shall have the right to appear in person or by counsel and present testimony, refuse to issue a license to that person~~.
- (c) ***Any person who has been denied a license by the cabinet under paragraph (b) of this subsection may appeal that decision by requesting an administrative hearing, which shall be conducted in accordance with KRS Chapter 13B.***
- (4) All licenses shall be valid and remain in full force and effect until suspended or revoked for cause or otherwise canceled.
- (5) A license shall not be assignable or transferable and shall be valid only for the person in whose name it is issued.
- (6) ~~The cabinet shall keep and file all applications and bonds, with an alphabetical index thereof.~~
- ~~(7) Each holder of a license required by subsection (1) shall display his license number or other identification on or in each vehicle subject to the taxes imposed by KRS 138.655 to 138.7291 in the manner prescribed by the cabinet. The cabinet may require the license number or other identifier to be displayed so that it can be readily recorded either manually or electronically by cabinet representatives. In addition, the cabinet may require each individual unit in the license holder's fleet of vehicles subject to these taxes to be uniquely identified.~~
- ~~(7)(8)~~ The provisions of this section shall not apply to a nonresident motor carrier engaged in transporting passengers for hire in irregular route interstate charter or special operations, provided reciprocal privileges are granted to similar nonresident carriers by the laws and regulations of his ***or her*** state.

➔Section 29. KRS 138.675 is amended to read as follows:

- (1) If a licensee at any time files a false quarterly report of the information required or fails or refuses to file the quarterly report or to pay the full amount of the tax or violates any other provisions of KRS 138.655 to 138.725, inclusive, without a showing that such failure was due to reasonable cause, the cabinet may cancel his ***or her*** license.
- (2) Upon voluntary surrender of the license certificate or upon receipt of a written request by a licensee, the cabinet may cancel his ***or her*** license, effective sixty (60) days from the date of the request, but no such license shall be canceled upon surrender or request unless the licensee has, prior to the date of cancellation, paid to

this state all taxes, penalties, interest and fines that are due or have accrued, and unless the licensee has surrendered to the cabinet his *or her* license certificate.

- (3) ~~[[If upon investigation the cabinet ascertains that any motor carrier or heavy equipment motor carrier to whom a license has been issued is no longer engaged as such and has not been so engaged for a period of six (6) months, the cabinet may cancel such license by giving the motor carrier or heavy equipment motor carrier sixty (60) days' notice of cancellation mailed to his last known address in which event the license certificate shall be surrendered to the cabinet.~~

- (4) ~~]~~Whenever a licensee ceases to engage in business within this state, he *or she* shall notify the cabinet in writing within fifteen (15) days after discontinuance. All taxes that have accrued under KRS 138.655 to 138.725, inclusive, whether or not then due, shall become due and payable concurrently with such discontinuance. The licensee shall make a report and pay all such taxes and any interest and penalties thereon, and shall surrender to the cabinet his *or her* license certificate.

- (4)~~(5)~~ If the license of a motor carrier or heavy equipment motor carrier is canceled by the cabinet as provided in this section and if the licensee has paid to this state all of the taxes, interest and penalties due under KRS 138.655 to 138.725 and 138.990(13) and (14), the cabinet shall cancel the bond filed by the licensee.

➔Section 30. KRS 138.680 is amended to read as follows:

- (1) Every licensee shall maintain complete records on all motor vehicles, by type, operating on Kentucky highways, weight and number of axles, mileage records and records of all purchases, use, and other dispositions of gasoline and special fuels. Such records, together with manifests of lading, invoices, and other papers pertaining to gasoline or special fuels consumption, shall be retained for a period of five (5) years~~[-]~~ and shall be made available to the Transportation Cabinet upon request for examination.
- (2) If any licensee fails or refuses upon~~[- written]~~ request to furnish any information to the Transportation Cabinet concerning an audit, assessment, or verification of tax information, the cabinet may make an estimate of the licensee's tax due and issue an assessment against the licensee based upon the estimated tax due. Such assessment may be used by the cabinet in any legal proceeding for collection of the tax. The cabinet may, at any subsequent proceeding, require the taxpayer to file any reports or additional information it deems necessary.

➔Section 31. KRS 138.685 is amended to read as follows:

- (1) Every licensee shall file *a quarterly tax return and pay any taxes due using the motor carrier portal*~~[-with the cabinet, in the format prescribed by the cabinet, a quarterly tax return]~~. The return shall be made under penalty of perjury and shall show such information as the cabinet may require.
- (2) The licensee shall file the return *required under this section* on or before the last day of the next succeeding calendar month following the quarterly period to which it relates.

~~{(2) The quarterly tax return shall be accompanied by a remittance covering the tax due.}~~

➔Section 32. KRS 138.710 is amended to read as follows:

- (1) The *payments due from returns*~~[-reports]~~ required by KRS 138.685 shall be *made by credit card, debit card, or*~~[-accompanied by a certified,]~~ electronic *fund transfer*~~[-, or cashier's check payable to the State Treasurer]~~ for the amount of tax due for the preceding calendar quarter computed as provided in KRS 138.690~~[-, except that the cabinet may waive this requirement and accept the check of the licensee if he is of sound financial condition and has established a good record of compliance with the requirements of KRS 138.655 to 138.725, inclusive].~~
- (2) ~~{The Transportation Cabinet may promulgate administrative regulations providing for the payment by credit card of any tax or fee that it collects. The administrative regulation may require the}~~A payee *shall be required* to add to his *or her* tax or fee~~[-]~~ the administrative charge of the financial institution.

➔Section 33. KRS 138.715 is amended to read as follows:

- (1) If any licensee neglects or refuses to make the return or pay the tax at the time provided in KRS 138.685, a penalty of twenty percent (20%) of the tax and interest at the tax interest rate as defined in KRS 131.010(6) from the date when due shall be paid on the tax.
- (2) If any licensee subject to the penalty provided in subsection (1) of this section submits to the department in writing the reasons for failure to comply with KRS 138.660 to 138.7291 and if the department finds the reasons sufficient evidence or justifiable cause for modifying the penalty provided in subsection (1) of this

section, it may modify the penalty enacted therein to five percent (5%) of the amount of the tax due and delinquent, provided the five percent (5%) penalty may be reduced to one percent (1%) if the violation is the first violation by the taxpayer within the twelve (12) months.

- (3) If the penalties provided by this section are collected by proceedings in court, an additional penalty of twenty percent (20%) shall be collected and distributed as is authorized by KRS 134.552. Whenever any licensee neglects or refuses to make and file any report for any calendar quarter as required by KRS 138.685, or files an incorrect or fraudulent report, the department shall determine after an investigation the amount of the liability which the licensee has incurred under KRS 138.660 to 138.7291 for any particular quarter and assess and collect the amount of tax and penalties due.
- (4) Any licensee who fails to make any report required under the provisions of KRS 138.660 to 138.7291 within the time allowed ~~shall~~~~may~~ be required to pay a penalty of five hundred dollars (\$500) for any offense. The penalty is to be assessed and collected in the manner provided for the assessment and collection of taxes, or the licensee may be proceeded against in a civil action instigated by the department. In addition, such licensee may be compelled to make the required return.
- (5) In any action for the collection of taxes due under KRS 138.660 to 138.7291 and any penalties or interest imposed in connection therewith, an assessment by the department of the amount of tax due and the interest or penalties due to the state shall constitute prima facie evidence of the claim of the state and the burden of proof shall be on the licensee to show that the assessment was incorrect or contrary to law.

→Section 34. KRS 281.752 is amended to read as follows:

For motor carriers *and heavy equipment motor carriers as* defined by ~~under~~ KRS 138.655~~((5) and (7))~~ and for the purposes of tax collection, the department may charge a fee of ten dollars (\$10) in each instance for the issuance of such identifying plates, decals, cards, signs, or papers~~;~~ for the identification of motor vehicles~~;~~ operated within the state.

→Section 35. KRS 138.513 is amended to read as follows:

- (1) (a) Beginning August 1, 2014, but before August 1, 2022, an excise tax is imposed on all advance deposit account wagering licensees licensed under KRS 230.260 at a rate of one-half of one percent (0.5%) of all amounts wagered through the licensee by Kentucky residents; and
 - (b) Beginning August 1, 2022, an excise tax is imposed on all advance deposit account wagering licensees licensed under KRS ~~230.260~~~~138.675~~ at a rate of one and one-half percent (1.5%) of all amounts wagered through the licensee by Kentucky residents.
- (2) The tax imposed by this section shall be paid, collected, administered, and distributed as provided in KRS 138.530.

→Section 36. KRS 174.990 is amended to read as follows:

~~{(1)}~~ Any person who willfully hauls, transports, or causes to be transported any hazardous material into, out of, within, or through the Commonwealth in violation of the provisions of KRS 174.400 to 174.425, or contrary to an order, or regulation issued or promulgated under KRS 174.400 to 174.425, shall be fined not less than two hundred fifty dollars (\$250) nor more than twenty-five thousand dollars (\$25,000), for each day of violation.

~~{(2)}~~ Any person who operates a vehicle which transports municipal solid waste in violation of KRS 174.450 and administrative regulations promulgated by the cabinet pursuant to KRS 174.450 shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each day of violation.

→Section 37. KRS 224.43-350 is amended to read as follows:

- (1) In addition to its other powers, the cabinet may suspend the authority of a municipal solid waste management facility to accept waste streams upon any of the following grounds:
 - (a) The cabinet finds that any shipment of waste contains waste excluded by law from municipal solid waste disposal facilities in the Commonwealth;
 - (b) Any part of the waste streams in question are being transported by transporters *whose vehicles and drivers do not comply with the provisions of KRS Chapter 281 or 281A*~~[who are not registered or certified in the Commonwealth in accordance with KRS 174.450].~~
- (2) The suspension described in subsection (1) of this section shall terminate upon the cabinet's determination that the basis for the suspension has been corrected.

➔Section 38. KRS 186A.520 is amended to read as follows:

- (1) Except as provided in KRS 186A.555, a salvage title shall be obtained by the owner of a motor vehicle that meets the following definition of a salvage vehicle:
 - (a) A vehicle which has been wrecked, destroyed, or damaged, to the extent that the total estimated or actual cost of parts and labor to rebuild or reconstruct the vehicle to its preaccident condition and for legal operation on the roads or highways, not including the cost of parts and labor to reinstall a deployed airbag system, exceeds seventy-five percent (75%) of the retail value of the vehicle, as *prescribed by a nationally accepted used car valuation guide identified by the Department of Revenue by administrative regulation*~~{set forth in a current edition of the National Automobile Dealer's Association price guide}~~.
 - (b) The value of repair parts for purposes of this definition shall be determined by using the current published retail cost of the parts equal in kind and quality to the parts to be replaced or the actual retail cost of the repair parts used in repair.
 - (c) The labor costs of repairs for purposes of this section shall be computed by using the hourly labor rate and time allocations which are reasonable and customary in the automobile repair industry in the community where the repairs are performed.
 - (d) Airbag reinstallation costs which are excluded from the seventy-five percent (75%) computation as set forth in paragraph (a) of this subsection shall be included by an insurer in the computation of the total physical damage estimate according to the terms and conditions of individual policies, provided that the total costs payable by an insurer do not exceed the total retail value of the vehicle.
- (2) The owner or an authorized agent of a motor vehicle that meets the definition of a salvage vehicle as set forth in subsection (1) of this section shall, within fifteen (15) days from the receipt of all necessary paperwork required by this chapter, submit an application to the county clerk, on a form prescribed by the Department of Vehicle Regulation, for a salvage title, accompanied by a properly endorsed certificate of title and any lien satisfactions, if any appear, as may be required.
- (3) The county clerk shall retain a copy of each salvage title application received and shall forward the original and its supporting documents to the Department of Vehicle Regulation in a manner similar to that for handling of an application for a title.
- (4) The county clerk shall rely on the information provided by the owner or authorized agent, including a county of residence designation, on:
 - (a) Any approved, notarized state form utilized in lien titling or the title transfer process signed by the owner or authorized agent; and
 - (b) Any document submitted during the transfer of a salvage vehicle from an owner to an insurer.

Reliance on the foregoing by the county clerk shall relieve the office of the county clerk from liability to any third party claiming failure to comply with this section.
- (5) The Department of Vehicle Regulation shall process the salvage title application in a manner similar to that used in processing a title application and the salvage title shall be delivered in a like manner of a title. Salvage titles shall be construed as proof of ownership of a vehicle in a state as to be unusable upon the highways of the Commonwealth.
- (6) A vehicle shall not be issued a registration for highway use as long as a salvage title is in force. The only time a vehicle with a salvage title may be operated upon the highways of the Commonwealth is when it is in route to or from an inspection by the certified inspector prior to obtaining a certificate of title after having been rebuilt as per KRS 186.115.
- (7) Notwithstanding the provisions of KRS 369.103, when a salvage vehicle is transferred from an owner to an insurer, the following shall be exempted from the requirements of notarization, including exemption from the notarization of electronic signature requirements of KRS Chapter 423:
 - (a) The transfer of ownership on the certificate of title;
 - (b) Any power of attorney required in connection with the transfer of ownership to the insurer;
 - (c) Any required odometer disclosure statement;
 - (d) The application for a salvage certificate of title; and

- (e) The transfer of ownership on the salvage certificate of title issued.
- (8) Subsections (2) to (5) of this section shall not apply to applications for salvage title using the electronic title application and registration system established under KRS 186A.017.

➔Section 39. KRS 186A.555 is amended to read as follows:

- (1) The provisions of KRS 186A.500 to 186A.550 notwithstanding, the owner of a motor vehicle that has been damaged solely by hail shall have the regular title of the vehicle branded as follows "Hail Damage" if:
 - (a) The vehicle is in a condition that it can be legally operated on the highway;
 - (b) The total estimated or actual cost of parts and labor to rebuild or reconstruct the vehicle to its pre-hail condition exceeds seventy-five percent (75%) of the retail value of the vehicle, as ***prescribed by a nationally accepted used car valuation guide identified by the Department of Revenue by administrative regulation***~~[set forth in a current edition of the National Automobile Dealer's Association price guide]~~; and
 - (c) The owner intends to retain ownership of the vehicle.
- (2) A person seeking to have the title of a vehicle branded for hail damage under subsection (1) of this section shall present the sheriff with a statement from the person's insurance company that the damage exceeds seventy-five percent (75%) of the retail value of the vehicle and is solely the result of hail damage, and shall have the vehicle inspected by the sheriff of the county in which the vehicle is registered. Upon completion of inspection of the vehicle, the sheriff shall indicate on the vehicle transaction record form if he or she has received a statement from the person's insurance company that the damage to the vehicle is the result of hail damage and if the total estimated or actual cost of parts and labor to rebuild or reconstruct the vehicle to its pre-hail condition exceeds seventy-five percent (75%) of the retail value of the vehicle, as ***prescribed by a nationally accepted used car valuation guide identified by the Department of Revenue by administrative regulation***~~[set forth in a current edition of the National Automobile Dealer's Association price guide]~~. The sheriff shall be paid a fee of five dollars (\$5) to conduct an inspection under this subsection.
- (3) Upon completion of the inspection required under subsection (2) of this section, a person shall take the vehicle transaction record form and the title to the vehicle to the office of the county clerk in the county in which the vehicle is registered. If the sheriff has certified on the vehicle transaction record form that the damage to the vehicle is the result of hail damage and if the total estimated or actual cost of parts and labor to rebuild or reconstruct the vehicle to its pre-hail condition exceeds seventy-five percent (75%) of the retail value of the vehicle, as ***prescribed by a nationally accepted used car valuation guide identified by the Department of Revenue by administrative regulation***~~[set forth in a current edition of the National Automobile Dealer's Association price guide]~~, the title shall not be surrendered to the clerk, but the clerk shall stamp on the face of the title "Hail Damage". The clerk shall also enter into the Automated Motor Vehicle Registration System (AVIS) the information that the title has been branded in the clerk's office "Hail Damage". The county clerk shall be paid a fee of three dollars (\$3) to carry out the provisions of this subsection.
- (4) A title branded "Hail Damage" under the provisions of subsection (3) of this section shall retain the brand for as long as the person holds title to the vehicle, and upon the sale or transfer of the vehicle, the new title issued shall continue to carry the brand "Hail Damage".
- (5) An insurance company shall not render payment on a vehicle damaged solely by hail in excess of seventy-five percent (75%) of the retail value of the vehicle until the title has been branded "Hail Damage".

➔Section 40. KRS 186A.120 is amended to read as follows:

- (1) Except for applications for title or salvage title using the electronic title application and registration system established under KRS 186A.017, application for a first certificate of registration or title and plate shall be made by the owner to the county clerk of the county in which the owner resides, except that, if a vehicle is purchased from:
 - (a) A dealer other than in the county in which the purchaser for use resides, the purchaser, or the dealer on behalf of the purchaser, may make application for registration to the county clerk in either the county in which the purchaser resides, or in the county in which the dealer's principal place of business is located;
or
 - (b) ***An individual who resides in a county in which the purchaser does not reside, application for registration may be made in to the county clerk in either the county where the seller resides or the purchaser resides.***

- (2) (a) When purchaser of a vehicle upon which a lien is to be recorded is a resident of a county other than that of the dealer, the application for registration or title may be made to the county clerk in either county. The lien must be recorded in the county of the purchaser's residence.
- (b) If vehicle application for registration or title is presented to the county clerk of dealer's location rather than purchaser's residence, the clerk shall process documents in a manner similar to that of any application, with the exception that the AVIS system shall be programmed in a manner that the title shall not be issued from Frankfort until the lien information has been entered by the county clerk of the purchaser's residence.
- (3) (a) A new vehicle, when first registered or titled in this state, shall be registered or titled in the name of the first owner for use rather than in the name of a dealer who held the vehicle for sale.
- (b) Except as otherwise provided in this chapter, a used vehicle not previously registered or titled in this state shall be registered or titled in the name of the first owner for use rather than in the name of a dealer who held the vehicle for resale.
- (4) If the owner of a vehicle required to be registered or titled in this state does not reside in the Commonwealth, the vehicle shall be registered or titled with the county clerk of the county in which the vehicle is principally operated.
- (5) The Transportation Cabinet shall not require a member of the Armed Forces who is stationed in the Commonwealth to obtain a Kentucky operator's license in order to register a motor vehicle in the Commonwealth.
- (6) If the owner of a vehicle is other than an individual and resides in the Commonwealth, the vehicle shall be registered or titled with the county clerk in either the county in which the owner resides or in the county in which the vehicle is principally operated.

➔SECTION 41. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED TO READ AS FOLLOWS:

- (1) *Beginning no later than October 1, 2024, and annually thereafter, the cabinet shall report to the Legislative Research Commission for referral to the Interim Joint Committee on Transportation on identity document issuance at each regional licensing office.*
- (2) *The report required under subsection (1) of this section shall include the:*
- (a) *Number of identity documents, by type, issued at each location;*
- (b) *Total cost to operate the office; and*
- (c) *Total receipts collected.*

➔Section 42. The following KRS sections are repealed:

174.450 License to operate a municipal solid waste transportation vehicle -- Application procedures -- Placard for display -- Exemption -- Registration fees.

281A.310 Commercial driver's licenses and permits for nonresidents enrolled in instruction programs.

➔Section 43. Section 24 of this Act takes effect January 1, 2025.

Signed by Governor April 9, 2024.

CHAPTER 124

(SB 265)

AN ACT relating to teacher certification and declaring an emergency.

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

➔Section 1. KRS 161.030 is amended to read as follows:

- (1) Notwithstanding the age of the pupil, the certification of all teachers and other school personnel, in public schools only, is vested in the Education Professional Standards Board. When so certified, teachers and other school personnel shall not be required to have licensure, certification, or other forms of approval from any other state agency for the performance of their respective assignments within the *system of public schools*~~[common schools]~~, except as provided for by law. All certificates authorized under KRS 161.010 to 161.126 shall be issued in accordance with the administrative regulations of the Education Professional Standards Board. After July 15, 1994, all certificate applications and other data collection instruments of the board shall include a request for voluntary information about the applicant's ethnic background. This information shall be available to help local school districts locate minority candidates. A person who holds a certificate prior to this requirement may request that ethnic information be added to his or her file. Nothing in this section shall preclude the right of an individual in a nonpublic school from seeking voluntary certification by the Education Professional Standards Board.
- (2) Certificates shall be issued upon written application and in accordance with statutes and regulations in effect at the time of application to persons who have completed, at colleges, universities, or local school district programs approved by the Education Professional Standards Board for the preparation of teachers and other school personnel, the curricula prescribed by the administrative regulations of the Education Professional Standards Board.
- (3)
 - (a) Certification of all new teachers and teachers seeking additional certification shall require the successful completion of appropriate assessments prior to certification. The assessments shall be selected by the Education Professional Standards Board and shall measure knowledge in the specific teaching field of the applicant, including content of the field and teaching of that content. The Education Professional Standards Board shall determine the minimum acceptable level of achievement on each assessment. The assessments shall measure those concepts, ideas, and facts which are being taught in teacher education programs in Kentucky. Upon successful completion of the assessments and the approved teacher preparation program, a *professional* certificate valid for *five (5) years*~~[one (1) year]~~ shall be issued.
 - (b) If an applicant for teacher certification has completed the approved teacher preparation program and has taken but failed to successfully complete the appropriate assessments selected by the Education Professional Standards Board, a conditional certificate may be issued for a period not to exceed one (1) year.~~[, if]~~ The employing school district, in collaboration with the teacher education institution, ~~shall agree to~~ provide technical assistance and mentoring support to the conditionally certified teacher. The teacher shall retake the assessments during the validity period of the conditional certificate. The conditional certificate shall not be reissued. Upon successful completion of the required assessments, a *professional* certificate valid for *five (5) years*~~[one (1) year]~~ shall be issued~~[and the teacher shall be eligible to participate in the internship program as provided in subsection (5) of this section. The teacher shall not be eligible to participate in the internship program while teaching on the conditional certificate]~~. The Education Professional Standards Board shall promulgate administrative regulations to establish the standards and procedures for issuance of ~~a~~~~the~~ conditional certificate.
 - (c) If an out-of-state teacher with less than two (2) years' experience comes to Kentucky after the deadline for taking the assessments, a temporary certificate may be issued for a period up to six (6) months~~[provided the local board cannot fill the vacant position with a certified teacher]~~. The teacher shall take the assessments ~~[if they are administered]~~ during the period of the temporary certificate. ~~[The certificate shall be extended for the remainder of the year if the teacher successfully completes the assessments.]~~ If the teacher fails the assessments, the temporary certificate shall be valid only for the current semester. ***If the teacher passes the assessments, a professional certificate valid for five (5) years shall be issued.***
- (4) A reasonable fee to be paid by the teacher and directly related to the actual cost of the administration of the assessments shall be established by the Education Professional Standards Board. Provisions shall be made for persons having less than minimum levels of performance on any assessment to repeat that assessment, and candidates shall be informed of their strengths and weaknesses in the specific performance areas. The Education Professional Standards Board shall provide for confidentiality of the individual assessment scores. Scores shall be available only to the candidate and to the education officials who are responsible for determining whether established certification standards have been met. Scores shall be used only in the assessment for certification of new teachers and of out-of-state teachers with less than two (2) years of teaching experience who are seeking initial certification in Kentucky.
- (5) ~~[Except as provided in subsection (3)(b) of this section, all new teachers and out-of-state teachers with less than two (2) years of successful teaching experience who are seeking initial certification in Kentucky shall~~

serve a one (1) year internship. The teacher shall be a full time employee or shall have an annual contract and serve on at least a half time basis and shall have supervision, assistance, and assessment during the one (1) year internship. The internship may be served in a public school or a nonpublic school which meets the state performance standards as established in KRS 156.160 or which has been accredited by a regional or national accrediting association. Successful completion shall be determined by a majority vote of the beginning teacher committee. The internship period shall be counted as experience for the purpose of continuing contract status, retirement eligibility, and benefits for single salary experience increments. Upon successful completion of the beginning teacher program, the one (1) year initial teaching certificate shall be extended for the remainder of the usual duration period established for that particular certificate by Education Professional Standards Board administrative regulations.

- (6) ~~The beginning teacher committee shall be composed of three (3) persons who have successfully completed special training in the supervision and assessment of the performance of beginning teachers as provided in subsection (8) of this section, except as provided in paragraph (g) of this subsection. The committee shall consist of a resource teacher, the school principal of the school where the internship is served, and a teacher educator appointed by a state approved teacher training institution.~~
- (a) ~~If more than two (2) teacher interns are employed in the same school, the principal's responsibility may be shared with an assistant principal who holds certification as a principal.~~
- (b) ~~In unusual situations, the Education Professional Standards Board may permit the assistant principal to serve in lieu of the principal on a beginning teacher committee.~~
- (c) ~~If the teacher training institution is unable to provide a member, the district superintendent shall appoint an instructional supervisor from the school district.~~
- (d) ~~If the intern is teaching in a regionally or nationally accredited nonpublic school without a principal, the person filling the principal member position may have other appropriate qualifications as required by administrative regulations promulgated by the Education Professional Standards Board.~~
- (e) ~~If the teacher training institution is unable to provide a member to serve on the beginning teacher committee in a nonpublic school, the chief officer of the school shall appoint an instructional supervisor or a teacher with like qualifications and responsibilities to serve on the beginning teacher committee in lieu of the teacher educator.~~
- (f) ~~The resource teacher shall be appointed by the Education Professional Standards Board with recommendations from the local school district from a pool of qualified resource teachers, and, any statutes to the contrary notwithstanding and to the extent of available appropriations, shall be entitled to be paid a reasonable stipend by the Education Professional Standards Board for work done outside normal working hours. In the case of a resource teacher in a nonpublic school, payment shall be made directly to the resource teacher by the Education Professional Standards Board. Priority shall be given to resource teachers in the following order, except as provided in paragraph (g) of this subsection:~~
- ~~1. Teachers with the same certification in the same school;~~
 - ~~2. Teachers with the same certification in the same district;~~
 - ~~3. Teachers in the same school;~~
 - ~~4. Teachers in the same district; and~~
 - ~~5. Teachers in an adjacent school district.~~
- (g) ~~1. The resource teacher for an individual pursuing initial certification as a baccalaureate level teacher of exceptional children/communication disorders shall be a master's level teacher of exceptional children/communication disorders, if one is available.~~
- ~~2. If a master's level teacher of exceptional children/communication disorders is not available, the Education Professional Standards Board may allow a licensed speech language pathologist to serve on the beginning teacher committee in lieu of a resource teacher.~~
- (h) ~~The committee shall meet with the beginning teacher a minimum of three (3) times per year for evaluation and recommendation with all committee members present. In addition, each member of the committee shall observe the beginning teacher in the classroom a minimum of three (3) times per year. If the teacher's first year performance is judged by the committee to be less than satisfactory, the teacher~~

shall be provided with an opportunity to repeat the internship one (1) time if the teacher is employed by a school district.

- ~~(7)~~ The resource teacher shall spend a minimum of seventy (70) hours working with the beginning teacher. Twenty (20) of these hours shall be in the classroom setting, and fifty (50) of these hours shall be in consultation other than class time or attending assessment meetings. The resource teacher shall have completed at least four (4) years of successful teaching experience as attested to by his or her immediate supervisor or by having achieved tenure and be able to show evidence of continuing professional development by having achieved a master's degree or its equivalent or the accumulation of two thousand (2,000) hours of continuing professional activities.
- ~~(8)~~ By contract with teacher education institutions in the Commonwealth, the Education Professional Standards Board shall provide special training for persons who will be serving on the beginning teacher committees. Completion of special training shall be evidenced by successfully passing the assessments as prescribed by the Education Professional Standards Board. A principal hired after July 15, 1996, shall be required to complete the beginning teacher committee training program within one (1) year after his or her appointment.
- ~~(9)~~ If an applicant establishes eligibility for a **five (5)**~~one (1)~~ year **professional** certificate under the provisions of subsection (3)(a) of this section~~, but does not become employed on the basis needed to satisfy the one (1) year internship requirement~~, the applicant shall **also** be eligible for the issuance of a certificate for substitute teaching as provided by the administrative regulations of the Education Professional Standards Board.~~The applicant shall remain eligible for the one (1) year certificate, as provided in subsection (3)(a) of this section, and for the opportunity to serve the internship for a period of five (5) years after establishing eligibility. If the internship is not completed within the five (5) year period, the applicant must reestablish eligibility by repeating and passing the assessment program in effect for new teachers at that time or by completing a minimum of six (6) graduate hours toward completion of a graduate program required by administrative regulations promulgated by the Education Professional Standards Board. The option for renewal through completion of graduate hours shall be available only for the first reestablishment of eligibility.~~
- ~~(6)~~~~(10)~~ (a) The Education Professional Standards Board shall issue a ten (10) year emeritus certificate to an applicant who has:
1. Retired or will retire not more than one (1) year prior to the expiration date of the certificate;
 2. Met the requirements to receive an emeritus certificate as set forth in administrative regulation promulgated by the Education Professional Standards Board; and
 3. Completed the required application unless the provisions of KRS 161.120 apply.
- (b) The Education Professional Standards Board shall issue a one (1) time five (5) year exception certificate to an individual:
1. Whose certificate has expired;
 2. Whose rank upon expiration was Rank I or Rank II;
 3. Who has met the requirements to receive an exception certificate as set forth in administrative regulation promulgated by the Education Professional Standards Board;
 4. Who completed three (3) years of classroom instruction prior to the certificate's expiration; and
 5. Who has completed the required application unless the provisions of KRS 161.120 apply.
- ~~(7)~~~~(11)~~ The Education Professional Standards Board shall approve the curricula of any college or university, or of any department thereof, for the training of teachers, and any nontraditional or alternative teacher preparation program offered in a public or private postsecondary education institution, private contractor, or state agency, and shall also approve the curricula of any local district alternative certification program, when the curricula comply with the administrative regulations of the Education Professional Standards Board for the issuance of certificates and when the institution has met the terms and conditions provided in KRS 161.010 to 161.120. Any student who has completed any of these curricula, as approved by the Education Professional Standards Board, and who has completed the prescribed requirements for the issuance of certificates shall be granted a certificate corresponding to the curricula completed.
- ~~(8)~~ **The issuance of any certificate, except emergency certificates issued pursuant to KRS 161.100, by the Education Professional Standards Board shall not be dependent upon an offer of employment. The certification process, except for emergency certificates, is independent of any job prospects and certification**

shall be awarded on the basis of completing a teacher preparation program or an alternative certification pathway and passing required assessments.

➔ SECTION 2. A NEW SECTION OF KRS CHAPTER 161 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
 - (a) *"Mentor" means an educator who has at least three (3) full years of experience under a professional certificate and who has been trained to assist a beginning educator in the same professional role with his or her professional responsibilities and general school and district procedures; and*
 - (b) *"New teacher induction and mentor program" means a multiyear, structured program of mentorship and professional development in which trained mentors provide constructive feedback to new teachers.*
- (2) *The Education Professional Standards Board shall develop standards and guidance for local districts to implement new teacher induction and mentor programs. All school districts shall provide an induction program for teachers in their first year of teaching.*
- (3) *Standards for new teacher induction and mentor programs shall include but not be limited to the following:*
 - (a) *An orientation program for new teachers and other incoming teachers to be provided at the beginning of and throughout the first year of employment;*
 - (b) *Assignment of a mentor teacher to a new teacher within the first two (2) weeks of teaching and remaining with the new teacher for the first year of the new teacher's employment in the school. The mentoring relationship shall be composed of activities that the beginning teacher and mentor participate in together, including but not limited to coteaching, lesson planning, and observation;*
 - (c) *The creation of a support team to provide assistance for new teachers, including focus on each new teacher's individual professional growth and development plan;*
 - (d) *Workshops and training, including professional development opportunities specifically designed for the beginning teacher that provides vital information on topics relevant during the first year in the classroom;*
 - (e) *Workshops and training for mentors prior to assignment to a beginning teacher on the skills necessary for effective mentoring;*
 - (f) *Opportunities for the new teacher to meet with the assigned mentor to share successes and troubleshooting strategies;*
 - (g) *Support teams to link the beginning teacher with a network of teachers in the school or district, in addition to their mentor, that the beginning teacher can rely on for assistance and guidance, especially for content specialization; and*
 - (h) *Formative and summative evaluations to provide feedback for a beginning teacher to gain an understanding of his or her strengths and weaknesses and to grow professionally.*
- (4) *The Education Professional Standards Board shall develop evaluations and rubrics aligned to state academic standards and state and local procedures that shall be based on the following standards of effective teaching:*
 - (a) *Curriculum, content mastery, planning, and assessment;*
 - (b) *Teaching all students; and*
 - (c) *Family engagement.*
- (5) *Rubrics shall describe practice in detail at different levels of performance.*
- (6) *Categories of evidence shall be included to assess educator performance, including multiple measures of student learning, observations, and additional relevant evidence.*
- (7) *Evaluations shall include new teacher self-assessment, individual goal setting and plan development, implementation of the plan, formative assessment, and a summative evaluation.*
- (8) *Beginning October 1, 2024, and by October 1 each year thereafter, the Education Professional Standards Board shall provide a report to the Legislative Research Commission for referral to the Interim Joint Committee on Education. The report shall include but not be limited to:*

- (a) *The number of mentor teachers and the educator preparation programs that were attended by the mentor teachers;*
 - (b) *The number of new teachers and the educator preparation programs that were attended by the new teachers;*
 - (c) *An analysis of how prepared new teachers are upon entering the profession;*
 - (d) *The types of training utilized by districts to train new teachers, mentors, and support teams;*
 - (e) *The types of remediation or supports needed by districts for new teachers that were not covered in the educator preparation programs;*
 - (f) *The major components of each new teacher induction and mentor program;*
 - (g) *How new teacher induction and mentor programs are operated and funded;*
 - (h) *How long new teachers receive mentor support;*
 - (i) *The estimated annual amount spent per new teacher;*
 - (j) *Measures being utilized to gauge the new teacher induction and mentor program's effectiveness; and*
 - (k) *Impact on teacher retention.*
- (9) ***The Education Professional Standards Board shall accumulate long-term data for analysis of the impact of teacher induction and mentor programs on new teacher retention.***

➔Section 3. KRS 156.101 is amended to read as follows:

- (1) The purpose of this section is to encourage and require the maintenance and development of effective instructional leadership in the public schools of the Commonwealth and to recognize that principals, with the assistance of assistant principals, supervisors of instruction, guidance counselors, and directors of special education, have the primary responsibility for instructional leadership in the schools to which they are assigned.
- (2) For the purpose of this section, "instructional leader" shall be defined as an employee of the public schools of the Commonwealth employed as a principal, assistant principal, supervisor of instruction, guidance counselor, director of special education, or other administrative position deemed by the Education Professional Standards Board to require an administrative certificate.
- (3) In order to carry out the purpose of this section, the Kentucky Board of Education shall establish a statewide program to improve and maintain the quality and effectiveness of instructional leadership in the public schools of the Commonwealth.
- (4) The instructional leader improvement program shall contain the following provisions:
 - (a) Each instructional leader employed by the public schools of the Commonwealth shall participate in a continuing intensive training program designed especially for instructional leaders;
 - (b) ~~1. Effective until June 30, 2006, every two (2) years each instructional leader shall complete an intensive training program approved by the Kentucky Board of Education to include no fewer than forty two (42) participant hours of instruction;~~
 2. ~~Effective July 1, 2006,]~~Each instructional leader shall annually complete an intensive training program approved by the Kentucky Board of Education to include no fewer than twenty-one (21) participant hours of instruction;
 - (c) The Kentucky Board of Education shall prescribe specific criteria for the training program~~[, which shall include a provision to allow an instructional leader to annually receive three (3) participant hours credit for duties performed as part of a beginning teacher committee pursuant to KRS 161.030(6). A maximum of six (6) participant hours credit shall be awarded annually for serving on multiple beginning teacher committees].~~ The Kentucky Department of Education may contract for specific training with qualified agencies or institutions or approve programs offered by training providers, including local district training programs, except that the department shall ensure the requirements of paragraph (d) of this subsection are met; and
 - (d) Annually, each local district superintendent shall report to the Kentucky Department of Education any instructional leader who fails to complete the training requirements of paragraph (b) of this subsection

and shall place the leader on probation for one (1) year. The Department of Education shall verify completion of the required training. If the required training for the prior year and the current year is not completed during the probationary period, the Department of Education shall forward the information to the Education Professional Standards Board, which shall revoke the instructional leader's certificate.

- (5) The Kentucky Department of Education shall ensure that training options in human resource management and conflict resolution techniques are available to education leaders throughout the state.
- (6) This section shall be known as the "Effective Instructional Leadership Act."

➔Section 4. KRS 161.010 is amended to read as follows:

As used in KRS 161.020 to 161.134:

- (1) "College or university work of graduate grade" means academic preparation which extends beyond the usual four (4) year program of undergraduate studies leading to a bachelor's degree and which is completed at a college or university accredited for the graduate level;
- (2) "Continuing education" means study or other activities to provide professional improvement and personal growth for certified teachers throughout their career. It may include, but shall not be limited to, university courses, an advanced degree, or a combination of field-based experience, individual research, and approved professional development activities, pursuant to KRS 156.095;
- (3) "Professional certificate" means the document issued to an applicant upon completion of an approved program of preparation~~[- recommendation by the educator preparation provider,]~~ and successful completion of the assessments in the area in which certification is being sought~~[- and if applicable, successful completion of any internship requirements, unless otherwise waived under KRS 161.030 based on preparation and experience completed outside of Kentucky];~~
- (4) "Provisional certificate" means the document issued to an individual prior to the issuance of a professional certificate;
- (5) "Standard college or university" means an institution accredited by the Southern Association of Colleges and Schools or by one of the other recognized regional accrediting agencies or by the Education Professional Standards Board;
- (6) "Student teacher" means an adult who has completed the prerequisite teacher preparation as prescribed by the accredited teacher education institution in which he or she is enrolled, and who is jointly assigned by the institution and a local school district to engage in a period of practice teaching under the direction and supervision of the administrative and teaching staff of the school district and the institution; and
- (7) "Teacher's aide" means an adult school employee who works under the direction of the professional administrative and teaching staff in performing, within the limitations of his or her training and competency, certain instructional and noninstructional functions in the school program including, but not limited to, clerical duties, tutoring individual pupils, leading pupils in recreational activities, conducting pupils from place to place, assisting with classroom instruction as directed by the teacher, aiding the school librarian, and preparing and organizing instructional materials and equipment.

➔Section 5. KRS 161.032 is amended to read as follows:

- (1) (a) There is hereby created a certification incentive fund in the State Treasury to be administered by the Education Professional Standards Board. The fund shall provide grants to eligible recipients for conducting institutes as described in KRS 161.048(8), including the costs of salaries of institute instructors, consultants, materials, stipends and loans to participants, other costs associated with the institutes, and costs of assistance to teachers throughout their first year of teaching.
- (b) Eligible recipients of grant funds may be nonprofit organizations, institutions, and agencies, including but not limited to postsecondary education institutions, school districts, education cooperatives, and consortia of school districts.
- (c) The Education Professional Standards Board shall promulgate administrative regulations establishing standards and procedures for the grant program, including minimal participation levels and maximum grant awards.
- (2) (a) ~~Priority for the institutes funded under this section for academic years 2008-2009 through 2011-2012 shall be for the purpose of certifying teachers in high school mathematics, chemistry, integrated science, and physics, and middle school mathematics and earth science under the provisions of KRS 161.048~~

~~(8), Option 7: Certification of a person in a field other than education to teach in elementary, middle, or secondary programs. At the completion of academic year 2011-2012,]The Education Professional Standards Board shall determine priority for specific institutes.~~

- (b) The board shall request proposals and approve at least one (1) summer institute for the purpose described in paragraph (a) of this subsection each academic year. The institute shall be a minimum of ninety (90) clock hours, based on six (6) hour days for a three (3) week period.
 - (c) Each individual who completes a summer institute shall have additional hours of formal instruction or assistance during the first year of teaching to reach the minimum number of clock hours as required in KRS 161.048(8)(b){2}.
 - (d) ~~[Notwithstanding KRS 161.030, an alternative teacher certification candidate participating in the institute described in the provisions of this subsection shall not be required to participate in the teacher internship program until the second year of teaching.]The candidate shall be assigned a teacher mentor by the grant recipient the first year of teaching. Payment of the teacher mentor shall be from the grant provided under subsection (1) of this section.~~
- (3) (a) Individuals who are accepted into an institute shall be provided a forgivable loan incentive at the beginning of the institute to encourage their participation. The amount of the forgivable loan shall be determined by the Education Professional Standards Board. The loan shall be forgiven if the participant teaches in a Kentucky public or Kentucky Board of Education certified nonpublic school for one (1) year within the three (3) years following the awarding of the loan.
 - (b) If an individual does not successfully complete the institute or teach ~~mathematics or science~~ in a qualifying Kentucky school, the loan must be repaid according to procedures promulgated in administrative regulation by the Kentucky Higher Education Assistance Authority.
 - (c) The Education Professional Standards Board shall enter into a memorandum of understanding with the Kentucky Higher Education Assistance Authority to administer the forgivable loan incentive under this section. Based on the memorandum of understanding, the authority may retain a portion of the funds for administering the forgivable loan incentive. Funds recovered under provisions of this section, minus the administrative costs, shall be returned to the State Treasury.
- (4) Each individual who successfully completes a summer institute shall be awarded a stipend equal to the amount of the forgivable loan as described in subsection (3) of this section. The stipend shall be awarded at the end of the institute without restrictions.
 - (5) Grant recipients and local school districts may offer financial incentives to potential participants and individuals who complete an institute from fund sources other than the grant funds.

➔Section 6. KRS 161.048 is amended to read as follows:

- (1) The General Assembly hereby finds that:
 - (a) 1. There are persons who have distinguished themselves through a variety of work and educational experiences that could enrich teaching in Kentucky schools;
 - 2. There are distinguished scholars who wish to become teachers in Kentucky's public schools, but who did not pursue a teacher preparation program;
 - 3. There are persons who should be recruited to teach in Kentucky's public schools as they have academic majors, strong verbal skills as shown by a verbal ability test, and deep knowledge of content, characteristics that empirical research identifies as important attributes of quality teachers;
 - 4. There are persons who need to be recruited to teach in Kentucky schools to meet the diverse cultural and educational needs of students; and
 - 5. There should be alternative procedures to the traditional teacher preparation programs that qualify persons as teachers;
- (b) There are hereby established alternative certification program options as described in subsections (2) to (10) of this section;
- (c) It is the intent of the General Assembly that the Education Professional Standards Board inform scholars, persons with exceptional work experience, and persons with diverse backgrounds who have

potential as teachers of these options and assist local boards of education in implementing these options and recruitment of individuals who can enhance the education system in Kentucky;

- (d) The Education Professional Standards Board may reject the application of any candidate who is judged as not meeting academic requirements comparable to those for students enrolled in Kentucky teacher preparation programs; and
 - (e) The Education Professional Standards Board shall promulgate administrative regulations establishing standards and procedures for the alternative certification options described in this section. If the certification option requires employment prior to certification, the procedures shall establish a process for candidates to obtain an eligible for hire letter from the Education Professional Standards Board.
- (2) Option 1: Certification of a person with exceptional work experience. An individual who has exceptional work experience ~~and has been offered employment in a local school district~~ shall receive a one (1) year provisional certificate with approval by the Education Professional Standards Board of ~~an~~ ~~a joint~~ application by the individual ~~and the employing school district~~ under the following conditions:
- (a) The application contains documentation of all education and work experience;
 - (b) The candidate has documented exceptional work experience in the area in which certification is being sought; and
 - (c) The candidate possesses:
 1. A bachelor's degree or a graduate degree;
 2. A minimum cumulative grade point average of two and seventy-five hundredths (2.75) on a four (4) point scale or a minimum grade point average of three (3.0) on a four (4) point scale on the last thirty (30) hours of credit completed, including undergraduate and graduate coursework from a nationally or regionally accredited postsecondary institution; and
 3. An academic major or a passing score on the academic content assessment in the area in which certification is being sought by the applicant as designated by the Education Professional Standards Board.

~~[The candidate shall participate in the teacher internship program under KRS 161.030.]~~ After successful completion of *one (1) year of teaching and upon the recommendation of the employing school district to the Education Professional Standards Board* ~~[the internship program]~~, the candidate shall receive a professional certificate and shall be subject to certificate renewal requirements the same as other teachers with a professional certificate.

- (3) Option 2: Certification through a local school district training program. A local school district or group of school districts may seek approval for a training program. The state-approved local school district training program is an alternative to the college teacher preparation program as a means of acquiring teacher certification for a teacher at any grade level. The training program may be offered for all teaching certificates approved by the Education Professional Standards Board, including interdisciplinary early childhood education, except for specific certificates for teachers of exceptional children. To participate in a state-approved local school district alternative training program, the candidate shall possess:
- (a) A bachelor's degree or a graduate degree;
 - (b) A minimum cumulative grade point average of two and seventy-five hundredths (2.75) on a four (4) point scale or a minimum grade point average of three (3) on a four (4) point scale on the last thirty (30) hours of credit completed, including undergraduate and graduate coursework from a nationally or regionally accredited postsecondary institution; *and*
 - (c) A passing score on the academic content assessment in the area in which certification is being sought by the applicant as designated by the Education Professional Standards Board. To be eligible to take an academic content assessment, the applicant shall have completed a thirty (30) hour major in the academic content area or five (5) years of experience in the academic content area as approved by the Education Professional Standards Board; ~~and~~
 - ~~(d) An offer of employment in a school district which has a training program approved by the Education Professional Standards Board.~~

An individual may participate in a local school district training program upon meeting the participation requirements as established in this subsection and approval by the Education Professional Standards Board

~~of an application by the individual.~~ The candidate shall be issued a one (1) year provisional certificate by the Education Professional Standards Board. ~~The candidate shall participate in the teacher internship program under KRS 161.030.~~ After successful completion of **the local school district training program, one (1) year of teaching, and upon the recommendation of the employing school district to the Education Professional Standards Board** ~~of the internship program~~, the candidate shall receive a professional certificate and shall be subject to certificate renewal requirements the same as other teachers with a professional certificate.

- (4) Option 3: Certification of a professional from a postsecondary institution: A candidate who possesses the following qualifications may receive a one (1) year provisional certificate for teaching at any level:
- (a) A master's degree or doctoral degree in the academic content area for which certification is sought; **and**
 - (b) A minimum of five (5) years of full-time teaching experience, or its equivalent, in the academic content area for which certification is sought in a regionally or nationally accredited institution of higher education; ~~and~~
 - ~~(c) An offer of employment in a school district which has been approved by the Education Professional Standards Board.~~

~~The candidate shall participate in the teacher internship program under KRS 161.030.~~ After successful completion of **one (1) year of teaching and upon the recommendation of the employing school district to the Education Professional Standards Board** ~~of the internship program~~, the candidate shall receive a professional certificate and shall be subject to certificate renewal requirements the same as other teachers with professional certificates.

- (5) Option 4: Certification of an adjunct instructor. A person who has expertise in areas such as art, music, foreign language, drama, science, computer science, and other specialty areas may be employed as an adjunct instructor in a part-time position by a local board of education under KRS 161.046.
- (6) Option 5: Certification of a veteran of the Armed Forces. The Education Professional Standards Board shall issue a statement of eligibility, valid for five (5) years, for teaching at the elementary, secondary, and secondary career technical education levels to a veteran of the Armed Forces who was honorably discharged from active duty as evidenced by Defense Department Form 214 (DD 214) or National Guard Bureau Form 22 or to a member of the Armed Services currently serving with six (6) or more years of honorable service, including Reserves, National Guard, or active duty. The candidate shall possess:
- (a) A bachelor's degree or graduate degree;
 - (b) A minimum cumulative grade point average of two and seventy-five hundredths (2.75) on a four (4) point scale or a minimum grade point average of three (3) on a four (4) point scale on the last thirty (30) hours of credit completed, including undergraduate and graduate coursework from a nationally or regionally accredited postsecondary institution; and
 - (c) An academic major or a passing score on the academic content assessment in the area in which certification is being sought by the applicant as designated by the Education Professional Standards Board.

~~Upon an offer of employment by a school district,~~ The eligible veteran shall receive a one (1) year provisional certificate with approval by the Education Professional Standards Board of **an** ~~a joint~~ application by the veteran ~~and the employing school district~~. ~~During this year, the veteran shall participate in the teacher internship program under KRS 161.030.~~ After successful completion of **one (1) year of teaching and upon the recommendation of the employing school district to the Education Professional Standards Board** ~~of the internship program~~, the veteran shall receive a professional certificate.

- (7) Option 6: University alternative program. With approval of the Education Professional Standards Board, a university may provide an alternative program that enrolls students in a postbaccalaureate teacher preparation program concurrently with employment as a teacher in a local school district. A student in the alternative program shall be granted a one (1) year provisional certificate ~~and shall participate in the Kentucky teacher internship program, notwithstanding provisions of KRS 161.030. A student may not participate in the internship program until the student has successfully completed the assessments required by the board~~. The one (1) year provisional certificate may be renewed four (4) additional years, and shall be contingent upon the candidate's continued enrollment in the preparation program and compliance with all requirements established by the board. A professional certificate shall be issued upon the teacher candidate's successful completion of the program ~~, the internship program requirements,~~ and all academic content assessments in the specific

teaching field of the applicant as designated by the Education Professional Standards Board, *and upon the recommendation of the employing school district.*

- (8) Option 7: Certification of a person in a field other than education to teach in elementary, middle, or secondary programs. This option shall not be limited to teaching in shortage areas. An individual certified under provisions of this subsection shall be issued a one (1) year provisional certificate, renewable for a maximum of four (4) additional years with approval of the Education Professional Standards Board.

(a) The candidate shall possess:

1. A bachelor's degree with a declared academic major in the area in which certification is sought or a graduate degree in a field related to the area in which certification is sought; *and*
2. A minimum cumulative grade point average of two and seventy-five hundredths (2.75) on a four (4) point scale or a minimum grade point average of three (3) on a four (4) point scale on the last thirty (30) hours of credit completed, including undergraduate and graduate coursework from a nationally or regionally accredited postsecondary institution;
3. ~~A passing score on the GRE or equivalent as designated by the Education Professional Standards Board. A candidate who has a terminal degree shall be exempt from the requirements of this subparagraph; and~~
4. ~~A passing score on the academic content assessment in the area in which certification is being sought as designated by the Education Professional Standards Board.~~

(b) *Upon meeting the requirements of paragraph (a) of this subsection and enrolling in an approved institute, the Education Professional Standards Board shall issue the candidate a* ~~Prior to receiving the~~ one (1) year provisional certificate or during the first year of the certificate, the teacher shall complete the following:

1. For elementary teaching, the individual shall successfully complete ~~the equivalent of~~ a two hundred forty (240) hour institute *that is an equivalent of*, ~~based on~~ six (6) hour days for eight (8) weeks. The providers and the content of the institute shall be approved by the Education Professional Standards Board. The content shall include research-based teaching strategies in reading and math, research on child and adolescent growth, knowledge of individual differences, including teaching exceptional children, and methods of classroom management.
2. For middle and secondary teaching, the individual shall successfully complete ~~the equivalent of~~ a one hundred eighty (180) hour institute *that is an equivalent of*, ~~based on~~ six (6) hour days for six (6) weeks. The providers and the content of the institute shall be approved by the Education Professional Standards Board and shall include research-based teaching strategies, research on child and adolescent growth, knowledge of individual differences, including teaching exceptional children, and methods of classroom management.

(c) ~~The candidate shall participate in the teacher internship program under KRS 161.030. After successful completion of the internship program,~~ The candidate shall receive a professional certificate and shall be subject to certificate renewal requirements the same as other teachers with a professional certificate:

1. *After meeting the requirements of this option;*
2. *After obtaining a passing score on the academic content assessment in the area in which certification is being sought;*
3. *After successfully completing one (1) year of teaching; and*
4. *Upon the recommendation of the employing school district to the Education Professional Standards Board.*

- (9) Option 8: Certification of a Teach for America participant to teach in elementary, middle, or high schools. Nothing in this subsection shall conflict with the participation criteria of the Teach for America program. An individual certified under this subsection shall be issued a one (1) year provisional certificate.

(a) The candidate shall possess:

1. ~~An offer of employment from a local school district;~~
2. ~~A bachelor's degree;~~

- 2.~~3.~~ A successful completion of the summer training institute and ongoing professional development required by Teach for America, including instruction in goal-oriented, standards-based instruction, diagnosing and assessing students, lesson planning and instructional delivery, classroom management, maximizing learning for diverse students, and teaching methodologies; and
- 3.~~4.~~ A passing score on the academic content assessment in the area in which certification is being sought as designated by the Education Professional Standards Board.
- (b) The provisional certificate granted under ~~paragraph (a) of~~ this subsection may be renewed two (2) times with a recommendation of the superintendent and approval of the Education Professional Standards Board.
- (c) A Teach for America participant ~~who is approved for a second renewal of his or her provisional certificate under paragraph (b) of this subsection may participate in the teacher internship program under KRS 161.030.~~
- ~~(d)~~ A Teach for America participant shall be issued a professional certificate upon the participant's successful completion of *one (1) year of teaching* ~~the internship program~~ and *the* assessments relating to teaching of subject matter required by the Education Professional Standards Board under KRS 161.030, *and upon the recommendation of the employing school district to the Education Professional Standards Board.*
- ~~(d)(e)~~ Notwithstanding any statute or administrative regulation to the contrary, a teacher certified under this subsection shall have ten (10) years ~~from the date that the teacher successfully completed the internship program~~ to complete a master's degree or fifth year program, or the equivalent as specified by the Education Professional Standards Board in administrative regulation.
- (10) Option 9: Expedited certification of a person to teach at any grade level through a cooperative program. With approval of the Education Professional Standards Board, a college or university may partner with a school district to develop an expedited certification program that results in a bachelor's degree and initial certification within three (3) school years.
- (a) The program shall:
1. Include a residency or paraprofessional component which employs the person within the participating district for the duration of the program to gain work experience to supplement the expedited program and reduced coursework;
 2. Utilize experienced teachers employed by the district to provide coaching and to mentor the candidates; and
 3. Be designed to meet the needs of the participating district and may include an emphasis in developing a teacher pipeline for the district's students, improving the numbers of underrepresented populations among the district's workforce, or focusing on increasing the number of teachers with certification areas that are in high demand.
- (b) A school district entering into a cooperative partnership shall ensure the availability of funding for each candidate employed within the district in the residency or paraprofessional program for the duration of the candidate's participation in the program. However, nothing in this subsection shall be interpreted as requiring the district to continue employing the candidate during the program or after the candidate has received initial certification.
- (c) A person who has begun a traditional path or another option for certification shall be eligible to transfer into this option if the person meets the program's requirements.
- (d) If a school district participating in a cooperative partnership determines to end the partnership, the district shall no longer accept new candidates to the program but shall continue the partnership until the district's employed candidates for Option 9 certification complete the program or are no longer employed by the district.
- (11) A public school teacher certified under subsections (2) to (10) of this section shall be placed on the local district salary schedule for the rank corresponding to the degree held by the teacher.
- (12) Subsections (1) to (3) of this section notwithstanding, a candidate who possesses the following qualifications may receive certification for teaching programs for exceptional students:

- (a) An out-of-state license to teach exceptional students; *and*
- (b) A bachelor's or master's degree in the certification area or closely related area for which certification is sought; ~~and~~
- ~~(c) Successful completion of the teacher internship program requirement required under KRS 161.030.~~

➔ Section 7. KRS 161.049 is amended to read as follows:

- (1) As used in this section, "professional support team" means a school principal, an experienced teacher, a college or university faculty member, and an instructional supervisor. If an instructional supervisor or college or university faculty member is not available, the district shall assign a member with comparable experience. The school principal shall serve as the chairman of the team.
- (2) The Education Professional Standards Board shall establish a training program for professional support teams which shall be implemented by the board or contracted with another agency. The training shall include content and procedures for the evaluation of teacher candidates. Completion of the training shall be evidenced by successfully passing the examinations prescribed by the board.
- (3) A local school district seeking to hire a teacher pursuant to KRS 161.048(3) shall submit a plan for a local district alternative training program to the Education Professional Standards Board and have it approved in accordance with administrative regulations established by the Board. The district shall show evidence that it has sought joint sponsorship of the program with a college or university. No local school district shall employ a teacher seeking certification in a state-approved local district training program unless it has submitted a plan and received approval by the Education Professional Standards Board.
- (4) Each state approved local district alternative training program shall provide the teacher candidate with essential knowledge and skills and include, but not be limited to, the following components:
 - (a) A full-time seminar and practicum of no less than eight (8) weeks' duration prior to the time the candidate assumes responsibility for a classroom. The content of the formal instruction shall be prescribed by the Education Professional Standards Board and shall include an introduction to basic teaching skills through supervised teaching experiences with students, as well as an orientation on the policies, organization, and curriculum of the employing district.
 - (b) A period of classroom supervision while the candidate assumes responsibility on a one-half (1/2) time basis for a classroom and continuing for eighteen (18) weeks. During this period, the candidate shall be visited and critiqued no less than one (1) time per week by one (1) or more members of a professional support team appointed by the local district and assigned according to the administrative regulations adopted by the Education Professional Standards Board. The candidate shall be formally evaluated at the end of five (5) weeks, at the end of the second five (5) weeks, and at the end of the last eight (8) weeks by the members of the team. During this period, the candidate shall continue formal instruction which emphasizes student assessment, child development, learning, curriculum, instruction of exceptional children, and school and classroom organization.
 - (c) An additional period of at least eighteen (18) weeks continued supervision of the teacher candidate who may be assigned full-time classroom duties. During this period the teacher candidate shall be critiqued at least once per month and shall be observed formally and evaluated at least twice. No more than two (2) months shall pass without a formal observation. Formal instruction shall also continue during this period. In addition, opportunities shall be provided for the teacher candidate to observe the teaching of experienced teachers.
- (5) At least two hundred fifty (250) hours of formal instruction shall be provided in all three (3) phases of the program combined.
- (6) At the conclusion of the alternative training program, the chair of the support team shall prepare a comprehensive evaluation report on the teacher candidate's performance. This report shall be submitted to the Education Professional Standards Board and shall contain a recommendation as to whether the teacher candidate shall be issued a *teaching certificate* ~~[one (1)-year certificate of eligibility to complete the internship pursuant to KRS 161.030]~~. The support team shall make one (1) of the following recommendations:
 - (a) Approved: recommends issuance of *the* certificate ~~[to complete the internship]~~;
 - (b) Insufficient: recommends the candidate be allowed to seek reentry into a teacher preparation program; or

(c) Disapproved: recommends the candidate not be allowed to enter a teacher preparation program.

➔Section 8. KRS 161.053 is amended to read as follows:

- (1) The Education Professional Standards Board shall have the authority and responsibility to certify as a teacher of exceptional children/communication disorders, an individual who has:
 - (a) Completed an approved program of preparation that corresponds to the certificate;
 - (b) Achieved a passing score on an appropriate assessment as determined by the Education Professional Standards Board;
 - (c) Fulfilled other requirements for teacher certification as determined by the Education Professional Standards Board, in accordance with KRS Chapter 161 and administrative regulations promulgated thereunder; and
 - (d) Completed the requirements set forth in subsection (2) of this section.
- (2) The Education Professional Standards Board shall issue two (2) levels of certification for teachers of exceptional children/communication disorders:
 - (a) Baccalaureate level certification shall be issued to a person who has:
 1. Completed an approved program of preparation leading to a bachelor's degree in speech-language pathology;
 2. Been granted licensure as a speech-language pathology assistant from the Kentucky Board of Speech-Language Pathology and Audiology, under KRS Chapter 334A; and
 3. Completed the other requirements set forth in subsection (1) of this section; and
 - (b) Master's level certification shall be issued to a person who has:
 1. Completed an approved program of preparation leading to a master's degree in speech-language pathology; and
 2. Completed the other requirements specified in subsection (1) of this section.
- (3) A person holding licensure through the Kentucky Board of Speech-Language Pathology and Audiology as a speech-language pathology assistant, but not certified as a teacher of exceptional children/communication disorders, may:
 - (a) Continue to work in the public schools as a classified employee under the provisions of KRS Chapter 334A and administrative regulations promulgated by the Kentucky Board of Speech-Language Pathology and Audiology; or
 - (b) Pursue certification as a baccalaureate level teacher of exceptional children/communication disorders while working as a speech-language pathology assistant.
- (4) ~~{Candidates for certification as a teacher of exceptional children/communication disorders shall participate in the teacher internship program under KRS 161.030.~~
- ~~(5)~~—A bachelor's level teacher of exceptional children/communication disorders shall work under requirements for speech-language pathology assistants set forth in KRS Chapter 334A.
- ~~(5)~~~~{(6)}~~ The Education Professional Standards Board shall develop a policy through the promulgation of administrative regulations by June 30, 2001, to permit a speech-language pathology assistant with two (2) years or more of successful professional experience pursuing certification as a baccalaureate level teacher of exceptional children to:
 - (a) Substitute prior professional experience for student teaching requirements; and
 - (b) Substitute prior professional experience for beginning teacher internship requirements.
- ~~(6)~~~~{(7)}~~ A teacher of exceptional children/communication disorders shall receive salary and benefits, including membership in the Teachers' Retirement System, commensurate with his or her education, certification, and experience as prescribed by law. Years of experience as a speech-language pathology assistant shall be included in the calculation of all benefits, including membership in the Teachers' Retirement System, for individuals with baccalaureate level certification as a teacher of exceptional children/communication disorders.

➔Section 9. The following KRS section is repealed:

161.1222 Pilot teacher internship program -- Report to Interim Joint Committee on Education -- Appropriated funds.

➔Section 10. Whereas additional certified teachers are needed in Kentucky's classrooms and alternate pathways will increase the numbers of certified teachers, an emergency is declared to exist, and Section 6 of this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 9, 2024.

CHAPTER 125

(HB 477)

AN ACT relating to the diagnosis of sepsis.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

To encourage the early identification and treatment of sepsis and for consistency with the ICD-10 coding classification system utilized by the federal Centers for Medicare and Medicaid Services, the Department for Medicaid Services and any managed care organization with which the department contracts for the delivery of Medicaid services shall use and apply clinical criteria for sepsis that requires no more than:

- (1) *A provider's diagnosis of sepsis and that a suspected or confirmed source of infection is present; and*
- (2) *The presence of two (2) or more symptoms indicating inflammatory response syndrome which may include elevated values of the patient's body temperature, heart rate, white blood count, or respiratory rate.*

Signed by Governor April 9, 2024.

CHAPTER 126

(HB 727)

AN ACT relating to school district buildings.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 162 IS CREATED TO READ AS FOLLOWS:

For the purpose of defraying the cost of constructing or acquiring any school buildings and appurtenances for common school purposes, any school district may issue a bond sold directly to banks, private investors, and financial institutions.

➔Section 2. KRS 157.611 is amended to read as follows:

- (1) By establishing the School Facilities Construction Commission, the General Assembly expresses its commitment to help local districts meet the school construction needs and the education technology needs of the state in a manner which will insure an equitable distribution of funds based on unmet facilities need and the total implementation of the Kentucky Education Technology System.
- (2) The commission is empowered to act on behalf of school districts to issue bonds in the name of the commission and to enter into lease agreements with local boards of education to finance construction of new facilities, major renovation of existing school facilities. The commission is also empowered to enter into agreements which may provide for a percentage discount, on a biennially renewable basis, of annual lease agreements due the commission for those districts which participate. The commission is also empowered to enter into lease agreements with the Department of Education to build state-owned facilities operated by the Department of Education or to purchase or lease education technology equipment and related software identified in the technology master plan for those facilities or the Department of Education.

- (3) The commission shall assist local school boards meet their education technology needs by distributing state funds appropriated for this purpose and by assisting school boards to design efficient finance plans for the bonding, purchase or lease of education technology equipment and related software identified in the technology master plan.
- (4) The commission shall administer two (2) separate programs: the school construction funding program and the education technology funding program. Funds appropriated for each program shall be maintained, administered, and audited separately.
- (5) Nothing in KRS 157.611 to 157.640 shall prohibit a school district from issuing bonds, *including general obligation bonds*, in accordance with KRS Chapter **66 or 162**.

➔Section 3. KRS 160.160 is amended to read as follows:

- (1) Each school district shall be under the management and control of a board of education consisting of five (5) members, except in counties containing a city of the first class wherein a merger pursuant to KRS 160.041 shall have been accomplished which shall have seven (7) members elected from the divisions and in the manner prescribed by KRS 160.210(5), to be known as the "Board of Education of, Kentucky." Each board of education shall be a body politic and corporate with perpetual succession. It may sue and be sued; make contracts; expend funds necessary for liability insurance premiums and for the defense of any civil action brought against an individual board member in his official or individual capacity, or both, on account of an act made in the scope and course of his performance of legal duties as a board member; purchase, receive, hold, and sell property; issue its bonds to build and construct improvements; and do all things necessary to accomplish the purposes for which it is created. Each board of education shall elect a chairman and vice chairman from its membership in a manner and for a term prescribed by the board not to exceed two (2) years.
- (2) No board of education shall participate in any financing of school buildings, school improvements, appurtenances thereto, or furnishing and equipment, including education technology equipment without:
 - (a) First establishing the cost of the project in advance of financing, based on the receipt of advertised, public, and competitive bids for such project, in accordance with KRS Chapter 424; and
 - (b) Establishing the cost of financing in advance of the sale of any bonds, certificates of participation in any leases, or other evidences of financial commitments issued by or on behalf of such board. Any bonds, leases, participations, or other financial arrangements shall not involve a final commitment of the board until the purchaser or lender involved shall have been determined by public advertising in accordance with KRS Chapter 424.
- (3) No board of education shall make a mortgage, lien, or other encumbrance upon any school building owned by the board, or transfer title to any such school building as part of any financing arrangement, without the specific approval of the Department of Education, and without the transaction being entered into pursuant to a detailed plan or procedure specifically authorized by Kentucky statute.
- (4) Without the approval of the Department of Education, no board may lease, as lessee, a building or public facility that has been or is to be financed at the request of the board or on its behalf through the issuance of bonds by another public body or by a nonprofit corporation serving as an agency and instrumentality of the board, or by a leasing corporation. Any lease, participation, or other financial arrangement shall not involve a final commitment of the board unless and until the purchaser or lender involved in same shall have been determined by public advertising in accordance with KRS Chapter 424. No transaction shall be entered into by the board except upon the basis of public advertising and competitive bidding in accordance with KRS Chapter 424.
- (5) *A school district may issue general obligation bonds in accordance with KRS Chapter 66.*
- (6) Rental payments due by a board under a lease approved by the Department of Education in accordance with subsection (4) of this section, *and debt service payments under a general obligation bond issued in accordance with this section*, shall be due and payable not less than ten (10) days prior to the interest due date for the bonds, notes, or other debt obligations issued to finance the building or public facility. If a board fails to make a rental payment when due under a lease *or a debt service payment when due for a general obligation bond issue*, upon notification to the Department of Education by the paying agent, bond registrar, or trustee for the bonds not less than three (3) days prior to the interest due date, the Department of Education shall withhold or intercept any funds then due the board to the extent of the amount of the required payment on the bonds and remit the amount to the paying agent, bond registrar, or trustee as appropriate. Thereafter, the

Department of Education shall resolve the matter with the board and adjust remittances to the board to the extent of the amount paid by the Department of Education on the board's behalf.

~~(7)(6)~~ Bonds, notes or leases negotiated to provide education technology shall not be sold for longer than seven (7) years or the useful life of the equipment as established by the state technology master plan, whichever is less.

~~(8)(7)~~ Notwithstanding any requirements of public advertising, competitive bidding, or approval by the Department of Education, or any administrative regulation promulgated pursuant to KRS 156.160(1)(o), a local board may authorize the transfer or sale of the district's real or personal property to another governmental or quasi-governmental agency in exchange for money or a similar type of property that equals or exceeds the fair market value of the district property as determined by an independent appraisal conducted by:

- (a) An individual or organization not affiliated with the district or its officers or employees, using a generally accepted national or professional standard; or
- (b) A district's officers or employees using a nationally published valuation of property based on the most recent edition of the publication.

➔Section 4. KRS 157.627 is amended to read as follows:

In connection with each bond issue of the commission as defined in KRS 157.615(3), it shall be the duty of the commission:

- (1) To require the district board of education to insure the project to its full insurable value, or to the amount of the bonds outstanding from time to time, whichever is the less, against the hazards covered by the standard fire insurance policy with standard endorsement of "extended coverage," and to require that a copy of each policy be delivered to the commission for inspection and for its records;
- (2) To require periodic accounting from all depositories of funds, the same to be submitted on forms prepared and supplied by the commission;
- (3) To furnish to the certified public accountant auditing the district, summary identification and description of each issue, and to request that the financial records of the board of education relating thereto be audited as a part of the annual audit of the board of education, and that a separate statement or report thereof be filed with the commission;
- (4) To send to each board of education at least thirty (30) days before the due date of any *debt service or* rental payment a notice of the amount of *debt service or* rental to become due and the date thereof, and to require acknowledgment thereof; and
- (5) To receive from the board of education, satisfactory evidence that sufficient funds have been transmitted to the commission or its agent, or will be so transmitted, in the event of the board's failure to pay debt service and administrative costs when due, as provided in the *bond or* lease, to notify and request that the department withhold from the board of education a sufficient portion of any undisbursed funds then held or set aside or allocated to it, and to request that the department transfer the required amount thereof to the commission for the account of the board of education.

➔Section 5. KRS 304.48-250 is amended to read as follows:

- (1) If the assets of a liability self-insurance group are at any time insufficient to enable the group to discharge its legal liabilities, other obligations, and to maintain the required reserves under this subtitle, the group shall immediately levy an assessment upon its members for the amount necessary to make up the deficiency.
- (2) If there is a deficiency in any fund year, the deficiency shall be made up immediately, from the following:
 - (a) Surplus from a fund year other than the current fund year after prior notice of the transfer has been given to the commissioner;
 - (b) Administrative funds;
 - (c) Assessment of membership; or
 - (d) Alternate methods as the commissioner may direct or approve.
- (3) If a liability self-insurance group fails to assess its members within thirty (30) days to make up a deficit, the commissioner shall order it to do so. This subsection shall not apply to liability self-insurance groups formed by governmental entities which do not have joint and several liability.

- (4) If a liability self-insurance group fails to make the required assessment of its members within thirty (30) days after the commissioner orders it to do so, or if the deficiency is not fully made up within sixty (60) days after the date on which the assessment is made, or within a longer period of time as may be permitted by the commissioner, the group shall be determined to be insolvent and may be placed in delinquency proceedings as an insurer pursuant to Subtitle 33 of this chapter.
- (5) (a) Governmental entities that:
1. Participate or have participated in a liability self-insurance group authorized by this subtitle; and
 2. Are assessed by the liability self-insurance group to cover an accrued deficit;
- may finance the payment of the assessment over a period not to exceed twenty (20) years.
- (b) Financing obtained pursuant to paragraph (a) of this subsection may be accomplished by:
1. The issuance of bonds, notes, or other obligations; or
 2. A lease, installment payment agreement, or other similar agreement.
- (c) If the governmental entity fails to make a scheduled payment on the financing obtained pursuant to paragraph (a) of this subsection, any payments due to that governmental entity shall be withheld or intercepted using the process established in KRS 160.160(6){(5)}.
- (6) Except as provided in subsection (5) of this section, all other provisions of the Kentucky Revised Statutes applying to any financing obtained by a governmental entity shall apply.

➔Section 6. KRS 304.50-055 is amended to read as follows:

- (1) As used in this section, "nationally recognized statistical rating organization" or "NRSRO" means a credit rating agency approved by the United States Securities and Exchange Commission to provide assessments of the creditworthiness of financial instruments.
- (2) A workers' compensation self-insured group shall establish plans for premium payment, determination and collection of assessments, and for declaration and payment of dividends or other disbursements, which shall be filed for prior approval with the commissioner. Any change in the plans for premium payment, assessments, or dividends shall be filed for prior approval with the commissioner. Approval of plans for assessments and dividends does not constitute approval of any particular assessment or dividend by the commissioner.
- (3) Prior to the inception of each group member's self-insurance year, the trustees shall collect from that member at least twenty-five percent (25%) of the estimated premium for the ensuing year, except that in the case of a self-insured group formed by governmental entities twenty-five percent (25%) of the estimated premium for the ensuing year shall be collected no later than thirty (30) days after the beginning of the self-insured group's self-insurance year. The balance of the estimated premium shall be collected in either quarterly or monthly installments as set forth in the enabling documents described in KRS 304.50-030(2)(b) or 304.50-060(2)(b). Each group member's payroll shall be audited annually and an adjustment to premium shall be made accordingly.
- (4) A disbursement from a workers' compensation self-insured group fund shall be for a purpose related to the self-insured group. A dividend shall not be approved or paid until at least thirty-six (36) months after the expiration of the self-insurance year and shall be paid from surplus funds not required for payment of claims or other liabilities. The dividends shall be paid or credited to members according to the reasonable classifications the trustees may establish. A dividend shall not be paid which unfairly discriminates between members of the same classifications. A dividend plan shall specify whether past group members are eligible for the dividend. Payment of a dividend under a dividend plan shall not be made unless the self-insured group has notified the commissioner of its intent to make a dividend payment at least thirty (30) days prior to the payment, and the commissioner has not disapproved the payment within that time.
- (5) The formula to be used for collection of assessments shall be determined by the trustees and approved by the commissioner. Assessments shall be fair and equitable and shall not unfairly discriminate between members of the same classification.
- (6) A trustee, fiscal agent, or service organization shall not utilize an asset of the self-insured group for a purpose unrelated to workers' compensation. The trustees shall maintain cash or cash equivalent accounts as may be prudently necessary to pay expenses without having to liquidate long-term investments.
- (7) The trustees may invest funds in:

- (a) United States Government bonds, United States Treasury notes, Treasury bills, or other direct obligations guaranteed by the full faith and credit of the United States Government or its agencies;
 - (b) Tax exempt and taxable obligations issued by any state or any of its agencies, counties, cities, municipalities, districts, political subdivisions, or other legal authorities within the United States of America with a minimum rating of "BBB" by any NRSRO, except that no less than fifty percent (50%) of the investments made under this paragraph shall be in obligations issued by the Commonwealth, its agencies, or a county, city district, municipality, political subdivision, or other legal authority within the Commonwealth;
 - (c) Investment share accounts in a savings and loan association in the Commonwealth whose deposits are insured by a federal agency;
 - (d) Certificates of deposit if issued by a duly chartered commercial bank;
 - (e)
 - 1. At the time of purchase, equity securities actively traded on the New York or NASDAQ Stock Exchanges or other registered national securities exchanges with no individual equity holding comprising greater than ten percent (10%) of the equity portion of the portfolio reflected on the most recent quarterly or annual statement of financial condition on file with the commissioner.
 - 2. An investment in an individual equity holding shall not represent at the time of purchase more than five percent (5%) of the total market value of the security.
 - 3. At the time of purchase, investments in equity securities shall not exceed twenty percent (20%) of the total market value of the investment portfolio of the self-insured group reflected on the most recent quarterly or annual statement of financial condition on file with the commissioner;
 - (f) Corporate bonds if:
 - 1. The bond is issued, assumed, or guaranteed by a solvent institution created or existing under the laws of the United States, or a state, province, district, or territory;
 - 2. At the time of purchase, the corporate bond investments do not exceed twenty-five percent (25%) of the total market value of the investment portfolio reflected on the most recent quarterly or annual statement of financial condition on file with the commissioner; and
 - 3. The bond has a minimum rating of "BBB" by any NRSRO;
 - (g) At the time of purchase, mutual funds and exchange traded funds if the investments do not exceed twenty percent (20%) of the total market value of the investment portfolio reflected on the most recent quarterly or annual statement of financial condition on file with the commissioner; and
 - (h) Asset-backed securities if:
 - 1. The bond is issued, assumed, or guaranteed by a solvent institution created or existing under the laws of the United States, or a state, province, district, or territory;
 - 2. The asset-backed security investments do not exceed ten percent (10%) of the total market value of the investment portfolio reflected on the most recent quarterly or annual statement of financial condition on file with the commissioner; and
 - 3. The bond has a minimum rating of "BBB" by any NRSRO.
- (8) Of the aggregate investments made by the trustees of the self-insured group under this section:
- (a) Not less than fifty percent (50%) of the total market value of the entire investment portfolio shall be held in cash, cash equivalents, or securities as described in subsection (7)(a) to (d) of this section; and
 - (b) A minimum of five percent (5%) of the total investment portfolio value shall be maintained in cash or cash equivalent accounts or United States Treasury and Federal Agency Securities with a remaining maturity of one (1) year or less.
- (9) In the event that any security investment authorized by subsection (7) of this section is downgraded below "BBB," the workers' compensation self-insurance group shall divest itself of that investment as prudently as possible without incurring unnecessary losses.
- (10) The commissioner may permit variation from the requirements of this section for good cause.
- (11) (a) Governmental entities that:

1. Participate or have participated in a workers' compensation self-insured group authorized by this subtitle; and
 2. Are assessed by the workers' compensation self-insured group to cover an accrued deficit; may finance the payment of the assessment over a period not to exceed twenty (20) years.
- (b) Financing obtained pursuant to paragraph (a) of this subsection may be accomplished by:
1. The issuance of bonds, notes, or other obligations; or
 2. A lease, installment payment agreement, or other similar agreement.
- (c) If the governmental entity fails to make a scheduled payment on the financing obtained pursuant to paragraph (a) of this subsection, any payments due to that governmental entity shall be withheld or intercepted using the process established in KRS 160.160(6)~~((5))~~.
- (12) Except as provided in subsection (11) of this section, all other provisions of the Kentucky Revised Statutes applying to any financing obtained by a governmental entity shall apply.

➔Section 7. KRS 66.011 is amended to read as follows:

As used in this chapter, unless otherwise expressly provided:

- (1) "Bonds" means bonds, notes, commercial paper, and other instruments in writing, authorized by or issued pursuant to or in accordance with this chapter, to evidence an obligation to repay or guarantee the repayment of money borrowed, or to pay interest by, or to pay at any future time other money obligations.
- (2) "Capitalized interest" means all or a portion of the interest payable on bonds from their date to a date stated or provided for in the proceedings, which interest is to be paid from the proceeds of the bonds.
- (3) "Credit enhancement facilities" means letters of credit; lines of credit; stand-by, contingent, or firm bond purchase agreements; insurance, or surety arrangements; guarantees, and other arrangements that provide for direct or contingent payment of bonds; interest or redemption premium on bonds, for security or additional security in the event of nonpayment or default in respect of bonds, or for making payment of bonds; interest or redemption premium on bonds to and at the option and on demand of the holders of bonds or at the option of the issuer or upon certain conditions occurring under put or similar arrangements, or for otherwise supporting the credit or liquidity of bonds; and includes credit, reimbursement, marketing, remarketing, indexing, carrying, interest rate hedge, and subrogation agreements, and other agreements and arrangements for payment and reimbursement of the person providing the credit enhancement facilities and the security for that payment and reimbursement.
- (4) "Debt charges" means the principal, including any mandatory sinking fund deposits, interest, and any redemption premium, payable on bonds as the payments come due and are payable and any charges related to credit enhancement facilities. The use of "debt charges" for this purpose does not imply that any particular obligations constitute debt within the meaning of the Kentucky Constitution or other laws.
- (5) "Financing costs" means all costs and expenses relating to the issuance and carrying costs of bonds including charges related to credit enhancement facilities which are not debt charges.
- (6) "Floating indebtedness" means the amount by which the total of all expenditures by an issuer in any fiscal year exceeds the total of all funds and receipts of the issuer for that fiscal year which are available to the issuer for the purpose of funding those expenditures, but only to the extent that the governing body of the issuer made good-faith estimates of expenditures and funds and receipts available to fund those expenditures and the short-fall in available funds and receipts was due to unforeseeable circumstances or events.
- (7) "Fully-registered bonds" means bonds in certificated or uncertificated form, registered as to both principal and interest in the name of the owner.
- (8) "Interest" or "interest equivalent" means those payments or portions of payments, however denominated, that constitute or represent consideration for forbearing the collection of money, or for deferring the receipt or payment of money to a future time.
- (9) "Issuer" means a county, city, urban-county, charter county, or other taxing district, and for purposes of making any determinations required under this chapter, may include an authorized representative of the issuer.
- (10) "Governing body" means the legislative authority of the issuer.
- (11) "Legislation" means an ordinance or resolution passed by a governing body.

- (12) "Mandatory sinking fund redemption requirements" means amounts required by proceedings to be deposited in a sinking fund for the purpose of paying, by mandatory redemption prior to stated maturity, the principal of bonds that is due and payable in a subsequent year or fiscal year.
- (13) "Net indebtedness" means the principal amount of outstanding bonds of an issuer as determined in accordance with KRS 66.031.
- (14) "Notes" means bonds that mature no later than five (5) years from the date they are issued.
- (15) "Obligation" means instruments in writing, which are not bonds within the meaning of this chapter, that evidence an obligation to repay money borrowed, or to pay interest by, or to pay at any future time other money obligations, including, without limitation, installment sale, lease, lease purchase, or similar agreements, which obligations bear interest or an interest equivalent.
- (16) "Outstanding," referring to bonds, means bonds that have been issued, delivered, and paid for, except any of the following:
- (a) Bonds canceled upon surrender, exchange, or transfer, or upon payment or redemption;
 - (b) Bonds in replacement of which or in exchange for which other bonds have been issued; or
 - (c) Bonds for the payment, or redemption or purchase for cancellation prior to maturity, of which sufficient moneys or investments, in accordance with the applicable legislation or other proceedings or any applicable law, by mandatory sinking fund redemption requirements, or otherwise, have been deposited, and credited in a sinking fund or with a trustee or paying or escrow agent, whether at or prior to their maturity or redemption, and, in the case of bonds to be redeemed prior to their stated maturity, notice of redemption has been given or satisfactory arrangements have been made for giving notice of that redemption, or waiver of that notice by or on behalf of the affected bond holders has been filed with the issuer or its agent.
- (17) "Public project" means any property, asset, or improvement certified by the governing body, which certification is conclusive, as being for a public purpose and having an estimated life or period of usefulness of one (1) year or more, and includes, but is not limited to, real estate, buildings, and personal property, equipment, furnishings, and site improvements, and reconstruction, rehabilitation, renovation, installation, improvement, enlargement, and extension of property, assets, or improvements so certified as having an estimated life or period of usefulness of one (1) year or more and is to be used for a public purpose.
- (18) "Person" or "persons" means political and corporate entities, societies, communities, the public generally, individuals, partnerships, and joint stock companies.
- (19) "Proceedings" means the legislation, certifications, notices, orders, sale proceedings, trust agreements or indentures, mortgages, leases, lease-purchase agreements, assignments, credit enhancement facility agreements, and other agreements, instruments, and documents, as amended and supplemented, providing for the terms and conditions applicable to, or providing for the security or sale or award of, bonds, and includes the provisions set forth or incorporated in those bonds and proceedings.
- (20) "Refund" means to provide for the payment of debt charges and expenses related to that payment at or prior to retirement by purchase, call for redemption, payment at maturity, or otherwise, outstanding obligations of an issuer or its instrumentality, including, without limitation, bonds.
- (21) "Register" means the books kept and maintained for registration, exchange, and transfer of registered bonds.
- (22) "Self-supporting obligations" means obligations issued for the purpose of paying costs of public projects to the extent that receipts of the issuer, other than the proceeds of taxes levied by that issuer, derived from or with respect to that public project or the operation of the public project being financed, or the enterprise, system, or category of public project of which the public project being financed is part, are estimated by the governing body or a representative of the governing body to be sufficient to pay the current expenses of that operation or of that public project, enterprise, or system and the debt charges payable from those receipts on obligations issued for that public project.
- (23) "Sinking fund" means a fund established for the management of moneys to be used for the retirement of outstanding bonds.
- (24) "State local debt officer" as used in this chapter and other provisions of law, means the commissioner, Department for Local Government or the commissioner's agent designated in writing.

- (25) "Taxing district" means an issuer, other than a county, city, urban-county, or charter county authorized to levy ad valorem taxes within the meaning of Section 157 of the Constitution of Kentucky ~~which is not a school district~~.
- (26) "Tax-supported lease" means a lease entered into under KRS 65.942 to 65.956 in which the lessee has agreed to levy and collect taxes to make lease payments.

➔Section 8. Until June 30, 2027, a local board of education of a district may provide for and commence the funding, financing, design, construction, renovation, or modification of the district's facilities in accordance with the provisions and restrictions established in statute and administrative regulation notwithstanding the requirements for prior approval for the district's plans and specifications from the chief state school officer under KRS 162.060, for the use of the district's capital outlay funds for projects from the commissioner of education under KRS 157.420, and for the district's transactions by the Kentucky Department of Education under KRS 160.160(3) and (4), and notwithstanding any administrative regulation that requires any of those entities to provide prior approval for the funding, financing, design, construction, renovation, or modification of school facilities. A local board that elects to conduct its projects under this section shall adopt a resolution by majority vote and submit the resolution to the Kentucky Department of Education as notice. Such a local board shall still submit BG-1 Project Application forms as appropriate to the Kentucky Department of Education for recordkeeping and data collection. The provisions of KRS 160.160(5) shall remain in full effect and shall be applicable to leases and bonds authorized by a local board without the prior approval of department. Notwithstanding the provisions of KRS 160.160(2) to the contrary, a local board under this section may use the estimates of architects or engineers who prepared the plans or specifications as an alternative to the receipt of advertised, public, and competitive bids for the project to estimate the cost of the project in advance of financing.

➔Section 9. Until June 30, 2027, notwithstanding 702 KAR 4:180, 702 KAR 4:050, and 702 KAR 4:090, or any other similar administrative regulation to the contrary, a local board of education that submits a request for approval of a complete district facility plan, a request for acquisition of property, or a request for disposal of surplus property shall submit the request to the commissioner of education or designee who shall approve or disapprove the request within 30 business days. An approved request shall be reported to the Kentucky Board of Education. A denied request may be appealed to the board.

➔Section 10. Until June 30, 2027, the Kentucky Department of Education shall provide assistance and guidance to local boards upon request regarding facilities funding, financing, design, construction, renovation, and modification, district facilities plans, and the acquisition and disposal of property.

➔Section 11. Sections 8 to 10 of this Act shall also be applicable to submissions and requests that have been made by local boards prior to the effective date of this Act, but have not yet received approval from the appropriate board or official.

➔Section 12. The facilities in Sections 8 to 10 of this Act may include extracurricular facilities which may be in any priority in a district facility plan notwithstanding 702 KAR 4:180 or any statute or other administrative regulation to the contrary.

➔Section 13. Nothing in Sections 8 to 13 of this Act shall be deemed to waive prior approval for the use of federal Elementary and Secondary School Emergency Relief Fund moneys or other funds that federal law requires approval from state officials prior to use.

Signed by Governor April 9, 2024.

CHAPTER 127

(HB 619)

AN ACT relating to terms of imprisonment.

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

➔Section 1. KRS 532.110 is amended to read as follows:

- (1) When multiple sentences of imprisonment are imposed on a defendant for more than one (1) crime, including a crime for which a previous sentence of probation or conditional discharge has been revoked, the multiple

sentences shall run concurrently or consecutively as the court shall determine at the time of sentence, except that:

- (a) A definite and an indeterminate term shall run concurrently and both sentences shall be satisfied by service of the indeterminate term;
 - (b) The aggregate of consecutive definite terms shall not exceed one (1) year;
 - (c) The aggregate of consecutive indeterminate terms shall not exceed in maximum length the longest extended term which would be authorized by KRS 532.080 for the highest class of crime for which any of the sentences is imposed, *except as described in KRS 533.060(2) or (3)*. In no event shall the aggregate of consecutive indeterminate terms exceed seventy (70) years; and
 - (d) The sentences of a defendant convicted of two (2) or more felony sex crimes, as defined in KRS 17.500, involving two (2) or more victims shall run consecutively.
- (2) If the court does not specify the manner in which a sentence imposed by it is to run, the sentence shall run concurrently with any other sentence which the defendant must serve unless the sentence is required by subsection (3) of this section or KRS 533.060 to run consecutively.
 - (3) Notwithstanding any provision in this section to the contrary, if a person is convicted of an offense that is committed while he *or she* is imprisoned in a penal or reformatory institution, during an escape from imprisonment, or while he *or she* awaits imprisonment, the sentence imposed for that offense may be added to the portion of the term which remained unserved at the time of the commission of the offense. The sentence imposed upon any person convicted of an escape or attempted escape offense shall run consecutively with any other sentence which the defendant must serve.
 - (4) Notwithstanding any provision in this chapter to the contrary, if a person is convicted of an offense that is committed while he *or she* is imprisoned in a penal or reformatory institution, the sentence imposed for that offense may, upon order of the trial court, be served in that institution. The person may be transferred to another institution pursuant to administrative regulations of the Department of Corrections.

Signed by Governor April 9, 2024.

CHAPTER 128

(HB 533)

AN ACT relating to economic development and declaring an emergency.

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

➔Section 1. KRS 103.240 is amended to read as follows:

All money received from the sale of the bonds shall be applied solely for:

- (1) The acquisition of the industrial building and:
 - (a) Any utilities;
 - (b) Pollution control structures or equipment;
 - (c) Equipment or technologies employed to increase the energy efficiency of manufacturing facilities; or
 - (d) Other equipment requisite to the use of these assets;
- (2) The acquisition of pollution control facilities and the structures or equipment requisite to the use thereof;
- (3) The necessary expense of preparing, printing, and selling said bonds;
- (4) The refunding of any issued and outstanding bonds whether matured or otherwise;
- (5) Providing a debt service reserve fund or any other reserve funds, if necessary;~~{or}~~
- (6) To advance the payment of interest on the bonds during any portion of the first three (3) years following the date of the bonds; *or*

(7) *To pay working capital expenditures.*

➔Section 2. Whereas the payment of working capital expenditures is important for economic growth in the Commonwealth, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 9, 2024.

CHAPTER 129

(HB 498)

AN ACT relating to insurance financial standards.

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

➔Section 1. KRS 304.6-134 is amended to read as follows:

~~A~~~~(1)~~ ~~The commissioner may exempt~~ specific product *form*~~{forms}~~ or product *line*~~{lines}~~ of a domestic company~~{,}~~ that is licensed and doing business only in Kentucky *shall be exempt*~~{,}~~ from the requirements of KRS 304.6-143 if:

~~(1)~~~~(a)~~ The commissioner has *in his or her discretion* issued an exemption in writing to the company and has not subsequently revoked the exemption in writing; and

~~(2)~~~~(b)~~ *Either of the following are satisfied:*

~~(a)~~ The company computes reserves using assumptions and methods used prior to the operative date of the valuation manual; *or*

~~(b)~~ *The exemption is consistent with the valuation manual* ~~and any requirements established by the commissioner and promulgated by administrative regulation.~~

~~(2)~~ A domestic company that has less than three hundred million dollars (\$300,000,000) of ordinary life premiums or a company that is a member of a group of life insurers that has combined ordinary life premiums of less than six hundred million dollars (\$600,000,000) and that is licensed and doing business in Kentucky is exempt from the requirements of KRS 304.6-143 and 304.6-151 if:

~~(a)~~ The appointed actuary has provided an unqualified opinion on the reserves in accordance with KRS 304.6-171 for the prior calendar year; and

~~(b)~~ The company has provided a certification by a qualified actuary that any universal life policy with a secondary guarantee, issued or assumed by the company after the operative date of the valuation manual, meets the definition of a nonmaterial secondary guarantee universal life product as defined in the valuation manual.

~~(3)~~ For purposes of subsection (2) of this section, ordinary life premiums are measured as direct, plus reinsurance assumed from an unaffiliated company, from the prior calendar year annual statement.

~~(4)~~ A domestic company that meets the requirements of subsection (2) of this section shall file a statement with the commissioner certifying that these requirements have been met for the current calendar year based on premiums and other values from the prior calendar year's financial statements prior to July 1 of the current calendar year.

~~(5)~~ For a domestic company that files a statement under subsection (4) of this section, KRS 304.6-130, 304.6-132, 304.6-133, 304.6-140, 304.6-141, 304.6-145, 304.6-150, 304.6-155, 304.6-160, 304.6-170, 304.6-171, 304.6-180, and 304.15-410 shall be applicable; however, any references to KRS 304.6-143 and 304.6-151 shall not apply.

➔Section 2. KRS 304.37-020 is amended to read as follows:

(1) As used in this section:

(a) "Group capital calculation instructions" means the group capital calculation instructions adopted or amended by the NAIC in accordance with procedures adopted by the NAIC; and

(b) 1. "NAIC Liquidity Stress Test Framework" means a separate NAIC publication that includes:

- a. A history of the NAIC's development of regulatory liquidity stress testing; and
 - b. The following, as adopted or amended by the NAIC in accordance with procedures adopted by the NAIC:
 - i. The scope criteria applicable for a specific data year; and
 - ii. The liquidity stress test instructions and reporting templates for a specific data year.
 2. As used in this paragraph, "scope criteria" means the designated exposure bases, along with minimum magnitudes thereof for the specified data year, used to establish a preliminary list of insurers considered scoped into the NAIC Liquidity Stress Test Framework for that data year.
- (2) (a) Every insurer that is authorized to do business in this state and is a member of an insurance holding company system shall register with the commissioner, except a foreign or alien insurer subject to disclosure requirements and standards adopted by statute or regulation in the jurisdiction of its domicile that are substantially similar to those contained in this section.
- (b) For an alien insurer, the domiciliary state shall be deemed to be its state of entry.
- (c) Any insurer that is subject to registration under this section shall register fifteen (15) days after it becomes subject to registration and annually thereafter by April 1 of each year for the previous calendar year, unless the commissioner for good cause shown extends the time for registration and then, within the extended time.
- (d) The commissioner may require any authorized insurer that is a member of a holding company system but is not subject to registration under this section to furnish a copy of the registration statement or other information filed by the insurer with the insurance regulatory authority of its domiciliary jurisdiction.
- (3) Every insurer subject to registration shall file a registration statement on a form provided by the commissioner, which shall contain current information about:
- (a) The capital structure, general financial condition, ownership, and management of the insurer and any person controlling the insurer;
 - (b) The identity of every member of the insurance holding company system;
 - (c) The following agreements in force, relationships subsisting, and transactions currently outstanding between the insurer and its affiliates:
 1. Loans to, other investments in, or purchases, sales, or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates;
 2. Purchases, sales, or exchanges of assets;
 3. Transactions not in the ordinary course of business;
 4. Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered in the ordinary course of the insurer's business;
 5. All management and service contracts and all cost-sharing arrangements;
 6. All reinsurance agreements;
 7. Dividend and other distributions to shareholders; and
 8. Consolidated tax allocation agreements;
 - (d) Any pledge of the insurer's stock, including stock of any subsidiary or controlling affiliate for a loan made to any member of the insurance holding company system;
 - (e)
 1. If requested by the commissioner, financial statements of, or within, an insurance holding company system, including all affiliates.
 2. Financial statements may include but are not limited to annual audited financial statements filed with the United States Securities and Exchange Commission, pursuant to the Securities Act of 1933, as amended, or the Securities Exchange Act of 1932, as amended.

3. An insurer required to file financial statements pursuant to this paragraph may satisfy the request by providing the commissioner with the most recently filed parent corporation financial statements that have been filed with the United States Securities and Exchange Commission;
- (f) Other matters concerning transactions between registered insurers and any affiliates as may be included from time to time in any registration forms adopted or approved by the commissioner;
- (g) Statements that the insurer's:
 1. Board of directors oversees corporate governance and internal controls; and
 2. Officers or senior management have approved, implemented, and continue to maintain and monitor corporate governance and internal control procedures; and
- (h) Any other information required by the commissioner through administrative regulations.
- (4) (a) It shall not be necessary to disclose information on the registration statement filed pursuant to subsection (3) of this section if the information is not material for the purposes of this section.
 - (b) Unless the commissioner by administrative regulation or order provides otherwise, sales, purchases, exchanges, loans, or extensions of credit, or investments, involving one-half of one percent (0.5%) or less of an insurer's admitted assets as of the thirty-first day of December next preceding shall not be deemed material for purposes of this section.
 - (c) The materiality guidelines provided in this subsection shall not apply for purposes of the information required under subsections (15) and (16) of this section.
- (5) Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions on amendment forms provided by the commissioner within:
 - (a) ***Except as provided in paragraph (b) of this subsection***, thirty (30) days after the end of the month in which the insurer learns of each change or addition; ***or***
 - (b) ***A timeframe established by the commissioner in accordance with the reporting standards prescribed by the National Association of Insurance Commissioners.***
- (6) All registration statements shall contain a summary outlining all items in the current registration statement representing changes from the prior registration statement.
- (7) Subject to KRS 304.37-030(5), each registered insurer shall report to the commissioner all dividends and other distributions to shareholders within fifteen (15) business days following the dividend or distribution declaration.
- (8) Any person within an insurance holding company system subject to registration shall be required to provide complete and accurate information to an insurer, if the information is reasonably necessary to enable the insurer to comply with the provisions of this subtitle.
- (9) The commissioner shall terminate the registration of any insurer which demonstrates that it no longer is a member of an insurance holding company system.
- (10) The commissioner may require or allow two (2) or more affiliated insurers subject to registration to file a consolidated registration statement or consolidated reports amending their consolidated registration statement or their individual registration statements.
- (11) The commissioner may allow an insurer that is authorized to do business in this state and which is part of an insurance holding company system to:
 - (a) Register on behalf of any affiliated insurer that is required to register under subsection (2) of this section; and
 - (b) File all information and material required to be filed under this section.
- (12) The provisions of this section shall not apply to any insurer, information, or transaction if and to the extent that the commissioner by administrative regulation or order exempts it from the provisions of this section.
- (13) (a) Any person may file with the commissioner a disclaimer of affiliation with any authorized insurer or a disclaimer may be filed by the insurer or any member of an insurance holding company system.
 - (b) The disclaimer shall fully disclose all material relationships and bases for affiliation between the persons and the insurer as well as the basis for disclaiming the affiliation.

- (c) A disclaimer of affiliation shall be deemed to have been granted unless the commissioner, within thirty (30) days following receipt of a complete disclaimer, notifies the filing party the disclaimer is disallowed.
 - (d) In the event of disallowance, the disclaiming party may request an administrative hearing, which shall be granted.
 - (e) The disclaiming party shall be relieved of its duty to register under this section if:
 - 1. Approval of the disclaimer has been granted by the commissioner; or
 - 2. The disclaimer is deemed to have been approved.
- (14)
- (a) The ultimate controlling person of every insurer subject to registration shall also file an annual enterprise risk report.
 - (b) The report shall:
 - 1. To the best of the ultimate controlling person's knowledge and belief, identify the material risks within the insurance holding company system that could pose enterprise risk to the insurer; and
 - 2. Be filed with the lead state commissioner of the insurance holding company system, as determined by the procedures within the Financial Analysis Handbook adopted by the NAIC.
- (15)
- (a) Except as provided in this subsection, the ultimate controlling person of every insurer subject to registration shall concurrently file with the registration an annual group capital calculation as directed by the lead state commissioner.
 - (b) The report shall be:
 - 1. Completed in accordance with the group capital calculation instructions, which may permit the lead state commissioner to allow a controlling person that is not the ultimate controlling person to file the group capital calculation; and
 - 2. Filed with the lead state commissioner of the insurance holding company system as determined by the commissioner in accordance with the procedures within the Financial Analysis Handbook adopted by the NAIC.
 - (c) An insurance holding company system shall be exempt from filing the group capital calculation if:
 - 1. The system:
 - a. Has only one (1) insurer within its holding company structure;
 - b. Only writes business in its domestic state; and
 - c. Assumes no business from any other insurer;
 - 2. a. The system is required to perform a group capital calculation specified by the United States Federal Reserve Board.
 - b. The lead state commissioner shall request the calculation from the Federal Reserve Board under the terms of information sharing agreements in effect. If the Federal Reserve Board cannot share the calculation with the lead state commissioner, the insurance holding company system is not exempt from the group capital calculation filing;
 - 3. The system's non-United States groupwide supervisor is located within a reciprocal jurisdiction, as defined in KRS 304.5-140, that recognizes the United States state regulatory approach to group supervision and group capital; or
 - 4. The system:
 - a. Provides information to the lead state that meets the requirements for accreditation under the NAIC Financial Regulation Standards and Accreditation Program, either directly or indirectly, through the groupwide supervisor, who has determined the information is satisfactory to allow the lead state to comply with the NAIC group supervision approach, as detailed in the NAIC Financial Analysis Handbook; and
 - b. Has a non-United States groupwide supervisor, which is not in a reciprocal jurisdiction as defined in KRS 304.5-140, that recognizes and accepts, as specified by the commissioner

in administrative regulation, the group capital calculation as the worldwide group capital assessment for United States insurance groups who operate in that jurisdiction.

- (d) Notwithstanding the provisions of paragraph (c)3. and 4. of this subsection, a lead state commissioner shall require the group capital calculation for the United States operations of any insurance holding company system not based in the United States where, after any necessary consultation with other supervisors or officials, it is deemed appropriate by the lead state commissioner for:
 - 1. Prudential oversight and solvency monitoring purposes; or
 - 2. Ensuring the competitiveness of the insurance marketplace.
 - (e) In addition to the exemptions established in paragraph (c) of this subsection, the lead state commissioner may exempt the ultimate controlling person from filing the annual group capital calculation or accept a limited group capital filing or report in accordance with criteria specified by the commissioner in administrative regulation.
 - (f) If the lead state commissioner determines that an insurance holding company system no longer meets one (1) or more of the requirements for an exemption from filing the group capital calculation under this subsection, the system shall file the group capital calculation at the next annual filing date unless given an extension by the lead state commissioner based on reasonable grounds shown.
- (16) (a) The ultimate controlling person of every insurer subject to registration and also scoped into the NAIC Liquidity Stress Test Framework shall file the results of a specific year's liquidity stress test.
- (b) The filing shall be made to the lead state commissioner of the insurance holding company system, as determined by the procedures within the Financial Analysis Handbook adopted by the NAIC.
- (c) 1. The NAIC Liquidity Stress Test Framework shall include scope criteria:
 - a. Applicable to a specific data year; and
 - b. Reviewed at least annually by the NAIC's Financial Stability Task Force or its successor.
2. Any change to the NAIC Liquidity Stress Test Framework or to the data year for which the scope criteria are to be measured shall be effective on January 1 of the year following the calendar year when the changes are adopted.
3. a. Insurers meeting at least one (1) threshold of the scope criteria shall be considered scoped into the NAIC Liquidity Stress Test Framework for the specified data year unless the lead state commissioner, in consultation with the NAIC Financial Stability Task Force or its successor, determines the insurer should not be scoped into the framework for that data year.
- b. Insurers that do not trigger at least one (1) threshold of the scope criteria shall be considered scoped out of the NAIC Liquidity Stress Test Framework for the specified data year, unless the lead state commissioner, in consultation with the NAIC Financial Stability Task Force or its successor, determines the insurer should be scoped into the framework for that data year.
4. The lead state commissioner, in consultation with the NAIC Financial Stability Task Force or its successor, shall assess concerns related to insurers being scoped in and out of the NAIC Liquidity Stress Test Framework on a frequent basis as part of the scope criteria determination for an insurer.
- (d) The performance of, and the filing of the results from, a specified year's liquidity stress test shall comply with:
 - 1. The NAIC Liquidity Stress Test Framework's instructions and reporting templates for that year; and
 - 2. Any lead state commissioner determinations, made in consultation with the NAIC Financial Stability Task Force or its successor, provided within the NAIC Liquidity Stress Test Framework.
- (17) The failure to file a registration statement or any amendment thereto, a summary of the registration statement, an enterprise risk filing, or any other filing or report required by this section within the time specified for the filing or report shall be a violation of this subtitle.

➔Section 3. KRS 304.5-140 is amended to read as follows:

- (1) (a) For the purposes of subsection (4)(c) of this section, a "qualified United States financial institution" means an institution that:
1. Is organized or, in the case of a United States office of a foreign banking organization, licensed under the laws of the United States or any state thereof;
 2. Is regulated, supervised, and examined by the United States federal or state authorities having regulatory authority over banks and trust companies; and
 3. Has been determined by the commissioner, or the Securities Valuation Office of the NAIC, to meet the standards of financial condition and standing considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the commissioner.
- (b) A "qualified United States financial institution" means, for purposes of those provisions of this section specifying those institutions that are eligible to act as a fiduciary of a trust, an institution that:
1. Is organized or, in the case of a United States branch or agency office of a foreign banking organization, licensed under the laws of the United States or any state thereof and has been granted authority to operate with fiduciary powers; and
 2. Is regulated, supervised, and examined by federal or state authorities having regulatory authority over banks and trust companies.
- (c) For purposes of subsection (3)(f)1. of this section, "reciprocal jurisdiction" means a jurisdiction that meets one (1) of the following:
1. A non-United States jurisdiction that is subject to an in-force covered agreement with the United States, each within its legal authority, or, in the case of a covered agreement between the United States and the European Union, is a member state of the European Union;
 2. A United States jurisdiction that meets the requirements for accreditation under the NAIC's financial standards and accreditation program;
 3. A qualified jurisdiction, as determined by the commissioner pursuant to subsection (3)(e)4. of this section, which is not otherwise described in this paragraph, and which meets certain additional requirements, consistent with the terms and conditions of in-force covered agreements, as specified by the commissioner in administrative regulation; or
 4. Any other jurisdiction contained on the list of reciprocal jurisdictions published by the commissioner in accordance with subsection (3)(g) of this section.
- (d) As used in this section:
1. "Covered agreement" means an agreement entered into pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act, 31 U.S.C. secs. 313 and 314, and that is currently in effect or in a period of provisional application and addresses the elimination, under specified conditions, of collateral requirements as a condition for entering into any reinsurance agreement with the ceding insurer domiciled in this state or for allowing the ceding insurer to recognize credit for reinsurance; and
 2. "NAIC" means National Association of Insurance Commissioners.
- (2) (a) Credit for reinsurance shall be allowed a ceding insurer as either an asset or a deduction from liability on account of reinsurance ceded only when the reinsurer meets the requirements of:
1. Subsection (3)(a), (b), (c), (d), (e), (f), or (h) of this section; and
 2. Paragraphs (b), (c), (d), and (e) of this subsection.
- (b) The commissioner may promulgate administrative regulations pursuant to subsection (8)(a)2. of this section that establish specific additional requirements relating to or setting forth:
1. The valuation of assets or reserve credits;
 2. The amount and forms of security supporting reinsurance arrangements described in that subsection; and

3. The circumstances pursuant to which credit will be reduced or eliminated.
 - (c) For reinsurers meeting the requirements of subsection (3)(c) of this section, the requirements of paragraph (i) of that subsection shall also be met.
 - (d) For reinsurers meeting the requirements of subsection (3)(d) of this section, the requirements of paragraphs (i) and (j) of that subsection shall also be met.
 - (e) For reinsurers meeting the requirements of subsection (3)(e) of this section, the requirements of paragraph (j) of that subsection shall also be met.
- (3) (a) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is authorized to transact insurance or reinsurance in Kentucky.
- (b) 1. Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is accredited as a reinsurer in Kentucky. An accredited reinsurer is one which:
 - a. Files with the commissioner evidence of its submission to Kentucky's jurisdiction;
 - b. Submits to Kentucky's authority to examine its books and records;
 - c. Is licensed to transact insurance or reinsurance in at least one (1) state, or in the case of a United States branch of an alien assuming insurer, is entered through and licensed to transact insurance or reinsurance in at least one (1) state;
 - d. Files annually with the commissioner a copy of its annual statement filed with the insurance regulatory official of its state of domicile and a copy of its most recent audited financial statement; and
 - e. Demonstrates to the satisfaction of the commissioner that it has adequate financial capacity to meet its reinsurance obligations and is otherwise qualified to assume reinsurance from domestic insurers. An assuming insurer meets the requirements of this subdivision at the time of its application if:
 - i. It maintains a surplus as regards policyholders in an amount that is not less than twenty million dollars (\$20,000,000); and
 - ii. Its accreditation has not been denied by the commissioner within ninety (90) days after submission of its accreditation application.
2. Credit shall not be allowed a ceding insurer under this paragraph if the assuming insurer's accreditation has been revoked by the commissioner after notice and hearing.
- (c) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is domiciled and licensed in or, in the case of a United States branch of an alien assuming insurer, is entered through a state which employs standards regarding credit for reinsurance substantially similar to those applicable under this section and the assuming insurer or United States branch of an alien insurer:
 1. Maintains a surplus as regards policyholders in an amount not less than twenty million dollars (\$20,000,000); and
 2. Submits to the authority of the commissioner to examine its books and records.

However, subparagraph 1. of this paragraph shall not apply to reinsurance ceded and assumed pursuant to pooling arrangements among insurers in the same holding company system.
- (d) 1. Credit shall be allowed when the reinsurance is ceded to an assuming insurer that maintains a trust in a qualified United States financial institution for the payment of valid claims of its United States policyholders and ceding insurers, their assigns, and successors in interest. The assuming insurer shall report annually to the commissioner information substantially the same as that required to be reported on the NAIC annual statement form by authorized insurers to enable the commissioner to determine the sufficiency of the trust.
 2. a. In the case of a single assuming insurer, the trust shall consist of a trustee account representing the assuming insurer's liabilities attributable to business written in the United States and, in addition, except as provided in subdivision b. of this subparagraph, the assuming insurer shall maintain a trustee surplus of not less than twenty million dollars (\$20,000,000).

- b. At any time after the assuming insurer has permanently discontinued underwriting new business secured by the trust for at least three (3) years, the commissioner may authorize a reduction in the trustee surplus required by subdivision a. of this subparagraph, but only after a finding, based on an assessment of the risk, that the new required surplus level is adequate for the protection of United States ceding insurers, policyholders, and claimants in light of a reasonably foreseeable adverse loss development. The risk assessment may involve an actuarial review, including an independent analysis of reserves and cash flows, and shall consider all material risk factors, including, when applicable, the lines of business involved, the stability of the incurred loss estimates, and the effect of the surplus requirements on the assuming insurer's liquidity or solvency. The minimum required trustee surplus may not be reduced to an amount less than thirty percent (30%) of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers covered by the trust.
3. In the case of a group including incorporated and individual unincorporated underwriters:
 - a. The trust shall consist of a trustee account representing the respective underwriter's liabilities attributable to business written in the United States;
 - b. The group shall maintain a trustee surplus of which one hundred million dollars (\$100,000,000) shall be held jointly for the benefit of United States ceding insurers of any member of the group;
 - c. The incorporated members of which group shall not be engaged in any business other than underwriting as a member of the group and shall be subject to the same level of solvency regulation and control by the group's domiciliary regulator as are the unincorporated members; and
 - d. The group shall make available to the commissioner an annual certification of the solvency of each underwriter by the group's domiciliary insurance regulatory official and its independent public accountants.
4. In the case of a group of incorporated underwriters under common administration, the group shall:
 - a. Comply with the reporting requirements contained in subparagraph 1. of this paragraph;
 - b. Have continuously transacted insurance business outside the United States for at least three (3) years immediately prior to making an application for accreditation;
 - c. Maintain a trust in an amount not less than the group's several liabilities attributable to business ceded by United States ceding insurers to any member of the group pursuant to reinsurance contracts issued in the name of the group;
 - d. Maintain an aggregate policyholders' surplus of at least ten billion dollars (\$10,000,000,000);
 - e. Maintain a joint trustee surplus of which one hundred million dollars (\$100,000,000) shall be held jointly for the benefit of United States ceding insurers of any member of the group; and
 - f. Each member of the group shall make available to the commissioner an annual certification of the member's solvency by the member's domiciliary insurance regulatory official and its independent public accountant.
5. The trust shall be established in a form approved by the commissioner. The trust instrument shall provide that contested claims shall be valid and enforceable upon the final order of any court of competent jurisdiction in the United States. The trust shall vest legal title to its assets in the trustees of the trust for its United States policyholders and ceding insurers, their assigns, and successors in interest. The trust and the assuming insurer shall be subject to examination as determined by the commissioner. The trust shall remain in effect for as long as the assuming insurer shall have outstanding obligations due under the reinsurance agreements subject to the trust.
6. No later than February 28 of each year, the trustees of the trust shall report to the commissioner in writing setting forth the balance of the trust and listing the trust's investments at the preceding

year end and shall certify the date of termination of the trust, if so planned, or certify that the trust shall not expire prior to the next following December 31.

- (e) 1. Credit shall be allowed when the reinsurance is ceded to an assuming insurer that:
- a. Has been certified by the commissioner as a reinsurer in this state; and
 - b. Secures its obligations in accordance with the requirements of this paragraph.
2. In order to be eligible for certification, the assuming insurer shall:
- a. Be domiciled and licensed to transact insurance or reinsurance in a qualified jurisdiction, as determined by subparagraph 4. of this paragraph;
 - b. Maintain minimum capital and surplus, or its equivalent, in an amount to be determined by the commissioner by administrative regulation;
 - c. Maintain financial strength ratings from two (2) or more rating agencies deemed acceptable by the commissioner by administrative regulation;
 - d. Agree to submit to the jurisdiction of this state, appoint the commissioner as its agent for service of process in this state, and agree to provide security for one hundred percent (100%) of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers if the assuming insurer resists enforcement of a final United States judgment;
 - e. Agree to meet applicable information filing requirements as determined by the commissioner, both with respect to an initial application for certification and on an ongoing basis; and
 - f. Satisfy any other relevant requirements for certification as determined by the commissioner.
3. An association, including incorporated and individual unincorporated underwriters, may be certified as a reinsurer in this state if the association satisfies the requirements of subparagraph 2. of this paragraph and:
- a. The association satisfies its minimum capital and surplus requirements through the capital and surplus equivalents (net of liabilities) of the association and its members, which shall include a joint central fund that may be applied to any unsatisfied obligation of the association or any of its members, in an amount determined by the commissioner to provide adequate protection;
 - b. The incorporated members of the association are not engaged in any business other than underwriting as a member of the association and are subject to the same level of regulation and solvency control by the association's domiciliary regulator as are the unincorporated members; and
 - c. The association provides the commissioner an annual certification by the association's domiciliary regulator of the solvency of each underwriter member within ninety (90) days after its financial statements are due to be filed with the association's domiciliary regulator, or if a certification is unavailable, financial statements, prepared by independent public accountants, of each underwriter member of the association.
4. a. The commissioner shall create and publish a list of qualified jurisdictions under which an assuming insurer licensed and domiciled in the qualified jurisdiction is eligible to be considered for certification by the commissioner as a certified reinsurer.
- b. In order to determine whether the domiciliary jurisdiction of an assuming insurer from a jurisdiction outside of the United States is eligible to be recognized as a qualified jurisdiction, the commissioner shall evaluate the appropriateness and effectiveness of the reinsurance supervisory system of the jurisdiction outside of the United States, both initially and on an ongoing basis, and consider the rights, benefits, and the extent of reciprocal recognition afforded by the jurisdiction outside of the United States to reinsurers licensed and domiciled in the United States. A qualified jurisdiction shall agree to share information and cooperate with the commissioner with respect to all certified reinsurers domiciled within that jurisdiction. A jurisdiction may not be recognized as a

qualified jurisdiction if the commissioner has determined that the jurisdiction does not adequately and promptly enforce final United States judgments and arbitration awards. Additional factors may be considered in the discretion of the commissioner.

- c. The commissioner shall consider the list of qualified jurisdictions published through the NAIC's committee process when determining qualified jurisdictions. If the commissioner approves a jurisdiction as qualified that does not appear on the list, the commissioner shall provide justification in accordance with criteria to be developed by the commissioner by administrative regulation.
 - d. Jurisdictions within the United States that meet the requirements for accreditation under the NAIC's financial standards and accreditation program shall be recognized as qualified.
 - e. If a certified reinsurer's domiciliary jurisdiction ceases to be a qualified jurisdiction, the commissioner may revoke or suspend the reinsurer's certification indefinitely, in lieu of revocation.
5. The commissioner shall assign a rating to each certified reinsurer, giving due consideration to the financial strength ratings that have been assigned by rating agencies deemed acceptable to the commissioner by administrative regulation. The commissioner shall publish a list of all certified reinsurers and their ratings.
- 6.
- a. A certified reinsurer shall secure obligations assumed from United States ceding insurers pursuant to this paragraph at a level consistent with its rating as specified by administrative regulation promulgated by the commissioner.
 - b. In order for a domestic ceding insurer to qualify for full financial statement credit for reinsurance ceded to a certified reinsurer, the certified reinsurer shall maintain security in a form acceptable to the commissioner and consistent with subsection (4) of this section, or in a multi-beneficiary trust in accordance with paragraph (d) of this subsection, except as otherwise provided in this paragraph.
 - c. If a certified reinsurer maintains a trust to fully secure its obligations subject to paragraph (d) of this subsection, and chooses to secure its obligations incurred as a certified reinsurer in the form of a multi-beneficiary trust, the certified reinsurer shall maintain separate trust accounts for:
 - i. Its obligations incurred under reinsurance agreements issued or renewed as a certified reinsurer with reduced security as permitted by this paragraph or comparable laws of other United States jurisdictions; and
 - ii. Its obligation subject to paragraph (d) of this subsection.
 - d. The commissioner shall not grant a certification pursuant to this paragraph unless the certified reinsurer agrees to bind itself, by language of the trust and agreement with the commissioner with principal regulatory oversight of each trust account, to fund, upon termination of any applicable trust account, out of the remaining surplus of the trust any deficiency of any other trust account.
 - e. The minimum trusteed surplus requirements provided in paragraph (d) of this subsection are not applicable to a multi-beneficiary trust maintained by a certified reinsurer for the purpose of securing obligations incurred pursuant to this paragraph, except that the multi-beneficiary trust shall maintain a minimum trusteed surplus of ten million dollars (\$10,000,000).
 - f. With respect to obligations incurred by a certified reinsurer pursuant to this paragraph, if the security is insufficient, the commissioner shall reduce the allowable credit by an amount proportionate to the deficiency, and the commissioner may impose further reductions in allowable credit upon finding that there is a material risk that the certified reinsurer's obligations will not be paid in full when due.
 - g.
 - i. For purposes of this paragraph, a certified reinsurer whose certification has been terminated for any reason shall be treated as a certified reinsurer required to secure one hundred percent (100%) of its obligations.
 - ii. As used in this subdivision, "terminated" includes revocation, suspension,

voluntary surrender, and inactive status, except if the commissioner continues to assign a higher rating as permitted by this subsection, a certified reinsurer in inactive status or reinsurer whose certification has been suspended shall not be considered "terminated."

7. If an applicant for certification has been certified as a reinsurer in an NAIC-accredited jurisdiction, the commissioner may defer to that jurisdiction's certification and the rating assigned by that jurisdiction, and the reinsurer shall be considered a certified reinsurer in this state.
 8. A certified reinsurer that ceases to assume new business in this state may request to maintain its certification in inactive status in order to continue to qualify for a reduction in security for its in-force business. An inactive certified reinsurer shall continue to comply with all applicable requirements of this subsection, and the commissioner shall assign a rating that takes into account, if relevant, the reasons why the reinsurer is not assuming new business.
- (f) Credit shall be allowed when the reinsurance is ceded to an assuming insurer if:
1. The assuming insurer has its head office in, or is domiciled in, as applicable, and is licensed in, a reciprocal jurisdiction;
 2. The assuming insurer has and maintains, on an ongoing basis:
 - a. For assuming insurers that are not associations:
 - i. Minimum capital and surplus, or its equivalent, calculated according to the methodology of its domiciliary jurisdiction, in an amount to be set forth in administrative regulation; and
 - ii. A minimum solvency or capital ratio, as applicable, as set forth in administrative regulation; or
 - b. For assuming insurers that are associations, including incorporated and individual unincorporated underwriters:
 - i. Minimum capital and surplus equivalents, net of liabilities, calculated according to the methodology applicable in its domiciliary jurisdiction, and a central fund containing a balance in amounts to be set forth by the commissioner in administrative regulation; and
 - ii. A minimum solvency or capital ratio in the reciprocal jurisdiction where the assuming insurer has its head office or is domiciled, as applicable, and is also licensed;
 3. The assuming insurer agrees, and provides adequate assurance, in a form prescribed by the commissioner, to the following:
 - a. To provide prompt written notice and explanation to the commissioner if the assuming insurer falls below the minimum requirements set forth in subparagraph 2. of this paragraph, or if any regulatory action is taken against the assuming insurer for serious noncompliance with applicable law;
 - b. To submit the assuming insurer's consent, in writing, to the jurisdiction of the courts of this state and to the appointment of the commissioner as an agent for service of process. The commissioner may require that consent for service of process be provided to the commissioner and included in each reinsurance agreement. Nothing in this subdivision shall be construed to limit, or in any way alter, the capacity for the parties to a reinsurance agreement to agree to alternative dispute resolution mechanisms, except to the extent such agreements are unenforceable under applicable insolvency or delinquency laws;
 - c. To submit the assuming insurer's consent, in writing, to pay all final judgments, wherever enforcement is sought, obtained by a ceding insurer or its legal successor, that have been declared enforceable in the jurisdiction where the judgment was obtained;
 - d. To include in each reinsurance agreement, a provision requiring the assuming insurer to provide security in an amount equal to one hundred percent (100%) of the assuming insurer's liabilities attributable to reinsurance ceded pursuant to that agreement if the

assuming insurer resists enforcement of a final judgment that is enforceable under the law of the jurisdiction in which it was obtained or a properly enforceable arbitration award, whether obtained by the ceding insurer or by its legal successor on behalf of its resolution estate; and

- e.
 - i. To confirm that the assuming insurer is not presently participating in any solvent scheme of arrangement which involves this state's ceding insurers; and
 - ii. To notify the ceding insurer and the commissioner, and to provide security in the amount of one hundred percent (100%) of the assuming insurer's liabilities to the ceding insurer, should the assuming insurer enter into a solvent scheme of arrangement referenced in subpart i. of this subdivision. The security required under this subdivision shall be in a form consistent with the provisions of paragraph (e) of this subsection and subsection (4) of this section, as specified by the commissioner in administrative regulation;
4. The assuming insurer or its legal successor provides, upon request of the commissioner, on behalf of itself and any legal predecessors, any documentation prescribed by the commissioner in administrative regulation;
5. The assuming insurer maintains a practice of prompt payment of claims under reinsurance agreements, pursuant to criteria set forth by the commissioner in administrative regulation; and
6. The assuming insurer's supervisory authority confirms to the commissioner on an annual basis, as of the preceding December 31 or at the annual date otherwise statutorily reported to the reciprocal jurisdiction, that the assuming insurer complies with the requirements of subparagraph 2. of this paragraph.

Nothing in this paragraph precludes an assuming insurer from providing the commissioner with information on a voluntary basis.

(g) For purposes of paragraph (f) of this subsection:

1.
 - a. The commissioner shall timely create and publish a list of reciprocal jurisdictions which shall include reciprocal jurisdictions as defined in subsection (1)(c) **1. and 2.** of this section.
 - b. The commissioner shall consider, and may approve, any other reciprocal jurisdiction:
 - i. On the list of reciprocal jurisdictions published by the NAIC, through the NAIC committee process; and
 - ii. That meets the criteria established by the commissioner by administrative regulation.
 - c. The commissioner may remove a jurisdiction from the list of reciprocal jurisdictions upon a determination that the jurisdiction no longer meets the requirements of a reciprocal jurisdiction, in accordance with a process established by the commissioner by administrative regulation, except the commissioner shall not remove a reciprocal jurisdiction, as defined in subsection (1)(c) **1. and 2.** of this section. Upon removal of a reciprocal jurisdiction from the commissioner's list, credit for reinsurance ceded to an assuming insurer that has its home office or is domiciled in that jurisdiction shall be allowed if otherwise allowed under this section;
2.
 - a. The commissioner shall timely create and publish a list of assuming insurers that have satisfied the conditions set forth in paragraph (f) of this subsection and to which cessions shall be granted credit in accordance with paragraph (f) of this subsection.
 - b. The commissioner may add an assuming insurer to the list described in subdivision a. of this subparagraph if an NAIC-accredited jurisdiction has added the assuming insurer to a list of such assuming insurers, or if upon initial eligibility, the assuming insurer submits information to the commissioner as required under paragraph (f) ~~3.4.~~ of this subsection and complies with any additional requirements that the commissioner may impose by administrative regulation, except to the extent that they conflict with an applicable covered agreement.

ACTS OF THE GENERAL ASSEMBLY

- c. For purposes of carrying out the provisions of this subparagraph:
 - i. If an NAIC-accredited jurisdiction has determined that the conditions set forth in paragraph (f) of this subsection have been met, the commissioner may defer to that jurisdiction's determination;
 - ii. The commissioner may accept financial documentation filed with another NAIC-accredited jurisdiction or with the NAIC;
 - iii. If an assuming insurer requests the commissioner to defer to another NAIC-accredited jurisdiction's determination, the insurer shall submit the request on forms prescribed by the commissioner, and any additional information as the commissioner may require, by administrative regulation, *except to the extent that they conflict with an applicable covered agreement*; and
 - iv. Upon receiving a request described in subpart iii. of this subdivision, the commissioner shall notify other states through the NAIC committee process and provide relevant information with respect to the determination of eligibility;
- 3. a. If the commissioner determines that an assuming insurer no longer meets one (1) or more of the requirements of paragraph (f) of this subsection, the commissioner may revoke or suspend the eligibility of the assuming insurer for recognition under paragraph (f) of this subsection, in accordance with procedures set forth in administrative regulation.
- b. While an assuming insurer's eligibility is suspended, no reinsurance agreement issued, amended, or renewed after the effective date of the suspension qualifies for credit, except to the extent that the assuming insurer's obligations under the contract are secured in accordance with subsection (4) of this section.
- c. If an assuming insurer's eligibility is revoked, no credit for reinsurance may be granted after the effective date of the revocation with respect to any reinsurance agreements entered into by the assuming insurer, including reinsurance agreements entered into prior to the date of revocation, except to the extent that the assuming insurer's obligations under the contract are secured in a form acceptable to the commissioner and consistent with the provisions of subsection (4) of this section;
- 4. If subject to legal process of rehabilitation, liquidation, or conservation, as applicable, the ceding insurer, or its representative, may seek and, if determined appropriate by the court in which the proceedings are pending, may obtain an order requiring that the assuming insurer post security for all outstanding ceded liabilities;
- 5. a. Credit may be taken under paragraph (f) of this subsection for reinsurance agreements entered into, amended, or renewed, on or after July 15, 2020, and only with respect to losses incurred and reserves reported after the later of:
 - i. The date on which the assuming insurer has met all eligibility requirements pursuant to paragraph (f) of this subsection; or
 - ii. The effective date of the new reinsurance agreement, amendment, or renewal.
- b. Nothing in this paragraph shall be construed to alter or impair a ceding insurer's right to take credit for reinsurance, to the extent that credit is not available under paragraph (f) of this subsection, as long as the reinsurance qualifies for credit under any other provision of this section; and
- 6. Nothing in this paragraph or paragraph (f) of this subsection shall be construed to:
 - a. Limit or in any way alter the capacity of the parties to a reinsurance agreement to:
 - i. Agree on requirements for security or other terms in the reinsurance agreement, except as expressly prohibited by this section or other applicable law; or
 - ii. Renegotiate the agreement; or
 - b. Authorize an assuming insurer to withdraw or reduce the security provided under any reinsurance agreement, except as permitted by the terms of the agreement.

- (h) Credit shall be allowed when the reinsurance is ceded to an assuming insurer not meeting the requirements of paragraph (a), (b), (c), (d), (e), or (f) of this subsection, but only with respect to the insurance of risks located in jurisdictions where such reinsurance is required by applicable law or regulation of that jurisdiction or reinsurance ceded to a residual market mechanism reinsurance association, or the members thereof, created pursuant to law or which has been voluntarily created as such by its members with the approval of the commissioner.
- (i) If the assuming insurer is not authorized, certified, or accredited to transact insurance or reinsurance in Kentucky, the credit permitted by paragraphs (c) and (d) of this subsection shall not be allowed unless the assuming insurer agrees in the reinsurance agreements:
1. That in the event of the failure of the assuming insurer to perform its obligations under the terms of the reinsurance agreement, the assuming insurer, at the request of the ceding insurer, shall submit to the jurisdiction of any court of competent jurisdiction in any state of the United States, shall comply with all requirements necessary to give the court jurisdiction, and shall abide by the final decision of the court or of any appellate court in the event of an appeal; and
 2. To designate the Secretary of State or a designated attorney as its true and lawful attorney upon whom may be served any lawful process in any action, suit, or proceeding instituted by or on behalf of the ceding insurer.

This paragraph is not intended to conflict with or override the obligation of the parties to a reinsurance agreement to arbitrate their disputes, if this obligation is created in the agreement.

- (j) If the assuming insurer does not satisfy the requirements of paragraph (a), (b), (c), or (f) of this subsection, the credit permitted by paragraph (d) or (e) of this subsection shall not be allowed unless the assuming insurer agrees in the trust agreements to the following conditions:
1. Notwithstanding any other provisions in the trust instrument, if the trust is inadequate because it contains an amount less than the amount required by paragraph (d)2. of this subsection, or if the grantor of the trust has been declared insolvent or placed into receivership, rehabilitation, liquidation, or similar proceedings under the laws of its state or country of domicile, the trustee shall comply with an order of the commissioner with regulatory oversight over the trust or with an order of a court of competent jurisdiction directing the trustee to transfer to the commissioner with regulatory oversight all of the assets of the trust;
 2. The assets shall be distributed by and claims shall be filed with and valued by the commissioner with regulatory oversight in accordance with the laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic insurance companies;
 3. If the commissioner with regulatory oversight determines that the assets of the trust fund or any part thereof are not necessary to satisfy the claims of the United States ceding insurers of the grantor of the trust, the assets or part thereof shall be returned by the commissioner with regulatory oversight to the trustee for distribution in accordance with the trust agreement; and
 4. The grantor shall waive any right otherwise available to it under United States law that is inconsistent with this paragraph.
- (k)
1. If an accredited or certified reinsurer ceases to meet the requirements for accreditation or certification, the commissioner may suspend or revoke the reinsurer's accreditation or certification.
 2. The commissioner shall provide the reinsurer notice and an opportunity for hearing prior to the entry of a suspension or revocation order.
 3. A suspension or revocation order shall not take effect until after a hearing is conducted, unless:
 - a. The reinsurer waives its right to hearing;
 - b. The commissioner's order is based on regulatory action by the reinsurer's domiciliary jurisdiction or the voluntary surrender or termination of the reinsurer's eligibility to transact insurance or reinsurance business in its domiciliary jurisdiction or in the primary certifying state of the reinsurer under paragraph (e)7. of this subsection; or
 - c. The commissioner finds that an emergency requires immediate action and a court of competent jurisdiction has not stayed the commissioner's action.

4. While a reinsurer's accreditation or certification is suspended, no reinsurance contract issued or renewed after the effective date of the suspension qualifies for credit except to the extent that the reinsurer's obligations under the contract are secured in accordance with subsection (4) of this section. If a reinsurer's accreditation or certification is revoked, no credit for reinsurance may be granted after the effective date of the revocation except to the extent that the reinsurer's obligations under the contract are secured in accordance with paragraph (e)6. of this subsection or subsection (4) of this section.
- (l) 1. A ceding insurer shall manage its reinsurance recoverables proportionate to its own book of business and diversify its reinsurance program.
 2. a. A domestic ceding insurer shall notify the commissioner within thirty (30) days after:
 - i. Reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, exceeds fifty percent (50%) of the domestic ceding insurer's last reported surplus to policyholders; or
 - ii. It is determined that reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed the limit set forth in subpart i. of this subdivision.
 - b. A domestic ceding insurer shall notify the commissioner within thirty (30) days after:
 - i. Ceding to any single assuming insurer, or group of affiliated assuming insurers, more than twenty percent (20%) of the ceding insurer's gross written premium in the prior calendar year; or
 - ii. It has determined that the reinsurance ceded to any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed the limit set forth in subpart i. of this subdivision.
 - c. The notification required by this subparagraph shall demonstrate that the exposure is safely managed by the domestic ceding insurer.
 - (m) 1. In order to facilitate the prompt payment of claims, the commissioner may permit a certified reinsurer to defer posting the security for catastrophic recoverables for a period of up to one (1) year from the date of the first instance of a liability reserve entry by the ceding insurer as a result of a loss from a catastrophic occurrence.
 2. Upon notice by the ceding insurer to the commissioner that the certified reinsurer has failed to pay claims owed under a reinsurance agreement in a timely manner, the commissioner shall notify the certified reinsurer that it is no longer permitted to defer the posting of security for catastrophic recoverables.
 3. Reinsurance recoverables for only the following lines of business, as reported on the NAIC's annual financial statement related specifically to the catastrophic occurrence, shall be included in the deferral:
 - a. Fire;
 - b. Allied lines;
 - c. Farmowner's multiple peril;
 - d. Homeowner's multiple peril;
 - e. Commercial multiple peril;
 - f. Inland marine;
 - g. Earthquake; and
 - h. Auto physical damage.
 4. The commissioner may promulgate administrative regulations to establish the process for a certified reinsurer to seek a deferral of posting of security for catastrophic recoverables.
- (4) An asset or a reduction from liability for the reinsurance ceded by an insurer to an assuming insurer not meeting the requirements of subsections (2) and (3) of this section shall be allowed in an amount not

exceeding the liabilities carried by the ceding insurer and the reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with the assuming insurer as security for the payment of obligations thereunder, if the security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer, or, in the case of a trust, held in a qualified United States financial institution. This security may be in the form of:

- (a) Cash;
 - (b) Securities listed by the Securities Valuation Office of the NAIC and qualifying as admitted assets, including those deemed exempt from filing, as defined by the Purposes and Procedures Manual of the Securities Valuation Office, and qualifying as admitted assets;
 - (c) Clean, irrevocable, unconditional letters of credit issued or confirmed by a qualified United States financial institution no later than December 31 in respect of the year for which filing is being made, and in the possession of the ceding insurer on or before the filing date of its annual statement. Letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance, or confirmation, shall, notwithstanding the issuing, or confirming, institution's subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until their expiration, extension, renewal, modification, or amendment, whichever first occurs; or
 - (d) Any other form of security acceptable to the commissioner.
- (5) Cession of bulk reinsurance by a domestic insurer is subject to KRS 304.24-420.
- (6) (a) Credit shall be allowed as an asset or as a deduction from liability, to any ceding insurer for reinsurance ceded to an assuming insurer qualified therefor under subsection (2), (3), (4), or (5) of this section, except that no such credit shall be allowed unless the reinsurance contract provides, in substance, that in the event of the insolvency of the ceding insurer, the reinsurance shall be payable under a contract reinsured by the assuming insurer on the basis of reported claims allowed by the liquidation court, without diminution because of the insolvency of the ceding insurer. Such payments shall be made directly to the ceding insurer or to its domiciliary liquidator except:
1. Where the contract or other written agreement specifically provides another payee of such reinsurance in the event of the insolvency of the ceding insurer; or
 2. Where the assuming insurer, with the consent of the direct insured, has assumed such policy obligations of the ceding insurer as direct obligations of the assuming insurer to the payees under such policies and in substitution for the obligations of the ceding insurer to such payees.
- (b) The reinsurance agreement may provide that the domiciliary liquidator of an insolvent ceding insurer shall give written notice to the assuming insurer of the pendency of a claim against such ceding insurer on the contract reinsured within a reasonable time after such claim is filed in the liquidation proceeding. During the pendency of such claim, any assuming insurer may investigate such claim and interpose, at its own expense, in the proceeding where such claim is to be adjudicated, any defenses which it deems available to the ceding insurer or its liquidator. Such expense may be filed as a claim against the insolvent ceding insurer to the extent of a proportionate share of the benefit which may accrue to the ceding insurer solely as a result of the defense undertaken by the assuming insurer. Where two (2) or more assuming insurers are involved in the same claim and a majority in interest elect to interpose a defense to such claim, the expense shall be apportioned in accordance with the terms of the reinsurance agreement as though such expense had been incurred by the ceding insurer.
- (7) Upon request of the commissioner an insurer shall promptly inform the commissioner in writing of the cancellation or any other material change of any of its reinsurance treaties or arrangements.
- (8) (a) The commissioner may promulgate administrative regulations to:
1. Implement the provisions of this section; and
 2. Regulate any of the following reinsurance arrangements:
 - a. Life insurance policies with guaranteed nonlevel gross premium or guaranteed nonlevel benefits;
 - b. Universal life insurance policies with provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period;
 - c. Variable annuities with guaranteed death or living benefits;

- d. Long-term care insurance policies; or
 - e. Such other life and health insurance and annuity products as to which the NAIC adopts model regulatory requirements with respect to credit for reinsurance.
- (b) An administrative regulation adopted pursuant to paragraph (a)2.a. or b. of this subsection may apply to any treaty containing policies issued:
- 1. On or after January 1, 2015; or
 - 2. Prior to January 1, 2015, if risk pertaining to these policies is ceded in connection with the treaty in whole or in part, on or after January 1, 2015.
- (c) An administrative regulation adopted pursuant to paragraph (a)2. of this subsection:
- 1. May require the ceding insurer, in calculating the amounts or forms of security required to be held by the insurer pursuant to this section, to use the Valuation Manual adopted by the NAIC under Section 11B(1) of the NAIC Standard Valuation Law, including all amendments adopted by the NAIC and in effect on the date as of which the calculation is made, to the extent applicable; and
 - 2. Shall not apply to cessions to an assuming insurer that:
 - a. Meets the requirements set forth in subsection (3)(f) of this section;
 - b. Is certified in this state; or
 - c. Maintains at least two hundred fifty million dollars (\$250,000,000) in capital and surplus when determined in accordance with the NAIC Accounting Practices and Procedures Manual, including all amendments thereto adopted by the NAIC, excluding the impact of any permitted or prescribed practices, and is:
 - i. Licensed in at least twenty-six (26) states; or
 - ii. Licensed in at least ten (10) states, and licensed or accredited in a total of at least thirty-five (35) states.
- (d) The authority to promulgate administrative regulations pursuant to paragraph (a)2. of this subsection shall not limit the commissioner's general authority to promulgate administrative regulations pursuant to paragraph (a)1. of this subsection.
- (9) Subsections (1) to (4) of this section shall apply to all cessions after July 14, 1992, under reinsurance agreements which have had an inception, anniversary, or renewal date not less than six (6) months after July 14, 1992.

Signed by Governor April 9, 2024.

CHAPTER 130

(HB 488)

AN ACT relating to legal instruments.

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

➔Section 1. KRS 382.297 is amended to read as follows:

- (1) ***A county clerk shall admit to record any amendment, renewal, modification, or extension of a recorded mortgage that complies with subsection (2) of this section.***
- (2) ***Any amendment, renewal, modification, or extension of a recorded mortgage admitted to record under subsection (1) of this section shall:***
 - (a) ***Be in writing;***
 - (b) ***Contain:***

1. *The name and mailing address of each mortgagor;*
 2. *The name and mailing address of the mortgagee;*
 3. *The book and page number where the original mortgage is recorded;*
 4. *A description of the amendment, renewal, modification, or extension, which:*
 - a. *Shall be in conformity with KRS 382.330; and*
 - b. *For an extension, shall include the:*
 - i. *Time period of the extension; and*
 - ii. *Amount of indebtedness remaining due;*
 5. *A printed, typewritten, or stamped endorsement on the instrument to be recorded stating the name and address of the individual who prepared the instrument, which shall be signed by the individual;*
 6. *The address to which the recorded instrument is to be delivered as provided in KRS 382.240; and*
 7. *The signature of each mortgagor and the mortgagee, acknowledged before a notary public; and*
- (c) *Be recorded in the office of the county clerk in which the original mortgage is located.*
- (3) (a) *In addition to any amendment allowed under subsection (1) of this section, a county clerk shall admit to record ~~recorded mortgage may be amended by~~ an affidavit of amendment to a recorded mortgage that:*
1. *Is prepared and executed by an attorney licensed in Kentucky; and*
 2. *Complies with this subsection ~~to correct clerical errors or omitted information~~.*
- (b) *An affidavit of amendment may not change:*
1. *Any term, dollar amount, or interest rate in the mortgage; ~~unless signed by the mortgagor and secured party. An affidavit of amendment may not change~~*
 2. *The parties; or*
 3. *The collateral of a recorded mortgage; ~~or~~*
- but may be used to correct a manifest clerical or typographical error such as spelling, punctuation, or numbering mistakes in typing or printing.*
- (c) *The attorney preparing the affidavit shall certify in the affidavit that notice of filing the amendment has been given to ~~each~~ the mortgagor by mailing a copy of the amendment to the mortgagor or mortgagors at the address shown on the original mortgage.*
- (4) *Every amendment, renewal, modification, or extension of a recorded mortgage admitted to record under this section shall be recorded by the county clerk in the same manner as recordation of an original mortgage.*
- (5) *The receipt for record and recording of any instrument by a county clerk that is not in compliance with the provisions of this section shall not prevent the record of filing of the instrument from becoming notice as otherwise provided by law, and shall not impair the admissibility of the record as evidence.*
- (6) *A subsequent release of the original mortgage releases any amendments, renewals, modifications, or extensions admitted to record under this section ~~to the original mortgage~~.*
- (7) *Nothing in this section shall be construed to:*
- (a) *Affect or change the priority established under law of any recorded mortgage, including but not limited to the priority established under KRS 382.340, 382.385, and 382.520;*
 - (b) *Create or establish:*
 1. *A lien or other security interest; or*
 2. *Priority in a lien or other security interest; or*

- (c) *Require the recording of any amendment, renewal, modification, or extension of a recorded mortgage in order:*
1. *To secure payment of any sums due and payable under the mortgage;*
 2. *To secure priority of the mortgage, as amended, renewed, modified, or extended; or*
 3. *For the amendment, renewal, modification, or extension to be enforceable between the parties.*

➔Section 2. KRS 413.100 is amended to read as follows:

- (1) No promise, acknowledgment, or payment of money by any person bound on any bond or obligation for the payment of money secured by a lien shall operate as ~~an~~ ~~a prolongation or~~ extension of the time within which the lien may be enforced as against purchasers or creditors, unless ~~the promisor and the holder of the lien~~, before *expiration of the limitations period for enforcement of the debt under KRS 413.090(2) or 413.160, as applicable*: ~~fifteen (15) years after the maturity of the debt~~
- (a) *For liens secured by a recorded mortgage, a copy of the extension is recorded in accordance with Section 1 of this Act; or*
- (b) *For liens secured by a recorded deed, a memorandum notice of the extension is recorded that contains:*
1. *The book and page number where the deed is recorded;*
 2. *A statement that the debt is extended;*
 3. *The time period of the extension;*
 4. *The amount of indebtedness remaining due; and*
 5. *The signature of each promisor and the holder of the lien, acknowledged before a notary public*, ~~enters a memorandum on the margin of the record of the deed or mortgage, attested by the clerk, showing that the debt is extended, for what time it is extended and the amount still due thereon~~.
- (2) The payee shall pay the clerk a fee pursuant to KRS 64.012 for *the recording*~~his services~~.

Signed by Governor April 9, 2024.

CHAPTER 131

(HB 471)

AN ACT relating to school pre-enrollment for military-connected students.

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

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

- (1) A child of a military family may pre-enroll or participate in preadmission in a school district if the parent or guardian of the child:
- (a) Is transferred to or is pending transfer to a military installation or to a reserve component within the state while on active military duty pursuant to an official military order; or
 - (b) Is returning to the state within one (1) year of being separated from the military with an honorable discharge, discharge under honorable conditions, or a general discharge under honorable conditions.
- (2) (a) A school district shall accept an application for enrollment and course registration by electronic means for a child who meets the requirements set forth in subsection (1) of this section, including enrollment in a specific school or program within the school district.
- (b) *A school district shall not require the parent or guardian of a child who meets the requirements set forth in subsection (1) of this section to appear in person for enrollment or course registration, including enrollment in a specific school or program within the school district.*

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

Signed by Governor April 9, 2024.

CHAPTER 132

(HB 462)

AN ACT relating to recovery residences.

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

➔Section 1. KRS 222.500 is amended to read as follows:

As used in KRS 222.500 to 222.510:

- (1) "Cabinet" means the Cabinet for Health and Family Services;
- (2) "Certifying organization" means:
 - (a) The Kentucky Recovery Housing Network;
 - (b) The National Alliance for Recovery Residences *or their recognized affiliates*;
 - (c) Oxford House, Inc.; and
 - (d) Any other organization that develops and administers professional certification programs requiring minimum standards for the operation of recovery residences that has been recognized and approved by the Cabinet for Health and Family Services;
- (3) "Local government" means a city, county, urban-county government, consolidated local government, charter county government, or unified local government;
- (4) "Medication for addiction treatment" means the use of pharmacological agents approved by the United States Food and Drug Administration for the treatment of substance use disorders in combination with counseling and other behavioral health therapies to provide a whole-patient approach to the treatment of substance use disorders;
- (5) "Recovery residence":
 - (a) Means any premises, place, or building that:

- 1.~~(a)~~ Holds itself out as a recovery residence, recovery home, sober living residence, alcohol, illicit drug, and other intoxicating substance-free home for unrelated individuals, or any other similarly named or identified residence that promotes substance use disorder recovery through abstinence from intoxicating substances; **and**
- 2.~~(b)~~ Provides a housing arrangement for a group of unrelated individuals who are recovering from substance use disorders or to a group of parents who are recovering from a substance use disorder and their children, including peer-to-peer supervision models; and
- ~~(b)(e)~~ **Does not include any premises, place, or building that is ~~not~~ licensed or otherwise approved by the cabinet or any other agency of state government to operate as a residential or inpatient substance use treatment facility; ~~to provide any medical, clinical, behavioral health, or substance use treatment service for which a license or other approval is required under state law; and~~**
- (6) "Recovery support services":
- (a) Means activities that are directed primarily toward recovery from substance use disorders and includes but is not limited to mutual aid self-help meetings, recovery coaching, spiritual coaching, group support, and assistance in achieving and retaining gainful employment; and
- (b) Does not include any medical, clinical, behavioral health, or other substance use treatment service for which a license or other approval is required under state law; **and**
- (7) **"Resident-driven length of stay" means the amount of time an individual is allowed to stay at a recovery residence as determined by the individual resident based upon his or her recovery needs and not by a third-party payor.**

➔Section 2. KRS 222.502 is amended to read as follows:

- (1) (a) Effective July 1, 2024, no individual or entity shall, except as provided in **paragraph (b) of this subsection and** subsection (2) of this section, establish, operate, or maintain a recovery residence, recovery home, sober living residence, alcohol, illicit drug, and other intoxicating substance-free home for unrelated individuals, or any other similarly named or identified residence that promotes substance use disorder recovery through abstinence from intoxicating substances or represent, promote, advertise, or otherwise claim to operate a recovery residence, recovery home, sober living residence, alcohol, illicit drug, and other intoxicating substance-free home for unrelated individuals, or any other similarly named or identified residence that promotes substance use disorder recovery through abstinence from intoxicating substances unless that individual or entity has:
1. Been certified by a certifying organization; and
 2. Provided proof of certification by a certifying organization to the cabinet in a form and manner prescribed by the cabinet.
- (b) The provisions of this subsection shall not apply to:
1. A recovery residence that is recognized as a part of the Recovery Kentucky Program administered by the Kentucky Housing Corporation; or
 2. A recovery residence that is:
 - a. Owned or operated by an entity that is exempt, in part or in whole, pursuant to 42 U.S.C. sec. 3607 or 12187 from compliance with the Americans with Disabilities Act, Pub. L. No. 101-336, or the Fair Housing Act, Pub. L. No. 100-430; and
 - b. Affiliated with a religious institution that is organized under 26 U.S.C. sec. 501(c) for charitable religious purposes;
 unless the recovery residence accepts Medicare or Medicaid funds.
- (2) Notwithstanding subsection (1) of this section:
- (a) A recovery residence operating without certification from a certifying organization on June 30, 2024, shall be permitted to continue to operate until December 31, 2024, if, **except as provided in paragraph (c) of this subsection**, the recovery residence provides the cabinet with proof that it initiated a certification process with a certifying organization prior to July 1, 2024;~~and~~

- (b) A recovery residence that seeks to begin operating after July 1, 2024, may be permitted by the cabinet to operate for a period of not more than six (6) months if the recovery residence provides the cabinet with proof that it has initiated a certification process with a certifying organization; **and**
- (c) ***Notwithstanding paragraph (a) of this subsection, a recovery residence that provides on-site clinical services or access to on-site clinical services operating without certification from a certifying organization on June 30, 2024, shall be permitted to continue operating after July 1, 2024, but shall be required to provide proof of certification by a certifying organization to the cabinet no later than December 31, 2024.***

➔Section 3. KRS 222.504 is amended to read as follows:

- (1) The cabinet shall:
 - (a) Require certified recovery residences to provide proof of certification at least annually;
 - (b) Require certified recovery residences to notify the cabinet of any change in their certification status, including but not limited to a suspension or revocation of certification by a certifying organization;
 - (c) Require separate proof of certification for each recovery residence owned or operated by an individual or entity in the Commonwealth;
 - (d) Post on its website the name, telephone number, and location by local jurisdiction of each certified recovery residence and shall update the list at least quarterly;
 - (e) Post on its website the name of each certifying organization approved by the cabinet; and
 - (f) Notify local governments with appropriate jurisdiction of receipt of proof of certification from a recovery residence within thirty (30) days of receipt of proof of certification.
- (2) The cabinet shall not disclose the address of a recovery residence except to local governments, local law enforcement, and emergency personnel.
- (3) The cabinet may:
 - (a) In lieu of posting the information required by subsection (1)(d) of this section to its website, post a link to another website that aggregates information on certified recovery residences or other information providers; and
 - (b) Promulgate administrative regulations in accordance with KRS Chapter 13A to carry out the provisions of this section, ***Sections 1, 2, and 4 of this Act, and KRS 222.508 and 222.510*** ~~and KRS 222.502~~.
- (4) ***If a recovery residence violates any provision of this section, Section 2 of this Act or any administrative regulation promulgated thereunder, the cabinet and local governments are hereby granted the authority and legal standing necessary to impose civil fines as permitted under subsection (5) of this section and to initiate appropriate legal action to compel a recovery residence that is operating in violation of KRS 222.502 to cease operating.***
- (5)
 - (a) ***Any certified recovery residence or other person operating a recovery residence who knowingly fails to submit any report, data, or other information as may be required by the cabinet through the promulgation of an administrative regulation or by a local government through the enactment of a local ordinance or who submits fraudulent reports, data, or information may be subject to civil fines established by the cabinet through the promulgation of an administrative regulation or by a local government through the enactment of a local ordinance.***
 - (b) ***Any person or entity who knowingly establishes, maintains, or operates an uncertified recovery residence in violation of Section 2 of this Act may be subject to civil fines established by the cabinet through the promulgation of an administrative regulation or by a local government through the enactment of a local ordinance.***
- (6) ***Notwithstanding any law to the contrary, a recovery residence that furnishes proof of current certification from a certifying organization to a local government shall be presumed by the local government to be in compliance with this section, Sections 1, 2, and 4 of this Act, and KRS 222.508 and 222.510.***

➔Section 4. KRS 222.506 is amended to read as follows:

- (1) A recovery residence shall:

- (a) Clearly disclose the following by inclusion in any advertising and by posting such a notice in a conspicuous location inside the residence:
1. Notice that the recovery residence is not a treatment facility;
 2. A list of services offered by the recovery residence; and
 3. If the recovery residence is exempt from certification pursuant to KRS 222.502(1)(b), notice that the recovery residence is exempt from certification requirements;
- (b) Require residents to abstain from the use of alcohol, illicit drugs, and other intoxicating substances;
- (c) Require residents to participate in recovery support services including through a peer-to-peer supervision model; and
- (d) Allow individuals who are receiving medication for addiction treatment to continue to receive such treatment while residing in the recovery residence as directed by a licensed prescriber.
- (2) A recovery residence shall not, except as permitted under ~~paragraph (b) of~~ subsection (3) of this section, directly provide any medical or clinical services including on-site medication administration.
- (3) (a) The requirement that residents abstain from the use of intoxicating substances established in subsection (1)(b) of this section shall not apply to any legally prescribed medication when used by a resident as directed by a licensed prescriber.
- (b) Subsection (1)(d) of this section shall not apply to any recovery residence owned or operated by an entity that is exempted, in part or in whole, pursuant to 42 U.S.C. sec. 3607 or 12187 from compliance with the Americans with Disabilities Act, Pub. L. No. 101-336, or the Fair Housing Act, Pub. L. No. 100-430.
- (c) The prohibition on the provision of *on-site* medical and clinical services established in subsection (2) of this section shall not apply to:
1. The self-administration of prescribed medications by a resident as directed by a licensed prescriber within his or her scope of practice;
 2. Verification of abstinence from the use of alcohol, illicit drugs, and other intoxicating substances; or
 3. The provision of *on-site* medical and clinical services, including telehealth services and other in-residence services, to an individual residing in a recovery residence by a licensed medical or behavioral health provider provided that:
 - a. The licensed provider is not employed or contracted by the recovery residence ***unless at least one (1) of the following criteria is met:***
 - i. ***The recovery residence does not receive payment from the licensed provider;***
 - ii. ***The recovery residence makes on-site clinical services available from an outside service provider, but each resident may utilize the clinical service provider of his or her choosing; or***
 - iii. ***The recovery residence is operated by or is a direct subsidiary of the licensed provider and the services are provided as part of a continuum of care that can be shown by the recovery residence operator to include step-down facilities with resident-driven length of stay or referral thereof;***
 - b. The recovery residence has not required or otherwise induced a resident to receive services from a specific provider ***unless the recovery residence is operated by or is a direct subsidiary of the of the provider and the services are provided as part of a continuum of care that can be shown by the recovery residence operator to include step-down facilities with resident-driven length of stay or referral thereof;*** and
 - c. The licensed provider and the recovery residence shall each, as applicable, comply with 18 U.S.C. sec. 220, 42 U.S.C. sec. 1320a-7b(b), and 42 U.S.C. sec. 1395nn and any amendments thereto.

Signed by Governor April 9, 2024.

CHAPTER 133**(HB 453)**

AN ACT relating to assistance for military families.

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

➔Section 1. KRS 620.040 is amended to read as follows:

- (1)
 - (a) Upon receipt of a report alleging abuse or neglect by a parent, guardian, fictive kin, person in a position of authority, person in a position of special trust, or person exercising custodial control or supervision, pursuant to KRS 620.030(1) or (2), or a report alleging a child is a victim of human trafficking pursuant to KRS 620.030(3), the recipient of the report shall immediately notify the cabinet or its designated representative, the local law enforcement agency or the Department of Kentucky State Police, and the Commonwealth's or county attorney of the receipt of the report. If any agency listed above is the reporting source, the recipient shall immediately notify the cabinet or its designated representative, the local law enforcement agency, the Department of Kentucky State Police, and the Commonwealth's or county attorney of the receipt of the report.
 - (b) Based upon the allegation in the report, the cabinet shall immediately make an initial determination as to the risk of harm and immediate safety of the child. Based upon the level of risk determined, the cabinet shall investigate the allegation or accept the report for an assessment of family needs and, if appropriate, may provide or make referral to any community-based services necessary to reduce risk to the child and to provide family support. A report of sexual abuse or human trafficking of a child shall be considered high risk and shall not be referred to any other community agency.
 - (c) The cabinet shall, within seventy-two (72) hours, exclusive of weekends and holidays, make a written report to the Commonwealth's or county attorney and the local law enforcement agency or the Department of Kentucky State Police concerning the action that has been taken on the investigation.
 - (d) If the report alleges abuse or neglect by someone other than a parent, guardian, fictive kin, person in a position of authority, person in a position of special trust, or person exercising custodial control or supervision, or the human trafficking of a child, the cabinet shall immediately notify the Commonwealth's or county attorney and the local law enforcement agency or the Department of Kentucky State Police.
- (2)
 - (a) Upon receipt of a report alleging dependency pursuant to KRS 620.030(1) and (2), the recipient shall immediately notify the cabinet or its designated representative.
 - (b) Based upon the allegation in the report, the cabinet shall immediately make an initial determination as to the risk of harm and immediate safety of the child. Based upon the level of risk, the cabinet shall investigate the allegation or accept the report for an assessment of family needs and, if appropriate, may provide or make referral to any community-based services necessary to reduce risk to the child and to provide family support. A report of sexual abuse or human trafficking of a child shall be considered high risk and shall not be referred to any other community agency.
 - (c) The cabinet need not notify the local law enforcement agency or the Department of Kentucky State Police or Commonwealth's or county attorney of reports made under this subsection unless the report involves the human trafficking of a child, in which case the notification shall be required.
- (3) If the cabinet or its designated representative receives a report of abuse by a person other than a parent, guardian, fictive kin, person in a position of authority, person in a position of special trust, or other person exercising custodial control or supervision of a child, it shall immediately notify the local law enforcement agency or the Department of Kentucky State Police and the Commonwealth's or county attorney of the receipt of the report and its contents, and they shall investigate the matter. The cabinet or its designated representative shall participate in an investigation of noncustodial physical abuse or neglect at the request of the local law enforcement agency or the Department of Kentucky State Police. The cabinet shall participate in all investigations of reported or suspected sexual abuse or human trafficking of a child.

- (4) School personnel or other persons listed in KRS 620.030(2) do not have the authority to conduct internal investigations in lieu of the official investigations outlined in this section.
- (5) (a) If, after receiving the report, the law enforcement officer, the cabinet, or its designated representative cannot gain admission to the location of the child, a search warrant shall be requested from, and may be issued by, the judge to the appropriate law enforcement official upon probable cause that the child is dependent, neglected, or abused. If, pursuant to a search under a warrant, a child is discovered and appears to be in imminent danger, the child may be removed by the law enforcement officer.
- (b) If a child who is in a hospital or under the immediate care of a physician appears to be in imminent danger if he or she is returned to the persons having custody of him or her, the physician or hospital administrator may hold the child without court order, provided that a request is made to the court for an emergency custody order at the earliest practicable time, not to exceed seventy-two (72) hours.
- (c) Any appropriate law enforcement officer may take a child into protective custody and may hold that child in protective custody without the consent of the parent or other person exercising custodial control or supervision if there exist reasonable grounds for the officer to believe that the child is in danger of imminent death or serious physical injury, is being sexually abused, or is a victim of human trafficking and that the parents or other person exercising custodial control or supervision are unable or unwilling to protect the child. The officer or the person to whom the officer entrusts the child shall, within twelve (12) hours of taking the child into protective custody, request the court to issue an emergency custody order.
- (d) When a law enforcement officer, hospital administrator, or physician takes a child into custody without the consent of the parent or other person exercising custodial control or supervision, he or she shall provide written notice to the parent or other person stating the reasons for removal of the child. Failure of the parent or other person to receive notice shall not, by itself, be cause for civil or criminal liability.
- (e) 1. If a report includes a child fatality or near fatality, and the law enforcement officer has reasonable grounds to believe any parent or person exercising custodial control or supervision of the child was under the influence of alcohol or drugs at the time the fatality or near fatality occurred, the law enforcement officer shall request a test of blood, breath, or urine from that person.
2. If, after making the request, consent is not given for the test of blood, breath, or urine, a search warrant shall be requested from and may be issued by the judge to the appropriate law enforcement official upon probable cause that a child fatality or near fatality has occurred and that the person exercising custodial control or supervision of the child at the time of the fatality or near fatality was under the influence.
3. Any test requested under this section shall be conducted pursuant to the testing procedures and requirements in KRS 189A.103.
- (6) ***The cabinet shall make efforts as soon as practicable to determine any military status of a parent or legal guardian of a child who is the subject of an investigation or assessment pursuant to this section. If the cabinet determines that the parent or legal guardian is a member of the United States Armed Forces, the cabinet shall notify the Department of Defense family advocacy program operating within the service member's assigned installation of the investigation or assessment and provide case information.***
- (7) To the extent practicable and when in the best interest of a child alleged to have been abused, interviews with the child shall be conducted at a children's advocacy center.
- ~~(8)~~~~(7)~~ (a) One (1) or more multidisciplinary teams may be established in every county or group of contiguous counties.
- (b) Membership of the multidisciplinary team shall include but shall not be limited to social service workers employed by the Cabinet for Health and Family Services and law enforcement officers. Additional team members may include Commonwealth's and county attorneys, children's advocacy center staff, mental health professionals, medical professionals, victim advocates including advocates for victims of human trafficking, educators, and other related professionals, as deemed appropriate.
- (c) The multidisciplinary team shall review child sexual abuse cases and child human trafficking cases involving commercial sexual activity referred by participating professionals, including those in which the alleged perpetrator does not have custodial control or supervision of the child or is not responsible for the child's welfare. The purpose of the multidisciplinary team shall be to review investigations,

assess service delivery, and to facilitate efficient and appropriate disposition of cases through the criminal justice system.

- (d) The team shall hold regularly scheduled meetings if new reports of sexual abuse or child human trafficking cases involving commercial sexual activity are received or if active cases exist. At each meeting, each active case shall be presented and the agencies' responses assessed.
 - (e) The multidisciplinary team shall provide an annual report to the public of nonidentifying case information to allow assessment of the processing and disposition of child sexual abuse cases and child human trafficking cases involving commercial sexual activity.
 - (f) Multidisciplinary team members and anyone invited by the multidisciplinary team to participate in a meeting shall not divulge case information, including information regarding the identity of the victim or source of the report. Team members and others attending meetings shall sign a confidentiality statement that is consistent with statutory prohibitions on disclosure of this information.
 - (g) The multidisciplinary team shall, pursuant to KRS 431.600 and 431.660, develop a local protocol consistent with the model protocol issued by the Kentucky Multidisciplinary Commission on Child Sexual Abuse. The local team shall submit the protocol to the commission for review and approval.
 - (h) The multidisciplinary team review of a case may include information from reports generated by agencies, organizations, or individuals that are responsible for investigation, prosecution, or treatment in the case, KRS 610.320 to KRS 610.340 notwithstanding.
 - (i) To the extent practicable, multidisciplinary teams shall be staffed by the local children's advocacy center.
- (9)(8) Nothing in this section shall limit the cabinet's investigatory authority under KRS 620.050 or any other obligation imposed by law.

Signed by Governor April 9, 2024.

CHAPTER 134

(HB 444)

AN ACT relating to electricians.

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

➔Section 1. KRS 227A.060 is amended to read as follows:

- (1) The department shall issue a license as an "electrical contractor" to an applicant who meets the following requirements:
 - (a) Has paid to the department the application fee not to exceed two hundred dollars (\$200) and the appropriate examination fee, which shall not exceed the actual cost of examination;
 - (b) Has achieved a passing score, as set by the department, on all portions of the examination required by the department. The department shall promulgate administrative regulations to specify who shall take the examination if the applicant is a business entity; and
 - (c) Has submitted proof that he or she has complied with workers' compensation and unemployment insurance laws and administrative regulations and has obtained a general liability insurance policy of not less than **one million** ~~five hundred thousand~~ dollars **(\$1,000,000)** ~~(\$500,000)~~.
- (2) The department shall issue a license as a "master electrician" to an applicant who meets the following requirements:
 - (a) Has paid to the department the application fee not to exceed one hundred dollars (\$100) and the appropriate examination fee not to exceed the actual cost of the examination;
 - (b) Has completed **sixteen thousand (16,000) hours of verifiable experience in the electrical trade since his or her sixteenth birthday, except as follows:**

1. *Completion of any of the following shall substitute for four thousand (4,000) hours of verifiable experience in the electrical trade:*
 - a. *A training course in electrical work, acceptable to the department; or*
 - b. *Two (2) years of teaching electrical technology or a related field at an accredited college or university; and*
2. *Completion of an associate's degree or diploma program in electrical technology or a related field at a college within the Kentucky Community and Technical College System or at an accredited college or university shall substitute for six thousand (6,000) hours of verifiable experience in the electrical trade*~~[a. Six (6) years of verifiable experience in the electrical trade since his or her sixteenth birthday; and~~
 - b. ~~A training course in electrical work, acceptable to the department, or an additional two (2) years of verifiable experience in the electrical trade; or~~
- ~~2. a. Five (5) years of verifiable experience in the electrical trade since his or her sixteenth birthday; and~~
 - b. ~~An associate's degree or diploma program in electrical technology at a college within the Kentucky Community and Technical College System after 1998; and~~
- (c) Has achieved a passing score, as set by the department, on all portions of the examination required by the department.
- (3) The department shall issue a license as an "electrician" to an applicant who meets the following requirements:
 - (a) Has paid to the department the application fee not to exceed fifty dollars (\$50) and the appropriate examination fee not to exceed the actual cost of the examination administered by the department;
 - (b) Has completed *eight thousand (8,000) hours*~~[-~~
 1. ~~Two (2) years~~ of verifiable experience in the electrical trade since his or her sixteenth birthday. *Completion of any one (1) of the following shall substitute for four thousand (4,000) hours of verifiable experience in the electrical trade:*~~[- and]~~
 - 1.~~2. a.~~ A training course in electrical work, acceptable to the department;
 - 2.~~b.~~ Two (2) years of a minimum four (4) year training course in electrical work, acceptable to the department, *with completion of*~~[and shall complete]~~ the remaining years of that training course within four (4) years of obtaining the electrician license, or the electrician license shall be revoked;~~[- or]~~
 3. *An associate's degree or diploma program in electrical technology or a related field at a college within the Kentucky Community and Technical College System or at an accredited college or university; or*
 4. *Two (2) years of teaching electrical technology or a related field at an accredited college or university*~~[e. An additional two (2) years of verifiable experience in the electrical trade]; and~~
 - (c) Has achieved a passing score, as set by the department, on all portions of the examination required and administered by the department.
- (4) (a) *All or part of the experience requirements for licensing under subsection (2) or (3) of this section may be met through applicable supervised military occupational specialty experience while serving in the United States Armed Forces, including but not limited to electrical engineering, electrical power production, electrical repair or maintenance, utilities, electronic systems repair or maintenance, or aircraft electrician experience.*
- (b) *The department shall promulgate administrative regulations pursuant to KRS Chapter 13A that establish an application form for the use of military experience to apply toward licensure experience under subsection (2) or (3) of this section. As part of the application process, the applicant shall be required to provide:*
 1. *A copy of the applicant's DD-214 form showing the applicant's military occupational specialty; or*

2. *A signed statement by the applicant's commanding officer, on a form provided by the department, attesting to the fact that the applicant meets the experience requirements of this section.*
- (5) (a) The department shall issue a nonrenewable provisional license as an "electrician" to an applicant who ~~is~~
~~1. Is a Kentucky resident; and~~
~~2. has~~ completed at least six (6) years of verifiable experience and has worked two thousand eighty (2,080) hours a year for those six (6) years in the electrical trade since the applicant's sixteenth birthday.
- (b) A nonrenewable provisional license issued to an applicant under paragraph (a) of this subsection shall be valid for a period not to exceed one (1) year from the date of issuance.
- (c) The department shall issue a license as an electrician to a provisional license holder who has, prior to the expiration of the one (1) year term of the provisional license:
1. Achieved a passing score on all portions of the examination required and administered by the department under subsection (3)(c) of this section;
 2. Paid to the department the application fee not to exceed fifty dollars (\$50) *per year*; and
 3. Paid to the department the examination fee not to exceed the actual cost of the examination.
- (d) If a provisional license holder does not achieve a passing score on all portions of the examination required and administered under subsection (3)(c) of this section prior to the expiration of the one (1) year term of the provisional license, the provisional license shall expire and the provisional license holder shall be ineligible for any additional provisional licenses. Nothing in this paragraph shall prevent a former provisional license holder from acquiring an electrician's license under subsection (3) of this section.

➔Section 2. KRS 227A.100 is amended to read as follows:

- (1) Each licensee licensed under the provisions of KRS 227A.010 to 227A.140 shall *biennially*~~annually~~, on or before the last day of the licensee's birth month *in the second year*, pay to the department a renewal fee as established in administrative regulations promulgated by the department. *Any license issued or renewed on or after the effective date of this Act shall be a biennial license, and for the biennial payment, the renewal fee shall be doubled to cover both years.*
- (2) A sixty (60) day grace period shall be allowed after the *expiration*~~anniversary~~ date of the license, during which time a licensee may continue to practice and may renew his or her license upon payment of the renewal fee plus a late renewal fee as promulgated by administrative regulation of the department.
- (3) A license not renewed before the end of the sixty (60) day grace period shall terminate based on the failure of the licensee to renew in a timely manner. Upon termination, the licensee is no longer eligible to practice in the Commonwealth.
- (4) After the sixty (60) day grace period, a former licensee with a terminated license may have the license reinstated upon payment of the renewal fee plus a reinstatement fee as promulgated by administrative regulation of the department. An applicant for reinstatement after termination of the license shall not be required to submit to any examination as a condition for reinstatement, if the reinstatement application is made within three (3) years from the date of termination.
- (5) A suspended license is subject to expiration and termination and shall be renewed as provided in this section. Renewal shall not entitle the licensee to engage in the practice until the suspension has ended or is otherwise removed by the department and the right to practice is restored by the department.
- (6) A revoked license is subject to expiration or termination but may not be renewed. If it is reinstated, the former licensee shall pay the reinstatement fee as promulgated by administrative regulations under subsection (4) of this section and the renewal fee as promulgated by administrative regulations under subsection (1) of this section.
- (7) The department shall require an applicant for renewal or reinstatement of a license to show evidence of completing at least six (6) hours of continuing education *per year* provided by the National Electrical Contractors Association, the Associated Builders and Contractors, the International Brotherhood of Electrical Workers, the Associated General Contractors, the International Association of Electrical Inspectors, the

Independent Electrical Contractors Association, the Kentucky Department of Housing, Buildings and Construction, or other provider of instruction approved by the department. The department shall promulgate administrative regulations establishing the content of the programs and the qualifications of the providers.

- (8) The department shall require, where applicable, that an applicant for renewal or reinstatement of a license submit proof that the applicant has complied with workers' compensation and unemployment insurance laws and regulations and has obtained a general liability insurance policy of not less than **one million**~~[five hundred thousand]~~ dollars **(\$1,000,000)**~~(\$500,000)~~.
- (9) The department may, through the promulgation of administrative regulations:
- (a) Establish an inactive license for licensees who are not actively engaging in the electrical business but wish to maintain their license;
 - (b) Reduce license and renewal fees for inactive licensees;~~[and]~~
 - (c) Waive the requirements established in subsection (8) of this section for inactive licensees; **and**
 - (d) **Establish a system to issue electronic licenses instead of physical licenses.**
- (10) **This section shall not apply to provisional licenses issued under Section 1 of this Act.**

Signed by Governor April 9, 2024.

CHAPTER 135

(HB 436)

AN ACT relating to guardians ad litem.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 456 IS CREATED TO READ AS FOLLOWS:

- (1) **Any petition filed under KRS 456.030 on behalf of a minor who is an alleged victim of dating violence and abuse, sexual assault, or stalking, or in which a minor is named as a respondent or petitioner, shall comply with the requirements in that section and shall:**
- (a) **Proceed in accordance with the procedural safeguards under KRS 610.070; and**
 - (b) **Conform to the confidentiality provisions under KRS 610.340.**
- (2) **If the court orders an evidentiary hearing under KRS 456.040(1)(a), a guardian ad litem shall be appointed for any unrepresented minor who is a respondent to the action or a petitioner who is an alleged victim of dating violence and abuse, sexual assault, or stalking. The guardian ad litem shall be paid a fee fixed by the court not to exceed five hundred dollars (\$500), which shall be paid by the Finance and Administration Cabinet.**
- (3) **Violation of the terms or conditions of an order of protection issued under KRS 456.060 after the person has been served or given notice of the order shall constitute contempt of court and may constitute a criminal offense pursuant to KRS 456.180 if the offender is an adult or a public offense under KRS 600.020(51) if the offender is a juvenile. Once a juvenile action or contempt proceeding has been initiated, the other shall not be undertaken regardless of the outcome of the original proceeding.**
- (4) **Nothing in subsection (3) of this section shall preclude the Commonwealth from proceeding, or the petitioner from pursuing charges, against the minor respondent for offenses other than a violation of an order of protection. Proceedings against a minor respondent for offenses other than a violation of an order of protection shall proceed:**
- (a) **In the juvenile session of District Court; and**
 - (b) **In accordance with the procedural and statutory provisions established for the juvenile session of District Court.**

➔SECTION 2. A NEW SECTION OF KRS 403.715 TO 403.785 IS CREATED TO READ AS FOLLOWS:

- (1) *Any petition filed under KRS 403.725 on behalf of a minor who is alleged to be a victim of domestic violence and abuse, or in which a minor is named as a respondent or petitioner, shall comply with the requirements in that section and shall:*
- (a) *Proceed in accordance with the procedural safeguards under KRS 610.070; and*
 - (b) *Conform to the confidentiality provisions under KRS 610.340.*
- (2) *If the court orders an evidentiary hearing under KRS 403.730(1)(a), a guardian ad litem shall be appointed for any unrepresented minor who is a respondent to the action or a petitioner who is an alleged victim of domestic violence and abuse. The guardian ad litem shall be paid a fee fixed by the court not to exceed five hundred dollars (\$500), which shall be paid by the Finance and Administration Cabinet.*
- (3) *Violation of the terms or conditions of an order of protection issued under KRS 403.740 after the person has been served or given notice of the order shall constitute contempt of court and may constitute a criminal offense pursuant to KRS 403.763 if the offender is an adult or a public offense under KRS 600.020(51) if the offender is a juvenile. Once a juvenile action or contempt proceeding has been initiated, the other shall not be undertaken regardless of the outcome of the original proceeding.*
- (4) *Nothing in subsection (3) of this section shall preclude the Commonwealth from proceeding, or the petitioner from pursuing charges, against the minor respondent for offenses other than a violation of an order of protection. Proceedings against a minor respondent for offenses other than a violation of an order of protection shall proceed:*
- (a) *In the juvenile session of District Court; and*
 - (b) *In accordance with the procedural and statutory provisions established for the juvenile session of District Court.*

➔Section 3. KRS 26A.140 is amended to read as follows:

- (1) Courts shall implement measures to accommodate the special needs of children which are not unduly burdensome to the rights of the defendant, including, but not limited to:
- (a) Trained guardians ad litem or special advocates, if available, shall be appointed for all child victims and shall serve in Circuit and District Courts to offer consistency and support to the child and to represent the child's interests where needed.
 - (b) *The guardians ad litem shall be paid a fee fixed by the court, which shall be paid by the Finance and Administration Cabinet.*
 - (c)~~(b)~~ During trials involving child victims or child witnesses, the environment of the courtroom shall be modified to accommodate children through the use of small chairs, frequent breaks, and the use of age appropriate language.
 - (d)~~(c)~~ Children expected to testify shall be prepared for the courtroom experience by the Commonwealth's or county attorney handling the case with the assistance of the guardian ad litem or special advocate.
 - (e)~~(d)~~ In appropriate cases, procedures shall be used to shield children from visual contact with alleged perpetrator.
- (2) The Supreme Court is encouraged to issue rules for the conduct of criminal and civil trials involving child abuse in which a child victim or child witness may testify at the trial.

Signed by Governor April 9, 2024.

CHAPTER 136

(HB 418)

AN ACT relating to agricultural districts.

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

➔Section 1. KRS 262.850 is amended to read as follows:

- (1) This section shall be known as "the Agricultural District and Conservation Act."
- (2) It is the policy of the state to conserve, protect, and to encourage development and improvement of its agricultural lands for the production of food and other agricultural products. It is also the policy of this state to conserve and protect the agricultural land base as a valuable natural resource which is both fragile and finite. The pressure imposed by urban expansion, transportation systems, water impoundments, surface mining of mineral resources, utility rights-of-way, and industrial development has continually reduced the land resource base necessary to sufficiently produce food and fiber for our future needs. It is the purpose of this section to provide a means by which agricultural land may be protected and enhanced as a viable segment of the state's economy and as an important resource.
- (3) The local governing administrative body for an agricultural district shall be the conservation district board of supervisors. The Soil and Water Conservation Commission shall be responsible for statewide administration of the agricultural district program and shall have sole authority to certify or deny agricultural district petitions. The commission may apply for assistance and funds from the Federal Farmland Protection Act of 1981 (Pub. L. 97-377) which may be available for the development of the agricultural district program and may accept easements as provided in KRS 65.410 to 65.480.
- (4) Any owner or owners of land may submit a petition to the local conservation district board of supervisors requesting the creation of an agricultural district within the county. The petition shall include a description of the proposed area, description of each land parcel, location of the proposed boundaries, petitioners' names and addresses, adjacent landowners' names and addresses, and other pertinent information as required in the petition application. The boundary of an agricultural district shall be contiguous. No land shall be included in an agricultural district without the consent of the owner.
- (5) Upon receipt of a petition, the local conservation district board of supervisors shall notify the fiscal court and any local or regional planning or zoning body, if any, ***of the proposed agricultural district, and shall notify each city that is located less than one (1) mile from the boundaries of the proposed agricultural district,*** by sending a copy of the petition and accompanying materials to that body.
- (6) The following factors shall be considered by the local conservation district board of supervisors and the Soil and Water Conservation Commission when considering the formation of any agricultural district:
 - (a) The capability of the land to support agricultural production, as indicated by: soil, climate, topography or other natural factors;
 - (b) The viability of active farmlands, as indicated by: markets for farm products, extent and nature of farm improvements, present status of farming, anticipated trends in agricultural economic conditions and technology;
 - (c) That the proposed agricultural district meets the minimum size limit of ***fifty (50)***~~two hundred fifty (250)~~ contiguous acres, unless the local conservation district board and the Soil and Water Conservation Commission allow fewer than ***fifty (50)***~~two hundred fifty (250)~~ contiguous acres if the proposed area meets a minimum annual production performance established by the district board and approved by the commission;
 - (d) County development patterns and needs and the location of the district in relation to any urban development boundaries within the county;
 - (e) Any matter which may be relevant to evaluate the petition; and
 - (f) Whether an application is from more than one (1) farm owner, in which case a preference shall be given to the application.
- (7) The local soil and water conservation district board of supervisors shall review the petition application and submit a recommendation to the Soil and Water Conservation Commission within one hundred (100) days of receipt. The local conservation district recommendation shall be submitted to the commission in the form of approval, approval with modifications, or denial of the petition accompanied by justification for such a denial.
- (8) The Soil and Water Conservation Commission shall review the recommendation of the district board of supervisors and certify or deny the agricultural district's petition within one hundred (100) days of receipt.
- (9) Upon the approval of a petition by the Soil and Water Conservation Commission, the commission shall notify the area development district in which the agricultural district will lie, the local county clerk, ***the clerk of each***

city that is located less than one (1) mile from the boundaries of the approved agricultural district, and the secretary of the Governor's Cabinet by sending a description of the boundaries and the names and addresses of the property owners within the district.

- (10) Land within the boundary of an agricultural district shall not be annexed.
- (11) The owners of land within the boundary of an agricultural district shall be exempt under KRS 74.177 from any assessment authorized for the extension of water service lines until the land is removed from the district and developed for nonagricultural use.
- (12) Any member, or any successor heir of the member, of an agricultural district may withdraw *his or her property* from the district upon notifying the local conservation district board of supervisors in writing. *The removal of the property from the agricultural district shall be effective immediately upon the district board of supervisors' receipt of the written notification, at which time the district board of supervisors shall remove the property from the agricultural district and shall immediately provide written notice of the changed boundaries to the those entities listed in subsection (9) of this section.*
- ~~(13)(12)~~ It shall be the policy of all state agencies to support the formation of agricultural districts as a means of preserving Kentucky's farmlands and to mitigate the impact of their present and future plans and programs upon the continued agricultural use of land within an agricultural district.
- ~~(14)(13)~~ Agricultural districts shall be comprised only of agricultural land as defined in KRS 132.010.
- ~~(15)(14)~~ An agricultural district shall be established for five (5) years with a review to be made by the local soil and water conservation district board of supervisors at the end of the five-year period and every five (5) years thereafter. Each owner of land shall agree to remain in the district for a five (5) year period, *unless a member elects to withdraw his or her property pursuant to subsection (12) of this section*, which is renewable at the end of the five (5) years. However, the board shall make a review any time upon the written request of a local government which demonstrates that the review is necessary in order to consider development needs of the local government. The board shall consider whether the continued existence of the district is justified, any adjustments which may be necessary due to urban or county development, and other factors the board finds relevant. The board shall revise the district as necessary based on the review and subject to approval of the State Soil and Water Conservation Commission. Before the state commission takes final action, all interested parties shall be given the opportunity to request the state commission to amend or overturn the local board's decision.
- ~~(16)(15)~~ The withdrawal of a member from a district reducing the remaining acreage of agricultural district land to less than *fifty (50)* ~~two hundred fifty (250)~~ acres or resulting in the remaining land being noncontiguous shall not cause the decertification of the district. *The local district board of supervisors may consider a dissolution of the agricultural district if the withdrawal results in the remaining property within the agricultural district no longer meeting the definition of agricultural land as defined in KRS 132.010.*
- ~~(17)(16)~~ Any member of an agricultural district who has received a summons of condemnation proceedings being instituted concerning the member's land located in the district may request the local soil and water conservation district board of supervisors to hold a public hearing on the proposed taking of land. However a hearing under this section shall not be held if the petitioner in the condemnation proceeding is a utility as defined in KRS 278.010(3) and obtained a certificate of convenience and necessity as required by KRS 278.020(1).
- ~~(18)(17)~~ (a) The board shall notify the local property valuation administrator of the farms which belong to an agricultural district and whenever a farm is withdrawn from a district. The board shall also inform all members of a district of the right to have their land assessed by the local property valuation administrator at the land's agricultural use value and shall offer advice and assistance on obtaining such an assessment.
- (b) The board shall also notify the local property valuation administrator whenever a farm is released or withdrawn from an agricultural district.
- ~~(19)(18)~~ The board may allow an amendment to an existing certified agricultural district if approved by the commission.

Signed by Governor April 9, 2024.

CHAPTER 137

(HB 397)

AN ACT relating to the licensure of military-connected individuals.

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

➔Section 1. KRS 12.245 is amended to read as follows:

- (1) An administrative body that issues a license, permit, certificate, or other document required to operate within a business, profession, or other occupation in the Commonwealth shall issue within thirty (30) days of receipt of a completed application a license, permit, certificate, or other document to a member of the United States military, Reserves, or National Guard, or to his or her spouse, or to a veteran or the spouse of a veteran, who is seeking a license, permit, certificate, or other document and currently holds or recently held equivalent documentation issued by another state, the District of Columbia, or any possession or territory of the United States unless:
 - (a) The license, permit, certificate, or other document issued by another state, the District of Columbia, or any possession or territory of the United States has been expired for more than two (2) years;
 - (b) The license, permit, certificate, or other documentation is not in good standing;
 - (c) The holder of the license, permit, certificate, or other document has had the license, permit, certificate, or other document suspended for disciplinary reasons; or
 - (d) The board can show substantive evidence of significant statutory deficiency in the training, education, or experience of the United States military service member, Reserves or National Guard member, veteran, or spouse, which could cause a health or safety risk to the public.
- (2) The United States military service member, Reserves or National Guard member, veteran, or spouse shall submit:
 - (a) Proof of issuance of a valid license, permit, certificate, or other document issued by another state, the District of Columbia, or any possession or territory of the United States that is active or has been expired for less than two (2) years;
 - (b) Proof that the valid license, permit, certificate, or other document issued by another state, the District of Columbia, or any possession or territory of the United States is in good standing or was upon the date of expiration; and
 - (c) *1.* His or her DD-214 form or other proof of active or prior military service with an honorable discharge, discharge under honorable conditions, or a general discharge under honorable conditions; *or*
 - 2. Military orders documenting his or her transfer to a military assignment in Kentucky.*
- (3) A United States military service member, Reserves or National Guard member, veteran, or spouse who holds a license, permit, certificate, or other document issued by another state, the District of Columbia, or any possession or territory of the United States who applies for a license, permit, certificate, or other document pursuant to subsection (1) of this section and is denied shall have the right to appeal the decision in accordance with KRS Chapter 13B.
- (4) *A United States military service member, Reserves or National Guard member, veteran, or spouse who holds a license in multiple jurisdictions through an interstate licensure compact, with respect to services that he or she provides within the jurisdiction of the interstate licensure compact, shall be subject to the requirements of the compact or applicable statutes and not this section.*

Signed by Governor April 9, 2024.

(HB 385)

AN ACT relating to mental capacity.

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

➔Section 1. KRS 311.631 is amended to read as follows:

- (1) If an adult patient whose physician has determined that he or she does not have decisional capacity has not executed an advance directive, or to the extent the advance directive does not address a decision that must be made, any one (1) of the following responsible parties, in the following order of priority if no individual in a prior class is reasonably available, willing, and competent to act, shall be authorized to make health care decisions on behalf of the patient:
 - (a) The judicially-appointed guardian of the patient, if the guardian has been appointed and if medical decisions are within the scope of the guardianship;
 - (b) The attorney-in-fact named in a durable power of attorney, if the durable power of attorney specifically includes authority for health care decisions;
 - (c) The spouse of the patient;
 - (d) An adult child of the patient, or if the patient has more than one (1) child, the majority of the adult children who are reasonably available for consultation;
 - (e) The parents of the patient;
 - (f) The nearest living relative of the patient, or if more than one (1) relative of the same relation is reasonably available for consultation, a majority of the nearest living relatives; *or*
 - (g) *An adult friend of the patient who:*
 1. *Has maintained regular contact with the patient; and*
 2. *Is familiar with the patient's activities, health, and religious and moral beliefs.*
- (2) In any case in which a health care decision is made under this section, the decision shall be noted in writing in the patient's medical records.
- (3) An individual authorized to consent for another under this section shall act in good faith, in accordance with any advance directive executed by the individual who lacks decisional capacity, and in the best interest of the individual who does not have decisional capacity.
- (4) In any case in which a health care decision is made under this section, hospitalization for psychiatric treatment at a general hospital shall not exceed fourteen (14) consecutive days unless a court order is obtained under KRS Chapter 202A or 202B. For the purposes of this section, a general hospital is one that is not owned or operated by the Commonwealth of Kentucky.
- (5) An individual authorized to make a health care decision under this section may authorize the withdrawal or withholding of artificially-provided nutrition and hydration only in the circumstances as set forth in KRS 311.629(3).

➔Section 2. KRS 504.060 is amended to read as follows:

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

- (1) "Department" means the Department of Corrections;
- (2) *"Examiner" means a psychologist or psychiatrist who examines, treats, or reports on a defendant's mental condition as required by this chapter;*
- ~~(3)(2)~~ "Forensic psychiatric facility" means a mental institution or facility, or part thereof, designated by the secretary ~~of the Cabinet for Health and Family Services~~ for the purpose and function of providing inpatient evaluation, care, and treatment for mentally ill persons or individuals with an intellectual disability who have been charged with or convicted of a felony;
- ~~(4)(3)~~ "Foreseeable future" means not more than three hundred sixty (360) days;
- ~~(5)(4)~~ "Incompetency to stand trial" means, as a result of mental condition, lack of capacity to appreciate the nature and consequences of the proceedings against one or to participate rationally in one's own defense;

- (6)~~(5)~~ "Insanity" means, as a result of mental condition, lack of substantial capacity either to appreciate the criminality of one's conduct or to conform one's conduct to the requirements of law;
- (7)~~(6)~~ "Mental illness" means substantially impaired capacity to use self-control, judgment, or discretion in the conduct of one's affairs and social relations, associated with maladaptive behavior or recognized emotional symptoms where impaired capacity, maladaptive behavior, or emotional symptoms can be related to physiological, psychological, or social factors;
- (8)~~(7)~~ "Individual with an intellectual disability" means an individual with significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period and is a condition which may exist concurrently with mental illness or insanity;
- (9)~~(8)~~ "Psychiatrist" means a physician licensed pursuant to KRS Chapter 311 who is certified or eligible to apply for certification by the American Board of Psychiatry and Neurology, Inc.;
- (10)~~(9)~~ "Psychologist" means a person licensed at the doctoral level pursuant to KRS Chapter 319 who has been designated by the Kentucky Board of Examiners of Psychology as competent to perform examinations;
- (11) *"Secretary" means the secretary of the Cabinet for Health and Family Services;*
- (12)~~(10)~~ "Treatment" means medication or counseling, therapy, psychotherapy, and other professional services provided by or at the direction of psychologists or psychiatrists. "Treatment" shall not include electroshock therapy or psychosurgery; and
- (13)~~(11)~~ "Treatment facility" means an institution or part thereof, approved by the Cabinet for Health and Family Services, which provides evaluation, care, and treatment for insane or mentally ill persons or individuals with an intellectual disability on an inpatient or outpatient basis~~[- or both].~~

➔Section 3. KRS 504.070 is amended to read as follows:

- (1) A defendant who intends to introduce evidence of his *or her*:
- (a) Mental illness *or intellectual disability bearing on the issue of guilt, punishment, or both*; or
- (b) Insanity at the time of the offense;
- shall file written notice of his *or her* intention at least *ninety (90)*~~twenty (20)~~ days before trial.
- (2) The prosecution shall be granted reasonable time to move for examination of the defendant, or the court may order an examination on its own motion.
- (3) If the court orders an examination, *the defendant*~~it~~ shall *be examined and his or her mental condition reported, as provided in Section 4 of this Act*~~appoint at least one (1) psychologist or psychiatrist to examine, treat and report on the defendant's mental condition~~. If it appears the examination will not be completed before the trial date, the court may, on its own motion or on motion of either party, postpone the trial date until after the examination.
- (4) No less than ten (10) days before trial, the prosecution shall file the names and addresses of witnesses it proposes to offer in rebuttal along with reports prepared by its witnesses.

➔Section 4. KRS 504.080 is amended to read as follows:

- (1) (a) *The court may order a defendant to be examined on an outpatient basis when the defendant:*
1. *Is believed to be incompetent to stand trial;*
 2. *Intends to assert a defense of insanity at the time of the commission of the offense; or*
 3. *Intends to introduce evidence of mental illness or intellectual disability bearing on the issue of guilt, punishment, or both.*
- (b) *The examination shall be done by an examiner from a treatment facility designated by the secretary to perform evaluations required by this chapter.*
- (c) *If the examiner concludes that inpatient examination is needed, the court may order the defendant be:*
1. *Committed to a forensic psychiatric facility or its designee for no more than thirty (30) days for further examination; and*

2. ***Treated for his or her mental condition subject to the availability of the facility, if necessary***~~[A court may commit a defendant to a treatment facility or forensic psychiatric facility for up to thirty (30) days so that a psychologist or psychiatrist can examine, treat, and report on the defendant's mental condition, except that if the defendant is charged with a felony and it is determined that inpatient examination or treatment is required, the defendant shall be committed to a forensic psychiatric facility unless the secretary of the Cabinet for Health and Family Services or the secretary's designee determines that the defendant shall be examined and treated in another Cabinet for Health and Family Services facility].~~
- (2) (a) ~~[Reports on a defendant's mental condition prepared under this chapter shall be filed]~~***No later than***~~[Within]~~ ten (10) days ~~[of]~~ ***after*** the examination, ***the examiner shall issue and deliver a report prepared under this chapter consistent with the terms of the referring court order.***
- (b) ***The court shall order the report be filed under seal, with notice of filing to all parties, and shall schedule the case for a status conference or hearing no more than thirty (30) days after the filing of the report.***
- (3) The defendant shall be present at any hearing on his ***or her*** mental condition unless he ***or she*** waives ~~the~~~~[his]~~ right to be present.
- (4) The ***examiner***~~[examining psychologist or psychiatrist]~~ shall appear at any hearing on ***the*** defendant's mental condition unless the defendant waives his ***or her*** right to have ***the examiner***~~[him]~~ appear.
- (5) ***An examiner***~~[A psychologist or psychiatrist]~~ retained by the defendant shall be permitted to participate in any examination under this chapter.
- (6) The Cabinet for Health and Family Services, if the cabinet or its agent or employee does not provide the examination, shall pay a reasonable fee to any ***examiner***~~[psychologist or psychiatrist]~~ ordered to examine, treat, ~~or~~~~[and]~~ report on a defendant's mental condition.
- (7) The termination of criminal proceedings under this chapter is not a bar to the institution of civil commitment proceedings.
- ➔Section 5. KRS 504.100 is amended to read as follows:
- (1) If upon arraignment, or during any stage of the proceedings, the court has reasonable grounds to believe the defendant is incompetent to stand trial, the court shall ***order the defendant to be examined and his or her mental condition reported, as provided in Section 4 of this Act***~~[appoint at least one (1) psychologist or psychiatrist to examine, treat and report on the defendant's mental condition].~~
- (2) The report of the ***examiner***~~[psychologist or psychiatrist]~~ shall state whether or not he ***or she*** finds the defendant incompetent to stand trial. ~~If~~ ***the examiner***~~[he]~~ finds the defendant is incompetent, the report shall state:
- (a) Whether there is a substantial probability of ***the defendant***~~[his]~~ attaining competency in the foreseeable future; and
- (b) What type treatment ***the examiner recommends, including whether it should be provided by a***~~[and what type]~~ ***treatment facility or forensic psychiatric facility***~~[the examiner recommends].~~
- (3) ~~[After the filing of a report (or reports),]~~***In accordance with subsection (2) of Section 4 of this Act,*** the court shall ***schedule the case for a status conference or***~~[hold]~~ a hearing ***no more than thirty (30) days after the filing of the report***~~[to determine whether or not the defendant is competent to stand trial].~~
- ➔Section 6. KRS 504.110 is amended to read as follows:
- (1) If the court finds the defendant incompetent to stand trial but there is a substantial probability the defendant will attain competency in the foreseeable future, it shall commit the defendant to a treatment facility or a forensic psychiatric facility and order the defendant to submit to treatment for sixty (60) days or until the psychologist or psychiatrist treating him or her finds the defendant competent to stand trial, whichever occurs first, except that if the defendant is charged with a felony, he or she shall be committed to a forensic psychiatric facility unless the secretary~~[of the Cabinet for Health and Family Services]~~ or the secretary's designee determines that the defendant shall be treated in another Cabinet for Health and Family Services facility. Within ten (10) days of that time, the court shall hold another hearing to determine whether or not the defendant is competent to stand trial.

- (2) If the court finds the defendant incompetent to stand trial and there is no substantial probability he or she will attain competency in the foreseeable future:
- (a) The Commonwealth's attorney's office serving the county of criminal prosecution shall immediately petition the Circuit Court that found the defendant incompetent to stand trial or, if the finding was by a District Court, the Circuit Court in the county of criminal prosecution, to initiate an involuntary commitment proceeding under KRS 202C.010, 202C.020, 202C.030, 202C.040, and 202C.050 if the defendant is charged with a capital offense, a Class A felony, a Class B felony resulting in death or serious physical injury, or a violation of KRS 510.040 or 510.070; or
 - (b) The court shall conduct an involuntary hospitalization proceeding under KRS Chapter 202A or 202B if the defendant is charged with an offense not listed in paragraph (a) of this subsection.
- (3) A defendant who is the subject of an involuntary commitment proceeding under KRS 202C.010, 202C.020, 202C.030, 202C.040, and 202C.050 shall be committed to a forensic psychiatric facility unless the secretary ~~of the Cabinet for Health and Family Services~~ or the secretary's designee determines that the defendant shall be treated in another Cabinet for Health and Family Services facility, during the pendency of the proceeding.
- (4) If the court finds the defendant competent to stand trial, the court shall continue the proceedings against the defendant.

➔Section 7. This Act may be cited as Seth's Law.

Signed by Governor April 9, 2024.

CHAPTER 139

(HB 377)

AN ACT relating to teacher recruitment and retention, making an appropriation therefor, and declaring an emergency.

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

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

- (1) *The General Assembly hereby establishes the Teacher Recruitment Student Loan Forgiveness Pilot Program to encourage and assist individuals in becoming certified teachers in Kentucky public schools.*
- (2) *As used in this section:*
 - (a) *"Authority" means the Kentucky Higher Education Assistance Authority;*
 - (b) *"Eligible program of study" means an undergraduate or graduate program of study which is preparatory to teacher certification, as determined by the authority;*
 - (c) *"Eligible student" means a student who:*
 1. *Is a citizen or permanent resident of the United States;*
 2. *Is a Kentucky resident, as determined by the participating institution in accordance with criteria established by the Council on Postsecondary Education for the purposes of admission and tuition assessment;*
 3. *Is enrolled at a participating institution; and*
 4. *Meets any other criteria established in administrative regulation promulgated by the authority;*
 - (d) *"Participating institution" means an institution of higher education located in Kentucky that offers an eligible program of study and has an agreement in force with the authority providing for administration of the pilot program established by this section;*
 - (e) *"Qualified teaching service" means teaching in a classroom the majority of each school day for at least eighty (80) days each semester in a public school of the Commonwealth while satisfying a one (1) year contract, except that an individual having a disability defined by Title II of the Americans*

with Disabilities Act, 42 U.S.C. sec. 12131 et seq., or serious and extended illness, whose disability or illness, certified by a licensed physician, prevents that individual from teaching a major portion of each school day, shall be deemed to perform qualified teaching service by teaching the maximum time permitted by the attending physician;

- (f) *"Semester" means a period of about eighteen (18) weeks, which usually makes up one-half (1/2) of a school year or one-half (1/2) of a participating institution's academic year; and*
 - (g) *"Summer term" means an academic period consisting of one (1) or more sessions of instruction between a spring and a fall semester.*
- (3) *The authority may, to the extent of appropriations and other funds available to it pursuant to subsection (9) of this section, provide teacher recruitment awards to eligible students pursuant to subsection (4) of this section, who initially demonstrate financial need in accordance with standards and criteria established by the authority. Each teacher recruitment award shall be evidenced by a promissory note that requires repayment or cancellation pursuant to subsection (6) of this section.*
 - (4) *Teacher recruitment awards shall first be provided to eligible students accepted into an eligible program of study and then to eligible students who have declared a major that is an eligible program of study in pursuit of initial teacher certification.*
 - (5) *To the extent funds are available, the authority shall provide to eligible students:*
 - (a) *Accepted into an eligible program of study, a maximum award of up to five thousand dollars (\$5,000) per semester or summer term; or*
 - (b) *Having declared a major that is an eligible program of study, a maximum award of up to two thousand five hundred dollars (\$2,500) per semester or summer term.*
 - (6) (a) *The authority shall disburse teacher recruitment awards to eligible students who agree to render qualified teaching service as certified teachers, are unconditionally admitted and enrolled in a participating institution, and have declared a major that is an eligible program of study.*
 - (b) *A teacher recruitment award shall not be provided, or a promissory note cancellation shall not be granted, to any person who is in default on any obligation to the authority under any program administered by the authority pursuant to KRS 164.740 to 164.7891 until financial obligations to the authority are satisfied, except that ineligibility for this reason may be waived by the authority for cause.*
 - (c) *Recipients shall render one (1) year of qualified teaching service for each semester of award received. The authority shall cancel a promissory note upon completion of each year of qualified teacher service beginning with the oldest promissory note.*
 - (d) *If the recipient of a teacher recruitment award fails to complete an eligible program of study at a participating institution or fails to render qualified teaching service in any semester following certification or recertification, unless the failure is temporarily waived for cause by the authority, the recipient shall immediately become liable to the authority for repayment of the sum of all outstanding promissory notes and accrued interest. Persons liable for repayment of awards under this paragraph shall be liable for interest accruing from the dates on which the teacher recruitment awards were disbursed.*
 - (e) *The authority shall establish, by administrative regulation, the terms and conditions for the award and cancellation and repayment of teacher recruitment awards, including but not limited to the selection criteria, eligibility for renewal awards, amount of award payments, deferments, the rate of repayment, and the interest rate thereon.*
 - (f) *Notwithstanding any other statute to the contrary, the maximum interest rate applicable to repayment of a promissory note under this section shall be eight percent (8%) per annum, except that if a judgment is rendered to recover payment, the judgment shall bear interest at the rate of five percent (5%) greater than the rate actually charged on the promissory note.*
 - (7) *A repayment obligation imposed by this section shall not be voidable by reason of the age of the recipient at the time of receiving the teacher recruitment award.*
 - (8) *Failure to meet repayment obligations imposed by this section shall be cause for the revocation of a person's teaching certificate, subject to the procedures set forth in KRS 161.120.*

- (9) *All moneys repaid to the authority under this section shall be deposited into the Teacher Recruitment Student Loan Forgiveness Pilot Program fund created in subsection (13) of this section.*
- (10) *The authority may execute appropriate contracts and promissory notes for administering this section.*
- (11) (a) *Notwithstanding any other statute to the contrary, if available funds are insufficient for all requested awards for eligible applicants during any fiscal year, the authority shall give priority consideration to eligible applicants who previously received teacher recruitment awards.*
- (b) *If funds are insufficient to make all requested renewal awards to eligible applicants, the authority shall reduce all awards to the extent necessary to provide awards to all qualified renewal applicants.*
- (c) *If, after awarding all eligible renewal applicants, funds are not depleted, initial applications shall be ranked according to regulatory selection criteria, and awards shall be made to eligible applicants until funds are depleted.*
- (12) *The authority shall submit a report on the number of teacher awards provided in each fiscal year, the program of study in which recipients are enrolled, recipient retention rates, total number of applications, and award recruitment strategies to the Legislative Research Commission for referral to the Interim Joint Committee on Education by December 1 of each year.*
- (13) (a) *The Teacher Recruitment Student Loan Forgiveness Pilot Program fund is hereby created as a revolving account in the State Treasury to be administered by the authority for the purpose of providing loan repayment as described in this section.*
- (b) *The fund shall consist of state general fund appropriations, gifts and grants from public and private sources, and federal funds. All moneys included in the fund shall be appropriated for the purposes set forth in this section.*
- (c) *Any unallotted or unencumbered balances in the trust fund shall be invested as provided in KRS 42.500(9). Income earned from the investments shall be credited to the fund.*
- (d) *Notwithstanding KRS 45.229, any fund balance at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year and continuously appropriated only for the purposes specified in this section.*

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

- (1) *The General Assembly hereby establishes the Student Teacher Stipend Program to reduce financial barriers to students in completing educator preparation programs and entering the educator workforce.*
- (2) *As used in this section:*
- (a) *"Academic term" means a fall or spring academic semester;*
- (b) *"Approved educator preparation program" means a program approved by the Education Professional Standards Board for the preparation of teachers and other professional school personnel;*
- (c) *"Authority" means the Kentucky Higher Education Assistance Authority;*
- (d) *"Eligible student" means a student who:*
1. *Is a citizen or permanent resident of the United States;*
 2. *Is a Kentucky resident as determined by the participating institution in accordance with criteria established by the Council on Postsecondary Education for the purposes of admission and tuition assessment;*
 3. *Is enrolled in an approved educator preparation program at a participating institution;*
 4. *Is approved for student teaching by the participating institution;*
 5. *Has not previously received a student teacher stipend under this section; and*
 6. *Meets any other criteria established in administrative regulation promulgated by the authority;*
- (e) *"Participating institution" means an institution of higher education located in Kentucky that offers an approved educator preparation program and executes an agreement with the authority on terms*

the authority deems necessary or appropriate for the administration of the Student Teacher Stipend Program; and

- (f) *"Student teacher" has the same meaning as in KRS 161.010.*
- (3) *The Kentucky Higher Education Assistance Authority shall administer the Student Teacher Stipend Program and shall promulgate administrative regulations in accordance with KRS Chapter 13A as may be needed for administration of the program.*
- (4) (a) *Beginning with the 2024-2025 academic year, to the extent funds are available, the authority may award a student teacher stipend of up to five thousand dollars (\$5,000) to an eligible student during the academic term in which the student is a student teacher.*
- (b) *If funds are not sufficient to award stipends to all eligible students, awards shall be determined in accordance with administrative regulations promulgated by the authority.*
- (5) *For each academic term, by the deadline established by the authority, a participating institution shall submit to the authority a report of all eligible students for that academic term. The authority shall disburse stipend funds monthly to the participating institution to distribute to eligible students.*
- (6) *The participating institution shall notify the authority within five (5) days of the withdrawal of a previously eligible student from the program and no additional distributions shall be made to the participating institution for the student.*
- (7) *Funds awarded to an eligible student under this section shall not be considered student financial aid in the year the funds are received.*
- (8) *By November 1, 2025, and each November 1 thereafter, the authority shall submit a report to the Legislative Research Commission for referral to the Interim Joint Committee on Education on the utilization and effectiveness of the Student Teacher Stipend Program. The Kentucky Center for Statistics shall assist in developing the report which shall include but not be limited to:*
- (a) *The total number of eligible students and stipend recipients, and the total award amount by participating institution and program;*
- (b) *The demographic data of stipend recipients, including but not limited to:*
1. *School district of high school graduation;*
 2. *County and city of residence prior to postsecondary enrollment;*
 3. *The participating institution in which the eligible student is enrolled while a student teacher; and*
 4. *The school and district in which the eligible student is a student teacher; and*
- (c) *The data correlation between stipend recipients and nonrecipients entering and remaining in the educator workforce, including but not limited to student teaching location and teaching position location.*

➔Section 3. Whereas schools across the state need access to highly qualified educators and students in educator preparation programs need financial assistance to complete the program, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 9, 2024.

CHAPTER 140

(HB 335)

AN ACT relating to animals.

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

➔Section 1. KRS 258.500 is amended to read as follows:

- (1) As used in ~~subsections (1) to (11) of~~ this section, *unless the context requires otherwise:*~~;~~
- (a) *"Assistance dog" means a dog that has been individually trained to do work or perform tasks for a person with disabilities and is considered a service animal under the Americans with Disabilities Act, 42 U.S.C. sec. 12101 et seq.;*
 - (b) *"Emotional support animal" means a companion animal that may provide support to alleviate the symptoms or effects of a person's disability, but the animal has not been individually trained to do work or perform tasks for a person with disabilities and is not considered a service animal under the Americans with Disabilities Act, 42 U.S.C. sec. 12101 et seq.;*
 - (c)
 1. "Person" means a "person with a disability" as defined by KRS 210.770 *who has an ongoing therapeutic relationship with a health care provider for the provision of care with at least one (1) of the following health care providers who maintains an active practice within the state:*
 - a. *A licensed clinical social worker who holds a valid, unrestricted state license under KRS 335.100;*
 - b. *A professional clinical counselor or professional counselor associate who holds a valid, unrestricted state license under KRS 335.525;*
 - c. *An advanced practice registered nurse who holds a valid, unrestricted state license under KRS 314.042;*
 - d. *A psychologist who holds a valid, unrestricted state license under KRS 319.050;*
 - e. *A licensed psychological practitioner who holds a valid, unrestricted state license under KRS 319.053; or*
 - f. *A physician who holds a valid, unrestricted state license under KRS 311.571.*
 2. "Person" also includes a trainer of an assistance dog; *and*
 - (d) *"Therapeutic relationship with a health care provider" does not include transactions for documentation of disability in exchange for a fee unless there has been a face-to-face in-office consultation with the health care provider.*
- (2) If a person is accompanied by an assistance dog, neither the person nor the dog shall be denied admittance to any hotel, motel, restaurant, or eating establishment, nor shall the person be denied full and equal accommodations, facilities, and privileges of all public places of amusement, theater, or resort when accompanied by an assistance dog.
- (3) Any person accompanied by an assistance dog shall be entitled to full and equal accommodations on all public transportation~~;~~ if the dog does not occupy a seat in any public conveyance~~;~~ nor endanger the public safety.
- (4) No person shall be required to pay additional charges or fare for the transportation of any accompanying assistance dog.
- (5) No person accompanied by an assistance dog shall be denied admittance and use of any public building~~;~~ nor denied the use of any elevator operated for public use.
- (6) Any person accompanied by an assistance dog may keep the dog in his *or her* immediate custody while a tenant in any apartment~~;~~ or building used as a public lodging.
- (7) All trainers accompanied by an assistance dog shall have in their personal possession identification verifying that they are trainers of assistance dogs.
- (8) *The rights, privileges, and accommodations granted to a person under this section shall not be enforceable if*~~provisions of this section shall not apply unless~~ *the person has not complied, at the time of seeking the accommodation,*~~complies~~ *with the legal requirements to:*
- (a) *Tag and vaccinate the assistance dog pursuant to*~~limitations applicable to nondisabled persons and unless all requirements of~~ *KRS 258.015;*
 - (b) *Leash, unless the person's disability otherwise requires, and control the assistance dog at all times;*
 - (c) *Prevent the assistance dog from disrupting or fundamentally altering the provision of goods or services offered by the establishment regardless of whether the establishment is in a public place;*

- (d) *Prevent the assistance dog from becoming a nuisance, urinating or defecating, or running at large; and*
 - (e) *License the assistance dog pursuant to KRS 258.135*~~[have been complied with].~~
- (9) Assistance dogs are exempt from all state and local licensing fees.
 - (10) Licensing authorities shall accept that the dog for which the license is sought is an assistance dog if the person requesting the license is a person with a disability or the trainer of the dog.
 - (11) Emergency medical treatment shall not be denied to an assistance dog assigned to a person regardless of the person's ability to pay prior to treatment.
 - (12) No person shall willfully or maliciously interfere with an assistance dog or the dog's user.
 - (13) *It shall not be a violation of this section for an establishment to:*
 - (a) *Ask if the dog is an assistance dog and what tasks the dog performs for the person making the request to be accompanied by an assistance dog;*
 - (b) *Maintain a general no pets policy if the policy is not used to exclude assistance dogs; or*
 - (c) *Refuse admittance of an assistance dog if admittance jeopardizes the health and safety of others.*
 - (14) *Any establishment under subsection (6) of this section that would admit an animal under tenancy may request documentation if the disability or disability-related need is not readily apparent. Documentation shall be from a health care provider listed in subsection (1)(c)1.a. to f. of this section with whom the person requesting an assistance dog has an ongoing therapeutic relationship. Documentation shall identify the work or tasks that the assistance animal performs for the person that are directly related to that person's disability or therapeutic needs.*
 - (15) *The handler of an assistance dog shall be liable for damage caused by the assistance dog.*
 - (16) *Nothing in this section shall be construed to require the admittance of an emotional support animal in establishments where assistance dogs are required to be admitted, except with regard to the establishments described in subsection (6) of this section, in which case the requirements of KRS 383.085 shall apply. Nothing in this section shall be construed to extend any other rights, privileges, or exemptions afforded to assistance dogs to emotional support animals.*

➔Section 2. KRS 258.335 is amended to read as follows:

- (1) It shall be unlawful for any person knowingly to make any false statement or to conceal any fact required to be disclosed under any of the provisions of this chapter.
- (2) *It shall be unlawful for any person to misrepresent a dog as an assistance dog as part of a request for an accommodation granted under Section 1 of this Act, regardless of whether the misrepresentation is communicated verbally, in writing, or nonverbally by placing a harness, collar, vest, or sign on the dog that falsely indicates it is an assistance dog.*

➔Section 3. KRS 258.991 is amended to read as follows:

- (1) Any person violating KRS 258.500(2), (3), (4), (5), (6), (11), or (12) shall be punished by a fine of not less than **five hundred dollars (\$500)**~~[two hundred and fifty dollars (\$250),]~~ nor more than one thousand dollars (\$1,000)~~[, or by imprisonment in the county jail for not less than ten (10) nor more than thirty (30) days, or both].~~ No person shall be charged with a violation of KRS 258.500(2), (3), (4), (5), (6), (11), or (12) if the requirements of KRS 258.500(7) **and** (8) are not met.
- (2) *Misrepresentation of a dog as an assistance dog to gain accommodation under subsection (2) of Section 2 of this Act is a violation with a fine of up to one thousand dollars (\$1,000).*

➔Section 4. KRS 525.010 is amended to read as follows:

The following definitions apply in this chapter unless the context otherwise requires:

- (1) "Desecrate" means defacing, damaging, polluting, or otherwise physically mistreating in a way that the actor knows will outrage the sensibilities of persons likely to observe or discover his or her action.
- (2) "Public" means affecting or likely to affect a substantial group of persons.

- (3) "Public place" means a place to which the public or a substantial group of persons has access and includes but is not limited to highways, transportation facilities, schools, places of amusements, parks, places of business, playgrounds, and hallways, lobbies, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence. An act is deemed to occur in a public place if it produces its offensive or proscribed consequences in a public place.
- (4) "Transportation facility" means any conveyance, premises, or place used for or in connection with public passenger transportation by air, railroad, motor vehicle, or any other method. It includes aircraft, watercraft, railroad cars, buses, and air, boat, railroad, and bus terminals and stations and all appurtenances thereto.
- (5) "Riot" means a public disturbance involving an assemblage of five (5) or more persons which by tumultuous and violent conduct creates grave danger of damage or injury to property or persons or substantially obstructs law enforcement or other government function.
- (6) "Service animal" includes a:
- (a) "Bomb detection dog," which means a dog that is trained to locate bombs or explosives by scent;
 - (b) "Electronic detection dog," which means a dog that is trained to locate electronic devices by scent;
 - (c) "Narcotic detection dog," which means a dog that is trained to locate narcotics by scent;
 - (d) "Patrol dog," which means a dog that is trained to protect a peace officer and to apprehend a person;
 - (e) "Tracking dog," which means a dog that is trained to track and find a missing person, escaped inmate, or fleeing felon;
 - (f) "Search and rescue dog," which means a dog that is trained to locate lost or missing persons, victims of natural or man-made disasters, and human bodies;
 - (g) "Accelerant detection dog," which means a dog that is trained for accelerant detection, commonly referred to as arson canines;
 - (h) "Cadaver dog," which means a dog that is trained to find human remains;
 - (i) "Assistance dog," which *has the same meaning as in* ~~means any dog that is trained to meet the requirements of~~ KRS 258.500;
 - (j) Any dog that is trained in more than one (1) of the disciplines specified in paragraphs (a) to (i) of this subsection;
 - (k) "Police dog," which means any dog that is owned, or the service of which is employed, by a law enforcement agency as defined in KRS 61.298 for the principal purpose of aiding in detection of criminal activity, enforcement of laws, and apprehension of offenders; or
 - (l) "Police horse," which means any horse that is owned, or the service of which is employed, by a law enforcement agency for the principal purpose of aiding in detection of criminal activity, enforcement of laws, and apprehension of offenders.

Signed by Governor April 9, 2024.

CHAPTER 141

(HB 333)

AN ACT relating to prosecution proceedings.

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

➔Section 1. KRS 69.210 is amended to read as follows:

- (1) The county attorney shall attend the fiscal court or consolidated local government and conduct all business touching the rights or interests of the county or consolidated local government, and when so directed by the fiscal court or consolidated local government, he or she shall institute, defend, and conduct all civil actions in

which the county or consolidated local government is interested before any of the courts of the Commonwealth.

- (2) (a) The county attorney shall attend to the prosecution in the juvenile session of the District Court of all proceedings held pursuant to petitions filed under KRS Chapter 610 and over which the juvenile session of the District Court has jurisdiction pursuant to KRS Chapter 610.
- (b) Notwithstanding paragraph (a) of this subsection, the attorneys for the Cabinet for Health and Family Services may attend to the prosecution of any case under KRS Chapter 620 upon written *consent of notice to* the county attorney and judge of the District Court or family division of the Circuit Court.
- (3) The county attorney shall give legal advice to the fiscal court or consolidated local government and the several county or consolidated local government officers in all matters concerning any county or consolidated local government business within their jurisdiction. He or she shall oppose all unjust or illegally presented claims.
- (4) A county attorney serving in a county, consolidated local government, or urban-county which is part of a judicial circuit described by KRS 69.010(2), in addition to the duties in subsections (1) and (2) of this section, shall have the following duties:
 - (a) He or she shall attend all civil cases and proceedings in his or her county in which the Commonwealth is interested; and
 - (b) He or she shall advise the collector of money due the Commonwealth in the county or consolidated local government in regard to motions against delinquent collecting officers for failing to return executions, and shall prosecute the motions. In no case shall the county attorney take a fee or act as counsel in any case in opposition to the interest of the county or consolidated local government.

Signed by Governor April 9, 2024.

CHAPTER 142

(HB 323)

AN ACT relating to cancer detection in firefighters, and making an appropriation therefor.

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

➔Section 1. KRS 95A.262 is amended to read as follows:

- (1) The Kentucky Fire Commission shall, in cooperation with the Cabinet for Health and Family Services, develop and implement a continuing program to inoculate every paid and volunteer firefighter in Kentucky against hepatitis A and B. The program shall be funded from revenues allocated to the Firefighters Foundation Program fund pursuant to KRS 136.392 and 42.190, not to exceed five hundred thousand dollars (\$500,000) per fiscal year.
- (2) (a) Except as provided in subsection (3) of this section, the Kentucky Fire Commission shall allot on an annual basis a share of the funds accruing to and appropriated for volunteer fire department aid to volunteer fire departments in cities of all classes, fire protection districts organized pursuant to KRS Chapter 75, county districts established under authority of KRS 67.083, and volunteer fire departments created as nonprofit corporations pursuant to KRS Chapter 273.
- (b) The commission shall allot eleven thousand dollars (\$11,000) annually to each qualifying department.
- (c) Any qualifying department which fails to participate satisfactorily in the Kentucky fire incident reporting system as described in KRS 304.13-380 shall forfeit annually five hundred dollars (\$500) of its allotment.
- (d) If two (2) or more qualified volunteer fire departments, as defined in KRS 95A.500 to 95A.560, merge after January 1, 2000, then the allotment shall be in accordance with the provisions of KRS 95A.500 to 95A.560.
- (e) Administrative regulations for determining qualifications shall be based on the number of both paid firefighters and volunteer firemen within a volunteer fire department, the amount of equipment, housing

facilities available, and any other matters or standards that will best effect the purposes of the volunteer fire department aid law. A qualifying department shall:

1. Include at least twelve (12) firefighters;
2. Have a chief;
3. Have at least one (1) operational fire apparatus or one (1) on order; and
4. Have at least fifty percent (50%) of its firefighters who have completed at least one-half (1/2) of one hundred fifty (150) training hours, or as otherwise established by the commission under KRS 95A.240(6), toward certification within the first six (6) months of the first year of the department's application for certification, and there shall be a plan to complete the one hundred fifty (150) training hours, or as otherwise established by the commission by KRS 95A.240(6), within the second year.

These personnel, equipment, and training requirements shall not be made more stringent by the promulgation of administrative regulations.

- (f) No allotment shall exceed the total value of the funds, equipment, lands, and buildings made available to the local fire units from any source whatever for the year in which the allotment is made.
 - (g) A portion of the funds provided for above may be used to purchase group or blanket health insurance and shall be used to purchase workers' compensation insurance, and the remaining funds shall be distributed as provided in this section.
- (3) There shall be allotted two hundred thousand dollars (\$200,000) of the insurance premium surcharge proceeds accruing to the Firefighters Foundation Program fund that shall be allocated each fiscal year of the biennium to the firefighters training center fund, which is hereby created and established, for the purposes of constructing new or upgrading existing training centers for firefighters. If any moneys in the training center fund remain uncommitted, unobligated, or unexpended at the close of the first fiscal year of the biennium, then such moneys shall be carried forward to the second fiscal year of the biennium, and shall be reallocated to and for the use of the training center fund, in addition to the second fiscal year's allocation of two hundred thousand dollars (\$200,000). Prior to funding any project pursuant to this subsection, a proposed project shall be approved by the Kentucky Fire Commission as provided in subsection (4) of this section and shall comply with state laws applicable to capital construction projects.
 - (4) Applications for funding low-interest loans and firefighters' training centers shall be submitted to the Kentucky Fire Commission for their recommendation, approval, disapproval, or modification. The commission shall review applications periodically, and shall, subject to funds available, recommend which applications shall be funded and at what levels, together with any terms and conditions the commission deems necessary.
 - (5) Any department or entity eligible for and receiving funding pursuant to this section shall have a minimum of fifty percent (50%) of its personnel certified as recognized by the Kentucky Fire Commission.
 - (6) Upon the written request of any department, the Kentucky Fire Commission shall make available a certified training program in a county of which such department is located.
 - (7) The amount of reimbursement for any given year for costs incurred by the Kentucky Community and Technical College System for administering these funds, including but not limited to the expenses and costs of commission operations, shall be determined by the commission and shall not exceed five percent (5%) of the total amount of moneys accruing to the Firefighters Foundation Program fund which are allotted for the purposes specified in this section during any fiscal year.
 - (8) The commission shall withhold from the general distribution of funds under subsection (2) of this section an amount which it deems sufficient to reimburse volunteer fire departments for equipment lost or damaged beyond repair due to hazardous material incidents.
 - (9) Moneys withheld pursuant to subsection (8) of this section shall be distributed only under the following terms and conditions:
 - (a) A volunteer fire department has lost or damaged beyond repair items of personal protective clothing or equipment due to that equipment having been lost or damaged as a result of an incident in which a hazardous material (as defined in any state or federal statute or regulation) was the causative agent of the loss;

- (b) The volunteer fire department has made application in writing to the commission for reimbursement in a manner approved by the commission and the loss and the circumstances thereof have been verified by the commission;
 - (c) The loss of or damage to the equipment has not been reimbursed by the person responsible for the hazardous materials incident or by any other person;
 - (d) The commission has determined that the volunteer fire department does not have the fiscal resources to replace the equipment;
 - (e) The commission has determined that the equipment sought to be replaced is immediately necessary to protect the lives of the volunteer firefighters of the fire department;
 - (f) The fire department has agreed in writing to subrogate all claims for and rights to reimbursement for the lost or damaged equipment to the Commonwealth to the extent that the Commonwealth provides reimbursement to the department; and
 - (g) The department has shown to the satisfaction of the commission that it has made reasonable attempts to secure reimbursement for its losses from the person responsible for the hazardous materials incident and has been unsuccessful in the effort.
- (10) If a volunteer fire department has met all of the requirements of subsection (9) of this section, the commission may authorize a reimbursement of equipment losses not exceeding ten thousand dollars (\$10,000) or the actual amount of the loss, whichever is less.
- (11) Moneys which have been withheld during any fiscal year which remain unexpended at the end of the fiscal year shall be distributed in the normal manner required by subsection (2) of this section during the following fiscal year.
- (12) No volunteer fire department may receive funding for equipment losses more than once during any fiscal year.
- (13) The commission shall make reasonable efforts to secure reimbursement from the responsible party for any moneys awarded to a fire department pursuant to this section.
- (14) The commission, in accordance with the procedures in subsection (4) of this section, may make low-interest loans, and the interest thereon shall not exceed three percent (3%) annually or the amount needed to sustain operating expenses of the loan fund, whichever is less, to volunteer fire departments for the purposes of major equipment purchases and facility construction. Loans shall be made to departments which achieve the training standards necessary to qualify for volunteer fire department aid allotted pursuant to subsection (2) of this section, and which do not have other sources of funds at rates which are favorable given their financial resources. The proceeds of loan payments shall be returned to the loan fund for the purpose of providing future loans. If a department does not make scheduled loan payments, the commission may withhold any grants payable to the department pursuant to subsection (2) of this section until the department is current on its payments. Money in the low-interest loan fund shall be used only for the purposes specified in this subsection. Any funds remaining in the fund at the end of a fiscal year shall be carried forward to the next fiscal year for the purposes of the fund.
- (15) Each fiscal year there shall be allotted one million dollars (\$1,000,000) from the fund established in KRS 95A.220 to be used by the commission to conduct training-related activities.
- (16) If funding is available from the fund established in KRS 95A.220, the Kentucky Fire Commission may implement the following:
- (a) A program to prepare emergency service personnel for handling potential man-made and non-man-made threats. The commission shall work in conjunction with the state fire marshal and other appropriate agencies and associations to identify and make maps of gas transmission and hazardous liquids pipelines in the state;
 - (b) A program to provide and maintain a mobile test facility in each training region established by the Kentucky Fire Commission with equipment to administer Comprehensive Physical Aptitude Tests (CPAT) to ascertain a firefighter's ability to perform the physical requirements necessary to be an effective and safe firefighter;
 - (c) A program to provide defensive driving training tactics to firefighters. The commission shall purchase, instruct in the use of, and maintain mobile equipment in each of the training regions, and fund expenses related to equipment replacement;

- (d) A program to annually evaluate equipment adequacy and to provide for annual physical examinations for instructors, adequate protective clothing and personal equipment to meet NFPA guidelines, and to establish procedures for replacing this equipment as needed;
- (e) A program to establish a rotational expansion and replacement program for mobile fleet equipment currently used for training and recertification of fire departments;
- (f) A program to expand and update current emergency medical services, emergency medical responder, emergency medical technician, advanced emergency medical technician, and paramedic training and certification instruction; ~~and~~
- (g) A program to purchase thermal vision devices to comply with the provisions of KRS 95A.400 to 95A.440; *and*
- (h) *A program to reimburse firefighters for out-of-pocket expenses for cancer screenings. The commission may promulgate administrative regulations pursuant to KRS Chapter 13A to:*
 - 1. *Establish a periodic cap and maximum on the reimbursement to the firefighter seeking reimbursement;*
 - 2. *Establish which cancer screening tests are eligible for reimbursement, provided that only cancer screening tests approved by the United States Food and Drug Administration for cancer detection in humans may be reimbursed;*
 - 3. *Determine eligibility requirements for participants, which in the discretion of the commission may also include retired firefighters; and*
 - 4. *Establish any other policy to effect the purposes of this program.*

Signed by Governor April 9, 2024.

CHAPTER 143

(HB 277)

AN ACT relating to the public defender system and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 31 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *Effective July 1, 2024, employees of the Louisville and Jefferson County Public Defender Corporation shall be transferred to the Department of Public Advocacy within the Justice and Public Safety Cabinet.*
- (b) *On or before April 30, 2024, the Department of Public Advocacy shall notify each employee of the Louisville and Jefferson County Public Defender Corporation of the position comparable to their existing position, if one exists, or another position within the Department of Public Advocacy to which he or she may transfer on July 1, 2024.*
- (c) *No later than May 31, 2024, the Department of Public Advocacy shall submit to the Personnel Cabinet a list of all employees who will transfer from the Louisville and Jefferson County Public Defender Corporation to the department along with records of each employee's job classification, compensation, dates of employment, dates of professional licensure, probationary status, accumulated leave balances by category, months of service, and any other information necessary under KRS Chapter 18A.*
- (d) *The Personnel Cabinet shall assist the Department of Public Advocacy in implementing this section.*
- (2) *An employee transferred pursuant to subsection (1) of this section shall:*
 - (a) *Be compensated by the Department of Public Advocacy at a salary no less than his or her salary in effect with the Louisville and Jefferson County Public Defender Corporation as of April 30, 2024, except an employee who is scheduled to complete employment probation as provided under*

subsection (3) of this section between May 1, 2024, and July 1, 2024, shall be compensated at a salary no less than his or her salary after completion of probation; and

- (b) 1. *Retain his or her leave time balances accumulated as of the employee's last date of employment with the Louisville and Jefferson County Public Defender Corporation.*
- 2. *For any accumulated leave in a category that is different from a type of leave available to state employees under KRS Chapter 18A, the Personnel Cabinet shall determine which type of leave to convert the transferred leave.*
- 3. *When computing months of service for the purpose of determining leave time accumulation for an employee transferred under subsection (1) of this section, the employee's service begins on the earlier of the date of initial employment with the Louisville and Jefferson County Public Defender Corporation or the date of employment with a state agency.*

(3) *Notwithstanding KRS 18A.111, employees transferred pursuant to subsection (1) of this section:*

- (a) *Who are appointed to classified positions within the Department of Public Advocacy and who are not on employment probation with the Louisville and Jefferson County Public Defender Corporation as of the date of transfer to the Department of Public Advocacy shall be appointed with status as defined in KRS 18A.005 without an initial probationary period; and*
- (b) *Who are appointed to classified positions within the Department of Public Advocacy and who are on employment probation with the Louisville and Jefferson County Public Defender Corporation as of the date of transfer to the Department of Public Advocacy shall be subject to an initial probationary period which shall terminate on the date probation was originally scheduled to terminate with the Louisville and Jefferson County Public Defender Corporation or six (6) months after the date of transfer to the Department of Public Advocacy, whichever is earlier.*

The Department of Public Advocacy shall include the probationary status and scheduled probation termination of each employee in its list of employees submitted to the Personnel Cabinet pursuant to subsection (1) of this section.

- (4) *Employees transferred pursuant to subsection (1) of this section shall be eligible to participate in the state-sponsored life and health insurance benefit programs administered by the Personnel Cabinet under KRS Chapter 18A. Employees shall be eligible for coverage under the life and health insurance programs effective July 1, 2024, and shall not be subject to any waiting period that may be otherwise applicable to participation in these programs.*
- (5) (a) *Employees transferred pursuant to subsection (1) of this section shall participate in the Kentucky Employees Retirement System as nonhazardous members pursuant to KRS 61.510 to 61.705.*
- (b) *For purposes of KRS 61.510 to 61.705, the membership date of an employee transferred pursuant to subsection (1) of this section shall be the earlier of:*
 - 1. *The date upon which the employee began participating in the Kentucky Employees Retirement System, State Police Retirement System, County Employees Retirement System, or other state-administered retirement system; or*
 - 2. *The date the employee began employment with the Louisville and Jefferson County Public Defender Corporation.*
- (6) *Notwithstanding KRS Chapter 45, 45A, 56, 65, 67, 67C, or 273, or any other provision of law to the contrary:*
 - (a) *Any lease in the name of the Louisville and Jefferson County Public Defender Corporation in effect on June 30, 2024, relating to real property, equipment, goods, or other property, and any contract to which the Louisville and Jefferson County Public Defender is a party in effect on June 30, 2024, shall be transferred to the Department of Public Advocacy effective July 1, 2024, to the extent such leases or contracts are transferable or assignable;*
 - (b) *A lease or contract transferred to and assumed by the Department of Public Advocacy under paragraph (a) of this subsection shall remain in place until its date of expiration or termination, whichever occurs first; and*
 - (c) *Any equipment, goods, or other property owned in the name of the Louisville and Jefferson County Public Defender Corporation may be transferred to the Department of Public Advocacy, and any*

such equipment, goods, or property so transferred by the Louisville and Jefferson County Public Defender Corporation shall be assumed and retained by the Department of Public Advocacy for use in Jefferson County and shall not be subject to transfer to other divisions or departments within the Justice and Public Safety Cabinet or cabinets within the executive branch of state government without the approval of the public advocate.

- (7) *The transfer of personnel and any assets from Louisville and Jefferson County Public Defender Corporation to the Department of Public Advocacy pursuant to this section shall not create a parent and subsidiary relationship, agency relationship, or any relationship under a respondeat superior theory or any other similar theory, either before or after the effective date of the transfer. The Department of Public Advocacy shall not be liable for any damages, losses, or injuries as the result of an act, omission, or negligence by the Louisville and Jefferson County Public Defender Corporation, its board of directors, officers, employees, agents, contractors, or any other person carrying out the mission of the Louisville and Jefferson County Public Defender Corporation. Claims made against the Louisville and Jefferson County Public Defender Corporation shall not be the responsibility of the Department of Public Advocacy, the insurer of any insurance policy maintained by the Department of Public Advocacy, or the Office of Claims and Appeals.*

➔Section 2. KRS 15A.020 is amended to read as follows:

- (1) The Justice and Public Safety Cabinet shall have the following departments:
- (a) Department of Corrections;
 - (b) Department of Criminal Justice Training, which shall have the following divisions:
 1. Training Operations Division; and
 2. Administrative Division;
 - (c) Department of Juvenile Justice, which shall have the following offices and divisions:
 1. Office of Program Operations, which shall have the following divisions:
 - a. Division of Western Region;
 - b. Division of Eastern Region; and
 - c. Division of Placement Services;
 2. Office of Support Services, which shall have the following divisions:
 - a. Division of Administrative Services;
 - b. Division of Program Services; and
 - c. Division of Professional Development;
 3. Office of Community and Mental Health Services, which shall have the following division:
 - a. Division of Community and Mental Health Services;
 4. Office of Detention, which shall require that all detention centers report to one (1) supervisor who reports directly to the commissioner, and which shall have the following division:
 - a. Division of Transportation; and
 5. Division of Compliance;
 - (d) Department of Kentucky State Police, which shall have the following offices and divisions:
 1. Office of Administrative Services, which shall be headed by an executive director who shall be appointed by the commissioner of the Department of Kentucky State Police and who shall report to the commissioner;
 - a. Division of Operational Support, which shall be headed by a director who shall be appointed by the commissioner of the Department of Kentucky State Police and who shall report to the executive director of the Office of Administrative Services; and

- b. Division of Management Services, which shall be headed by a director who shall be appointed by the commissioner of the Department of Kentucky State Police and who shall report to the executive director of the Office of Administrative Services;
 - 2. Office of Operations, which shall be headed by an executive director who shall be appointed by the commissioner of the Department of Kentucky State Police and who shall report to the commissioner;
 - a. Division of West Troops, which shall be headed by a director who shall be appointed by the commissioner of the Department of Kentucky State Police and who shall report to the executive director of the Office of Operations;
 - b. Division of East Troops, which shall be headed by a director who shall be appointed by the commissioner of the Department of Kentucky State Police and who shall report to the executive director of the Office of Operations;
 - c. Division of Special Enforcement, which shall be headed by a director who shall be appointed by the commissioner of the Department of Kentucky State Police and who shall report to the executive director of the Office of Operations; and
 - d. Division of Commercial Vehicle Enforcement, which shall be headed by a director who shall be appointed by the commissioner of the Department of Kentucky State Police and who shall report to the executive director of the Office of Operations; and
 - 3. Office of Technical Services, which shall be headed by an executive director who shall be appointed by the commissioner of the Department of Kentucky State Police and who shall report to the commissioner;
 - a. Division of Forensic Services, which shall be headed by a director who shall have a minimum of a bachelor's degree in a natural science and at least seven (7) years of experience in an accredited forensic laboratory, who shall be appointed by the commissioner of the Department of Kentucky State Police, and who shall report to the executive director of the Office of Technical Services;
 - b. Division of Electronic Services, which shall be headed by a director who shall be appointed by the commissioner of the Department of Kentucky State Police and who shall report to the executive director of the Office of Technical Services; and
 - c. Division of Records Management, which shall be headed by a director who shall be appointed by the commissioner of the Department of Kentucky State Police and who shall report to the executive director of the Office of Technical Services; and
- (e) Department of Public Advocacy, which shall have the following divisions:
 - 1. Protection and Advocacy Division;
 - 2. Division of Law Operations;
 - 3. Division of Trial Services;
 - 4. Division of Post-Trial Services;~~{and}~~
 - 5. Division of Conflict *and Contract* Services; *and*
 - 6. *Division of Education, Strategic Planning, and Recruitment.*
- (2) Each department, except for the Department of Public Advocacy, shall be headed by a commissioner who shall be appointed by the secretary of the Justice and Public Safety Cabinet with the approval of the Governor as required by KRS 12.040. Each commissioner shall be directly responsible to the secretary and shall have such functions, powers, and duties as provided by law and as the secretary may prescribe. The Department of Public Advocacy shall be headed by the public advocate, appointed as required by KRS 31.020, who shall be directly responsible to the Public Advocacy Commission. The Department of Public Advocacy is an independent state agency which shall be attached to the Justice and Public Safety Cabinet for administrative purposes only. The Justice and Public Safety Cabinet shall not have control over the Department of Public Advocacy's information technology equipment and use unless granted access by court order.
- (3) The Justice and Public Safety Cabinet shall have the following offices and divisions:

- (a) Office of the Secretary, which shall be headed by a deputy secretary appointed pursuant to KRS 12.050 and responsible for the direct administrative support for the secretary and other duties as assigned by the secretary, and which, with the approval of the secretary, may employ such staff as necessary to perform the duties, functions, and responsibilities of the office;
- (b) Office of Human Resource Management, which shall be headed by an executive director appointed pursuant to KRS 12.050 who shall be responsible to and report to the secretary and be responsible for all matters relating to human resources, and who, with the approval of the secretary, may employ such staff as necessary to perform the duties, functions, and responsibilities of the office;
 - 1. Division of Human Resource Administration, which shall be headed by a director appointed pursuant to KRS 12.050 who shall report to the executive director of the Office of Human Resource Management; and
 - 2. Division of Employee Management, which shall be headed by a director appointed pursuant to KRS 12.050 who shall report to the executive director of the Office of Human Resource Management;
- (c) Office of Legal Services, which shall be headed by an executive director appointed pursuant to KRS 12.050 and 12.210, that:
 - 1. Shall provide legal representation and services for the cabinet; and
 - 2. May investigate all complaints regarding the facilities, staff, treatment of juveniles, and other matters relating to the operation of the Justice and Public Safety Cabinet. If it appears that there is a violation of statutes, administrative regulations, policies, court decisions, the rights of juveniles who are subject to the orders of the department, or any other matter relating to the Justice and Public Safety Cabinet, the office shall report to the secretary of the Justice and Public Safety Cabinet who shall, if required, refer the matter to a law enforcement agency, Commonwealth's attorney, county attorney, the Attorney General, or federal agencies, as appropriate. The office may be used to investigate matters in which there is a suspicion of violation of written policy, administrative regulation, or statutory law within the Department of Public Advocacy only when the investigation will have no prejudicial impact upon a person who has an existing attorney-client relationship with the Department of Public Advocacy. Notwithstanding the provisions of this subparagraph, investigation and discipline of KRS Chapter 16 personnel shall continue to be conducted by the Department of Kentucky State Police pursuant to KRS Chapter 16. The office shall conduct no other investigations under the authority granted in this subparagraph. The secretary may, by administrative order, assign the investigative functions in this subparagraph to a branch within the office.

The executive director shall be directly responsible to and report to the secretary and, with the approval of the secretary, may employ such attorneys appointed pursuant to KRS 12.210 and other staff as necessary to perform the duties, functions, and responsibilities of the office;
- (d) Office of Legislative and Intergovernmental Services, which shall be headed by an executive director appointed pursuant to KRS 12.050 who shall be responsible for all matters relating to the provision of support to the Criminal Justice Council, legislative liaison services, and functions and duties vested in the Criminal Justice Council as described in KRS 15A.030. The executive director shall be directly responsible to and report to the secretary and may employ such staff as necessary to perform the duties, functions, and responsibilities of the office;
- (e) Office of Communications, which shall be headed by an executive director appointed by the secretary of the Justice and Public Safety Cabinet pursuant to KRS 12.050 who shall be responsible to report to the secretary and be responsible for all matters relating to communications, and who, with the approval of the secretary, may employ such staff as necessary to perform the duties, functions, and responsibilities of the office;
 - 1. Information and Technology Services Division, which shall be headed by a director appointed by the secretary of the Justice and Public Safety Cabinet pursuant to KRS 12.050 who shall report to the executive director of the Office of Communications;
- (f) Office of Financial Management Services, which shall be headed by an executive director appointed by the secretary of the Justice and Public Safety Cabinet pursuant to KRS 12.050 who shall be responsible to report to the secretary and be responsible for all matters relating to fiscal functions, and who, with the

approval of the secretary, may employ such staff as necessary to perform the duties, functions, and responsibilities of the office;

1. Division of Financial Management, which shall be headed by a director appointed by the secretary of the Justice and Public Safety Cabinet pursuant to KRS 12.050 who shall report to the executive director of the Office of Financial Management Services;
- (g) Grants Management Division, which shall be headed by a director appointed by the secretary of the Justice and Public Safety Cabinet pursuant to KRS 12.050 who shall be responsible to report to the secretary and be responsible for all matters relating to state and federal grants management, and who, with the approval of the secretary, may employ such staff as necessary to perform the duties, functions, and responsibilities of the office;
- (h) Office of the Kentucky State Medical Examiner, which shall be headed by a chief medical examiner appointed pursuant to KRS 72.240 who shall be responsible for all matters relating to forensic pathology and forensic toxicology and other duties as assigned by the secretary. The executive director appointed pursuant to KRS 12.050 shall be responsible for all matters related to the administrative support of the Office of the State Medical Examiner. The executive director shall report directly to the secretary and with the approval of the secretary may employ such administrative support staff as necessary to perform the administrative duties, functions, and responsibilities of the office. The chief medical examiner shall be directly responsible to and report to the secretary and may employ such staff as necessary to perform the forensic duties, functions, and responsibilities of the office; and
- (i) Office of Drug Control Policy, which shall be headed by an executive director appointed pursuant to KRS 12.050 who shall be responsible for all matters relating to the research, coordination, and execution of drug control policy and for the management of state and federal grants, including but not limited to the prevention and treatment related to substance abuse. By December 31 of each year, the Office of Drug Control Policy shall review, approve, and coordinate all current projects of any substance abuse program which is conducted by or receives funding through agencies of the executive branch. This oversight shall extend to all substance abuse programs which are principally related to the prevention or treatment, or otherwise targeted at the reduction, of substance abuse in the Commonwealth. The Office of Drug Control Policy shall promulgate administrative regulations consistent with enforcing this oversight authority. The executive director shall be directly responsible to and report to the secretary and may employ such staff as necessary to perform the duties, functions, and responsibilities of the office.

➔Section 3. KRS 18A.115 is amended to read as follows:

- (1) The classified service to which KRS 18A.005 to 18A.200 shall apply shall comprise all positions in the state service now existing or hereafter established, except the following:
 - (a) The General Assembly and employees of the General Assembly, including the employees of the Legislative Research Commission;
 - (b) Officers elected by popular vote and persons appointed to fill vacancies in elective offices;
 - (c) Members of boards and commissions;
 - (d) Officers and employees on the staff of the Governor, the Lieutenant Governor, the Office of the Secretary of the Governor's Cabinet, and the Office of Program Administration;
 - (e) Cabinet secretaries, commissioners, office heads, and the administrative heads of all boards and commissions, including the executive director of Kentucky Educational Television;
 - (f) Employees of Kentucky Educational Television who have been determined to be exempt from classified service by the Kentucky Authority for Educational Television, which shall have sole authority over such exempt employees for employment, dismissal, and setting of compensation, up to the maximum established for the executive director and his *or her* principal assistants;
 - (g) One (1) principal assistant or deputy for each person exempted under subsection (1)(e) of this section;
 - (h) One (1) additional principal assistant or deputy as may be necessary for making and carrying out policy for each person exempted under subsection (1)(e) of this section in those instances in which the nature of the functions, size, or complexity of the unit involved are such that the secretary approves such an addition on petition of the relevant cabinet secretary or department head and such other principal assistants, deputies, or other major assistants as may be necessary for making and carrying out policy

for each person exempted under subsection (1)(e) of this section in those instances in which the nature of the functions, size, or complexity of the unit involved are such that the board may approve such an addition or additions on petition of the department head approved by the secretary. Effective August 1, 2010:

1. All positions approved under this paragraph prior to August 1, 2010, shall be abolished effective December 31, 2010, unless reapproved under subparagraph 2. of this paragraph; and
 2. A position approved under this paragraph on or after August 1, 2010, shall be approved for a period of five (5) years, after which time the position shall be abolished unless reapproved under this subparagraph for an additional five (5) year period;
- (i) Division directors subject to the provisions of KRS 18A.170. Division directors in the classified service as of January 1, 1980, shall remain in the classified service;
 - (j) Physicians employed as such;
 - (k) One (1) private secretary for each person exempted under subsection (1)(e), (g), and (h) of this section;
 - (l) The judicial department, referees, receivers, jurors, and notaries public;
 - (m) Officers and members of the staffs of state universities and colleges and student employees of such institutions; officers and employees of the Teachers' Retirement System; and officers, teachers, and employees of local boards of education;
 - (n) Patients or inmates employed in state institutions;
 - (o) Persons employed in a professional or scientific capacity to make or conduct a temporary or special inquiry, investigation, or examination on behalf of the General Assembly, or a committee thereof, or by authority of the Governor, and persons employed by state agencies for a specified, limited period to provide professional, technical, scientific, or artistic services under the provisions of KRS 45A.690 to 45A.725;
 - (p) Interim employees;
 - (q) Officers and members of the state militia;
 - (r) Department of Kentucky State Police troopers;
 - (s) University or college engineering students or other students employed part-time or part-year by the state through special personnel recruitment programs; provided that while so employed such aides shall be under contract to work full-time for the state after graduation for a period of time approved by the commissioner or shall be participants in a cooperative education program approved by the commissioner;
 - (t) Superintendents of state mental institutions, including heads of centers for individuals with an intellectual disability, and penal and correctional institutions as referred to in KRS 196.180(2);
 - (u) Staff members of the Kentucky Historical Society, if they are hired in accordance with KRS 171.311;
 - (v) County and Commonwealth's attorneys and their respective appointees;
 - (w) Chief district engineers and the state highway engineer;
 - (x) Veterinarians employed as such by the Kentucky Horse Racing Commission;
 - (y) Employees of the Kentucky Peace Corps;
 - (z) Employees of the Council on Postsecondary Education;
 - (aa) Executive director of the Commonwealth Office of Technology;
 - (ab) Employees of Serve Kentucky;
 - (ac) Persons employed in certified teaching positions at the Kentucky School for the Blind and the Kentucky School for the Deaf;
 - (ad) Federally funded time-limited employees as defined in KRS 18A.005; and
 - (ae) Employees of the Department of Agriculture who are employed to support the Agricultural Development Board and the Kentucky Agricultural Finance Corporation.

- (2) Nothing in KRS 18A.005 to 18A.200 is intended, or shall be construed, to alter or amend the provisions of KRS 150.022 and 150.061.
- (3) Nothing in KRS 18A.005 to 18A.200 is intended or shall be construed to affect any nonmanagement, nonpolicy-making position which must be included in the classified service as a prerequisite to the grant of federal funds to a state agency.
- (4) Career employees within the classified service promoted to positions exempted from classified service shall, upon termination of their employment in the exempted service, revert to a position in that class in the agency from which they were terminated if a vacancy in that class exists. If no such vacancy exists, they shall be considered for employment in any vacant position for which they were qualified pursuant to KRS 18A.130 and 18A.135.
- (5) Nothing in KRS 18A.005 to 18A.200 shall be construed as precluding appointing officers from filling unclassified positions in the manner in which positions in the classified service are filled except as otherwise provided in KRS 18A.005 to 18A.200.
- (6) The positions of employees who are transferred, effective July 1, 1998, from the Cabinet for Workforce Development to the Kentucky Community and Technical College System shall be abolished and the employees' names removed from the roster of state employees. Employees that are transferred, effective July 1, 1998, to the Kentucky Community and Technical College System under KRS Chapter 164 shall have the same benefits and rights as they had under KRS Chapter 18A and have under KRS 164.5805; however, they shall have no guaranteed reemployment rights in the KRS Chapter 151B or KRS Chapter 18A personnel systems. An employee who seeks reemployment in a state position under KRS Chapter 151B or KRS Chapter 18A shall have years of service in the Kentucky Community and Technical College System counted towards years of experience for calculating benefits and compensation.
- (7) On August 15, 2000, all certified and equivalent personnel, all unclassified personnel, and all certified and equivalent and unclassified vacant positions in the Department for Adult Education and Literacy shall be transferred from the personnel system under KRS Chapter 151B to the personnel system under KRS Chapter 18A. The positions shall be deleted from the KRS Chapter 151B personnel system. All records shall be transferred including accumulated annual leave, sick leave, compensatory time, and service credit for each affected employee. The personnel officers who administer the personnel systems under KRS Chapter 151B and KRS Chapter 18A shall exercise the necessary administrative procedures to effect the change in personnel authority. No certified or equivalent employee in the Department for Adult Education and Literacy shall suffer any penalty in the transfer.
- (8) On August 15, 2000, secretaries and assistants attached to policymaking positions in the Department for Technical Education and the Department for Adult Education and Literacy shall be transferred from the personnel system under KRS Chapter 151B to the personnel system under KRS Chapter 18A. The positions shall be deleted from the KRS Chapter 151B system. All records shall be transferred including accumulated annual leave, sick leave, compensatory time, and service credit for each affected employee. No employee shall suffer any penalty in the transfer.
- (9) On May 1, 2017, all contract employees of Eastern Kentucky University who are engaged in providing instructional and support services to the Department of Criminal Justice Training shall be transferred to the personnel system under KRS Chapter 18A. All records shall be transferred, including accumulated annual leave, sick leave, compensatory time, and service credit for each affected employee. The personnel officers who administer the personnel systems for Eastern Kentucky University and under KRS Chapter 18A shall exercise the necessary administrative procedures to effect the change in personnel authority. No employee shall suffer any penalty in the transfer.
- (10) ***On July 1, 2024, all employees of the Louisville and Jefferson County Public Defender Corporation shall be transferred to the personnel system under KRS Chapter 18A. Records of each employee's job classification, compensation, dates of employment, dates of professional licensure, probationary status, accumulated leave balances by category, months of service, and any other information necessary under KRS Chapter 18A shall be transferred. The personnel officers who administer the personnel systems for the Louisville and Jefferson County Public Defender Corporation and under KRS Chapter 18A shall exercise the necessary administrative procedures to effect the change in the personnel authority. No employee shall suffer any penalty in the transfer.***

➔Section 4. KRS 61.510 is amended to read as follows:

As used in KRS 61.510 to 61.705, unless the context otherwise requires:

- (1) "System" means the Kentucky Employees Retirement System created by KRS 61.510 to 61.705;
- (2) "Board" means the board of trustees of the system as provided in KRS 61.645;
- (3) "Department" means any state department or board or agency participating in the system in accordance with appropriate executive order, as provided in KRS 61.520. For purposes of KRS 61.510 to 61.705, the members, officers, and employees of the General Assembly and any other body, entity, or instrumentality designated by executive order by the Governor, shall be deemed to be a department, notwithstanding whether said body, entity, or instrumentality is an integral part of state government;
- (4) "Examiner" means the medical examiners as provided in KRS 61.665;
- (5) "Employee" means the members, officers, and employees of the General Assembly and every regular full-time, appointed or elective officer or employee of a participating department, including the Department of Military Affairs. The term does not include persons engaged as independent contractors, seasonal, emergency, temporary, interim, and part-time workers. In case of any doubt, the board shall determine if a person is an employee within the meaning of KRS 61.510 to 61.705;
- (6) "Employer" means a department or any authority of a department having the power to appoint or select an employee in the department, including the Senate and the House of Representatives, or any other entity, the employees of which are eligible for membership in the system pursuant to KRS 61.525;
- (7) "State" means the Commonwealth of Kentucky;
- (8) "Member" means any employee who is included in the membership of the system or any former employee whose membership has not been terminated under KRS 61.535;
- (9) "Service" means the total of current service and prior service as defined in this section;
- (10) "Current service" means the number of years and months of employment as an employee, on and after July 1, 1956, except that for members, officers, and employees of the General Assembly this date shall be January 1, 1960, for which creditable compensation is paid and employee contributions deducted, except as otherwise provided, and each member, officer, and employee of the General Assembly shall be credited with a month of current service for each month he *or she* serves in the position;
- (11) "Prior service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employee, prior to July 1, 1956, for which creditable compensation was paid; except that for members, officers, and employees of the General Assembly, this date shall be January 1, 1960. An employee shall be credited with one (1) month of prior service only in those months he *or she* received compensation for at least one hundred (100) hours of work; provided, however, that each member, officer, and employee of the General Assembly shall be credited with a month of prior service for each month he *or she* served in the position prior to January 1, 1960. Twelve (12) months of current service in the system are required to validate prior service;
- (12) "Accumulated contributions" at any time means the sum of all amounts deducted from the compensation of a member and credited to his *or her* individual account in the members' account, including employee contributions picked up after August 1, 1982, pursuant to KRS 61.560(4), together with interest credited, on such amounts and any other amounts the member shall have contributed thereto, including interest credited thereon. For members who begin participating on or after September 1, 2008, "accumulated contributions" shall not include employee contributions that are deposited into accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 61.510 and 61.515, as prescribed by KRS 61.702(3)(b);
- (13) "Creditable compensation":
 - (a) Means all salary, wages, tips to the extent the tips are reported for income tax purposes, and fees, including payments for compensatory time, paid to the employee as a result of services performed for the employer or for time during which the member is on paid leave, which are includable on the member's federal form W-2 wage and tax statement under the heading "wages, tips, other compensation," including employee contributions picked up after August 1, 1982, pursuant to KRS 61.560(4). For members of the General Assembly, it shall mean all amounts which are includable on the member's federal form W-2 wage and tax statement under the heading "wages, tips, other compensation," including employee contributions picked up after August 1, 1982, pursuant to KRS 6.505(4) or 61.560(4);
 - (b) Includes:

1. Lump-sum bonuses, severance pay, or employer-provided payments for purchase of service credit, which shall be averaged over the employee's total service with the system in which it is recorded if it is equal to or greater than one thousand dollars (\$1,000);
 2. Cases where compensation includes maintenance and other perquisites, but the board shall fix the value of that part of the compensation not paid in money;
 3. Lump-sum payments for creditable compensation paid as a result of an order of a court of competent jurisdiction, the Personnel Board, or the Commission on Human Rights, or for any creditable compensation paid in anticipation of settlement of an action before a court of competent jurisdiction, the Personnel Board, or the Commission on Human Rights, including notices of violations of state or federal wage and hour statutes or violations of state or federal discrimination statutes, which shall be credited to the fiscal year during which the wages were earned or should have been paid by the employer. This subparagraph shall also include lump-sum payments for reinstated wages pursuant to KRS 61.569, which shall be credited to the period during which the wages were earned or should have been paid by the employer;
 4. Amounts which are not includable in the member's gross income by virtue of the member having taken a voluntary salary reduction provided for under applicable provisions of the Internal Revenue Code; and
 5. Elective amounts for qualified transportation fringes paid or made available on or after January 1, 2001, for calendar years on or after January 1, 2001, that are not includable in the gross income of the employee by reason of 26 U.S.C. sec. 132(f)(4); and
- (c) Excludes:
1. Living allowances, expense reimbursements, lump-sum payments for accrued vacation leave, and other items determined by the board;
 2. For employees who begin participating on or after September 1, 2008, lump-sum payments for compensatory time;
 3. For employees who begin participating on or after August 1, 2016, nominal fees paid for services as a volunteer; and
 4. Any salary or wages paid to an employee for services as a Kentucky State Police school resource officer as defined by KRS 158.441;
- (14) "Final compensation" of a member means:
- (a) For a member who begins participating before September 1, 2008, who is employed in a nonhazardous position, the creditable compensation of the member during the five (5) fiscal years he or she was paid at the highest average monthly rate divided by the number of months of service credit during that five (5) year period multiplied by twelve (12). The five (5) years may be fractional and need not be consecutive. If the number of months of service credit during the five (5) year period is less than forty-eight (48), one (1) or more additional fiscal years shall be used;
 - (b) For a member who is employed in a nonhazardous position, whose effective retirement date is between August 1, 2001, and January 1, 2009, and whose total service credit is at least twenty-seven (27) years and whose age and years of service total at least seventy-five (75), final compensation means the creditable compensation of the member during the three (3) fiscal years the member was paid at the highest average monthly rate divided by the number of months of service credit during that three (3) years period multiplied by twelve (12). The three (3) years may be fractional and need not be consecutive. If the number of months of service credit during the three (3) year period is less than twenty-four (24), one (1) or more additional fiscal years shall be used. Notwithstanding the provision of KRS 61.565, the funding for this paragraph shall be provided from existing funds of the retirement allowance;
 - (c) For a member who begins participating before September 1, 2008, who is employed in a hazardous position, as provided in KRS 61.592, the creditable compensation of the member during the three (3) fiscal years he or she was paid at the highest average monthly rate divided by the number of months of service credit during that three (3) year period multiplied by twelve (12). The three (3) years may be fractional and need not be consecutive. If the number of months of service credit during the three (3) year period is less than twenty-four (24), one (1) or more additional fiscal years shall be used;

- (d) For a member who begins participating on or after September 1, 2008, but prior to January 1, 2014, who is employed in a nonhazardous position, the creditable compensation of the member during the five (5) complete fiscal years immediately preceding retirement divided by five (5). Each fiscal year used to determine final compensation must contain twelve (12) months of service credit. If the member does not have five (5) complete fiscal years that each contain twelve (12) months of service credit, then one (1) or more additional fiscal years, which may contain less than twelve (12) months of service credit, shall be added until the number of months in the final compensation calculation is at least sixty (60) months; or
 - (e) For a member who begins participating on or after September 1, 2008, but prior to January 1, 2014, who is employed in a hazardous position as provided in KRS 61.592, the creditable compensation of the member during the three (3) complete fiscal years he or she was paid at the highest average monthly rate divided by three (3). Each fiscal year used to determine final compensation must contain twelve (12) months of service credit. If the member does not have three (3) complete fiscal years that each contain twelve (12) months of service credit, then one (1) or more additional fiscal years, which may contain less than twelve (12) months of service credit, shall be added until the number of months in the final compensation calculation is at least thirty-six (36) months;
- (15) "Final rate of pay" means the actual rate upon which earnings of an employee were calculated during the twelve (12) month period immediately preceding the member's effective retirement date, including employee contributions picked up after August 1, 1982, pursuant to KRS 61.560(4). The rate shall be certified to the system by the employer and the following equivalents shall be used to convert the rate to an annual rate: two thousand eighty (2,080) hours for eight (8) hour workdays, nineteen hundred fifty (1,950) hours for seven and one-half (7-1/2) hour workdays, two hundred sixty (260) days, fifty-two (52) weeks, twelve (12) months, one (1) year;
 - (16) "Retirement allowance" means the retirement payments to which a member is entitled;
 - (17) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of the actuarial tables that are adopted by the board. In cases of disability retirement, the options authorized by KRS 61.635 shall be computed by adding ten (10) years to the age of the member, unless the member has chosen the Social Security adjustment option as provided for in KRS 61.635(8), in which case the member's actual age shall be used. For members who began participating in the system prior to January 1, 2014, no disability retirement option shall be less than the same option computed under early retirement;
 - (18) "Normal retirement date" means the sixty-fifth birthday of a member, unless otherwise provided in KRS 61.510 to 61.705;
 - (19) "Fiscal year" of the system means the twelve (12) months from July 1 through the following June 30, which shall also be the plan year. The "fiscal year" shall be the limitation year used to determine contribution and benefit limits as established by 26 U.S.C. sec. 415;
 - (20) "Officers and employees of the General Assembly" means the occupants of those positions enumerated in KRS 6.150. The term shall also apply to assistants who were employed by the General Assembly for at least one (1) regular legislative session prior to July 13, 2004, who elect to participate in the retirement system, and who serve for at least six (6) regular legislative sessions. Assistants hired after July 13, 2004, shall be designated as interim employees;
 - (21) "Regular full-time positions," as used in subsection (5) of this section, shall mean all positions that average one hundred (100) or more hours per month determined by using the number of months actually worked within a calendar or fiscal year, including all positions except:
 - (a) Seasonal positions, which although temporary in duration, are positions which coincide in duration with a particular season or seasons of the year and which may recur regularly from year to year, the period of time shall not exceed nine (9) months;
 - (b) Emergency positions which are positions utilized by the employer during:
 - 1. An emergency as determined by the employer for a period not exceeding thirty (30) working days and are nonrenewable; or
 - 2. A state of emergency declared by the President of the United States or the Governor of the Commonwealth of Kentucky that are created or filled specifically for addressing the employer's needs during and as a result of the declared emergency;

- (c) Temporary positions which are positions of employment with a participating department for a period of time not to exceed nine (9) months and are nonrenewable;
 - (d) Part-time positions which are positions which may be permanent in duration, but which require less than a calendar or fiscal year average of one hundred (100) hours of work per month, determined by using the number of months actually worked within a calendar or fiscal year, in the performance of duty; and
 - (e) Interim positions which are positions established for a one-time or recurring need not to exceed nine (9) months;
- (22) "Vested" for purposes of determining eligibility for purchasing service credit under KRS 61.552 means the employee has at least forty-eight (48) months of service if age sixty-five (65) or older or at least sixty (60) months of service if under the age of sixty-five (65). For purposes of this subsection, "service" means service in the systems administered by the Kentucky Retirement Systems and County Employees Retirement System;
 - (23) "Parted employer" means a department, portion of a department, board, or agency, such as Outwood Hospital and School, which previously participated in the system, but due to lease or other contractual arrangement is now operated by a publicly held corporation or other similar organization, and therefore is no longer participating in the system. The term "parted employer" shall not include a department, board, or agency that ceased participation in the system pursuant to KRS 61.522;
 - (24) "Retired member" means any former member receiving a retirement allowance or any former member who has filed the necessary documents for retirement benefits and is no longer contributing to the retirement system;
 - (25) "Current rate of pay" means the member's actual hourly, daily, weekly, biweekly, monthly, or yearly rate of pay converted to an annual rate as defined in final rate of pay. The rate shall be certified by the employer;
 - (26) "Beneficiary" means the person or persons or estate or trust or trustee designated by the member in accordance with KRS 61.542 or 61.705 to receive any available benefits in the event of the member's death. As used in KRS 61.702, "beneficiary" does not mean an estate, trust, or trustee;
 - (27) "Recipient" means the retired member or the person or persons designated as beneficiary by the member and drawing a retirement allowance as a result of the member's death or a dependent child drawing a retirement allowance. An alternate payee of a qualified domestic relations order shall not be considered a recipient, except for purposes of KRS 61.623;
 - (28) "Level percentage of payroll amortization method" means a method of determining the annual amortization payment on the unfunded actuarial accrued liability as expressed as a percentage of payroll over a set period of years but that may be converted to a dollar value for purposes of KRS 61.565(1)(d). Under this method, the percentage of payroll shall be projected to remain constant for all years remaining in the set period of time and the unfunded actuarially accrued liability shall be projected to be fully amortized at the conclusion of the set period of years;
 - (29) "Increment" means twelve (12) months of service credit which are purchased. The twelve (12) months need not be consecutive. The final increment may be less than twelve (12) months;
 - (30) "Person" means a natural person;
 - (31) "Retirement office" means the Kentucky Public Pensions Authority's office building in Frankfort, unless otherwise designated by the Kentucky Public Pensions Authority;
 - (32) "Last day of paid employment" means the last date employer and employee contributions are required to be reported in accordance with KRS 16.543, 61.543, or 78.615 to the retirement office in order for the employee to receive current service credit for the month. Last day of paid employment does not mean a date the employee receives payment for accrued leave, whether by lump sum or otherwise, if that date occurs twenty-four (24) or more months after previous contributions;
 - (33) "Objective medical evidence" means reports of examinations or treatments; medical signs which are anatomical, physiological, or psychological abnormalities that can be observed; psychiatric signs which are medically demonstrable phenomena indicating specific abnormalities of behavior, affect, thought, memory, orientation, or contact with reality; or laboratory findings which are anatomical, physiological, or psychological phenomena that can be shown by medically acceptable laboratory diagnostic techniques, including but not limited to chemical tests, electrocardiograms, electroencephalograms, X-rays, and psychological tests;

- (34) "Participating" means an employee is currently earning service credit in the system as provided in KRS 61.543;
- (35) "Month" means a calendar month;
- (36) "Membership date" means:
- (a) The date upon which the member began participating in the system as provided in KRS 61.543;
 - (b) For a member electing to participate in the system pursuant to KRS 196.167(4) or 311A.022(2) who has not previously participated in the system or the Kentucky Teachers' Retirement System, the date the member began participating in a defined contribution plan that meets the requirements of 26 U.S.C. sec. 403(b); ~~or~~
 - (c) For members bound by an educational contract as a conditional employee to the state of Kentucky prior to December 31, 2003, the date on which the educational contract became effective; *or*
 - (d) ***For a member participating in the system pursuant to Section 1 of this Act, the earlier of the date upon which the member began participating in the system under paragraph (a) of this subsection or the date the member began employment with the Louisville and Jefferson County Public Defender Corporation;***
- (37) "Participant" means a member, as defined by subsection (8) of this section, or a retired member, as defined by subsection (24) of this section;
- (38) "Qualified domestic relations order" means any judgment, decree, or order, including approval of a property settlement agreement, that:
- (a) Is issued by a court or administrative agency; and
 - (b) Relates to the provision of child support, alimony payments, or marital property rights to an alternate payee;
- (39) "Alternate payee" means a spouse, former spouse, child, or other dependent of a participant, who is designated to be paid retirement benefits in a qualified domestic relations order;
- (40) "Accumulated employer credit" mean the employer pay credit deposited to the member's account and interest credited on such amounts as provided by KRS 16.583 and 61.597;
- (41) "Accumulated account balance" means:
- (a) For members who began participating in the system prior to January 1, 2014, the member's accumulated contributions; or
 - (b) For members who began participating in the system on or after January 1, 2014, in the hybrid cash balance plan as provided by KRS 16.583 and 61.597, the combined sum of the member's accumulated contributions and the member's accumulated employer credit;
- (42) "Volunteer" means an individual who:
- (a) Freely and without pressure or coercion performs hours of service for an employer participating in one (1) of the systems administered by Kentucky Retirement Systems without receipt of compensation for services rendered, except for reimbursement of actual expenses, payment of a nominal fee to offset the costs of performing the voluntary services, or both; and
 - (b) If a retired member, does not become an employee, leased employee, or independent contractor of the employer for which he or she is performing volunteer services for a period of at least twelve (12) months following the retired member's most recent retirement date;
- (43) "Nominal fee" means compensation earned for services as a volunteer that does not exceed five hundred dollars (\$500) per month with each participating employer. Compensation earned for services as a volunteer from more than one (1) participating employer during a month shall not be aggregated to determine whether the compensation exceeds the five hundred dollars (\$500) per month maximum provided by this subsection;
- (44) "Nonhazardous position" means a position that does not meet the requirements of KRS 61.592 or has not been approved by the board as a hazardous position;
- (45) "Monthly average pay" means:

- (a) In the case of a member who dies as a direct result of an act in line of duty as defined in KRS 16.505 or who dies as a result of a duty-related injury as defined in KRS 61.621, the higher of the member's monthly final rate of pay or the average monthly creditable compensation earned by the deceased member during his or her last twelve (12) months of employment; or
 - (b) In the case where a member becomes totally and permanently disabled as a direct result of an act in line of duty as defined in KRS 16.505 or becomes disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a), the higher of the member's monthly final rate of pay or the average monthly creditable compensation earned by the disabled member during his or her last twelve (12) months of employment prior to the date the act in line of duty or duty-related injury occurred;
- (46) "Authority" means the Kentucky Public Pensions Authority as provided by KRS 61.505;
- (47) "Executive director" means the executive director of the Kentucky Public Pensions Authority; and
- (48) "Instructional staff" means the employees of a state college or university participating under KRS 61.520 who are:
- (a) Faculty;
 - (b) Staff responsible for teaching; or
 - (c) Other individuals employed in an administrative position that is eligible for participation in the Teachers' Insurance and Annuity Association (TIAA) of the Teachers' Retirement System.

➔Section 5. This Act shall apply retroactively to an employee of the Louisville and Jefferson County Public Defender Corporation who was a member of its staff on September 30, 2023, and is subsequently appointed to a leadership or supervisory position within the Department of Public Advocacy between October 1, 2023, and July 1, 2024.

➔Section 6. Whereas 2023 Ky. Acts ch. 144 requires the Department of Public Advocacy to assume the duties of local counsel representing indigent adults and juveniles accused of crimes and status offenses no later than July 1, 2024, and whereas it is critical to ensure the legal representation of these indigent persons, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 9, 2024.

CHAPTER 144

(HB 271)

AN ACT relating to child abuse.

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

➔Section 1. KRS 600.020 is amended to read as follows:

As used in KRS Chapters 600 to 645, unless the context otherwise requires:

- (1) "Abused or neglected child" means a child whose health or welfare is harmed or threatened with harm when:
 - (a) His or her parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person exercising custodial control or supervision of the child:
 1. Inflicts or allows to be inflicted upon the child physical or emotional injury as defined in this section by other than accidental means;
 2. Creates or allows to be created a risk of physical or emotional injury as defined in this section to the child by other than accidental means;
 3. Engages in a pattern of conduct that renders the parent incapable of caring for the immediate and ongoing needs of the child, including but not limited to parental incapacity due to a substance use disorder as defined in KRS 222.005;

4. Continuously or repeatedly fails or refuses to provide essential parental care and protection for the child, considering the age of the child;
 5. Commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon the child;
 6. Creates or allows to be created a risk that an act of sexual abuse, sexual exploitation, or prostitution will be committed upon the child;
 7. Abandons or exploits the child;
 8. Does not provide the child with adequate care, supervision, food, clothing, shelter, and education or medical care necessary for the child's well-being when financially able to do so or offered financial or other means to do so. A parent or other person exercising custodial control or supervision of the child legitimately practicing the person's religious beliefs shall not be considered a negligent parent solely because of failure to provide specified medical treatment for a child for that reason alone. This exception shall not preclude a court from ordering necessary medical services for a child;
 9. Fails to make sufficient progress toward identified goals as set forth in the court-approved case plan to allow for the safe return of the child to the parent that results in the child remaining committed to the cabinet and remaining in foster care for fifteen (15) cumulative months out of forty-eight (48) months; or
 10. Commits or allows female genital mutilation as defined in KRS 508.125 to be committed; or
- (b) A person twenty-one (21) years of age or older commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon a child less than sixteen (16) years of age;
- (2) "Age or developmentally appropriate" has the same meaning as in 42 U.S.C. sec. 675(11);
 - (3) "Aggravated circumstances" means the existence of one (1) or more of the following conditions:
 - (a) The parent has not attempted or has not had contact with the child for a period of not less than ninety (90) days;
 - (b) The parent is incarcerated and will be unavailable to care for the child for a period of at least one (1) year from the date of the child's entry into foster care and there is no appropriate relative placement available during this period of time;
 - (c) The parent has sexually abused the child and has refused available treatment;
 - (d) The parent has been found by the cabinet to have engaged in abuse of the child that required removal from the parent's home two (2) or more times in the past two (2) years; or
 - (e) The parent has caused the child serious physical injury;
 - (4) "Beyond the control of parents" means a child who has repeatedly failed to follow the reasonable directives of his or her parents, legal guardian, or person exercising custodial control or supervision other than a state agency, which behavior results in danger to the child or others, and which behavior does not constitute behavior that would warrant the filing of a petition under KRS Chapter 645;
 - (5) "Beyond the control of school" means any child who has been found by the court to have repeatedly violated the lawful regulations for the government of the school as provided in KRS 158.150, and as documented in writing by the school as a part of the school's petition or as an attachment to the school's petition. The petition or attachment shall describe the student's behavior and all intervention strategies attempted by the school;
 - (6) "Boarding home" means a privately owned and operated home for the boarding and lodging of individuals which is approved by the Department of Juvenile Justice or the cabinet for the placement of children committed to the department or the cabinet;
 - (7) "Cabinet" means the Cabinet for Health and Family Services;
 - (8) "Certified juvenile facility staff" means individuals who meet the qualifications of, and who have completed a course of education and training in juvenile detention developed and approved by, the Department of Juvenile Justice after consultation with other appropriate state agencies;
 - (9) "Child" means any person who has not reached his or her eighteenth birthday, unless otherwise provided;

- (10) "Child-caring facility" means any facility or group home other than a state facility, Department of Juvenile Justice contract facility or group home, or one certified by an appropriate agency as operated primarily for educational or medical purposes, providing residential care on a twenty-four (24) hour basis to children not related by blood, adoption, or marriage to the person maintaining the facility;
- (11) "Child-placing agency" means any agency, other than a state agency, which supervises the placement of children in foster family homes or child-caring facilities or which places children for adoption;
- (12) "Clinical treatment facility" means a facility with more than eight (8) beds designated by the Department of Juvenile Justice or the cabinet for the treatment of mentally ill children. The treatment program of such facilities shall be supervised by a qualified mental health professional;
- (13) "Commitment" means an order of the court which places a child under the custodial control or supervision of the Cabinet for Health and Family Services, Department of Juvenile Justice, or another facility or agency until the child attains the age of eighteen (18) unless otherwise provided by law;
- (14) "Community-based facility" means any nonsecure, homelike facility licensed, operated, or permitted to operate by the Department of Juvenile Justice or the cabinet, which is located within a reasonable proximity of the child's family and home community, which affords the child the opportunity, if a Kentucky resident, to continue family and community contact;
- (15) "Complaint" means a verified statement setting forth allegations in regard to the child which contain sufficient facts for the formulation of a subsequent petition;
- (16) "Court" means the juvenile session of District Court unless a statute specifies the adult session of District Court or the Circuit Court;
- (17) "Court-designated worker" means that organization or individual delegated by the Administrative Office of the Courts for the purposes of placing children in alternative placements prior to arraignment, conducting preliminary investigations, and formulating, entering into, and supervising diversion agreements and performing such other functions as authorized by law or court order;
- (18) "Deadly weapon" has the same meaning as it does in KRS 500.080;
- (19) "Department" means the Department for Community Based Services;
- (20) "Dependent child" means any child, other than an abused or neglected child, who is under improper care, custody, control, or guardianship that is not due to an intentional act of the parent, guardian, or person exercising custodial control or supervision of the child;
- (21) "Detention" means the safe and temporary custody of a juvenile who is accused of conduct subject to the jurisdiction of the court who requires a restricted or closely supervised environment for his or her own or the community's protection;
- (22) "Detention hearing" means a hearing held by a judge or trial commissioner within twenty-four (24) hours, exclusive of weekends and holidays, of the start of any period of detention prior to adjudication;
- (23) "Diversion agreement" means a mechanism designed to hold a child accountable for his or her behavior and, if appropriate, securing services to serve the best interest of the child and to provide redress for that behavior without court action and without the creation of a formal court record;
- (24) "Eligible youth" means a person who:
 - (a) Is or has been committed to the cabinet as dependent, neglected, or abused;
 - (b) Is eighteen (18) years of age to nineteen (19) years of age; and
 - (c) Is requesting to extend or reinstate his or her commitment to the cabinet in order to participate in state or federal educational programs or to establish independent living arrangements;
- (25) "Emergency shelter" is a group home, private residence, foster home, or similar homelike facility which provides temporary or emergency care of children and adequate staff and services consistent with the needs of each child;
- (26) "Emotional injury" means an injury to the mental or psychological capacity or emotional stability of a child as evidenced by a substantial and observable impairment in the child's ability to function within a normal range of performance and behavior with due regard to his or her age, development, culture, and environment as testified to by a qualified mental health professional;

- (27) "Evidence-based practices" means policies, procedures, programs, and practices proven by scientific research to reliably produce reductions in recidivism;
- (28) "Fictive kin" means an individual who is not related by birth, adoption, or marriage to a child, but who has an emotionally significant relationship with the child, or an emotionally significant relationship with a biological parent, siblings, or half-siblings of the child in the case of a child from birth to twelve (12) months of age, prior to placement;
- (29) "Firearm" shall have the same meaning as in KRS 237.060 and 527.010;
- (30) "Foster family home" means a private home in which children are placed for foster family care under supervision of the cabinet or a licensed child-placing agency;
- (31) "Graduated sanction" means any of a continuum of accountability measures, programs, and sanctions, ranging from less restrictive to more restrictive in nature, that may include but are not limited to:
- (a) Electronic monitoring;
 - (b) Drug and alcohol screening, testing, or monitoring;
 - (c) Day or evening reporting centers;
 - (d) Reporting requirements;
 - (e) Community service; and
 - (f) Rehabilitative interventions such as family counseling, substance abuse treatment, restorative justice programs, and behavioral or mental health treatment;
- (32) "Habitual runaway" means any child who has been found by the court to have been absent from his or her place of lawful residence without the permission of his or her custodian for at least three (3) days during a one (1) year period;
- (33) "Habitual truant" means any child who has been found by the court to have been reported as a truant as defined in KRS 159.150(1) two (2) or more times during a one (1) year period;
- (34) "Hospital" means, except for purposes of KRS Chapter 645, a licensed private or public facility, health care facility, or part thereof, which is approved by the cabinet to treat children;
- (35) "Independent living" means those activities necessary to assist a committed child to establish independent living arrangements;
- (36) "Informal adjustment" means an agreement reached among the parties, with consultation, but not the consent, of the victim of the crime or other persons specified in KRS 610.070 if the victim chooses not to or is unable to participate, after a petition has been filed, which is approved by the court, that the best interest of the child would be served without formal adjudication and disposition;
- (37) "Intentionally" means, with respect to a result or to conduct described by a statute which defines an offense, that the actor's conscious objective is to cause that result or to engage in that conduct;
- (38) "Least restrictive alternative" means, except for purposes of KRS Chapter 645, that the program developed on the child's behalf is no more harsh, hazardous, or intrusive than necessary; or involves no restrictions on physical movements nor requirements for residential care except as reasonably necessary for the protection of the child from physical injury; or protection of the community, and is conducted at the suitable available facility closest to the child's place of residence to allow for appropriate family engagement;
- (39) "Motor vehicle offense" means any violation of the nonfelony provisions of KRS Chapters 186, 189, or 189A, KRS 177.300, 304.39-110, or 304.39-117;
- (40) "Near fatality" means an injury that, as certified by a physician, places a child in serious or critical condition;
- (41) "Needs of the child" means necessary food, clothing, health, shelter, and education;
- (42) "Nonoffender" means a child alleged to be dependent, neglected, or abused and who has not been otherwise charged with a status or public offense;
- (43) "Nonsecure facility" means a facility which provides its residents access to the surrounding community and which does not rely primarily on the use of physically restricting construction and hardware to restrict freedom;

- (44) "Nonsecure setting" means a nonsecure facility or a residential home, including a child's own home, where a child may be temporarily placed pending further court action. Children before the court in a county that is served by a state operated secure detention facility, who are in the detention custody of the Department of Juvenile Justice, and who are placed in a nonsecure alternative by the Department of Juvenile Justice, shall be supervised by the Department of Juvenile Justice;
- (45) "Out-of-home placement" means a placement other than in the home of a parent, relative, or guardian, in a boarding home, clinical treatment facility, community-based facility, detention facility, emergency shelter, fictive kin home, foster family home, hospital, nonsecure facility, physically secure facility, residential treatment facility, or youth alternative center;
- (46) "Parent" means the biological or adoptive mother or father of a child;
- (47) "Person exercising custodial control or supervision" means a person or agency that has assumed the role and responsibility of a parent or guardian for the child, but that does not necessarily have legal custody of the child;
- (48) "Petition" means a verified statement, setting forth allegations in regard to the child, which initiates formal court involvement in the child's case;
- (49) "Physical injury" means substantial physical pain or any impairment of physical condition;
- (50) "Physically secure facility" means a facility that relies primarily on the use of construction and hardware such as locks, bars, and fences to restrict freedom;
- (51) "Public offense action" means an action, excluding contempt, brought in the interest of a child who is accused of committing an offense under KRS Chapter 527 or a public offense which, if committed by an adult, would be a crime, whether the same is a felony, misdemeanor, or violation, other than an action alleging that a child sixteen (16) years of age or older has committed a motor vehicle offense;
- (52) "Qualified mental health professional" means:
 - (a) A physician licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the performance of official duties;
 - (b) A psychiatrist licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the practice of official duties, and who is certified or eligible to apply for certification by the American Board of Psychiatry and Neurology, Inc.;
 - (c) A psychologist with the health service provider designation, a psychological practitioner, a certified psychologist, or a psychological associate licensed under the provisions of KRS Chapter 319;
 - (d) A licensed registered nurse with a master's degree in psychiatric nursing from an accredited institution and two (2) years of clinical experience with mentally ill persons, or a licensed registered nurse with a bachelor's degree in nursing from an accredited institution who is certified as a psychiatric and mental health nurse by the American Nurses Association and who has three (3) years of inpatient or outpatient clinical experience in psychiatric nursing and who is currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital, a private agency or company engaged in providing mental health services, or a regional comprehensive care center;
 - (e) A licensed clinical social worker licensed under the provisions of KRS 335.100, or a certified social worker licensed under the provisions of KRS 335.080 with three (3) years of inpatient or outpatient clinical experience in psychiatric social work and currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth, a psychiatric unit of a general hospital, a private agency or company engaged in providing mental health services, or a regional comprehensive care center;
 - (f) A marriage and family therapist licensed under the provisions of KRS 335.300 to 335.399 with three (3) years of inpatient or outpatient clinical experience in psychiatric mental health practice and currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth, a psychiatric unit of a general hospital, a private agency or company engaged in providing mental health services, or a regional comprehensive care center;

- (g) A professional counselor credentialed under the provisions of KRS 335.500 to 335.599 with three (3) years of inpatient or outpatient clinical experience in psychiatric mental health practice and currently employed by a hospital or forensic facility licensed by the Commonwealth, a psychiatric unit of a general hospital, a private agency or company engaged in providing mental health services, or a regional comprehensive care center; or
- (h) A physician assistant licensed under KRS 311.840 to 311.862, who meets one (1) of the following requirements:
1. Provides documentation that he or she has completed a psychiatric residency program for physician assistants;
 2. Has completed at least one thousand (1,000) hours of clinical experience under a supervising physician, as defined by KRS 311.840, who is a psychiatrist and is certified or eligible for certification by the American Board of Psychiatry and Neurology, Inc.;
 3. Holds a master's degree from a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant or its predecessor or successor agencies, is practicing under a supervising physician as defined by KRS 311.840, and:
 - a. Has two (2) years of clinical experience in the assessment, evaluation, and treatment of mental disorders; or
 - b. Has been employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a private agency or company engaged in the provision of mental health services or a regional community program for mental health and individuals with an intellectual disability for at least two (2) years; or
 4. Holds a bachelor's degree, possesses a current physician assistant certificate issued by the board prior to July 15, 2002, is practicing under a supervising physician as defined by KRS 311.840, and:
 - a. Has three (3) years of clinical experience in the assessment, evaluation, and treatment of mental disorders; or
 - b. Has been employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a private agency or company engaged in the provision of mental health services or a regional community program for mental health and individuals with an intellectual disability for at least three (3) years;
- (53) "Reasonable and prudent parent standard" has the same meaning as in 42 U.S.C. sec. 675(10);
- (54) "Residential treatment facility" means a facility or group home with more than eight (8) beds designated by the Department of Juvenile Justice or the cabinet for the treatment of children;
- (55) "Retain in custody" means, after a child has been taken into custody, the continued holding of the child by a peace officer for a period of time not to exceed twelve (12) hours when authorized by the court or the court-designated worker for the purpose of making preliminary inquiries;
- (56) "Risk and needs assessment" means an actuarial tool scientifically proven to identify specific factors and needs that are related to delinquent and noncriminal misconduct;
- (57) ***"Safety plan" means a written agreement developed by the cabinet and agreed to by a family that clearly describes the protective services that the cabinet will provide the family in order to manage threats to a child's safety;***
- (58) "School personnel" means those certified persons under the supervision of the local public or private education agency;
- ~~(59)~~ "Secretary" means the secretary of the Cabinet for Health and Family Services;
- ~~(60)~~ "Secure juvenile detention facility" means any physically secure facility used for the secure detention of children other than any facility in which adult prisoners are confined;
- ~~(61)~~ "Serious physical injury" means physical injury which creates a substantial risk of death or which causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily member or organ;

- (62)~~(61)~~ "Sexual abuse" includes but is not necessarily limited to any contacts or interactions in which the parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person having custodial control or supervision of the child or responsibility for his or her welfare, uses or allows, permits, or encourages the use of the child for the purposes of the sexual stimulation of the perpetrator or another person;
- (63)~~(62)~~ "Sexual exploitation" includes but is not limited to a situation in which a parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person having custodial control or supervision of a child or responsible for his or her welfare, allows, permits, or encourages the child to engage in an act which constitutes prostitution under Kentucky law; or a parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person having custodial control or supervision of a child or responsible for his or her welfare, allows, permits, or encourages the child to engage in an act of obscene or pornographic photographing, filming, or depicting of a child as provided for under Kentucky law;
- (64)~~(63)~~ "Social service worker" means any employee of the cabinet or any private agency designated as such by the secretary of the cabinet or a social worker employed by a county or city who has been approved by the cabinet to provide, under its supervision, services to families and children;
- (65)~~(64)~~ "Staff secure facility for residential treatment" means any setting which assures that all entrances and exits are under the exclusive control of the facility staff, and in which a child may reside for the purpose of receiving treatment;
- (66) ***"Statewide reporting system" means a system for making and compiling reports of child dependency, neglect, and abuse in Kentucky made via telephone call or in writing by a member of the public;***
- (67)~~(65)~~ (a) "Status offense action" is any action brought in the interest of a child who is accused of committing acts, which if committed by an adult, would not be a crime. Such behavior shall not be considered criminal or delinquent and such children shall be termed status offenders. Status offenses shall include:
1. Beyond the control of school or beyond the control of parents;
 2. Habitual runaway;
 3. Habitual truant; and
 4. Alcohol offenses as provided in KRS 244.085.
- (b) Status offenses shall not include violations of state or local ordinances which may apply to children such as a violation of curfew;
- (68)~~(66)~~ "Take into custody" means the procedure by which a peace officer or other authorized person initially assumes custody of a child. A child may be taken into custody for a period of time not to exceed two (2) hours;
- (69)~~(67)~~ "Transitional living support" means all benefits to which an eligible youth is entitled upon being granted extended or reinstated commitment to the cabinet by the court;
- (70)~~(68)~~ "Transition plan" means a plan that is personalized at the direction of the youth that:
- (a) Includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services; and
 - (b) Is as detailed as the youth may elect;
- (71)~~(69)~~ "Valid court order" means a court order issued by a judge to a child alleged or found to be a status offender:
- (a) Who was brought before the court and made subject to the order;
 - (b) Whose future conduct was regulated by the order;
 - (c) Who was given written and verbal warning of the consequences of the violation of the order at the time the order was issued and whose attorney or parent or legal guardian was also provided with a written notice of the consequences of violation of the order, which notification is reflected in the record of the court proceedings; and
 - (d) Who received, before the issuance of the order, the full due process rights guaranteed by the Constitution of the United States;

- ~~(72)(70)~~ "Violation" means any offense, other than a traffic infraction, for which a sentence of a fine only can be imposed;
- ~~(73)(71)~~ "Youth alternative center" means a nonsecure facility, approved by the Department of Juvenile Justice, for the detention of juveniles, both prior to adjudication and after adjudication, which meets the criteria specified in KRS 15A.320; and
- ~~(74)(72)~~ "Youthful offender" means any person regardless of age, transferred to Circuit Court under the provisions of KRS Chapter 635 or 640 and who is subsequently convicted in Circuit Court.

➔Section 2. KRS 620.023 is amended to read as follows:

- (1) Evidence of the following circumstances if relevant shall be considered by the court in all proceedings conducted pursuant to KRS Chapter 620 in which the court is required to render decisions in the best interest of the child:
 - (a) Mental illness as defined in KRS 202A.011 or an intellectual disability as defined in KRS 202B.010 of the parent, as attested to by a qualified mental health professional, which renders the parent unable to care for the immediate and ongoing needs of the child;
 - (b) Acts of abuse or neglect as defined in KRS 600.020 toward any child;
 - (c) Substance use disorder, as defined in KRS 222.005, that results in an incapacity by the parent or caretaker to provide essential care and protection for the child;
 - (d) A finding of domestic violence and abuse as defined in KRS 403.720, whether or not committed in the presence of the child;
 - (e) Any other crime committed by a parent which results in the death or permanent physical or mental disability of a member of that parent's family or household; and
 - (f) The existence of any guardianship or conservatorship of the parent pursuant to a determination of disability or partial disability as made under KRS 387.500 to 387.770 and 387.990.
- (2) In determining the best interest of the child, the court may consider the effectiveness of rehabilitative efforts made by the parent or caretaker intended to address circumstances in this section.
- (3) ***In determining the best interest of the child, the court shall have access to the entire protection and permanency record of the child that is prepared, owned, used, in the possession of, or retained by the cabinet.***

➔Section 3. KRS 620.030 is amended to read as follows:

- (1) Any person who knows or has reasonable cause to believe that a child is dependent, neglected, or abused shall immediately cause an oral or written report, ***including but not limited to electronic submissions***, to be made to a local law enforcement agency or to the Department of Kentucky State Police, the cabinet or its designated representative, the Commonwealth's attorney, or the county attorney by telephone or otherwise. If the cabinet receives a report of abuse or neglect allegedly committed by a person other than a parent, guardian, fictive kin, person in a position of authority, person in a position of special trust, or person exercising custodial control or supervision, the cabinet shall refer the matter to the Commonwealth's attorney or the county attorney and the local law enforcement agency or the Department of Kentucky State Police. Nothing in this section shall relieve individuals of their obligations to report.
- (2) (a) Any person, including but not limited to a physician, osteopathic physician, nurse, teacher, school personnel, social worker, coroner, medical examiner, child-caring personnel, resident, intern, chiropractor, dentist, optometrist, emergency medical technician, paramedic, health professional, mental health professional, peace officer, or any organization or agency for any of the above, who knows or has reasonable cause to believe that a child is dependent, neglected, or abused, regardless of whether the person believed to have caused the dependency, neglect, or abuse is a parent, guardian, fictive kin, person in a position of authority, person in a position of special trust, person exercising custodial control or supervision, or another person, or who has attended such child as a part of his or her professional duties, shall:
 1. Immediately make an oral ***or written*** report, ***including but not limited to electronic submissions***, in accordance with subsection (1) of this section;

2. Immediately notify the supervisor of the institution, school, facility, agency, or designated agent of the person in charge; and
 3. If requested, in addition to the report required in subsection (1) or (3) of this section, file with the local law enforcement agency or the Department of Kentucky State Police, the cabinet or its designated representative, the Commonwealth's attorney, or county attorney within forty-eight (48) hours of the original report a written report, ***including but not limited to electronic submissions***, containing:
 - a. The names and addresses of the child and his or her parents or other persons exercising custodial control or supervision;
 - b. The child's age;
 - c. The nature and extent of the child's alleged dependency, neglect, or abuse, including any previous charges of dependency, neglect, or abuse, to this child or his or her siblings;
 - d. The name and address of the person allegedly responsible for the abuse or neglect; and
 - e. Any other information that the person making the report believes may be helpful in the furtherance of the purpose of this section.
- (b) Upon notification, the supervisor or the designated agent, if any, shall facilitate the cooperation of the institution, school, facility, or agency with the investigation of the report.
- (c) Any person who knowingly causes intimidation, retaliation, or obstruction in the investigation of the report shall be guilty of a Class A misdemeanor.
- (d) This section shall not require more than one (1) report from any institution, school, facility, or agency.
- (3) Any person who knows or has reasonable cause to believe that a child is a victim of human trafficking as defined in KRS 529.010 shall immediately cause an oral or written report, ***including but not limited to electronic submissions***, to be made to a local law enforcement agency or the Department of Kentucky State Police; or the cabinet or its designated representative; or the Commonwealth's attorney or the county attorney; by telephone or otherwise. This subsection shall apply regardless of whether the person believed to have caused the human trafficking of the child is a parent, guardian, fictive kin, person in a position of authority, person in a position of special trust, or person exercising custodial control or supervision.
- (4) Any person who knows or has reasonable cause to believe that a child is a victim of female genital mutilation as defined in KRS 508.125 shall immediately cause an oral or written report, ***including but not limited to electronic submissions***, to be made by telephone or otherwise to:
- (a) A local law enforcement agency or the Department of Kentucky State Police;
 - (b) The cabinet or its designated representative; or
 - (c) The Commonwealth's attorney or the county attorney.
- This subsection shall apply regardless of whether the person believed to have caused the female genital mutilation of the child is a parent, guardian, or person exercising custodial control or supervision.
- (5) Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be a ground for refusing to report under this section or for excluding evidence regarding a dependent, neglected, or abused child or the cause thereof, in any judicial proceedings resulting from a report pursuant to this section. This subsection shall also apply in any criminal proceeding in District or Circuit Court regarding a dependent, neglected, or abused child.
- (6) ***The cabinet shall establish and operate a statewide reporting system for the public to make reports of child dependency, neglect, and abuse via telephone call or written report, including but not limited to electronic submissions. The statewide reporting system shall operate a twenty-four (24) hour on-call response system that includes but is not limited to a child abuse hotline for the receipt of emergency and nonemergency reports of child dependency, neglect, and abuse during and after normal office hours. The cabinet may use contract employees to operate the system.***
- (7) The cabinet upon request shall receive from any agency of the state or any other agency, institution, or facility providing services to the child or his or her family, such cooperation, assistance, and information as will enable the cabinet to fulfill its responsibilities under KRS 620.030, 620.040, and 620.050.

~~(8)~~~~(7)~~ Nothing in this section shall limit the cabinet's investigatory authority under KRS 620.050 or any other obligation imposed by law.

~~(9)~~~~(8)~~ Any person who intentionally violates the provisions of this section shall be guilty of a:

- (a) Class B misdemeanor for the first offense;
- (b) Class A misdemeanor for the second offense; and
- (c) Class D felony for each subsequent offense.

➔Section 4. KRS 620.032 is amended to read as follows:

(1) By November 1 of each year, beginning in 2021, the cabinet ~~{for Health and Family Services}~~ shall submit to the Legislative Research Commission a comprehensive report that does not identify individuals, detailing the number of reports the cabinet has received regarding female genital mutilation as defined in KRS 508.125, the number of reports in which the cabinet has investigated and determined that a child is the victim of female genital mutilation, and the number of cases in which services were provided.

(2) ***Beginning August 1, 2024, and monthly thereafter, the cabinet shall deliver to the Legislative Research Commission for referral to the Interim Joint Committee, Senate Standing Committee, and House Standing Committee on Families and Children, a report on the monthly child protective services intakes received by the cabinet. The monthly report shall include at a minimum the following:***

- (a) ***Total number of all intakes;***
- (b) ***All child protective services response intakes;***
- (c) ***Intakes with allegations of abuse and neglect;***
- (d) ***Reports that met acceptance criteria;***
- (e) ***Reports with a substantiated or services needed finding; and***
- (f) ***Reports with a substantiated finding.***

➔Section 5. KRS 605.035 is amended to read as follows:

(1) There is hereby created in each judicial district a family accountability, intervention, and response team that shall develop enhanced case management plans and opportunities for services for children referred to the team. The family accountability, intervention, and response team shall consist of not more than fifteen (15) persons.

(2) The membership of the team shall include the following representatives as appointed by their agencies or organizations:

- (a) A court-designated worker in that judicial circuit or district;
- (b) One (1) or more members, one (1) of whom shall be a representative of the community mental health center, of the regional interagency council specified in KRS 200.509(1)(a) to (d) and (g), or corresponding members of the local interagency council if one exists;
- (c) A representative from the cabinet knowledgeable about services available through the cabinet and authorized to facilitate access to services;
- (d) A representative from the office of a county attorney within the judicial district;
- (e) A representative from the Department of Public Advocacy;
- (f) A representative from a local public school within the judicial district;
- (g) A representative of law enforcement; and
- (h) Other persons interested in juvenile justice issues, as identified by the family accountability, intervention, and response team, who are necessary for a complete representation of resources within each judicial circuit or district.

(3) A court-designated worker from within the judicial circuit or district shall lead the team and be responsible for convening and staffing the team.

(4) The team shall adopt a case management approach and process for reviewing:

- (a) Referrals from the court-designated worker involving cases in which a child has failed to appear for a preliminary intake inquiry, declined to enter into a diversion agreement, or failed to complete the terms of the agreement; and
 - (b) Status offense cases if the court-designated worker, after reviewing the complaint, has determined that no further action is necessary.
- (5) After reviewing the actions taken by the court-designated worker, including referrals made for the child and his or her family, efforts to address barriers to successful completion, and whether other appropriate services are available to address the needs of the child and his or her family, the team may:
- (a) Refer the case back to the court-designated worker to take further action as recommended by the team;
 - (b) Refer the case to the cabinet, which shall conduct an investigation of suspected dependency, neglect, or abuse *of a child as defined in Section 1 of this Act*; or
 - (c) Advise the court-designated worker to refer the case to the county attorney if the team has no further recommendations to offer.

➔ Section 6. KRS 620.040 is amended to read as follows:

- (1) (a) Upon receipt of a report alleging abuse or neglect *of a child as defined in Section 1 of this Act* by a parent, guardian, fictive kin, person in a position of authority, person in a position of special trust, or person exercising custodial control or supervision, pursuant to KRS 620.030(1) or (2), or a report alleging a child is a victim of human trafficking pursuant to KRS 620.030(3), the recipient of the report shall immediately notify the cabinet or its designated representative, the local law enforcement agency or the Department of Kentucky State Police, and the Commonwealth's or county attorney of the receipt of the report. If any agency listed above is the reporting source, the recipient shall immediately notify the cabinet or its designated representative, the local law enforcement agency, the Department of Kentucky State Police, and the Commonwealth's or county attorney of the receipt of the report.
- (b) Based upon the allegation in the report, the cabinet shall immediately make an initial determination as to the risk of harm and immediate safety of the child. Based upon the level of risk determined, the cabinet shall investigate the allegation or accept the report for an assessment of family needs and, if appropriate, may provide or make referral to any community-based services necessary to reduce risk to the child and to provide family support. A report of sexual abuse or human trafficking of a child shall be considered high risk and shall not be referred to any other community agency.
- (c) ***In making the initial determination as to the risk of harm and immediate safety of the child pursuant to paragraph (b) of this subsection, the cabinet shall at a minimum:***
1. ***Consider the age and vulnerability of a child, particularly for ages five (5) years of age and under, when assessing allegations of abuse and neglect;***
 2. ***Automatically accept for investigation a subsequent report from a professional reporting source, who makes a report pursuant to the requirements in KRS Chapter 620 that a child is abused or neglected and identifies himself or herself by name, title, and employer, when the same or similar allegation has been reported by one (1) or more unique professional reporting sources within the past thirty (30) days. For the purposes of this subparagraph "professional reporting source" means an individual who is a social worker, therapist, medical professional, educator, judge, attorney, law enforcement officer, or any other individual holding a degree or position in a field related to the safety and care of children; and***
 3. ***Automatically accept for investigation a report from a court of appropriate jurisdiction that makes a report pursuant to the requirements in KRS Chapter 620 that a child is abused or neglected or identifies that the child is a plaintiff in an active emergency protective order or interpersonal protection order case.***
- (d) The cabinet shall, within seventy-two (72) hours, exclusive of weekends and holidays, make a written report, ***including but not limited to electronic submissions***, to the Commonwealth's or county attorney and the local law enforcement agency or the Department of Kentucky State Police concerning the action that has been taken on the investigation.
- ~~(e)~~ If the report alleges abuse or neglect by someone other than a parent, guardian, fictive kin, person in a position of authority, person in a position of special trust, or person exercising custodial control or supervision, or the human trafficking of a child, the cabinet shall immediately notify the

Commonwealth's or county attorney and the local law enforcement agency or the Department of Kentucky State Police.

- (2) (a) Upon receipt of a report alleging dependency pursuant to KRS 620.030(1) and (2), the recipient shall immediately notify the cabinet or its designated representative.
- (b) Based upon the allegation in the report, the cabinet shall immediately make an initial determination as to the risk of harm and immediate safety of the child. Based upon the level of risk, the cabinet shall investigate the allegation or accept the report for an assessment of family needs and, if appropriate, may provide or make referral to any community-based services necessary to reduce risk to the child and to provide family support. A report of sexual abuse or human trafficking of a child shall be considered high risk and shall not be referred to any other community agency.
- (c) ***In making the initial determination as to the risk of harm and immediate safety of the child pursuant to paragraph (b) of this subsection, the cabinet shall at a minimum:***
1. ***Consider the age and vulnerability of a child, particularly for ages five (5) years of age and under, when assessing allegations of dependency;***
 2. ***Automatically accept for investigation a subsequent report from a professional reporting source, who makes a report pursuant to the requirements in KRS Chapter 620 that a child is dependent and identifies himself or herself by name, title, and employer, when the same or similar allegation has been reported by one (1) or more unique professional reporting sources within the past thirty (30) days. For the purposes of this subparagraph "professional reporting source" means an individual who is a social worker, therapist, medical professional, educator, judge, attorney, law enforcement officer, or any other individual holding a degree or position in a field related to the safety and care of children; and***
 3. ***Automatically accept for investigation a report from a court of appropriate jurisdiction that makes a report pursuant to the requirements in KRS Chapter 620 that a child is dependent or identifies that the child is a plaintiff in an active emergency protective order or interpersonal protection order case.***
- (d) The cabinet need not notify the local law enforcement agency or the Department of Kentucky State Police or Commonwealth's or county attorney of reports made under this subsection unless the report involves the human trafficking of a child, in which case the notification shall be required.
- (3) If the cabinet or its designated representative receives a report of abuse by a person other than a parent, guardian, fictive kin, person in a position of authority, person in a position of special trust, or other person exercising custodial control or supervision of a child, it shall immediately notify the local law enforcement agency or the Department of Kentucky State Police and the Commonwealth's or county attorney of the receipt of the report and its contents, and they shall investigate the matter. The cabinet or its designated representative shall participate in an investigation of noncustodial physical abuse or neglect at the request of the local law enforcement agency or the Department of Kentucky State Police. The cabinet shall participate in all investigations of reported or suspected sexual abuse or human trafficking of a child.
- (4) School personnel or other persons listed in KRS 620.030(2) do not have the authority to conduct internal investigations in lieu of the official investigations outlined in this section.
- (5) (a) If, after receiving the report, the law enforcement officer, the cabinet, or its designated representative cannot gain admission to the location of the child, a search warrant shall be requested from, and may be issued by, the judge to the appropriate law enforcement official upon probable cause that the child is dependent, neglected, or abused. If, pursuant to a search under a warrant, a child is discovered and appears to be in imminent danger, the child may be removed by the law enforcement officer.
- (b) If a child who is in a hospital or under the immediate care of a physician appears to be in imminent danger if he or she is returned to the persons having custody of him or her, the physician or hospital administrator may hold the child without court order, provided that a request is made to the court for an emergency custody order at the earliest practicable time, not to exceed seventy-two (72) hours.
- (c) Any appropriate law enforcement officer may take a child into protective custody and may hold that child in protective custody without the consent of the parent or other person exercising custodial control or supervision if there exist reasonable grounds for the officer to believe that the child is in danger of imminent death or serious physical injury, is being sexually abused, or is a victim of human trafficking and that the parents or other person exercising custodial control or supervision are unable or unwilling

to protect the child. The officer or the person to whom the officer entrusts the child shall, within twelve (12) hours of taking the child into protective custody, request the court to issue an emergency custody order.

- (d) When a law enforcement officer, hospital administrator, or physician takes a child into custody without the consent of the parent or other person exercising custodial control or supervision, he or she shall provide written notice to the parent or other person stating the reasons for removal of the child. Failure of the parent or other person to receive notice shall not, by itself, be cause for civil or criminal liability.
- (e)
 - 1. If a report includes a child fatality or near fatality, and the law enforcement officer has reasonable grounds to believe any parent or person exercising custodial control or supervision of the child was under the influence of alcohol or drugs at the time the fatality or near fatality occurred, the law enforcement officer shall request a test of blood, breath, or urine from that person.
 - 2. If, after making the request, consent is not given for the test of blood, breath, or urine, a search warrant shall be requested from and may be issued by the judge to the appropriate law enforcement official upon probable cause that a child fatality or near fatality has occurred and that the person exercising custodial control or supervision of the child at the time of the fatality or near fatality was under the influence.
 - 3. Any test requested under this section shall be conducted pursuant to the testing procedures and requirements in KRS 189A.103.
- (6) To the extent practicable and when in the best interest of a child alleged to have been abused, interviews with the child shall be conducted at a children's advocacy center.
- (7)
 - (a) One (1) or more multidisciplinary teams may be established in every county or group of contiguous counties.
 - (b) Membership of the multidisciplinary team shall include but shall not be limited to social service workers employed by the Cabinet for Health and Family Services and law enforcement officers. Additional team members may include Commonwealth's and county attorneys, children's advocacy center staff, mental health professionals, medical professionals, victim advocates including advocates for victims of human trafficking, educators, and other related professionals, as deemed appropriate.
 - (c) The multidisciplinary team shall review child sexual abuse cases and child human trafficking cases involving commercial sexual activity referred by participating professionals, including those in which the alleged perpetrator does not have custodial control or supervision of the child or is not responsible for the child's welfare. The purpose of the multidisciplinary team shall be to review investigations, assess service delivery, and to facilitate efficient and appropriate disposition of cases through the criminal justice system.
 - (d) The team shall hold regularly scheduled meetings if new reports of sexual abuse or child human trafficking cases involving commercial sexual activity are received or if active cases exist. At each meeting, each active case shall be presented and the agencies' responses assessed.
 - (e) The multidisciplinary team shall provide an annual report to the public of nonidentifying case information to allow assessment of the processing and disposition of child sexual abuse cases and child human trafficking cases involving commercial sexual activity.
 - (f) Multidisciplinary team members and anyone invited by the multidisciplinary team to participate in a meeting shall not divulge case information, including information regarding the identity of the victim or source of the report. Team members and others attending meetings shall sign a confidentiality statement that is consistent with statutory prohibitions on disclosure of this information.
 - (g) The multidisciplinary team shall, pursuant to KRS 431.600 and 431.660, develop a local protocol consistent with the model protocol issued by the Kentucky Multidisciplinary Commission on Child Sexual Abuse. The local team shall submit the protocol to the commission for review and approval.
 - (h) The multidisciplinary team review of a case may include information from reports generated by agencies, organizations, or individuals that are responsible for investigation, prosecution, or treatment in the case, KRS 610.320 to KRS 610.340 notwithstanding.
 - (i) To the extent practicable, multidisciplinary teams shall be staffed by the local children's advocacy center.

- (8) Nothing in this section shall limit the cabinet's investigatory authority under KRS 620.050 or any other obligation imposed by law.

➔Section 7. KRS 620.050 is amended to read as follows:

- (1) Anyone acting upon reasonable cause in the making of a report or acting under KRS 620.030 to 620.050 in good faith shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report or action. However, any person who knowingly makes a false report and does so with malice shall be guilty of a Class A misdemeanor.
- (2) Any employee or designated agent of a children's advocacy center shall be immune from any civil liability arising from performance within the scope of the person's duties as provided in KRS 620.030 to 620.050. Any such person shall have the same immunity with respect to participation in any judicial proceeding. Nothing in this subsection shall limit liability for negligence. Upon the request of an employee or designated agent of a children's advocacy center, the Attorney General shall provide for the defense of any civil action brought against the employee or designated agent as provided under KRS 12.211 to 12.215.
- (3) Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be a ground for refusing to report under this section or for excluding evidence regarding a dependent, neglected, or abused child or the cause thereof, in any judicial proceedings resulting from a report pursuant to this section. This subsection shall also apply in any criminal proceeding in District or Circuit Court regarding a dependent, neglected, or abused child.
- (4) Upon receipt of a report of an abused, neglected, or dependent child pursuant to this chapter, the cabinet as the designated agency or its delegated representative shall initiate a prompt investigation or assessment of family needs, take necessary action, and shall offer protective services toward safeguarding the welfare of the child. The cabinet shall work toward preventing further dependency, neglect, or abuse of the child or any other child under the same care, and preserve and strengthen family life, where possible, by enhancing parental capacity for adequate child care. ***If an oral or written report, including but not limited to electronic submissions, alleging that a child is dependent, neglected, or abused is made pursuant to this section, and the cabinet determines that the report does not meet criteria for an investigation, the cabinet shall refer the family to appropriate community-based child and family service agencies for services to preserve and strengthen family life in accordance with the requirements in 42 U.S.C. sec. 5106a.***
- (5) The report of suspected child abuse, neglect, or dependency and all information obtained by the cabinet or its delegated representative, as a result of an investigation or assessment made pursuant to this chapter, except for those records provided for in subsection (6) of this section, shall not be divulged to anyone except:
 - (a) Persons suspected of causing dependency, neglect, or abuse;
 - (b) The custodial parent or legal guardian of the child alleged to be dependent, neglected, or abused;
 - (c) Persons within the cabinet with a legitimate interest or responsibility related to the case;
 - (d) A licensed child-caring facility or child-placing agency evaluating placement for or serving a child who is believed to be the victim of an abuse, neglect, or dependency report;
 - (e) Other medical, psychological, educational, or social service agencies, child care administrators, corrections personnel, or law enforcement agencies, including the county attorney's office, the coroner, and the local child fatality response team, that have a legitimate interest in the case;
 - (f) A noncustodial parent when the dependency, neglect, or abuse is substantiated;
 - (g) Members of multidisciplinary teams as defined by KRS 620.020 and which operate pursuant to KRS 431.600;
 - (h) Employees or designated agents of a children's advocacy center;
 - (i) Those persons so authorized by court order; or
 - (j) The external child fatality and near fatality review panel established by KRS 620.055.
- (6) (a) Files, reports, notes, photographs, records, electronic and other communications, and working papers used or developed by a children's advocacy center in providing services under this chapter are confidential and shall not be disclosed except to the following persons:

1. Staff employed by the cabinet, law enforcement officers, and Commonwealth's and county attorneys who are directly involved in the investigation or prosecution of the case, including a cabinet investigation or assessment of child abuse, neglect, and dependency in accordance with this chapter;
 2. Medical and mental health professionals listed by name in a release of information signed by the guardian of the child, provided that the information shared is limited to that necessary to promote the physical or psychological health of the child or to treat the child for abuse-related symptoms;
 3. The court and those persons so authorized by a court order;
 4. The external child fatality and near fatality review panel established by KRS 620.055; and
 5. The parties to an administrative hearing conducted by the cabinet or its designee in accordance with KRS Chapter 13B in an appeal of a cabinet-substantiated finding of abuse or neglect. The children's advocacy center may, in its sole discretion, provide testimony in lieu of files, reports, notes, photographs, records, electronic and other communications, and working papers used or developed by the center if the center determines that the release poses a threat to the safety or well-being of the child, or would be in the best interests of the child. Following the administrative hearing and any judicial review, the parties to the administrative hearing shall return all files, reports, notes, photographs, records, electronic and other communications, and working papers used or developed by the children's advocacy center to the center.
- (b) The provisions of this subsection shall not be construed as to contravene the Rules of Criminal Procedure relating to discovery.
- (7) Nothing in this section shall prohibit a parent or guardian from accessing records for his or her child providing that the parent or guardian is not currently under investigation by a law enforcement agency or the cabinet relating to the abuse or neglect of a child.
- (8) Nothing in this section shall prohibit employees or designated agents of a children's advocacy center from disclosing information during a multidisciplinary team review of a child sexual abuse case as set forth under KRS 620.040. Persons receiving this information shall sign a confidentiality statement consistent with statutory prohibitions on disclosure of this information.
- (9) Employees or designated agents of a children's advocacy center may confirm to another children's advocacy center that a child has been seen for services. If an information release has been signed by the guardian of the child, a children's advocacy center may disclose relevant information to another children's advocacy center.
- (10) (a) An interview of a child recorded at a children's advocacy center shall not be duplicated, except that the Commonwealth's or county attorney prosecuting the case may:
1. Make and retain one (1) copy of the interview; and
 2. Make one (1) copy for the defendant's or respondent's counsel that the defendant's or respondent's counsel shall not duplicate.
- (b) The defendant's or respondent's counsel shall file the copy with the court clerk at the close of the case.
- (c) Unless objected to by the victim or victims, the court, on its own motion, or on motion of the attorney for the Commonwealth shall order all recorded interviews that are introduced into evidence or are in the possession of the children's advocacy center, law enforcement, the prosecution, or the court to be sealed.
- (d) The provisions of this subsection shall not be construed as to contravene the Rules of Criminal Procedure relating to discovery.
- (11) Identifying information concerning the individual initiating the report under KRS 620.030 shall not be disclosed except:
- (a) To law enforcement officials that have a legitimate interest in the case;
 - (b) To the agency designated by the cabinet to investigate or assess the report;
 - (c) To members of multidisciplinary teams as defined by KRS 620.020 that operated under KRS 431.600

- (d) Under a court order, after the court has conducted an in camera review of the record of the state related to the report and has found reasonable cause to believe that the reporter knowingly made a false report; or
 - (e) The external child fatality and near fatality review panel established by KRS 620.055.
- (12) (a) Information may be publicly disclosed by the cabinet in a case where child abuse or neglect has resulted in a child fatality or near fatality.
- (b) The cabinet shall conduct an internal review of any case where child abuse or neglect has resulted in a child fatality or near fatality and the cabinet had prior involvement with the child or family. The cabinet shall prepare a summary that includes an account of:
- 1. The cabinet's actions and any policy or personnel changes taken or to be taken, including the results of appeals, as a result of the findings from the internal review; and
 - 2. Any cooperation, assistance, or information from any agency of the state or any other agency, institution, or facility providing services to the child or family that were requested and received by the cabinet during the investigation of a child fatality or near fatality.
- (c) The cabinet shall submit a report by September 1 of each year containing an analysis of all summaries of internal reviews occurring during the previous year and an analysis of historical trends to the Governor, the General Assembly, and the state child fatality review team created under KRS 211.684.
- (13) When an adult who is the subject of information made confidential by subsection (5) of this section publicly reveals or causes to be revealed any significant part of the confidential matter or information, the confidentiality afforded by subsection (5) of this section is presumed voluntarily waived, and confidential information and records about the person making or causing the public disclosure, not already disclosed but related to the information made public, may be disclosed if disclosure is in the best interest of the child or is necessary for the administration of the cabinet's duties under this chapter.
- (14) As a result of any report of suspected child abuse or neglect, photographs and X-rays or other appropriate medical diagnostic procedures may be taken or caused to be taken, without the consent of the parent or other person exercising custodial control or supervision of the child, as a part of the medical evaluation or investigation of these reports. These photographs and X-rays or results of other medical diagnostic procedures may be introduced into evidence in any subsequent judicial proceedings or an administrative hearing conducted by the cabinet or its designee in accordance with KRS Chapter 13B in an appeal of a cabinet-substantiated finding of child abuse or neglect. The person performing the diagnostic procedures or taking photographs or X-rays shall be immune from criminal or civil liability for having performed the act. Nothing herein shall limit liability for negligence.
- (15) In accordance with 42 U.S.C. sec. 671, the cabinet shall share information about a child in the custody of the cabinet with a relative or a parent of the child's sibling for the purposes of:
- (a) Evaluating or arranging a placement for the child;
 - (b) Arranging appropriate treatment services for the child; or
 - (c) Establishing visitation between the child and a relative, including a sibling of the child.
- (16) In accordance with 42 U.S.C. sec. 671, the cabinet shall, in the case of siblings removed from their home who are not jointly placed, provide for frequent visitation or other ongoing interaction between the siblings, unless the cabinet determines that frequent visitation or other ongoing interaction would be contrary to the safety or well-being of any of the siblings.

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

- (1) *During a child protective services investigation conducted pursuant to the authority in this chapter where a child is placed outside of his or her home on a safety plan, the cabinet shall file a petition in court within seventy-two (72) hours if the child remains placed outside of his or her home for more than fourteen (14) consecutive days.*
- (2) *All safety plans implemented pursuant to this section shall be compiled by the cabinet on a quarterly basis into a report containing at a minimum the total number of safety plans, the outcome of the safety plans, and the number of court petitions filed.*

- (3) *By December 1, 2024, and quarterly thereafter, the cabinet shall make available, on its website and to the Legislative Research Commission for referral to the Interim Joint Committee, Senate Standing Committee, and House Standing Committee on Families and Children, the report on safety plans established in subsection (2) of this section.*

Signed by Governor April 9, 2024.

CHAPTER 145

(HB 135)

AN ACT relating to solid waste management service companies.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 109 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "confidential business information" means the following information relating to privately contracted solid waste management services that are not being provided pursuant to a franchise agreement:*
- (a) *Commercial or residential customer service prices; or*
 - (b) *Commercial or residential customer lists.*
- (2) *Notwithstanding any provision of law to the contrary, unless by order of a court of competent jurisdiction, a county or waste management district, or its agents, officials, or employees, shall not compel the production or submission of confidential business information from a service company or its customers to any county or waste management district.*

Signed by Governor April 9, 2024.

CHAPTER 146

(HJR 91)

A JOINT RESOLUTION relating to road projects.

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

➔Section 1. Notwithstanding KRS 48.100, 48.110, 48.300, and 176.430, this Joint Resolution in conjunction with 2024 Regular Session HB 266 and 2024 Regular Session HJR 92 shall constitute the Six-Year Road Plan. The last four years of the Six-Year Road Plan are as follows:

Signed by Governor April 9, 2024.

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Adair	10047	KY-80	BRIDGE PROJECT IN ADAIR COUNTY ON (001B00013N) KY-80 AT RUSSELL CREEK	PL DN RW UT CN	BRX BRX				187,000 1,870,000
				Project Cost:		0	0	0	2,057,000
Adair	22207	LN-9008	ADDRESS CONDITION OF Louie B. Nunn Cumberland Parkway FROM MILEPOINT 43.02 TO MILEPOINT 48.15	PL DN RW UT CN	NHPM NHPM				428,868 3,859,812
				Project Cost:		0	0	0	4,288,680
Adair	22208	LN-9008	ADDRESS CONDITION OF Louie B. Nunn Cumberland Parkway FROM MILEPOINT 48.15 TO MILEPOINT 57.791	PL DN RW UT CN	NHPM NHPM				805,988 7,253,888
				Project Cost:		0	0	0	8,059,876
Adair	80352	KY-55	Improve mobility and congestion along KY 55 from US 127 in Russell County to the Louis B. Nunn Cumberland KY 55/KY6177 in Adair County. (Russell MP 0.0 - 8.159; Adair MP 0.0 - 9.68)	PL DN RW UT CN	SPP SPP SPP SPP	5,500,000	11,000,000 12,000,000	45,000,000	0
				Project Cost:		5,500,000	23,000,000	45,000,000	0
Total for Adair county				PL DN RW UT CN		5,500,000	11,000,000 12,000,000	45,000,000	1,421,856 12,983,700
				Total Amounts:		5,500,000	23,000,000	45,000,000	14,405,556

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Allen	320	KY-100	IMPROVEMENTS TO KY 100: CURVE, BRIDGE, AND INTERSECTION IMPROVEMENTS FROM NEAR THE STONY POINT ROAD INTERSECTION TO EAST OF THE ALONZO LONG HOLLOW ROAD	PL DN RW UT CN	SPP		10,630,000		
Project Cost:						0	10,630,000	0	0
Allen	8802	KY-100	WIDENING OF KY 100 (FRANKLIN ROAD) TO 3 LANES WITH URBAN SECTION FROM OLIVER STREET TO US 31E TO INCREASE CAPACITY/SAFETY. MP 11.800-12.700 (14CCN)(18CCN) (2020CCR)	PL DN RW UT CN	SPP SPP	580,000	720,000		
Project Cost:						580,000	720,000	0	0
Allen	10026	CR-1043	BRIDGE PROJECT IN ALLEN COUNTY ON (002C00004N) JEFFERSON SCHOOL R AT DIFFICULT CREEK	PL DN RW UT CN	FBP2 FBP2		102,465		
Project Cost:						0	785,565	0	0
Allen	20039	US-231, US-31	ADDRESS CONDITION OF US-231 FROM MILEPOINT 0 TO MILEPOINT 8.569	PL DN RW UT CN	NHPM NHPM				550,000
Project Cost:						0	0	0	10,450,000
Allen	80206	KY-100	RECONSTRUCT KY-100 FROM KY-622 IN SIMPSON COUNTY TO EST OF SULPHUR FORK CREEK IN ALLEN COUNTY (2012CCR) (2022CCN)	PL DN RW UT CN	SPP	12,900,000			
Project Cost:						12,900,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Allen	80207	KY-101	Improve safety on KY 101 from KY 234 to the Warren County Line. (2022CCN)	PL					
				DN					
				RW					
				UT					
				CN	STP2	7,440,000			
				Project Cost:		7,440,000	0	0	0
Allen	80308	KY-100	IMPROVE SAFETY AND REDUCE CONGESTION ALONG KY 100 (OLD GALLATIN RD) FROM THE INTERSECTION WITH WOODLAND CIRCLE DRIVE TO JOHN KELLY DRIVE IN SCOTTSVILLE.	PL					
				DN	SPP	526,000			
				RW	SPP	563,000			
				UT	SPP	1,184,000			
				CN	SPP			1,974,000	
				Project Cost:		2,273,000	0	1,974,000	0
Allen	80315	KY-101	RECONSTRUCTION/NEW CONSTRUCTION OF TWO-LANE ROADWAY WITH SHOULDERS AND WIDER BRIDGES.	PL					
				DN	SPP	9,120,000			
				RW	SPP		10,546,000		
				UT	SPP		7,184,000		
				CN	SPP				90,785,000
				Project Cost:		9,120,000	17,730,000	0	90,785,000
Allen	80353	ky-100	Construct roundabout intersection at KY 100 and KY 3500 (Old Gallatin Road/Franklin Road) (MP 13.05-13.15)	PL					
				DN					
				RW					
				UT					
				CN	SPP	1,300,000			
				Project Cost:		1,300,000	0	0	0
Total for Allen county				PL					
				DN		9,646,000	102,465		550,000
				RW		563,000	10,546,000		
				UT		1,764,000	7,184,000		
				CN		21,640,000	12,033,100	1,974,000	101,235,000
				Total Amounts:		33,613,000	29,865,565	1,974,000	101,785,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Anderson	806	KY-151	RECONSTRUCT KY 151 FROM US 127 AT LAWRENCEBURG TO I-64 IN FRANKLIN COUNTY. (2020CCN)	PL DN RW UT CN	SPP	10,000,000	10,000,000		
Project Cost:						10,000,000	10,000,000	0	0
Anderson	8100.1000	US-62	WIDENING WITH ACCESS IMPROVEMENTS TO ANDERSON CROSSING ON US62, FROM 0.2MI W OF CORPORATE DR TO US127B (LAWRENCEBURG BYPASS). PRIORITY SECTION (2016BOP)	PL DN RW UT CN	STP1	280,000	1,900,000 1,900,000	3,070,000	
Project Cost:						280,000	3,800,000	3,070,000	0
Anderson	10065	KY-44	ADDRESS DEFICIENCIES OF BRIDGE ON KY 44 OVER TIMBER CREEK (003B00028N)	PL DN RW UT CN	BRX				176,261
Project Cost:						0	0	0	176,261
Anderson	22183	BG-9002	ADDRESS CONDITION OF Martha Layne Collins Bluegrass Parkway FROM MILEPOINT 56.287 TO MILEPOINT 58.3	PL DN RW UT CN	NHPM	220,352			
Project Cost:						2,203,520	0	0	0
Anderson	80001	US-62	IMPROVE US-62 (VERSAILLES RD.) FROM HILLTOP DR. TO WEST END OF BRIDGE OVER KENTUCKY RIVER AT TYRONE(18CCN) (2020CCR) (2022CCR)	PL DN RW UT CN	STP2	13,750,000			
Project Cost:						13,750,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Total for Anderson county				PL					
				DN		500,352			176,261
				RW			1,900,000		
				UT			1,900,000		
				CN		25,733,168	10,000,000	3,070,000	
				Total Amounts:		26,233,520	13,800,000	3,070,000	176,261
Ballard	118	US-60	Improve US-60 from Humphrey Creek bridge to 0.4 mi west of Hester Sullivan Lane. (02CCR) (2020CCR) (2022CCR)	PL					
				DN					
				RW					
				UT					
				CN	NH	9,500,000			
				Project Cost:		9,500,000	0	0	0
Ballard	1140	US-51	CONSTRUCT NEW STRUCTURE OVER THE OHIO RIVER AT CAIRO, ILLINOIS (KENTUCKY'S SHARE)(004B00021N)	PL					
				DN					
				RW					
				UT					
				CN	NH		4,000,000	25,000,000	
				Project Cost:		0	4,000,000	25,000,000	0
Ballard	1140.0100	US-51	PE AND ENVIRONMENTAL FOR REPLACEMENT OF CAIRO BRIDGE AT OR BESIDE EXISTING LOCATION. (004B00021N)(SD)(18CCR)	PL					
				DN					
				RW					
				UT					
				CN	BRO				25,000,000
				Project Cost:		0	0	0	25,000,000
Ballard	1140.2000	US-51	CONSTRUCT APPROACH ROADWAY TO NEW BRIDGE OVER THE OHIO RIVER AT CAIRO, ILLINOIS (KY APPROACH ROADWAY WORK ONLY).	PL					
				DN					
				RW					
				UT					
				CN	NH		12,595,000		
				Project Cost:		0	12,595,000	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Ballard	80300	US-60	ADDRESS CONDITION, SAFETY, CONGESTION, AND FUTURE CAPACITY ISSUES ON US-60 THROUGH THE CITY OF LACENTER.	PL DN RW UT CN	NH NH NH	2,750,000 1,500,000		27,840,000	
Project Cost:						4,250,000	0	27,840,000	0
Ballard	80301	US-60	ADDRESS CONDITION, SAFETY, CONGESTION, AND FUTURE CAPACITY FROM PROPOSED BARLOW EASTERN BYPASS TO PROPOSED LACENTER SOUTHERN BYPASS.	PL DN RW UT CN	NH NH NH	2,500,000 3,250,000		12,000,000	
Project Cost:						5,750,000	0	12,000,000	0
Ballard	80320	US-51	THE PURPOSE OF THIS PROJECT IS TO PROVIDE ROADWAY INFRASTRUCTURE TO SUPPORT COMMUNITY GROWTH/DEVELOPMENT AND SAFE ACCESS FOR FREIGHT TRAFFIC TO	PL DN RW UT CN	SPP SPP SPP	400,000 400,000	2,000,000		
Project Cost:						800,000	2,000,000	0	0
Ballard	80321	US-60	ADDRESS CONDITION, SAFETY AND CONGESTION ISSUES ON US 60 THROUGH THE CITY OF BARLOW.	PL DN RW UT CN	NH NH NH NH	250,000	1,500,000	2,500,000 1,050,000	8,400,000
Project Cost:						250,000	1,500,000	3,550,000	8,400,000
Ballard	80322	KY-286	IMPROVE GEOMETRIC DEFICIENCIES, FREIGHT TRUCK MOBILITY, AND IMPROVE SAFETY ON KY 286 FROM HERSHEL JONES ROAD TO KY 473.	PL DN RW UT CN	SPP SPP SPP SPP		750,000	1,000,000 500,000	2,000,000
Project Cost:						0	750,000	1,500,000	2,000,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Total for Ballard county				PL		250,000			
				DN			2,250,000		
				RW		5,650,000		3,500,000	
				UT		5,150,000		1,550,000	
				CN		9,500,000	18,595,000	64,840,000	35,400,000
				Total Amounts:		20,550,000	20,845,000	69,890,000	35,400,000
Barren	8821	CR-1366, KY-1297	IMPROVE KY-1297 FROM CR-1366 (DONNELLY DRIVE) TO US-31E (ROGER WELLS), AND IMPROVE CR-1366 (DONNELLY DRIVE) FROM KY-1297 TO US-68 IN GLASGOW. (14CCN) (16CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	6,000,000			
				Project Cost:		6,000,000	0	0	0
Barren	10001	US-31	ADDRESS DEFICIENCIES OF US 31EX BRIDGE OVER WATER STREET. (005B00058N)	PL					
				DN	BRX			150,000	
				RW					
				UT					
				CN	BRX			1,000,000	
				Project Cost:		0	0	1,150,000	0
Barren	10030	KY-740	BRIDGE PROJECT IN BARREN COUNTY ON (005B00046N) KY-740 AT BLUE SPRINGS CREEK	PL					
				DN	FBP				164,565
				RW					
				UT					
				CN					
				Project Cost:		0	0	0	164,565
Barren	22061	I -65	ADDRESS CONDITION OF I-065 FROM MILEPOINT 48.3 TO MILEPOINT 53.3 (53.2 CARDINAL)	PL					
				DN	NHPM			840,350	
				RW					
				UT					
				CN	NHPM			7,563,150	
				Project Cost:		0	0	8,403,500	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Barren	22063	I-65	ADDRESS CONDITION OF I-065 FROM MILEPOINT 53.2 (53.3 NON-CARDINAL) TO MILEPOINT 53.956	PL DN RW UT CN	NHPM			143,000	
								1,287,000	
				Project Cost:		0	0	1,430,000	0
Barren	80002	LN-9008	NEW INTERCHANGE ON THE LOUIE NUNN CUMBERLAND PARKWAY AT KY (CONTINGENT ON ECONOMIC DEVELOPMENT PROJECTS)-249 IN GLASGOW(18CCN) (2022CCR)	PL DN RW UT CN	SPP	1,020,000			
				Project Cost:		1,020,000	0	0	0
Barren	80300	LN-9008	REDUCE CONGESTION AND INCREASE MOBILITY ON US 31E FROM ABERDEEN DRIVE TO TROJAN TRAIL, INCLUDING RECONSTRUCTION OF THE INTERCHANGE WITH LN 9008.	PL DN RW UT CN	SPP	2,480,000			
						330,000			
						1,860,000			
				Project Cost:		4,670,000	0	24,800,000	0
Barren	80319	US-31	IMPROVE SAFETY AND MOBILITY ON US-31E IN THE HAYWOOD AREA.	PL DN RW UT CN	NH	620,000	650,000	620,000	
				Project Cost:		620,000	650,000	620,000	4,960,000
Total for Barren county				PL DN RW UT CN		3,100,000	650,000	1,133,350	164,565
				UT		2,880,000		620,000	
				CN		6,000,000		34,650,150	4,960,000
				Total Amounts:		12,310,000	650,000	36,403,500	5,124,565

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Bath	193	KY-111	RECONSTRUCT KY-111 IN THE VICINITY OF THE "S-CURVE" EAST OF OWINGSVILLE (14CCR) (2022CCN)	PL DN RW UT CN	SPP SPP SPP	2,000,000 1,750,000	5,000,000		
Project Cost:						3,750,000	5,000,000	0	0
Bath	8814	KY-36	CORRECT HORIZONTAL AND WIDTH DEFICIENCIES ON KY 36 FROM "OLD KY 11" MP 1.004 TO KY 1325 (MP 6.97) TO IMPROVE SAFETY AND OPERATIONAL EFFICIENCY OF ROADWAY (14CCN)	PL DN RW UT CN	SPP SPP SPP		2,975,000 1,760,000		39,600,000
Project Cost:						0	0	4,735,000	39,600,000
Bath	10067	US-60	BRIDGE PROJECT IN BATH COUNTY ON (006B00012N) US-60 AT DRAINAGE DITCH	PL DN RW UT CN	BRX BRX		284,643 1,897,615		
Project Cost:						0	0	2,182,258	0
Bath	10068	US-60	BRIDGE PROJECT IN BATH COUNTY ON (006B00013N) US-60 AT CROOKED RUN CREEK	PL DN RW UT CN	BRX BRX			284,643 1,897,615	
Project Cost:						0	0	0	2,182,258
Bath	10069	US-60	BRIDGE PROJECT IN BATH COUNTY ON (006B00015N) US-60 AT LICKING RIVER	PL DN RW UT CN	BRX		607,536		
Project Cost:						0	0	607,536	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Bath	10095	US-60	ADDRESS DEFICIENCIES OF BRIDGE ON US 60 OVER COW CREEK (006B00011N)	PL					
				DN	BRZ				106,191
				RW					
				UT					
				CN	BRZ				707,940
			Project Cost:			0	0	0	814,131
Bath	22045	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 117.83 TO MILEPOINT 123.6	PL					
				DN	NHPM	439,000			
				RW					
				UT					
				CN	NHPM	4,385,000			
			Project Cost:			4,824,000	0	0	0
Bath	80101	KY-36	IMPROVE SAFETY ON KY 36 FROM THE INTERSECTION WITH I-64 TO THE INTERSECTION OF KY 965 INCLUDING THE CURVES KNOWN AS CLEAR CREEK FURNACE AND THOMAS HILL (2020CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	4,000,000	6,000,000		
			Project Cost:			4,000,000	6,000,000	0	0
Bath	80102	KY-36	IMPROVE SAFETY AND OPERATIONAL EFFICIENCY ON KY 36 FROM NORTH OF MARIELLA DR TO THE INTERSECTION OF OLD KY 36 (2020 CCN) (2022CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	4,000,000			
			Project Cost:			4,000,000	0	0	0
Bath	80250	US-60	REALIGN ROADWAY ON US 60 NEAR OWINGSVILLE BEGINNING IN THE VICINITY OF ROSE BUSH LN AND ENDING AT WELLS ROAD NEAR I 64 EXIT 123 (2022CCN)	PL					
				DN					
				RW	SPP	2,000,000			
				UT	SPP		750,000		
				CN	SPP			10,000,000	
			Project Cost:			2,000,000	750,000	10,000,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Total for Bath county				PL					
				DN		439,000		892,179	390,834
				RW		4,000,000		2,975,000	
				UT		1,750,000	750,000	1,760,000	
				CN		12,385,000	11,000,000	11,897,615	42,205,555
				Total Amounts:		18,574,000	11,750,000	17,524,794	42,596,389
Bell	167	KY-74	ENHANCING CUMBERLAND AVENUE FROM US 25E TO 18TH STREET WITH STREET IMPROVEMENTS FOR VEHICLE AND PEDESTRIANS, AS WELL AS STORM WATER MANAGEMENT TO IMPROVE	PL					
				DN					
				RW					
				UT					
				CN	STP1	9,710,000			
				Project Cost:		9,710,000	0	0	0
Bell	8702	US-119	PROVIDE PASSING OPPORTUNITIES ON US 119 IN THE VICINITY OF MP 4.5 IN BELL COUNTY. (12CCN)(14CCR) (2020CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	5,400,000			
				Project Cost:		5,400,000	0	0	0
Bell	10101	CS-2222	BRIDGE PROJECT IN BELL COUNTY ON (007C00072N) 17TH STREET AT YELLOW CREEK	PL					
				DN	BRZ			40,000	
				RW					
				UT					
				CN	BRZ			400,000	
				Project Cost:		0	0	440,000	0
Bell	10167	KY-66	BRIDGE PROJECT IN BELL COUNTY ON (007B00007N) KY-66 AT SIMS FORK	PL					
				DN	FBP2			140,000	
				RW					
				UT					
				CN	FBP2			1,400,000	
				Project Cost:		0	0	1,540,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

799

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Bell	10169	US-25	BRIDGE PROJECT IN BELL COUNTY ON (007B00024L) US-25E-10 AT YELLOW CREEK	PL DN RW UT CN	BRX				579,572
Project Cost:						0	0	0	579,572
Bell	10170	KY-1534	BRIDGE PROJECT IN BELL COUNTY ON (007B00051N) KY-1534 AT WILLIAMS BRANCH	PL DN RW UT CN	BRX			55,000	
Project Cost:						0	0	55,000	0
Bell	10171	KY-66	BRIDGE PROJECT IN BELL COUNTY ON (007B00055N) KY-66 AT RED BIRD CREEK	PL DN RW UT CN	FBP				91,200
Project Cost:						0	0	0	91,200
Bell	22301	KY-2012	ADDRESS CONDITION OF KY-2012 FROM MILEPOINT 0 TO MILEPOINT 1.95	PL DN RW UT CN	STP4	2,025,750			
Project Cost:						2,025,750	0	0	0
Bell	22302	US-25	ADDRESS CONDITION OF US-25E FROM MILEPOINT 2.86 TO MILEPOINT 3.5	PL DN RW UT CN	NHPM	1,754,208			
Project Cost:						1,754,208	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Bell	22303	US-119	ADDRESS CONDITION OF US-119 FROM MILEPOINT 13.88 TO MILEPOINT 15.88	PL					
				DN	STP4	198,978			
				RW					
				UT					
				CN	STP4	3,780,572			
				Project Cost:		3,979,550	0	0	0
Bell	80300	US-119	Improve mobility by constructing a 2+1 road on US 119 in Bell County by adding a continuous third lane that serves as an alternate passing lane (MP 3.5 - 9.3).	PL					
				DN					
				RW	NH	2,400,000			
				UT	NH		2,320,000		
				CN	NH			30,000,000	
				Project Cost:		2,400,000	2,320,000	30,000,000	0
Total for Bell county				PL					
				DN		198,978		235,000	670,772
				RW		2,400,000			
				UT			2,320,000		
				CN		22,670,530		31,800,000	
				Total Amounts:		25,269,508	2,320,000	32,035,000	670,772
Boone	79	I-75	IMPROVE SAFETY, MOBILITY, OPERATIONS, AND GEOMETRICS AT THE JUNCTION OF I-75 AND I-275 AND THE SYSTEM-TO-SYSTEM RAMPS.	PL					
				DN	NH	2,000,000			
				RW	NH		20,000,000		
				UT	NH		10,000,000		
				CN	NH				260,000,000
				Project Cost:		2,000,000	30,000,000	0	260,000,000
Boone	80	I-75	REDUCE CONGESTION AND IMPROVE TRAFFIC MOBILITY AT THE INTERCHANGE OF I-75 AND KY-14 IN WALTON. (2020CCR) (2022CCR)	PL					
				DN					
				RW	NH	10,000,000			
				UT	NH		1,500,000		
				CN	NH			25,000,000	
				Project Cost:		10,000,000	1,500,000	25,000,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Boone	446	US-42	PROVIDE EAST-WEST CONNECTIVITY AND IMPROVED MOBILITY FROM KY-237 (PLEASANT VALLEY ROAD) THRU KY-842 (HOPEFUL CHURCH ROAD) TO MALL ROAD/I-75 INTERCHANGE. (18CCR)	PL DN RW UT CN	NH NH	25,000,000	15,000,000		4,350,000
Project Cost:						25,000,000	15,000,000	0	4,350,000
Boone	447	US-25	IMPROVE MOBILITY AND REDUCE CONGESTION ON US-25 FROM WINNING COLORS DRIVE TO THE NORFOLK SOUTHERN RAILROAD CROSSING SOUTH OF KY-1829 (INDUSTRIAL ROAD);	PL DN RW UT CN	SPP SPP SPP	20,000,000 7,000,000		30,000,000	
Project Cost:						27,000,000	0	30,000,000	0
Boone	966.0800	CO-0	DEDICATED FEDERAL-AID STP FUNDS EARMARKED FOR NKY URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2024 THROUGH FY 2030. (FUNDING SUBJECT TO FISCAL	PL DN RW UT CN	SNK	8,600,000	8,600,000	8,600,000	8,600,000
Project Cost:						8,600,000	8,600,000	8,600,000	8,600,000
Boone	1087	KY-842	ADDRESS DEFICIENCIES OF BRIDGE OVER NS (CNO&TP)RR ON RICHARDSON ROAD (KY 842) 0.14 MI E OF US 25 NEAR INDEPENDENCE (008B00092N) (2020CCN)	PL DN RW UT CN	FBP BRX	465,000 4,735,000			
Project Cost:						5,200,000	0	0	0
Boone	8000.2000	I-275	I-275/KY-212 INTERCHANGE AND KY-20 RECONSTRUCTION NEAR GREATER CINCINNATI AIRPORT. (2004BOPC) (KYTC SHARE @ 46.6%)	PL DN RW UT CN	STP STP STP STP	6,240,000	14,590,000	4,680,000	44,290,000
Project Cost:						6,240,000	14,590,000	4,680,000	44,290,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Boone	10028	I -275	BRIDGE PROJECT IN BOONE COUNTY ON (008B00052N) I-275 AT OHIO RIVER	PL DN RW UT CN	FBP		4,000,000		
				Project Cost:		0	4,000,000	0	0
Boone	10049	KY-14	ADDRESS DEFICIENCIES OF BRIDGE ON KY 14 OVER MCCOYS FORK (008B00003N)	PL DN RW UT CN	BRZ				155,252
				Project Cost:		0	0	0	155,252
Boone	20001	I -71	ADDRESS CONDITION OF I-071 FROM MILEPOINT 69.89 TO MILEPOINT 77.724 (77.424 NON-CARDINAL)	PL DN RW UT CN	STP5	20,000,000			
				Project Cost:		20,000,000	0	0	0
Boone	20007	I -275	ADDRESS CONDITION OF I-275 FROM MILEPOINT 7.25 TO MILEPOINT 13.076	PL DN RW UT CN	STP5 STP5				1,350,909 12,158,181
				Project Cost:		0	0	0	13,509,090
Boone	20063	I -75	ADDRESS CONDITION OF I-075 FROM MILEPOINT 178.024 TO MILEPOINT 183.094 (182.816 NON-CARDINAL)	PL DN RW UT CN	NHPM NHPM				1,056,643 9,509,789
				Project Cost:		0	0	0	10,566,432

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Boone	22128	I-75	ADDRESS CONDITION OF I-075 FROM MILEPOINT 182.816 (183.094 CARDINAL) TO MILEPOINT 183.312	PL DN RW UT CN	NHPM NHPM				110,000 990,000
Project Cost:						0	0	0	1,100,000
Boone	80000	KY-237	RECONSTRUCT GUNPOWDER RD. FROM US-42 TO KY-536. (18CCN) (2020CCR) (2022CCR)	PL DN RW UT CN	SPP SPP	13,000,000	22,760,000		
Project Cost:						13,000,000	22,760,000	0	0
Boone	80001	KY-237	EXPANSION OF ROUNDABOUTS ALONG KY-237 AT CARDINAL COVE AND GRAVES RD(18CCN) (2020CCR) (2022CCR)	PL DN RW UT CN	STPF STPF SPP	1,500,000 1,400,000	4,500,000		
Project Cost:						2,900,000	4,500,000	0	0
Boone	80100	KY-1017, KY-717	CONVERT TURFWAY RD AND THOROUGHbred BLVD FROM 2 WAY TO ONE WAY AND CONSTRUCT NEW I-75 ACCESS (2020CCN) (2022CCR)	PL DN RW UT CN	STPF STPF STPF		11,000,000	1,500,000	25,000,000
Project Cost:						0	11,000,000	1,500,000	25,000,000
Boone	80101	KY-18	CONVERT KY 18 (BURLINGTON PIKE) TO A SUPER STREET (2020CCN) (2022CCR)	PL DN RW UT CN	STP	16,000,000			
Project Cost:						16,000,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	
Boone	80102	KY-3060	Reconstruct KY 3060 (Frogtown Road) from US 42 to US 25. (2022CCR)	PL						
				DN						
				RW	SPP	16,000,000				
				UT						
				CN	SPP		23,000,000			
				Project Cost:			16,000,000	23,000,000	0	0
Boone	80150	KY-717	Reconstruct Turfway Road (KY 717) from Aero Parkway (MP 0.0) to Donaldson Road (MP 1.67). (2020CCN) (2022CCR)	PL						
				DN						
				RW						
				UT						
				CN	STPF	9,500,000				
				Project Cost:			9,500,000	0	0	0
Boone	80206	KY-18	Improve safety and address geometric deficiencies along KY 18 from Caroline Williams Way to KY 338; include multi-modes. (2022CCN)	PL						
				DN						
				RW	SPP	2,932,000				
				UT	SPP	985,600				
				CN	SPP		9,600,000			
				Project Cost:			3,917,600	0	9,600,000	0
Boone	80207	CR-1001	Improve safety & mobility, reduce congestion and address geometric deficiencies along Camp Ernst Road (CR 1001) from KY 237 (Pleasant Valley Rd) to KY 536 (Hathaway Rd). (2022CCN)	PL						
				DN						
				RW	STP2	10,000,000				
				UT						
				CN	STP2	28,000,000				
				Project Cost:			38,000,000	0	0	0
Boone	80208	CR-1001	IMPROVE SAFETY & MOBILITY, REDUCE CONGESTION AND ADDRESS GEOMETRIC DEFICIENCIES ALONG CAMP ERNST ROAD (CR 1001) FROM LONG BRANCH RD. TO KY 237 (PLEASANT VALLEY RD.)	PL						
				DN						
				RW	STP2	12,000,000				
				UT	STP2	3,000,000				
				CN	STP2		24,000,000			
				Project Cost:			15,000,000	0	24,000,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Boone	80209	KY-237	Improve access to KY 237 for Litton Lane. (2022CCN)	PL DN RW UT CN	SPP	1,000,000			
							4,600,000		
				Project Cost:		1,000,000	4,600,000	0	0
Boone	80210	KY-18	Paired Grade-Separated Intersections along KY 18 at KY 842 and Mall Road. (2022CCN)	PL DN RW UT CN	SPP	4,992,000		14,662,000 3,942,000	23,040,000
				Project Cost:		4,992,000	0	18,604,000	23,040,000
Boone	80211	KY-18	Improve capacity at the KY 18 (Burlington Pike) intersection with KY 1017 (Aero Parkway) to support existing and future traffic volumes. Consider grade separation design options. (2022CCN)	PL DN RW UT CN	SPP	1,860,000		19,500,000 1,000,000	24,800,000
				Project Cost:		1,860,000	0	20,500,000	24,800,000
Boone	80257	I-75	EXPAND NORTHBOUND AND SOUTHBOUND REST AREAS ON I-71/I-75 IN BOONE COUNTY TO ADD MORE TRUCK PARKING. (2022CCN)	PL DN RW UT CN	NH	5,000,000			
				Project Cost:		5,000,000	0	0	0
Boone	80304	CR-1151	IMPROVE SAFETY AND REDUCE CONGESTION ALONG HICKS PIKE (CR 1151) FROM US 42 TO KY 338.	PL DN RW UT CN	STPF		15,600,000	3,410,000	37,200,000
				Project Cost:		0	15,600,000	3,410,000	37,200,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Boone	80316	US-25	IMPROVE SAFETY & MOBILITY, AND ADDRESS GEOMETRIC DEFICIENCIES ALONG US 25 (DIXIE HWY.) BETWEEN KY 16 (MARY GRUBBS HIGHWAY) AND KY 338 (RICHWOOD RD.)	PL DN RW UT CN	STPF STPF STPF STPF	4,320,000		6,000,000 3,480,000	46,800,000
Project Cost:						4,320,000	0	9,480,000	46,800,000
Boone	80317	CR-1042	IMPROVE SAFETY AND REDUCE CONGESTION ON LIMABURG ROAD FROM CONRAD LANE TO KY 18 (BURLINGTON PIKE).	PL DN RW UT CN	STPF STPF STPF		10,000,000 3,600,000		23,040,000
Project Cost:						0	13,600,000	0	23,040,000
Boone	80318	KY-20	IMPROVE SAFETY AND MOBILITY ALONG KY 20 (PETERSBURG ROAD) FROM GRAVES ROAD TO KY 237 (NORTH BEND ROAD).	PL DN RW UT CN	SPP SPP SPP SPP	4,050,000		13,200,000 2,900,000	31,000,000
Project Cost:						4,050,000	0	16,100,000	31,000,000
Boone	80350	CR-1176	Improve Steeplechase Elementary School access and safety by extending Grand National Blvd to Chambers Road.	PL DN RW UT CN	SPP SPP SPP SPP	2,000,000	4,000,000 200,000	15,000,000	0
Project Cost:						2,000,000	4,200,000	15,000,000	0
Boone	80356	CR-1042	Reconstruct Limaburg Road from KY 18 to Gateway Blvd (CR 1086)	PL DN RW UT CN	SPP SPP SPP SPP	3,000,000	12,500,000 4,000,000	35,000,000	0
Project Cost:						3,000,000	16,500,000	35,000,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Boone	80357	KY-20	Reconstruct KY 20 from the new KY 495 (Graves Road) Interchange to KY 18 (MP14.6-16.7)	PL					
				DN	SPP	3,000,000			
				RW	SPP		25,500,000		
				UT	SPP			6,000,000	
				CN	SPP				46,000,000
				Project Cost:		3,000,000	25,500,000	6,000,000	46,000,000
Boone	80358	KY-536	Reconstruct KY 536 from Camp Ernst Road to Old Union Road (MP 8.0-10.8)	PL					
				DN	SPP	5,000,000			
				RW	SPP		20,000,000		
				UT	SPP			3,000,000	
				CN	SPP				60,000,000
				Project Cost:		5,000,000	20,000,000	3,000,000	60,000,000
Boone	80359	US-25	Improve safety & mobility and address geometric deficiencies along US 25 (Dixie Hwy) between KY 16 and KY 338 (Richwood Rd) (MP 2.2-4.7)	PL					
				DN	SPP	2,000,000			
				RW	SPP	10,000,000			
				UT	SPP	3,000,000			
				CN	SPP		39,000,000		
				Project Cost:		15,000,000	39,000,000	0	0
Boone	80360	KY-1292	CONSTRUCT A NEW CONNECTION BETWEEN KY 1292, BEAVER ROAD, TO KY 2951, CHAMBERS ROAD, AND KY 16.	PL					
				DN	SPP	4,000,000			
				RW	SPP	30,000,000			
				UT	SPP		5,000,000		
				CN	SPP			85,000,000	
				Project Cost:		34,000,000	5,000,000	85,000,000	0
Total for Boone county				PL					
				DN		42,927,000			2,672,804
				RW		151,432,000	148,190,000	53,362,000	
				UT		15,385,600	24,300,000	29,912,000	4,350,000
				CN		91,835,000	106,460,000	232,200,000	652,427,970
				Total Amounts:		301,579,600	278,950,000	315,474,000	659,450,774

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Bourbon	10036	KY-1879	BRIDGE PROJECT IN BOURBON COUNTY ON (009B00055N) KY-1879 AT LAYSONS BRANCH	PL DN RW UT CN	BRZ			109,800	
					BRZ			732,000	
				Project Cost:		0	0	841,800	0
Bourbon	80104	US-460	IMPROVE US 460 FROM RUSSELL CAVE RD TO I 75 (2ND PART OF 7-8705) (2020CCN)(SEE 7-8705.10) (2022CCR)	PL DN RW UT CN	STP2	7,500,000			
				Project Cost:		7,500,000	0	0	0
Bourbon	80321	ky-627	Improve safety on KY 627 (Winchester Rd) from Clark/Bourbon CL to US 68X (High St). Breakout section including the KY 57 (Austerlitz Rd) intersection and continuing North for approx. 0.70 miles.	PL DN RW UT CN	SPP	350,000	100,000	100,000	1,250,000
				Project Cost:		350,000	200,000	1,250,000	0
Total for Bourbon county				PL DN RW UT CN		350,000	100,000 100,000	109,800 1,982,000	
				Total Amounts:		7,850,000	200,000	2,091,800	0
Boyd	180	KY-716	IMPROVE SAFETY AND DECREASE CONGESTION ON KY 716 FROM MP 0.0 (US 60) TO MP 0.56 (KY 3293) (2020CCR)	PL DN RW UT CN	STP1	4,600,000			
					STP1	2,000,000			
					STP1			5,000,000	
				Project Cost:		6,600,000	0	5,000,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Boyd	208.0600	CO-0	FEDERAL 'STP' FUNDS DEDICATED TO HUNTINGTON-ASHLAND MPO FOR FY 2024-2030. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP) (2020CCR) (2022CCR)	PL DN RW UT CN	SAH	1,800,000	1,800,000	1,800,000	1,800,000
Project Cost:						1,800,000	1,800,000	1,800,000	1,800,000
Boyd	10016	I -64	ADDRESS DEFICIENCIES ON PERRY GENTRY BRIDGES OVER THE BIG SANDY RIVER. JOINT PROJECT WITH WEST VIRGINIA. (010B00046L AND 010B00046R)(SD)	PL DN RW UT CN	BRO	1,050,000	1,050,000		
Project Cost:						1,050,000	1,050,000	0	0
Boyd	10071	US-60	BRIDGE PROJECT IN BOYD COUNTY ON (010B00017N) US-60 AT CSX RAILROAD	PL DN RW UT CN	FBP				830,541
Project Cost:						0	0	0	830,541
Boyd	10074	US-23	BRIDGE PROJECT IN BOYD COUNTY ON (010B00058N) US-23S AT OHIO RIVER,CSX,STREETS	PL DN RW UT CN	BRO	2,600,000			
Project Cost:						2,600,000	0	0	0
Boyd	10075	CR-1243	BRIDGE PROJECT IN BOYD COUNTY ON (010C00018N) STRAIGHT CRK AT STRAIGHT CREEK	PL DN RW UT CN	FBP2 FBP2			157,527	
Project Cost:						0	0	1,050,180	0
								1,207,707	

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Boyd	10096	US-23	ADDRESS DEFICIENCIES OF BRIDGE ON US 23 OVER OHIO RIVER, CSX , STREETS (010B00040N)	PL DN RW UT CN	BRZ	2,000,000			
Project Cost:						2,000,000	0	0	0
Boyd	22308	US-23	ADDRESS CONDITION OF US-23 FROM MILEPOINT 0 TO MILEPOINT 2.92	PL DN RW UT CN	NHPM	1,719,451			
Project Cost:						1,719,451	0	0	0
Boyd	80300	US-60	Improve operational efficiency of the US 60 (13th Street) and KY 168 (Blackburn Ave) intersection.	PL DN RW UT CN	NH NH NH	3,300,000 2,160,000		2,900,000	
Project Cost:						5,460,000	0	2,900,000	0
Boyd	80302	KY-3398	Improve/widen KY-3398 from KY-3 @ Fallsburg to US-23 @ Fullers to improve safety and to accommodate residential growth and recreational vehicles in this area.	PL DN RW UT CN	SPP	1,260,000			
Project Cost:						1,260,000	0	0	0
Boyd	80350	KY-168	Improve safety, mobility and accessibility at the intersection of KY 168 and CS 2341 (Robert's Drive); located within close proximity of an at grade CSX Railroad Crossing (MP 6.7-6.8)	PL DN RW UT CN	SPP SPP SPP SPP	600,000	1,700,000	1,200,000	4,500,000
Project Cost:						600,000	1,700,000	1,200,000	4,500,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Boyd	80351	CR-1299	Improve Commere Drive (CR 1299), including widening, improving geometrics and drainage	PL					
				DN	SPP	600,000			
				RW	SPP		600,000		
				UT	SPP			600,000	
				CN	SPP				6,000,000
Project Cost:						600,000	600,000	600,000	6,000,000
Total for Boyd county				PL					
				DN		1,200,000		157,527	830,541
				RW		9,160,000	2,300,000		
				UT		4,160,000		1,800,000	
				CN		9,169,451	2,850,000	10,750,180	12,300,000
Total Amounts:						23,689,451	5,150,000	12,707,707	13,130,541
Boyle	8702	US-127	CORRECT VERTICAL ALIGNMENT ON US 127 AND KY 1552 NEAR INTERSECTION. (12CCN)	PL					
				DN					
				RW	NH	530,000			
				UT	NH	260,000			
				CN	NH		750,000		
Project Cost:						790,000	750,000	0	0
Boyle	80204	KY-52	RECONSTRUCT KY 52 FROM KY 1805 (Goggin Ln) TO KY 590 (2022CCN)	PL					
				DN					
				RW					
				UT					
				CN	STP2	7,600,000			
Project Cost:						7,600,000	0	0	0
Boyle	80300	HWY-1805	Widen the Goggin Ln from MP 0 to MP 2.712 to create a road shoulder that would improve safety	PL					
				DN					
				RW	SPP	5,100,000			
				UT	SPP	3,450,000			
				CN	SPP			15,850,000	
Project Cost:						8,550,000	0	15,850,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Boyle	80301	KY-52	PLANNING STUDY TO EVALUATE OPTIONS FOR IMPROVING SAFETY ON KY 52 BETWEEN DANVILLE AND LANCASTER.	PL					
				DN					
				RW	SPP	5,750,000			
				UT	SPP		1,000,000		
				CN	SPP			9,500,000	
				Project Cost:		<u>5,750,000</u>	<u>1,000,000</u>	<u>9,500,000</u>	<u>0</u>
Boyle	80302	KY-34	Improve roadway geometry to promote safety on KY 34 from Lexington Avenue to Old Bridge Road in Boyle County.	PL					
				DN					
				RW	SPP	6,600,000			
				UT	SPP			3,000,000	
				CN	SPP				13,700,000
				Project Cost:		<u>6,600,000</u>	<u>0</u>	<u>3,000,000</u>	<u>13,700,000</u>
Boyle	80354	US-68	Improve the existing geometry and typical section of US 68 from approx. MP 5.2 to MP 6.39 at the intersection of 2nd Street in Perryville	PL					
				DN					
				RW	SPP	1,250,000			
				UT	SPP	2,000,000			
				CN	SPP		6,500,000		
				Project Cost:		<u>3,250,000</u>	<u>6,500,000</u>	<u>0</u>	<u>0</u>
Total for Boyle county				PL					
				DN					
				RW		19,230,000			
				UT		5,710,000	1,000,000	3,000,000	
				CN		7,600,000	7,250,000	25,350,000	13,700,000
				Total Amounts:		<u>32,540,000</u>	<u>8,250,000</u>	<u>28,350,000</u>	<u>13,700,000</u>
Bracken	355.2200	KY-8	OPERATION OF AUGUSTA FERRY FOR FY 2025 THROUGH FY 2030.(12CCR) (14CCR) (2020CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	283,920	283,920	283,920	283,920
				Project Cost:		<u>283,920</u>	<u>283,920</u>	<u>283,920</u>	<u>283,920</u>

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Bracken	80103	KY-8	RECONSTRUCT KY 8 FROM WRANGLING RUN RD TO OLD KY 19. (2020CCN) (2022CCR)	PL					
				DN	SPP	3,000,000			
				RW	SPP		4,862,000		
				UT	SPP		2,925,000		
				CN	SPP			31,633,000	
				Project Cost:		3,000,000	7,787,000	31,633,000	0
Total for Bracken county				PL					
				DN		3,000,000			
				RW			4,862,000		
				UT			2,925,000		
				CN		283,920	283,920	31,916,920	283,920
				Total Amounts:		3,283,920	8,070,920	31,916,920	283,920
Breathitt	375	KY-205	IMPROVE KY-205 FROM NORTH OF KY-1812 TO SOUTH OF PEGGS FORK RD. (2020CCR)	PL					
				DN					
				RW					
				UT	STPF	2,190,000			
				CN	STPF			11,540,000	
				Project Cost:		2,190,000	0	11,540,000	0
Breathitt	5014	KY-15	ROCKFALL MITIGATION ON KY 15 FROM 0.593 MILE NORTH OF BEAVERLY ROAD (MP 13.750) TO KY 1098/KY 1813 (MP 14.644). (2018BOP)	PL					
				DN					
				RW					
				UT					
				CN	PROT	17,300,000			
				Project Cost:		17,300,000	0	0	0
Total for Breathitt county				PL					
				DN					
				RW					
				UT		2,190,000			
				CN		17,300,000		11,540,000	
				Total Amounts:		19,490,000	0	11,540,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Breckinridge	159	KY-86	REALIGN KY 86 FROM JESSIE PRIEST ROAD TO EAST OF ROSETTA CORNERS. (2020CCR)	PL DN RW UT CN	SPP	3,000,000			
Project Cost:						3,000,000	0	0	0
Breckinridge	8702	KY-79	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ON KY 79 FROM KY 477 TO KY 144 (12CCN)(14CCR)(18CCN)(2020 CCR) (COMBINED W/ 4-8703) (2022CCR)	PL DN RW UT CN	SPP SPP	1,000,000	7,500,000		
Project Cost:						1,000,000	7,500,000	0	0
Breckinridge	8904	KY-992	MINOR WIDENING OF KY 992 BETWEEN ROCK QUARRY AND US 60. (16CCN) (18CCN)	PL DN RW UT CN	STP2 STP2 SPP	100,000	250,000	1,000,000	
Project Cost:						100,000	250,000	1,000,000	0
Breckinridge	80300	KY-79	ADDRESS SAFETY, GEOMETRIC DEFICIENCIES AND MAINTENANCE ISSUES ALONG KY 79 FROM MCCOY-ROFF ROAD TO 600' N OF SAND ROCK PASS ROAD.	PL DN RW UT CN	SPP SPP	1,200,000 9,600,000			
Project Cost:						10,800,000	0	0	0
Total for Breckinridge county				PL DN RW UT CN		100,000 2,200,000 12,600,000	250,000 7,500,000	1,000,000	
Total Amounts:						14,900,000	7,750,000	1,000,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Bullitt	43	KY-44	RECONSTRUCT KY 44 FROM KY 1319 KINGS CHURCH HIGHWAY TO SPENCER COUNTY LINE (2020CCN)	PL DN RW UT CN	SPP SPP	850,000	5,350,000		
Project Cost:						850,000	5,350,000	0	0
Bullitt	150.0200	KY-44	RECONSTRUCT KY 44 FROM I 65 TO CHIMNEY ROCK DRIVE (MILEPOINT 13.1 TO MILEPOINT 15.1). (2022CCN)	PL DN RW UT CN	SPP SPP SPP	7,640,000 9,790,000		19,430,000	
Project Cost:						17,430,000	0	19,430,000	0
Bullitt	150.5000	KY-44	SECTION 5 FROM US 31EX TO US 31E BYPASS (2008BOPC) (2022CCN)	PL DN RW UT CN	SPP	1,000,000			
Project Cost:						1,000,000	0	0	0
Bullitt	347.5000	KY-44	MT. WASHINGTON-TAYLORSVILLE RD; RECONSTRUCT KY 44 FROM US31E BYPASS TO KY 1319 KINGS CHURCH HIGHWAY (2020CCN) (2022CCR)	PL DN RW UT CN	SPP	13,200,000			
Project Cost:						13,200,000	0	0	0
Bullitt	8307.2000	KY-245	WIDEN KY-245 FROM FLAGET HOSPITAL (MP 7.722) THROUGH COUNTY LINE (MP12.261 NELSON/MP0.000 BULLITT) TO HAPPY HOLLOW RD (MP 4.425). (2022CCN)	PL DN RW UT CN	SPP SPP	8,500,000	62,000,000		
Project Cost:						8,500,000	62,000,000	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Bullitt	20036	KY-480	ADDRESS CONDITION OF KY-480 FROM MILEPOINT 2.831 TO MILEPOINT 5.14	PL					
				DN	NHPM			150,000	
				RW					
				UT					
				CN	NHPM			2,850,000	
				Project Cost:		0	0	3,000,000	0
Bullitt	22067	I -65	ADDRESS CONDITION OF I-065 FROM MILEPOINT 110.7 TO MILEPOINT 118.58	PL					
				DN	NHPM		7,801,200		
				RW					
				UT					
				CN	NHPM		70,210,800		
				Project Cost:		0	78,012,000	0	0
Bullitt	22068	I -65	ADDRESS CONDITION OF I-065 FROM MILEPOINT 118.58 TO MILEPOINT 123.18	PL					
				DN	NHPM			5,200,000	
				RW					
				UT					
				CN	NHPM			46,800,000	
				Project Cost:		0	0	52,000,000	0
Bullitt	80101	KY-1450	IMPROVE SAFETY AND REDUCE CONGESTION ON KY 1450 (BLUE LICK RD.) BETWEEN THE INTERSECTIONS WITH KY 1526 (JOHN HARPER HIGHWAY) AND CR 1512A (JEFFIE LANE) (2020CCN)	PL					
				DN					
				RW					
				UT	SPP	2,490,000			
				CN	SPP		4,660,000		
				Project Cost:		2,490,000	4,660,000	0	0
Bullitt	80103	KY-44	RECONSTRUCT KY 44 FROM BOGARD LANE TO ARMSTRONG LANE (2020CCN) (2022CCR)	PL					
				DN					
				RW	SPP	4,700,000			
				UT	SPP	6,600,000			
				CN	SPP			14,600,000	
				Project Cost:		11,300,000	0	14,600,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Bullitt	80320	KY-44	WIDEN KY-44E FOR SAFETY IMPROVEMENTS, CONGESTION RELIEF AND ECONOMIC GROWTH WITH ADDITIONAL LANES BETWEEN MP 23.14 TO MP 25.44.	PL					
				DN					
				RW					
				UT	SPP	1,000,000			
				CN	SPP	13,200,000			
			Project Cost:			14,200,000	0	0	0
Bullitt	80338	KY-44	RAISE THE ROADWAY BY 4 FEET, WIDEN IT FROM 2 TO 3 LANES (ADDING A TWO-WAY LEFT TURN), AND REPLACING BRIDGE ID #015B00020N	PL					
				DN					
				RW	SPP	2,406,000			
				UT	SPP	776,000			
				CN	SPP		6,580,000		
			Project Cost:			3,182,000	6,580,000	0	0
Bullitt	80354	US-31	Improve traffic operations and improve safety along US 31E (Louisville-Bardstown Rd) from the Bullitt/Nelson Count Line to KY 44. Consider a 2+1 configuration and/or	PL					
				DN					
				RW	NH		880,000		
				UT	NH		860,000		
				CN	NH			15,150,000	
			Project Cost:			0	1,740,000	15,150,000	0
Bullitt	80357	KY-61	Improve safety and reduce congestion on KY 61 from KY 245 to Plaza Park Blvd in Lebanon Junction. Project will evaluate widening from 2 to 4 travel lanes and consider other lower impact alternatives.	PL					
				DN	SPP	8,050,000			
				RW	SPP		3,810,000		
				UT	SPP			4,900,000	
				CN	SPP				23,265,000
			Project Cost:			8,050,000	3,810,000	4,900,000	23,265,000
Total for Bullitt county				PL					
				DN		8,050,000	7,801,200	5,350,000	
				RW		14,746,000	4,690,000		
				UT		30,006,000	860,000	4,900,000	
				CN		27,400,000	148,800,800	98,830,000	23,265,000
			Total Amounts:			80,202,000	162,152,000	109,080,000	23,265,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Butler	125.1500	KY-269	OPERATION OF REED'S FERRY AT LOGANSPORT FOR FY 2025 THROUGH FY 2030.(12CCR) (2020CCR)	PL DN RW UT CN	SPP	165,633	165,633	165,633	165,333
			Project Cost:			<u>165,633</u>	<u>165,633</u>	<u>165,633</u>	<u>165,333</u>
Butler	8504.1000	KY-369	OPERATION OF THE ROCHESTER FERRY BY THE BUTLER AND OHIO COUNTY FERRY AUTHORITY FOR FY 2025-2030. (12CCR) (2020CCR)	PL DN RW UT CN	SPP	165,633	165,633	165,633	165,633
			Project Cost:			<u>165,633</u>	<u>165,633</u>	<u>165,633</u>	<u>165,633</u>
Butler	10031	US-231	BRIDGE PROJECT IN BUTLER COUNTY ON (016B00002N) US-231 AT W FK INDIAN CAMP CREEK	PL DN RW UT CN	FBP				623,738
			Project Cost:			<u>0</u>	<u>0</u>	<u>0</u>	<u>623,738</u>
Butler	10032	US-231	BRIDGE PROJECT IN BUTLER COUNTY ON (016B00012N) US-231 AT RENFROW CREEK	PL DN RW UT CN	BRX BRX				79,200 528,000
			Project Cost:			<u>0</u>	<u>0</u>	<u>0</u>	<u>607,200</u>
Butler	10033	KY-70	BRIDGE PROJECT IN BUTLER COUNTY ON (016B00016N) KY-70 AT MUDDY CREEK	PL DN RW UT CN	BRZ BRZ				619,641 4,130,940
			Project Cost:			<u>0</u>	<u>0</u>	<u>0</u>	<u>4,750,581</u>

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Butler	10054	KY-340	ADDRESS DEFICIENCIES OF BRIDGE ON KY 340 OVER E PRONG INDIAN CAMP CREE (016B00042N)	PL DN RW UT CN	BRZ				101,376
Project Cost:						0	0	0	101,376
Total for Butler county				PL DN RW UT CN					1,423,955
Total Amounts:						331,266	331,266	331,266	4,989,906
Total Amounts:						331,266	331,266	331,266	6,413,861
Caldwell	187.6000	US-641	RELOCATE US-641 FROM SOUTH OF THE LYON/CALDWELL COUNTY LINE TO FREDONIA, 4.5 MILES. (2020CCN) (2022CCR)	PL DN RW UT CN	SPP	8,000,000	13,920,000		
Project Cost:						8,000,000	13,920,000	0	0
Caldwell	10062	I -69	BRIDGE PROJECT IN CALDWELL COUNTY ON (017B00033L) I-69 AT TRADEWATER RIVER	PL DN RW UT CN	BRO BRO			618,361	
Project Cost:						0	0	4,122,405	0
Project Cost:						0	0	4,740,766	0
Caldwell	10063	KY-293	BRIDGE PROJECT IN CALDWELL COUNTY ON (017B00050N) KY-293 AT DONALDSON CREEK	PL DN RW UT CN	FBP				952,250
Project Cost:						0	0	0	952,250

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Caldwell	10064	CR-1011	BRIDGE PROJECT IN CALDWELL COUNTY ON (017B00060N) LEWISTOWN CHURCH R AT I-69	PL DN RW UT CN	FBP				262,829
Project Cost:						0	0	0	262,829
Caldwell	20062	I -24	ADDRESS CONDITION OF I-024 NON-CARDINAL DIRECTION FROM MILEPOINT 54.842 TO MILEPOINT 55.537	PL DN RW UT CN	NHPM	1,000,000			
Project Cost:						1,000,000	0	0	0
Caldwell	22079	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 73.694 TO MILEPOINT 77.994	PL DN RW UT CN	NHPM	1,847,627			
Project Cost:						16,628,639	0	0	0
Caldwell	22080	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 77.994 TO MILEPOINT 79.35	PL DN RW UT CN	NHPM	128,409			
Project Cost:						1,155,685	0	0	0
Caldwell	22081	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 79.35 TO MILEPOINT 82.934	PL DN RW UT CN	STP3				352,122
Project Cost:						0	0	0	3,169,099
Project Cost:						0	0	0	3,521,221

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Caldwell	22082	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 86.344 TO MILEPOINT 89.848	PL					
				DN	STP4			331,819	
				RW					
				UT					
				CN	STP4			2,986,371	
				Project Cost:		0	0	3,318,190	0
Caldwell	80304	CS-1006	RECONSTRUCT CS 1006 (JEFF WATSON RD) FROM KY 91 TO KY 2617.	PL					
				DN					
				RW	SPP	860,000			
				UT	SPP	1,680,000			
				CN	SPP		3,330,000		
				Project Cost:		2,540,000	3,330,000	0	0
Caldwell	80307	US-62	ADDRESS TRAFFIC CONTROL AT THE INTERSECTION OF KY2617 AND US62 WEST TO IMPROVE TURN MOVEMENTS FROM KY 2617.	PL					
				DN					
				RW	NH	500,000			
				UT	NH	400,000			
				CN	NH		2,000,000		
				Project Cost:		900,000	2,000,000	0	0
Caldwell	80308	KY-91	EXTEND 3 LANE SECTION OF KY 91 (MARION ROAD) FROM MP 12.9 TO BECKNER LANE (MP 13.4)	PL					
				DN					
				RW					
				UT					
				CN	SPP	2,000,000			
				Project Cost:		2,000,000	0	0	0
Total for Caldwell county				PL					
				DN		1,976,036		950,180	1,567,201
				RW		1,360,000			
				UT		2,080,000			
				CN		28,784,324	19,250,000	7,108,776	3,169,099
				Total Amounts:		34,200,360	19,250,000	8,058,956	4,736,300

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	
Calloway	8952	CS-1047, KY-748	IMPROVE N 16TH STREET FROM KY 1327 (5 POINTS) TO KY 121 (2020CCN)	PL DN RW UT CN	SPP		5,400,000			
Project Cost:						0	5,400,000	0	0	
Calloway	10102	KY-1346	BRIDGE PROJECT IN CALLOWAY COUNTY ON (018B00066N) KY-1346 AT BRANCH OF JONATHAN CREEK	PL DN RW UT CN	FBP				190,000	
Project Cost:						0	0	0	190,000	
Calloway	10103	KY-893	BRIDGE PROJECT IN CALLOWAY COUNTY ON (018B00079N) KY-893 AT BRANCH OF MCCULLOUGH CRE	PL DN RW UT CN	BRZ BRZ			139,829		
Project Cost:						0	0	932,190	1,072,019	0
Calloway	80200	CS-1047	Address congestion, geometric deficiencies, and access issues from KY121 to Utterback Road in Murray. (2022CCN)	PL DN RW UT CN	STP	3,500,000				
Project Cost:						3,500,000	0	0	0	
Total for Calloway county				PL DN RW UT CN				139,829	190,000	
Total Amounts:						3,500,000	5,400,000	932,190	1,072,019	190,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Campbell	23	I-471	ADD LANE ON RAMP FROM EASTBOUND I-275 TO NORTHBOUND I-471.	PL DN RW UT CN	NH	2,000,000		10,000,000	
Project Cost:						2,000,000	0	10,000,000	0
Campbell	352	PF-9999	EXTEND PROPOSED POND CREEK ROAD FROM US-27 TO AA HIGHWAY VIA PORTION OF KY 10/KY 1997 CORRIDOR (NEW KY-536)(04CCN)(12CCR)(14CCR) (2020CCN) (2022CCR)	PL DN RW UT CN	SPP	12,000,000 10,000,000	52,500,000		
Project Cost:						22,000,000	52,500,000	0	0
Campbell	1086	KY-8	REPLACE 4TH STREET BRIDGE OVER THE LICKING RIVER BETWEEN COVINGTON AND NEWPORT; (PROJECT COSTS ARE STILL BEING REFINED) BRIDGE NUMBER 059B00037N	PL DN RW UT CN	BRO	30,000,000	35,000,000		
Project Cost:						30,000,000	35,000,000	0	0
Campbell	8104	I-471, KY-8	CONSTRUCT NEW I-471 SOUTHBOUND OFF-RAMP AT KY-8 (SEE ALSO 6-183.00). (02CCN)(06CCN) (2020CCN)	PL DN RW UT CN	SPP	5,000,000 1,000,000		30,000,000	
Project Cost:						6,000,000	0	30,000,000	0
Campbell	10035	I-471	BRIDGE PROJECT IN CAMPBELL COUNTY ON (019B00039L) I-471 NC AT OHIO RIVER	PL DN RW UT CN	BRO				15,000,000
Project Cost:						0	0	0	15,000,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Campbell	10036	I-471	BRIDGE PROJECT IN CAMPBELL COUNTY ON (019B00039R) I-471 AT OHIO RIVER	PL DN RW UT CN	BRO				15,000,000
				Project Cost:		0	0	0	15,000,000
Campbell	20010	I-275	ADDRESS CONDITION OF I-275 FROM MILEPOINT 73.061 TO MILEPOINT 77.579	PL DN RW UT CN	NHPM NHPM				1,302,349 11,721,144
				Project Cost:		0	0	0	13,023,493
Campbell	20017	US-27	ADDRESS CONDITION OF US-27 FROM MILEPOINT 8.83 TO MILEPOINT 10.52	PL DN RW UT CN	STP5 STP5				40,000 760,000
				Project Cost:		0	0	0	800,000
Campbell	80311	KY-9	IMPROVE SAFETY AND REDUCE CONGESTION AT THE I-275 INTERCHANGE WITH KY-9 (AA HWY.)	PL DN RW UT CN	SPP SPP SPP SPP	5,000,000	500,000 2,000,000	50,000,000	
				Project Cost:		5,000,000	2,500,000	50,000,000	0
Campbell	80313	PF-9999	Construct a roundabout at the intersection of KY 1892 (Grand Ave) and Highland Ave	PL DN RW UT CN	SPP SPP SPP	2,000,000 1,000,000	2,500,000		
				Project Cost:		3,000,000	2,500,000	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Campbell	80314	US-27	IMPROVE CONDITIONS BY CONSTRUCTING A SOUTHBOUND TRUCK CLIMBING LANE NORTH OF KY 709, AND RECONSTRUCT THE INTERSECTION OF KY 709 AND US 27 TO ALLOW FOR	PL DN RW UT CN	STPF STPF STPF	1,500,000 750,000	7,750,000		
Project Cost:						2,250,000	7,750,000	0	0
Total for Campbell county				PL DN RW UT CN		7,000,000 20,500,000 12,750,000 30,000,000	500,000 2,000,000 97,750,000	90,000,000	1,342,349 42,481,144
Total Amounts:						70,250,000	100,250,000	90,000,000	43,823,493
Carlisle	10107	KY-80	BRIDGE PROJECT IN CARLISLE COUNTY ON (020B00068N) KY-80 AT LONGGEAR CREEK	PL DN RW UT CN	BRX BRX		88,704 591,360		
Project Cost:						0	680,064	0	0
Carlisle	80302	US-62	CORRECT SUBSTANDARD ROADWAY GEOMETRICS ON US-62 FROM KY 1181 TO KY 408 TO ADDRESS ACCESS ISSUES, SAFETY CONCERNS, FLOOD PRONE AREA, AND REGIONAL	PL DN RW UT CN	NH NH	1,000,000	6,000,000		
Project Cost:						1,000,000	6,000,000	0	0
Carlisle	80303	US-62	IMPROVE SAFETY, MOBILITY, CONNECTIVITY, AND ADDRESS GEOMETRIC DEFICIENCIES ALONG US-62 BETWEEN HOBBS ROAD/BOSWELL ROAD TO KY 307.	PL DN RW UT CN	NH NH NH	400,000 300,000	2,500,000		
Project Cost:						700,000	2,500,000	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Carlisle	80309	US-51	CORRECT ROADWAY GEOMETRICS AND IMPROVE SAFETY, ACCESS AND REGIONAL CONNECTIVITY FROM HICKMAN COUNTY LINE TO KY 1377 SOUTH OF BARDWELL.	PL DN RW UT CN	NH NH NH		2,750,000 4,480,000		27,840,000
			Project Cost:			0	7,230,000	0	27,840,000
Carlisle	80323	US-51	CORRECT SUBSTANDARD ROADWAY GEOMETRICS, TO IMPROVE TRAFFIC FLOW, SAFETY AND ACCESS MANAGEMENT ISSUES FROM KY 1377 TO TRUMAN CREEK BRIDGE IN BARDWELL.	PL DN RW UT CN	NH NH NH NH	1,000,000	3,000,000 3,000,000		7,000,000
			Project Cost:			1,000,000	6,000,000	0	7,000,000
Carlisle	80331	US-62	IMPROVE INTERSECTION WITH US 62 AND KY 1628 / PALESTINE RD (CR 1024).	PL DN RW UT CN	NH NH NH NH	500,000	700,000	135,000	900,000
			Project Cost:			500,000	700,000	135,000	900,000
Total for Carlisle county				PL DN RW UT CN		1,500,000 400,000 1,300,000	88,704 6,450,000 7,480,000	135,000	35,740,000
			Total Amounts:			3,200,000	23,110,064	135,000	35,740,000
Carroll	1084	US-42	BRIDGE PROJECT IN CARROLL COUNTY ON (021B00043N) US-42 AT KENTUCKY RIVER & CITY ST	PL DN RW UT CN	BRX	23,620,000			
			Project Cost:			23,620,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Carroll	20020	I-71	ADDRESS CONDITION OF I-071 FROM MILEPOINT 46.1205 TO MILEPOINT 53.433	PL DN RW UT CN	NHPM	18,000,000			
Project Cost:						18,000,000	0	0	0
Carroll	20050	KY-467	ADDRESS CONDITION OF KY-467 FROM MILEPOINT 0 TO MILEPOINT 4.52	PL DN RW UT CN	STP4 STP4				18,250 346,750
Project Cost:						0	0	0	365,000
Carroll	22101	I-71	ADDRESS CONDITION OF I-071 FROM MILEPOINT 38.808 TO MILEPOINT 46.1205	PL DN RW UT CN	NHPM	21,240,000			
Project Cost:						21,240,000	0	0	0
Carroll	80219	KY-36	Improve safety and mobility and address geometric deficiencies at the intersection of KY 36 & KY 1492 (Locust Road). (2022CCN)	PL DN RW UT CN	SPP SPP SPP	422,000 263,000	3,948,000		
Project Cost:						685,000	3,948,000	0	0
Carroll	80301	US-42	IMPROVE SAFETY AND MOBILITY AND ADDRESS GEOMETRIC DEFICIENCIES ALONG US 42 FROM THE WESTERN CITY LIMIT OF GHENT TO THE GALLATIN COUNTY LINE.	PL DN RW UT CN	STP1 STP1 STP1 STP1	2,160,000	5,400,000	930,000	25,200,000
Project Cost:						2,160,000	5,400,000	930,000	25,200,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Carroll	80302	KY-55	IMPROVE SAFETY AND MOBILITY AND ADDRESS GEOMETRIC DEFICIENCIES ALONG KY 55 FROM KY 389 TO US 42.	PL					
				DN	SPP	3,320,000			
				RW	SPP		3,130,000		
				UT	SPP			1,800,000	
				CN	SPP				51,200,000
				Project Cost:		<u>3,320,000</u>	<u>3,130,000</u>	<u>1,800,000</u>	<u>51,200,000</u>
Total for Carroll county				PL					
				DN		5,480,000			18,250
				RW		422,000	8,530,000		
				UT		263,000		2,730,000	
				CN		<u>62,860,000</u>	<u>3,948,000</u>		<u>76,746,750</u>
				Total Amounts:		<u>69,025,000</u>	<u>12,478,000</u>	<u>2,730,000</u>	<u>76,765,000</u>
Carter	8401	US-60	RECONSTRUCT US-60 FROM WEST OF GLENWOOD HOLLOW ROAD TO EAST OF KY-3296. THE PROJECT SHALL INCLUDE 12' LANES, WIDE PAVED SHOULDERS, UNOBSTRUCTED CLEAR ZONES,	PL					
				DN					
				RW	SPP	1,500,000			
				UT	SPP	3,500,000			
				CN	SPP		18,000,000		
				Project Cost:		<u>5,000,000</u>	<u>18,000,000</u>	<u>0</u>	<u>0</u>
Carter	9021	US-60	CONSTRUCT TURN LANES AND SAFETY FEATURES AT PROPOSED NEW HIGH SCHOOL AND CAREER TECHNOLOGY CENTER.	PL					
				DN					
				RW					
				UT					
				CN	SPP	1,000,000			
				Project Cost:		<u>1,000,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Carter	10079	KY-174	BRIDGE PROJECT IN CARTER COUNTY ON (022B00033N) KY-174 AT TYGARTS CREEK	PL					
				DN	BRX				241,200
				RW					
				UT					
				CN	BRX				1,607,994
				Project Cost:		<u>0</u>	<u>0</u>	<u>0</u>	<u>1,849,194</u>

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Carter	10081	CR-1464	BRIDGE PROJECT IN CARTER COUNTY ON (022C00044N) SMOKY CREEK RD OVER SMOKEY CREEK	PL DN RW UT CN	FBP2 FBP2		81,312 542,080		
Project Cost:						0	623,392	0	0
Carter	22051	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 148.665 TO MILEPOINT 150.16	PL DN RW UT CN	NHPM	4,169,705			
Project Cost:						4,169,705	0	0	0
Carter	22052	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 150.16 TO MILEPOINT 154.26	PL DN RW UT CN	NHPM	4,224,046			
Project Cost:						4,224,046	0	0	0
Carter	22055	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 171.72 TO MILEPOINT 180.812	PL DN RW UT CN	NHPM NHPM			860,987 7,748,883	
Project Cost:						0	0	8,609,870	0
Carter	80050	US-60	IMPROVE US-60 GEOMETRY BEGINNING TERMINI AT NEW CONSTRUCTION AT OLIVE HILL MP 12.4 EXTENDING 1.1 MILES TO I-64 EXIT 161.(18CCN) (2022CCR)	PL DN RW UT CN	SPP SPP	1,500,000	9,000,000		
Project Cost:						1,500,000	9,000,000	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Carter	80200	KY-1025	Geometric improvements on KY 1025 from US 60 (MP 0.0),East of Olive Hill extending North 0.30 miles providing access to West Carter Middle and High Schools and facilities. Project will include bike/ped	PL DN RW UT CN	SPP	2,470,000			
			Project Cost:			2,470,000	0	0	0
Carter	80304	KY-1	Improve connectivity in Grayson between KY 1 (Carol Malone Blvd) and KY 3297 (Midland Trail).	PL DN RW UT CN	SPP SPP SPP	5,200,000 3,720,000	6,200,000		
			Project Cost:			8,920,000	6,200,000	0	0
Carter	80305	KY-174	Curve correction on KY 174 to improve horizontal alignment which will include a bridge replacement.	PL DN RW UT CN	SPP SPP SPP	520,000 500,000	8,680,000		
			Project Cost:			1,020,000	8,680,000	0	0
Total for Carter county				PL DN RW UT CN			81,312	860,987	241,200
						7,220,000 9,220,000 11,863,751	42,422,080	7,748,883	1,607,994
				Total Amounts:		28,303,751	42,503,392	8,609,870	1,849,194
Casey	164	PF-9999, US-127	IMPROVE SAFETY AND GEOMETRIC DEFICIENCIES ALONG US 127 AT DUNNVILLE (2022CCN)	PL DN RW UT CN	SPP	11,200,000			
			Project Cost:			11,200,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Casey	8701	KY-70	NEW ALIGNMENT ON KY-70 FROM MP 16.8 TO 19 (12CCN) (2022CCN)	PL DN RW UT CN	SPP		18,180,000		
Project Cost:						0	18,180,000	0	0
Casey	8703	KY-70	RECONSTRUCT BELL HILL FROM MP 10.4 TO MP 11.9.(12CCN)(16CCR)(18CCN) (2020CCR)	PL DN RW UT CN	SPP	500,000			
Project Cost:						9,500,000	0	0	0
Casey	8704	KY-49	RECONSTRUCT BRUSH CREEK HILL FROM MP 1.8 TO MP 2.8.(12CCN)(16CCR) (18CCN) (2020CCR) (2022CCR)	PL DN RW UT CN	SPP	4,000,000			
Project Cost:						4,000,000	0	0	0
Casey	10048	KY-910	BRIDGE PROJECT IN CASEY COUNTY ON (023B00084N) KY-910 AT BRANCH- DRY FORK	PL DN RW UT CN	BRX			58,080	
Project Cost:						0	0	58,080	0
Casey	10049	CR-1317	BRIDGE PROJECT IN CASEY COUNTY ON (023C00040N) CASEY CREEK RD AT BR OF CASEY CREEK	PL DN RW UT CN	FBP		101,772		
Project Cost:						0	101,772	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Casey	80150	US-127	ADD LANES (TWO PLUS ONE) TO US 127 FROM LIBERTY TO THE LINCOLN CO LINE (2020CCN)	PL					
				DN					
				RW					
				UT	NH	8,000,000			
				CN	NH				10,000,000
				Project Cost:		<u>8,000,000</u>	<u>0</u>	<u>0</u>	<u>10,000,000</u>
Total for Casey county				PL					
				DN			101,772	58,080	
				RW					
				UT		8,500,000			
				CN		<u>24,200,000</u>	<u>18,180,000</u>		<u>10,000,000</u>
				Total Amounts:		<u>32,700,000</u>	<u>18,281,772</u>	<u>58,080</u>	<u>10,000,000</u>
Christian	10	I-24	Reconstruct the I-24/KY 115 interchange (Exit 89) near Oak Grove (2022BOP).	PL					
				DN					
				RW					
				UT					
				CN	NH	10,000,000	13,000,000		
				Project Cost:		<u>10,000,000</u>	<u>13,000,000</u>	<u>0</u>	<u>0</u>
Christian	136	PF-9999	EXTEND KY-1682 FROM THE E.T. BREATHTT PARKWAY TO US-68/KY-80 EAST OF HOPKINSVILLE (HOPKINSVILLE NORTHEAST BYPASS). (2020CCN) (2022CCR)	PL					
				DN					
				RW	SPP	4,700,000			
				UT	SPP		2,600,000		
				CN					
				Project Cost:		<u>4,700,000</u>	<u>2,600,000</u>	<u>0</u>	<u>0</u>
Christian	180.2000	KY-911	WIDEN KY 911 TO A 3 LANE FROM THE DEPARTMENT OF DEFENSE RAILROAD TO KY 115.(SECTION 2)(D,R,U UNDER 2-180) (2018BOP)	PL					
				DN					
				RW					
				UT					
				CN	SPP	4,000,000			
				Project Cost:		<u>4,000,000</u>	<u>0</u>	<u>0</u>	<u>0</u>

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Christian	227	KY-1007, PF-9999	RECONSTRUCT KY 1007 FROM US 68 TO KY 1682 IN HOPKINSVILLE. (INCLUDES 2-227.10)(2020CCR) (2022CCR)	PL DN RW UT CN	SPP SPP	4,000,000	9,307,920		
Project Cost:						4,000,000	9,307,920	0	0
Christian	381	PF-9999	CONSTRUCT NEW CONNECTOR FROM US 41 NEA THE INDUSTRIAL PARK TO KY 115 SOUTH OF PEMBROKE	PL DN RW UT CN	STP2	7,000,000			
Project Cost:						7,000,000	0	0	0
Christian	898	EB-9004	RECONSTRUCT THE BREATHITT PARKWAY INTERCHANGE AT KY 1682 NORTH OF HOPKINSVILLE USING DESIGN BUILD. (BREATHITT PARKWAY/FUTURE INTERSTATE SPUR PROJECT)(16CCR)	PL DN RW UT CN	NH	14,000,000			
Project Cost:						14,000,000	0	0	0
Christian	8703	KY-107	IMPROVE KY-107 FROM THE BYPASS TO KY-380.(12CCN)(14CCR) (2020CCR)	PL DN RW UT CN	SPP	1,340,000			
Project Cost:						1,340,000	0	0	0
Christian	8953	KY-115	IMPROVE AND WIDEN KY 115 FROM ANDERSON ROAD (MP 6.87) TO JUST SOUTH OF PEMBROKE (MP 9.625) (16CCN)(18CCN) (2022CCR)	PL DN RW UT CN	STP2	3,000,000			
Project Cost:						3,000,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Christian	8954	KY-115	IMPROVE AND WIDEN KY 115 FROM I-24 (MP 2.901) TO ANDERSON ROAD (MP 687). (16CCN) (2022CCR)	PL DN RW UT CN	SPP SPP	2,140,000	9,720,000		
			Project Cost:			<u>2,140,000</u>	<u>9,720,000</u>	<u>0</u>	<u>0</u>
Christian	10066	US-41	BRIDGE PROJECT IN CHRISTIAN COUNTY ON (024B00021N) US-41 AT CSX RAILROAD	PL DN RW UT CN	FBP				457,647
			Project Cost:			<u>0</u>	<u>0</u>	<u>0</u>	<u>457,647</u>
Christian	10067	KY-117	BRIDGE PROJECT IN CHRISTIAN COUNTY ON (024B00034N) KY-117 AT SINKING FORK CREEK	PL DN RW UT CN	FBP				588,062
			Project Cost:			<u>0</u>	<u>0</u>	<u>0</u>	<u>588,062</u>
Christian	10068	KY-107	BRIDGE PROJECT IN CHRISTIAN COUNTY ON (024B00041N) KY-107 AT DONALDSON CREEK	PL DN RW UT CN	BRX BRX		179,748		
			Project Cost:			<u>0</u>	<u>1,198,314</u>	<u>0</u>	<u>0</u>
Christian	10069	KY-109	BRIDGE PROJECT IN CHRISTIAN COUNTY ON (024B00058N) KY-109 AT MCKNIGHTS CREEK	PL DN RW UT CN	BRX BRX			174,915	
			Project Cost:			<u>0</u>	<u>0</u>	<u>1,166,100</u>	<u>0</u>
								<u>1,341,015</u>	

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Christian	10070	KY-1453	BRIDGE PROJECT IN CHRISTIAN COUNTY ON (024B00062N) KY-1453 AT MONTGOMERY CREEK	PL DN RW UT CN	BRX			201,194	
					BRX			1,341,288	
			Project Cost:			0	0	1,542,482	0
Christian	10074	KY-800	BRIDGE PROJECT IN CHRISTIAN COUNTY ON (024B00099N) KY-800 AT PENNYRILE PARKWAY	PL DN RW UT CN	FBP				921,942
			Project Cost:			0	0	0	921,942
Christian	20061	US-41	ADDRESS CONDITION OF US-41A FROM MILEPOINT 4 TO MILEPOINT 12.56	PL DN RW UT CN	STP3	5,000,000			
			Project Cost:			5,000,000	0	0	0
Christian	20063	I -24	ADDRESS CONDITION OF I-024 NON-CARDINAL DIRECTION FROM MILEPOINT 85.563 TO MILEPOINT 91.978	PL DN RW UT CN	NHPM	7,400,000			
			Project Cost:			7,400,000	0	0	0
Christian	22012	I -24	ADDRESS CONDITION OF I-024 FROM MILEPOINT 69.83 TO MILEPOINT 76.142 (75 NON-CARDINAL)	PL DN RW UT CN	NHPM			2,652,580	
			Project Cost:			0	0	23,873,220	0
						0	0	26,525,800	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Christian	22014	I-24	ADDRESS CONDITION OF I-024 NON-CARDINAL DIRECTION FROM MILEPOINT 75 TO MILEPOINT 85.563	PL DN RW UT CN	NHPM	348,579			
						3,137,211			
				Project Cost:		3,485,790	0	0	0
Christian	22320	US-41	ADDRESS CONDITION OF US-41 FROM MILEPOINT 9.2 TO MILEPOINT 11.39	PL DN RW UT CN	NHPM		750,000		
							14,250,000		
				Project Cost:		0	15,000,000	0	0
Christian	80250	KY-107	IMPROVE SAFETY AND MOBILITY BY WIDENING AND CORRECTING GEOMETRIC DEFICIENCIES ON KY 107 FROM MILEPOINT 14.6 TO MILEPOINT 15.6 AND PROVIDE LEFT AND RIGHT TURN LANES	PL DN RW UT CN	SPP	1,700,000			
				Project Cost:		1,700,000	0	0	0
Total for Christian county				PL DN RW UT CN		348,579 4,700,000 6,140,000 56,577,211	929,748 2,600,000 47,476,234	3,028,689 26,380,608	1,967,651
				Total Amounts:		67,765,790	51,005,982	29,409,297	1,967,651
Clark	8401	KY-1958	New Construction extending the East Winchester Bypass to KY 627 south of KY 1958.	PL DN RW UT CN	NH	5,750,000			
						10,000,000			
							44,350,000		
				Project Cost:		15,750,000	44,350,000	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Clark	8952	US-60	RECONSTRUCT US 60 FOR SAFETY IMPROVEMENTS FROM I-64 IN CLARK COUNTY (MP 14.210) TO 500 FEET WEST OF SEWELL SHOP ROAD (MP 17.032). (16CCN)(18CCN) (2022CCR)	PL DN RW UT CN	SPP SPP SPP	2,400,000 4,040,000	10,320,000		
Project Cost:						6,440,000	10,320,000	0	0
Clark	22041	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 101.7 TO MILEPOINT 104.26	PL DN RW UT CN	NHPM	2,000,000			
Project Cost:						2,000,000	0	0	0
Clark	22154	KY-9000	ADDRESS CONDITION OF Bert T. Combs Mountain Parkway FROM MILEPOINT 0 TO MILEPOINT 5.371	PL DN RW UT CN	NHPM NHPM	508,619 4,577,567			
Project Cost:						5,086,186	0	0	0
Clark	22155	KY-9000	ADDRESS CONDITION OF Bert T. Combs Mountain Parkway CARDINAL DIRECTION FROM MILEPOINT 5.371 TO MILEPOINT 10.227	PL DN RW UT CN	NHPM NHPM				836,283 7,526,547
Project Cost:						0	0	0	8,362,830
Clark	80151	US-60	MODERNIZE AND IMPROVE CAPACITY ON US 60 FROM KY 859 (HALEY RD) TO KY 1958 (BYPASS RD) IN CLARK COUNTY. (2020CCN) (2022CCR)	PL DN RW UT CN	NH NH NH	8,670,000 8,080,000		31,890,000	
Project Cost:						16,750,000	0	31,890,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Clark	80350	KY-1923	New construction of KY 1923 (Waterworks Road) between MP 4.2 and 5.0. This includes a new crossing over the West Fork of Lower Howard Creek	PL					
				DN					
				RW	SPP	350,000			
				UT	SPP	250,000			
				CN	SPP		6,100,000		
				Project Cost:		600,000	6,100,000	0	0
Clark	80359	CR-1205	Bridge Rehab/Replacement on Four Mile Road (CR 1205) at MP 2.15-2.16 over an Unnamed Tributary approx. 2.16 miles east along the KY River from the town of Ford (025C00028N)	PL					
				DN	FBP	100,000			
				RW					
				UT					
				CN	FBP		850,000		
				Project Cost:		100,000	850,000	0	0
Total for Clark county				PL					
				DN		608,619			836,283
				RW		17,170,000			
				UT		22,370,000			
				CN		6,577,567	61,620,000	31,890,000	7,526,547
				Total Amounts:		46,726,186	61,620,000	31,890,000	8,362,830
Clay	8911	HR-9006	UPGRADE ROUTE FROM SOMERSET TO HAZARD: 4 LANE FROM MANCHESTER TO CLAY/LESLIE LINE; MP 21.498 TO MP 35.929 (SEGMENT 8) (16CCN)(18CCN)	PL					
				DN					
				RW	NH		18,000,000		
				UT	NH			5,000,000	
				CN					
				Project Cost:		0	18,000,000	5,000,000	0
Clay	10176	US-421	BRIDGE PROJECT IN CLAY COUNTY ON (026B00012N) US-421 AT RICE BRANCH	PL					
				DN	BRX			81,547	
				RW					
				UT					
				CN	BRX			543,646	
				Project Cost:		0	0	625,193	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

839

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Clay	10178	KY-66	BRIDGE PROJECT IN CLAY COUNTY ON (026B00050N) KY-66 AT JACKS CREEK	PL DN RW UT CN	BRX			85,043	
								566,949	
				Project Cost:		0	0	651,992	0
Clay	10179	KY-2438	BRIDGE PROJECT IN CLAY COUNTY ON (026B00057N) KY-2438 AT GOOSE CREEK & WALK PATH	PL DN RW UT CN	FBP				889,859
				Project Cost:		0	0	0	889,859
Clay	10180	KY-1482	BRIDGE PROJECT IN CLAY COUNTY ON (026B00060N) KY-1482 AT LITTLE BULLSKIN CREEK	PL DN RW UT CN	BRX				91,740
				Project Cost:		0	0	0	91,740
Clay	10181	HR-9006	BRIDGE PROJECT IN CLAY COUNTY ON (026B00073N) HR-9006 AT CSX RR-HAM BR RD-GOOSE C	PL DN RW UT CN	BRX			709,020	
				Project Cost:		0	0	709,020	0
Clay	10183	KY-3478	BRIDGE PROJECT IN CLAY COUNTY ON (026B00102N) KY-3478 AT ROBINSON CREEK	PL DN RW UT CN	FBP2			132,273	
								881,820	
				Project Cost:		0	0	1,014,093	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Clay	10184	CR-1114	BRIDGE PROJECT IN CLAY COUNTY ON (026C00016N) FRANK BOWLING ROAD AT REDBIRD RIVER	PL DN RW UT CN	FBP2			118,800	
					FBP2			792,000	
			Project Cost:			0	0	910,800	0
Clay	10185	CR-1155	BRIDGE PROJECT IN CLAY COUNTY ON (026C00072N) CR-1155 AT MILL CREEK	PL DN RW UT CN	FBP2			50,000	
					FBP2			500,000	
			Project Cost:			0	0	550,000	0
Clay	10186	CR-1150	BRIDGE PROJECT IN CLAY COUNTY ON (026C00125N) CR-1150 AT RED BIRD	PL DN RW UT CN	FBP2		151,524		
					FBP2		1,010,160		
			Project Cost:			0	1,161,684	0	0
Clay	80251	US-421	CONSTRUCT NEW CONNECTOR ROAD BETWEEN US 421 AT MP 17.51 TO RAILROAD AVE. AT MP 0.1. THIS WILL REQUIRE APPROXIMATELY 300' OF NEW ROADWAY ALONG THE CONNECTOR, A	PL DN RW UT CN	SPP	2,000,000			
			Project Cost:			2,000,000	0	0	0
Clay	80253	KY-3472	IMPROVE GEOMETRIC ALIGNMENT FROM KY 3472 AT MP 1.7 CONTINUING PAST THE BERT. T. COMBS PARK TO THE INTERSECTION OF BEECH CREEK ROAD AND WHITE OAK ROAD.	PL DN RW UT CN	SPP	10,400,000			
			Project Cost:			10,400,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Clay	80254	CR-1004	IMPROVE GEOMETRIC ALIGNMENT FROM THE INTERSECTION OF BEECH CREEK ROAD AND WHITE OAK ROAD TO KY-11 AT MP 14.24. (APPROXIMATELY 4.0 MILES OF ROAD WAY TO IMPROVE)	PL DN RW UT CN	SPP	16,000,000			
Project Cost:						16,000,000	0	0	0
Total for Clay county				PL DN RW UT CN			151,524	1,176,683	981,599
Total Amounts:						28,400,000	1,010,160	3,284,415	981,599
Clinton	8600	US-127	RELOCATION OF US 127 FROM KY 90 INTERSECTION TO AARON RIDGE ROAD (MP 11.7 TO MP 16.315) (2022CCN)	PL DN RW UT CN	NH NH	3,250,000			
Project Cost:						3,250,000	39,670,000	0	0
Clinton	8601.3000	US-127	RELOCATION OF US-127 FROM EAST OF THE AARON RIDGE RD AND OLD US-127 INTERSECTION, EXTENDING NORTHERLY TO NORTH OF THE KY-3063 AND OLD US-127 INTERSECTION. (SEE 8-108 AND	PL DN RW UT CN	NH	31,000,000			
Project Cost:						31,000,000	0	0	0
Total for Clinton county				PL DN RW UT CN		3,250,000	39,670,000		
Total Amounts:						34,250,000	39,670,000	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Crittenden	326.1700	KY-91	OPERATION OF CAVE-IN-ROCK FERRY AT OHIO RIVER FOR FY 2025 THROUGH FY 2030 USING AUDITED COSTS AS THE BASIS.(12CCR) (2020CCR) (2022CCR)	PL DN RW UT CN	SPP	831,000	831,000	831,000	831,000
Project Cost:						<u>831,000</u>	<u>831,000</u>	<u>831,000</u>	<u>831,000</u>
Crittenden	80334	CS-1094	UPGRADE STREET TO ACCOMODATE TRUCK TRAFFIC, ADDRESS SAFETY CONCRENS, ADDRESS GEOMETRIC DEFICIENCIES, POSSIBLE BIKE AND PED PATH. THIS PROJECT WILL EXTEND FROM	PL DN RW UT CN	SPP		7,500,000		
Project Cost:						<u>0</u>	<u>7,500,000</u>	<u>0</u>	<u>0</u>
Total for Crittenden county				PL DN RW UT CN		<u>831,000</u>	<u>8,331,000</u>	<u>831,000</u>	<u>831,000</u>
Total Amounts:						<u>831,000</u>	<u>8,331,000</u>	<u>831,000</u>	<u>831,000</u>
Daviess	8300.2000	KY-54	IMPROVE KY-54 FROM BOLD FORBES WAY TO KY 1456 (THRUSTON-DERMONT RD). DESIGN UNDER PARENT 2-8300.00. (2018BOP) (2022CCN)	PL DN RW UT CN	SPP	4,400,000			
Project Cost:						<u>4,400,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Daviess	8300.4000	KY-54	IMPROVE KY-54 FROM COUNTRYSIDE DRIVE TO JACK HINTON RD. DESIGN UNDER PARENT 2-8300.00. (2018BOP) (2022CCR)	PL DN RW UT CN	SPP	11,900,000			
Project Cost:						<u>11,900,000</u>	<u>0</u>	<u>0</u>	<u>0</u>

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Daviess	8801	KY-1456	ADDRESS SUBSTANDARD ROADWAY GEOMETRICS AND SAFETY CONCERNS ON KY 1456 FROM KY 54 TO HAYDEN ROAD. MP 2.778 TO 4.714 (SEE 2-8709.00)(14CCN)(16CCR) (2022CCN)	PL DN RW UT CN	STP1 STP1	4,200,000			
Project Cost:						4,200,000	6,000,000	9,000,000	0
Daviess	8854	KY-3143	IMPROVE KY-3143 FROM KY-3335 TO KY 54. (14CCN) (2020CCR) (2022CCR)	PL DN RW UT CN	STP1	10,000,000			
Project Cost:						10,000,000	0	0	0
Daviess	10020	KY-2262	ADDRESS DEFICIENCIES WITH GLOVER CARY BRIDGE OVER OHIO RIVER. JOINT PROJECT WITH INDIANA. (030B00118N) (BSBP)	PL DN RW UT CN	BRO			4,800,000	
Project Cost:						0	0	4,800,000	0
Daviess	10082	KY-662	BRIDGE PROJECT IN DAVIESS COUNTY ON (030B00138N) KY-662 AT BLACKFORD CREEK	PL DN RW UT CN	BRZ BRZ				487,092 3,247,283
Project Cost:						0	0	0	3,734,375
Daviess	20017	KY-81	ADDRESS CONDITION OF KY-81 FROM MILEPOINT 11.89 TO MILEPOINT 13.32	PL DN RW UT CN	STP3 STP3		68,640		
Project Cost:						0	1,372,800	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Daviess	20019	KY-2155	ADDRESS CONDITION OF KY-2155 FROM MILEPOINT 0 TO MILEPOINT 1.99	PL DN RW UT CN	STP3				100,000 1,900,000
				Project Cost:		0	0	0	2,000,000
Daviess	20065	I -165	ADDRESS CONDITION OF I-165 CARDINAL DIRECTION FROM MILEPOINT 59.474 TO MILEPOINT 64.001	PL DN RW UT CN	NHPM				214,347 1,929,124
				Project Cost:		0	0	0	2,143,471
Daviess	20066	I -165	ADDRESS CONDITION OF I-165 CARDINAL DIRECTION FROM MILEPOINT 64.001 TO MILEPOINT 70.185	PL DN RW UT CN	STP3				286,393 2,577,534
				Project Cost:		0	0	0	2,863,927
Daviess	22137	I -165	ADDRESS CONDITION OF I-165 NON-CARDINAL DIRECTION FROM MILEPOINT 59.474 TO MILEPOINT 64.001	PL DN RW UT CN	NHPM				192,500 1,732,500
				Project Cost:		0	0	0	1,925,000
Daviess	22138	I -165	ADDRESS CONDITION OF I-165 NON-CARDINAL DIRECTION FROM MILEPOINT 64.001 TO MILEPOINT 70.185	PL DN RW UT CN	NHPM				264,000 2,376,000
				Project Cost:		0	0	0	2,640,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Daviess	22195	AU-9005	ADDRESS CONDITION OF Audubon Parkway FROM MILEPOINT 15.883 TO MILEPOINT 23.441	PL					
				DN	NHPM	1,399,445			
				RW					
				UT					
				CN	NHPM	12,595,009			
				Project Cost:		13,994,454	0	0	0
Daviess	80150	KY-144	ADDRESS SAFETY, CONGESTION, AND MOBILITY ISSUES ON KY 144 FROM MP 2.5 TO MP 3.75 INCLUDING 12 FOOT DRIVING LANES AND TURNING LANES WHERE NEEDED. (2020CCN) (2022CCR)	PL					
				DN	SPP	600,000			
				RW	SPP		1,400,000		
				UT	SPP			2,000,000	
				CN	SPP				4,000,000
				Project Cost:		600,000	1,400,000	2,000,000	4,000,000
Daviess	80301	KY-298	OLD HARTFORD RD - WIDEN TO IMPROVE TRAFFIC FLOW AND SAFETY. PROJECT BEGINS AT HARRIET LN (CR 1120H) AND ENDS AT BURLEW BLVD (KY 1432).	PL					
				DN					
				RW	SPP	2,190,000			
				UT	SPP	2,750,000			
				CN	SPP			11,760,000	
				Project Cost:		4,940,000	0	11,760,000	0
Daviess	80302	KY-2699	RECONSTRUCT GOETZ DR FROM SOUTHTOWN BLVD (KY 2121) TO FREDERICA ST (US 431). INSTALL TURN LANES AS NEEDED.	PL					
				DN					
				RW	SPP	600,000			
				UT	SPP	580,000			
				CN	SPP		3,250,000		
				Project Cost:		1,180,000	3,250,000	0	0
Daviess	80305	KY-2127	WIDEN KY 2127 FROM KELLER ROAD (CR 1301) TO KY 2121, INCLUDING 10' MULTIUSE PATH.	PL					
				DN					
				RW	SPP	280,000			
				UT	SPP	870,000			
				CN	SPP		7,020,000		
				Project Cost:		1,150,000	7,020,000	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Total for Daviess county				PL					
				DN		1,999,445	68,640		1,544,332
				RW		3,070,000	1,400,000		
				UT		8,400,000		2,000,000	
				CN		38,895,009	17,574,160	25,560,000	17,762,441
				Total Amounts:		52,364,454	19,042,800	27,560,000	19,306,773
Edmonson	7030.1000	KY-259, KY-70	RECONSTRUCT KY-70/KY-259 FROM 0.36 MILE NORTH GREEN RIVER BRIDGE AT BROWNSVILLE TO 0.42 MILE NORTH OF THE KY-70/KY-259 INTERSECTION. (06CCR)(2004BOPC)(12CCR)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	STP2	6,930,000			
				Project Cost:		6,930,000	0	0	0
Edmonson	7030.5000	KY-259	RECONSTRUCT KY-259 FROM 0.42 MILE NORTH OF THE KY-70 INTERSECTION TO NORTH OF THE KYROCK ELEMENTARY SCHOOL (PRIORITY SECTION) (2004BOPC) (2022CCN)	PL					
				DN					
				RW					
				UT	SPP	1,410,000			
				CN	SPP		26,772,000		
				Project Cost:		1,410,000	26,772,000	0	0
Edmonson	80317	KY-259	RECONSTRUCTION AND REALIGNMENT OF KY 259 FROM MP 12.096 TO 15.633/	PL					
				DN					
				RW	SPP	5,390,000			
				UT	SPP	2,410,000			
				CN	SPP				26,772,000
				Project Cost:		7,800,000	0	0	26,772,000
Edmonson	80323	KY-2326	RECONSTRUCT KY 2326 (OTTER GAP ROAD) FROM US 31W IN WARREN CO. TO NOAH BLEDSOE ROAD IN EDMONSON CO.	PL					
				DN					
				RW	SPP	1,500,000			
				UT	SPP		2,000,000		
				CN	SPP		6,000,000		
				Project Cost:		1,500,000	8,000,000	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Edmonson	80350	CR-1137	Reconstruction/Widening from KY 2326 to KY 101 (MP 0.0 - 2.455).	PL					
				DN					
				RW	SPP	1,250,000			
				UT	SPP	3,000,000			
				CN	SPP		6,000,000		
				Project Cost:		4,250,000	6,000,000	0	0
Edmonson	80351	CR-1139	Reconstruction/Widening from KY 743 to Noah Bledsoe Road (MP 0.0 - 1.254).	PL					
				DN					
				RW	SPP	650,000			
				UT	SPP	1,500,000			
				CN	SPP			350,000	
				Project Cost:		2,150,000	0	350,000	0
Total for Edmonson county				PL					
				DN					
				RW		8,790,000			
				UT		8,320,000	2,000,000		
				CN		6,930,000	38,772,000	350,000	26,772,000
				Total Amounts:		24,040,000	40,772,000	350,000	26,772,000
Elliott	192.0100	KY-32	IMPROVE KY-32 FROM WEST OF STEGALL COLD SPRING ROAD TO KY-7 NEAR NEWFOUNDLAND. (PRIORITY SECTION I)(06CCR) (08CCR) (10CCR) (12CCR)(14CCR)(16CCR)(18CCR)	PL					
				DN					
				RW					
				UT					
				CN	STP2	10,000,000	10,000,000	11,000,000	10,810,000
				Project Cost:		10,000,000	10,000,000	11,000,000	10,810,000
Elliott	192.0300	KY-32	RECONSTRUCT KY-32 FROM 0.408 MILES WEST OF STEGALL COLD SPRING ROAD TO KY-7 NEAR NEWFOUNDLAND. (PRIORITY SECTION I). (10CCR)(16CCN) (18CCN)	PL					
				DN					
				RW	STP2	4,000,000			
				UT	STP2	6,490,000			
				CN	STP2	69,350,000			
				Project Cost:		79,840,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Elliott	228.4000	KY-7	Reconstruct KY 7 from Sandy Hook to the Morgan County Line.	PL					
				DN					
				RW	SPP	8,000,000			
				UT	SPP	6,000,000			
				CN	STP2			70,000,000	
				Project Cost:		14,000,000	0	70,000,000	0
Elliott	8802	KY-32	KY-32 FROM 9.2 MILE MARKER TO 10.2 MILE MARKER WIDENING. (14CCN) (16CCR)(18CCN)(2020CCR) (2022CCR)	PL					
				DN					
				RW					
				UT					
				CN	STP2	10,000,000			
				Project Cost:		10,000,000	0	0	0
Elliott	10098	KY-755	ADDRESS DEFICIENCIES OF BRIDGE ON KY 755 OVER SOUTH RUIN CREEK (032B00030N)	PL					
				DN	BRZ				85,140
				RW					
				UT					
				CN	BRZ				567,600
				Project Cost:		0	0	0	652,740
Total for Elliott county				PL					
				DN					85,140
				RW		12,000,000			
				UT		12,490,000			
				CN		89,350,000	10,000,000	81,000,000	11,377,600
				Total Amounts:		113,840,000	10,000,000	81,000,000	11,462,740
Estill	205	KY-82	IMPROVE LEVEL OF SERVICE, SAFETY, AND CONNECTIVITY ON KY-82 FROM KY-89 IN ESTILL CO. TO NEW CONSTRUCTION LOCATED NORTH OF HUDSON MILL ROAD IN ESTILL COUNTY.	PL					
				DN					
				RW					
				UT	STP2	3,450,000			
				CN	STP2		19,550,000		
				Project Cost:		3,450,000	19,550,000	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Estill	206	KY-2459	IMPROVE SAFETY ON KY-2459 (CARHARTT AVE.) FROM KY-89 TO THE RAILROAD BRIDGE. (2020CCR)	PL DN RW UT CN	SPP	560,000			
Project Cost:						560,000	0	0	0
Estill	207	KY-89	IMPROVE GEOMETRICS ON KY-89 IN ESTILL COUNTY FROM KY-1886 TO THE ESTILL/CLARK COUNTY LINE. (2020CCR)	PL DN RW UT CN	STP2 STP2	3,020,000 2,320,000			
Project Cost:						5,340,000	0	0	0
Estill	80300	KY-52	Construct a walkway across the Kentucky River along KY 52 in Irvine.	PL DN RW UT CN	SPP	1,000,000			
Project Cost:						1,000,000	0	0	0
Total for Estill county				PL DN RW UT CN		3,020,000 6,330,000 1,000,000	19,550,000		
Total Amounts:						10,350,000	19,550,000	0	0
Fayette	122.2000	US-25	Lexington-Georgetown; Reconstruct/Widen US 25 from Spurr Road to Kearney Road. (Section 1)	PL DN RW UT CN	SPP SPP	3,945,313 12,750,000			
Project Cost:						16,695,313	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Fayette	227.1400	CO-0	DEDICATED FEDERAL-AID STP FUNDS EARMARKED FOR LEXINGTON URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2024 THROUGH FY 2030. (FUNDING SUBJECT TO FISCAL	PL DN RW UT CN	SLX	7,800,000	7,800,000	7,800,000	7,800,000
			Project Cost:			7,800,000	7,800,000	7,800,000	7,800,000
Fayette	357.1700	KY-169, PF-9999	OPERATION OF VALLEY VIEW FERRY AT KY RIVER FOR FY 2025 THROUGH FY 2030. (12CCR)(18CCR) (2020CCR)	PL DN RW UT CN	SPP	519,792	519,792	519,792	519,792
			Project Cost:			519,792	519,792	519,792	519,792
Fayette	412	US-27	REPLACE RJ CORMAN RAILROAD BRIDGE OVERPASS (MP 8.378), IMPROVE DRAINAGE AND TYPICAL SECTION ON US 27 (NORTH BROADWAY)(12CCR) (14CCR)(16CCR)(18CCN) (2020CCR)	PL DN RW UT CN	NH	10,000,000			
			Project Cost:			10,000,000	0	0	0
Fayette	438	KY-4	REDUCE CONGESTION ON KY-4 (NEW CIRCLE RD) FROM TRADE CENTER DR TO WOODHILL DR.	PL DN RW UT CN	NH		28,250,000		
			Project Cost:			0	28,250,000	0	0
Fayette	439	KY-4	NEW CIRCLE RD: IMPROVE SAFETY AND REDUCE CONGESTION FROM US-68 (HARRODSBURG RD) TO US-60 (VERSAILLES RD). SEE SEGMENTS 2A & 2B IN AUGUST, 1998 ADVANCE	PL DN RW UT CN	NH	2,290,000			
			Project Cost:			2,290,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Fayette	8801	KY-4	EVALUATE SOUND BARRIER LOCATIONS AND PRIORITY SECTIONS ALONG NEW CIRCLE ROAD (KY 4) BETWEEN TATES CREEK ROAD AND NICHOLASVILLE ROAD. (14CCN)(18CCN) (2022CCR)	PL DN RW UT CN	SPP	6,500,000			
Project Cost:						6,500,000	0	0	0
Fayette	8902	KY-1927	IMPROVE LIBERTY ROAD FROM GRAFTONS MILL LANE TO NEW CIRCLE ROAD AND IMPROVE INTERSECTION WITH NEW CIRCLE ROAD. (16CCN)(18CCR) (2020CCR) (2022CCR)	PL DN RW UT CN	STPF	6,158,000			
Project Cost:						6,158,000	0	0	0
Fayette	8909.1000	I -75	REDUCE CONGESTION ON I-64/I-75 FROM NORTHERN SPLIT TO NEWTOWN PIKE (MP 115.200 – 117.665). SECTION 1	PL DN RW UT CN	NH	10,000,000	10,000,000		
Project Cost:						10,000,000	10,000,000	0	0
Fayette	8909.3000	I -75	REDUCE CONGESTION ON I-64/I-75 FROM PARIS PIKE TO THE SOUTHERN SPLIT (MP 111.000 – 112.900). SECTION 3 (2022CCR)	PL DN RW UT CN	NH	27,700,000			
Project Cost:						27,700,000	0	0	0
Fayette	10042	US-60	BRIDGE PROJECT IN FAYETTE COUNTY ON (034B00022L) W NEW CIRCLE RD NC AT US 60 -VERSAILLES RD	PL DN RW UT CN	FBP				360,386
Project Cost:						0	0	0	360,386

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Fayette	10043	KY-4	BRIDGE PROJECT IN FAYETTE COUNTY ON (034B00022R) NEW CIRCLE ROAD AT US 60 -VERSAILLES RD	PL DN RW UT CN	FBP				481,970
				Project Cost:		0	0	0	481,970
Fayette	10044	KY-3367	BRIDGE PROJECT IN FAYETTE COUNTY ON (034B00139N) KY-3367 AT BR OF NO. ELKHORN CREEK	PL DN RW UT CN	BRZ BRZ				275,169 1,834,456
				Project Cost:		0	0	0	2,109,625
Fayette	20008	I -64	ADDRESS CONDITION OF I-064 CARDINAL DIRECTION FROM MILEPOINT 71 TO MILEPOINT 74.3	PL DN RW UT CN	NHPM	1,000,000			
				Project Cost:		1,000,000	0	0	0
Fayette	20050	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 71 (74.3 CARDINAL) TO MILEPOINT 74.729	PL DN RW UT CN	STP5 STP5			200,000	
				Project Cost:		0	0	1,800,000	0
								2,000,000	
Fayette	80150	US-60	ADDRESS CONGESTION AND IMPROVE SAFETY ON US 60 FROM MILEPOINT 12.41 TO MILEPOINT 16.37 BY WIDENING AND MODERNIZING US 60 FROM THE END OF THE FOUR-LANE SECTION NEAR	PL DN RW UT CN	STPF	14,000,000			
				Project Cost:		14,000,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

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Fayette	80205	US-27	ACCESS MANAGEMENT IMPROVEMENT ON US 27 (NICHOLASVILLE RD) AT KY 4 (NEW CIRCLE) INTERCHANGE. (2022CCN)	PL DN RW UT CN	NH NH		2,500,000	15,000,000	
Project Cost:						0	2,500,000	15,000,000	0
Fayette	80206	CO-0	Address congestion and improve safety on US 60 (Winchester Rd) and Man O' War Blvd (KY 1425 & CS 4524) creating an alternative route between Sir Barton Way (CS 2636) and Polo Club Blvd (CS	PL DN RW UT CN	SPP SPP SPP	9,800,000 600,000		12,700,000	
Project Cost:						10,400,000	0	12,700,000	0
Fayette	80303	KY-4	RELIEVE TRAFFICE CONGESTION ON NEW CIRCLE RD BETWEEN Tates Creek AND Nicholasville Rd (MP 17.741-19.283) BY INCREASING CAPACITY	PL DN RW UT CN	STP STP STP STP	4,500,000	1,500,000 1,000,000	48,000,000	
Project Cost:						4,500,000	2,500,000	48,000,000	0
Fayette	80305	CS-3016	Alumni Drive: Address congestion from Edgewater DR to MOW Blvd.	PL DN RW UT CN	SPP SPP SPP SPP	1,250,000 3,500,000 2,750,000		6,000,000	
Project Cost:						7,500,000	0	6,000,000	0
Fayette	80306	US-60	Modernize roadway, improve multi-mobility, and include safety and capacity improvements at intersections on US 60 (Versailles Road) from Viley Road to west end of Norfolk Southern railroad	PL DN RW UT CN	NH NH NH	2,210,000 820,000	4,940,000		
Project Cost:						3,030,000	4,940,000	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Fayette	80307	ky-1425	Provide additional capacity and improve multi-modal access on KY 1425 (Man o' War Blvd) from I-75 to US 60 (Winchester Road).	PL					
				DN					
				RW	SPP	2,070,000			
				UT	SPP	1,600,000			
				CN	SPP			5,000,000	
				Project Cost:		3,670,000	0	5,000,000	0
Fayette	80308	ky-4	Improve safety and access management measures on New Circle Rd. (KY 4): from Boardwalk to North Limestone Street.	PL					
				DN					
				RW	SPP	5,000,000			
				UT	SPP	1,200,000			
				CN	SPP			15,000,000	
				Project Cost:		6,200,000	0	15,000,000	0
Fayette	80309	US-60	Operational & multimodal improvements on US 60 (Winchester Rd) from Midland to New Circle Rd.	PL					
				DN					
				RW	NH	500,000			
				UT	NH	500,000			
				CN	NH		1,400,000		
				Project Cost:		1,000,000	1,400,000	0	0
Fayette	80311	US-60	Modernize roadway, improve multi-mobility, and include safety and capacity improvements at intersections on US 60 (Versailles Road) from Viley Road to west end of Norfolk Southern railroad	PL					
				DN					
				RW	NH	710,000			
				UT	NH	260,000			
				CN	NH		1,560,000		
				Project Cost:		970,000	1,560,000	0	0
Fayette	80312	US-60	Modernize roadway, improve multi-mobility, and include safety and capacity improvements at intersections on US 60 (Versailles Road) from Viley Road to west end of Norfolk Southern railroad	PL					
				DN					
				RW	NH	2,840,000			
				UT	NH	1,060,000			
				CN	NH		6,800,000		
				Project Cost:		3,900,000	6,800,000	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Fayette	80322	US-60	SCOPING STUDY TO RECONSTRUCT/WIDEN US-60/WINCHESTER ROAD FROM MAN-O-WAR BOULEVARD TO THE CLARK COUNTY LINE. (06CCN)(12CCR)	PL DN RW UT CN	NH	280,000			
Project Cost:						280,000	0	0	0
Fayette	80323	US-60	Modernize roadway, improve multi-mobility, and include safety and capacity improvements at intersections on US 60 (Versailles Road) from Viley Road to west end of Norfolk Southern railroad	PL DN RW UT CN	NH NH NH NH	180,000 770,000 320,000	1,690,000		
Project Cost:						1,270,000	1,690,000	0	0
Fayette	80352	KY-4	Improve safety of the entrance ramp onto WB New Circle from Tates Creek Road, extension of the acceleration lane (MP 17.8 - 18.2)	PL DN RW UT CN	SPP SPP	250,000	900,000		
Project Cost:						250,000	900,000	0	0
Fayette	80360	KY-4	Reduce congestion on New Circle Road between Richmond Road and Alumni Drive (MP 14.851-16.123).	PL DN RW UT CN	SPP SPP SPP SPP	4,000,000	1,500,000 5,000,000		35,000,000
Project Cost:						4,000,000	0	6,500,000	35,000,000
Total for Fayette county				PL		280,000			
				DN		12,470,000		200,000	1,117,525
				RW		27,400,000	1,500,000	1,500,000	
				UT		13,055,313	3,500,000	5,000,000	
				CN		96,427,792	63,859,792	111,819,792	45,154,248
Total Amounts:						149,633,105	68,859,792	118,519,792	46,271,773

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Fleming	8815	KY-165	UPGRADE, WIDEN, AND PROVIDE SPOT IMPROVEMENTS ON KY-165 TO IMPROVE SAFETY FROM KY-32 TO US-68. (14CCN)	PL DN RW UT CN	SPP	2,500,000	3,000,000	25,000,000	
Project Cost:						2,500,000	3,000,000	25,000,000	0
Fleming	8901	KY-11	CONSTRUCT LEFT TURN LANES ON KY 11 AT ROSS DRIVE, TAYLOR MILL AND THE INDUSTRIAL PARK ROAD. (16CCN)	PL DN RW UT CN	SPP	1,000,000	1,500,000		
Project Cost:						1,000,000	1,500,000	0	0
Fleming	8903	KY-32	SAFETY IMPROVEMENTS AND PAVEMENT REHAB EAST OF FLEMINGSBURG BYPASS TO KY 156. (2020CCN) (2022CCR)	PL DN RW UT CN	SPP	6,000,000	7,000,000		
Project Cost:						6,000,000	7,000,000	0	0
Fleming	8915	KY-801	WIDEN KY 801 FROM NEAR MMRC REGIONAL PARK TO KY 158 IN FLEMING CO. (16CCN)(18CCN) (2020CCR) (2022CCR) (INCLUDES 9-80104)	PL DN RW UT CN	STP2	14,550,000			
Project Cost:						14,550,000	0	0	0
Fleming	10083	KY-597	BRIDGE PROJECT IN FLEMING COUNTY ON (035B00004N) KY-597 AT INDIAN CREEK	PL DN RW UT CN	BRZ			106,260	
Project Cost:						0	0	106,260	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Fleming	22327	KY-32	ADDRESS CONDITION OF KY-32 FROM MILEPOINT 13 TO MILEPOINT 17.45	PL					
				DN	STP4	200,000			
				RW					
				UT					
				CN	STP4	3,800,000			
				Project Cost:		4,000,000	0	0	0
Fleming	80051	KY-32	IMPROVE SAFETY AND SIGHT DISTANCE ON KY-32 BEGINNING AT 0.4 MILES WEST OF FLEMING/ROWAN CO LINE AND ENDING 0.3 MILES EAST OF THE LINE. (18CCN) (2020CCR) (2022CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	7,560,000			
				Project Cost:		7,560,000	0	0	0
Fleming	80103	KY-57	RECONSTRUCT KY 57 TO PROVIDE BETTER HORIZONTAL AND VERTICAL ALIGNMENT, WIDER SHOULDERS, AND EXTEND CLEAR ZONES (2020CCN) (2022CCR)	PL					
				DN					
				RW	SPP	9,000,000			
				UT	SPP		7,500,000		
				CN	SPP				70,000,000
				Project Cost:		9,000,000	7,500,000	0	70,000,000
Fleming	80104	KY-801	RECONSTRUCT KY 801 TO IMPROVE ALIGNMENT AND WIDEN IT TO A 2 LANE HIGHWAY WITH PASSING LANES (2020CCN) (2022CCR)	PL					
				DN					
				RW	SPP	5,000,000			
				UT	SPP	3,000,000			
				CN	SPP			25,000,000	
				Project Cost:		8,000,000	0	25,000,000	0
Total for Fleming county				PL					
				DN		200,000		106,260	
				RW		16,500,000			
				UT		4,000,000	10,500,000		
				CN		31,910,000	8,500,000	50,000,000	70,000,000
				Total Amounts:		52,610,000	19,000,000	50,106,260	70,000,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Floyd	169	KY-114	MOUNTAIN PARKWAY CORRIDOR: EXTEND THE FOUR LANE MOUNTAIN PARKWAY FROM US 460 AT SALYERSVILLE EAST TO PRESTONSBURG. - NH FUND	PL DN RW UT CN	NH	12,550,000	35,000,000	26,270,000	17,020,000
			Project Cost:			<u>12,550,000</u>	<u>35,000,000</u>	<u>26,270,000</u>	<u>17,020,000</u>
Floyd	5019	ky-80	ADDRESS ROCKFALL ISSUES ON KY 80 AT MP 8 TO MP 10 IN FLOYD COUNTY.	PL DN RW UT CN	SPP		14,200,000		
			Project Cost:			<u>0</u>	<u>14,200,000</u>	<u>0</u>	<u>0</u>
Floyd	10092	KY-1210	BRIDGE PROJECT IN FLOYD COUNTY ON (036B00049N) KY-1210 AT LEFT FK MIDDLE CREEK	PL DN RW UT CN	FBP2				186,063
			Project Cost:			<u>0</u>	<u>0</u>	<u>0</u>	<u>186,063</u>
Floyd	10093	KY-1091	BRIDGE PROJECT IN FLOYD COUNTY ON (036B00060N) KY-1091 AT LEFT FK BEAVER CREEK	PL DN RW UT CN	BRX BRX			230,104	
			Project Cost:			<u>0</u>	<u>0</u>	<u>1,534,024</u>	<u>0</u>
								<u>1,764,128</u>	
Floyd	10094	KY-194	BRIDGE PROJECT IN FLOYD COUNTY ON (036B00087N) KY-194 AT COW CREEK	PL DN RW UT CN	BRX BRX		76,032		
			Project Cost:			<u>0</u>	<u>506,880</u>	<u>0</u>	<u>0</u>
							<u>582,912</u>	<u>0</u>	<u>0</u>

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Floyd	80300	ky-680	Planning Study to evaluate potential improvements for KY 680 from MP 13.90 to the intersection of US 23, as well as the intersection of KY 680 and US 23.	PL DN RW UT CN	SPP	620,000			
Project Cost:						620,000	0	0	0
Floyd	80353	PF-9999	Construct a new bridge and approaches off of KY 1428 near MP 14.1. Provide a new access route from KY 1428 across Levisa Fork of the Big Sandy River near Ball Alley Curve in Prestonsburg	PL DN RW UT CN	SPP	5,500,000			
Project Cost:						5,500,000	0	0	0
Total for Floyd county				PL DN RW UT CN		620,000			
Total Amounts:						18,670,000	49,782,912	27,804,128	17,206,063
Franklin	551	I -64	IMPROVE SAFETY, TRUCK MOBILITY, AND REDUCE CONGESTION ALONG I-64 FROM DIRECTLY EAST OF US-127 TO US-60 SOUTH OF FRANKFORT, INCLUDING KY RIVER BRIDGES.	PL DN RW UT CN	NH		20,000,000	40,000,000	45,000,000
Project Cost:						0	20,000,000	40,000,000	45,000,000
Franklin	586	PS-1212, PS-1213	EXTENSION OF VANDALAY DRIVE BACKAGE ROAD FROM WESTRIDGE DRIVE TO THE EAST-WEST CONNECTOR ROAD (KY 676) IN PARTNERSHIP WITH THE CITY OF FRANKFORT, KENTUCKY	PL DN RW UT CN	SPP	1,700,000			
Project Cost:						1,700,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Franklin	2035.4000	I-64	WIDEN I-64 TO 6 LANES FROM KY-395 TO KY-151.	PL					
				DN					
				RW	NH		250,000		
				UT	NH		250,000		
				CN					
			Project Cost:			0	500,000	0	0
Franklin	2035.7000	I-64	WIDEN I-64 TO 6 LANES FROM KY-151 TO WEST OF THE KY-420 BRIDGE. (2004BOPC)(DESIGN FUNDED UNDER 5-2035.40)(16CCN)(SEE ITEM NO. 5-2035.80 FOR BRIDGES)	PL					
				DN					
				RW					
				UT					
				CN	NH	5,000,000	55,000,000		
			Project Cost:			5,000,000	55,000,000	0	0
Franklin	10040	US-60	BRIDGE PROJECT IN FRANKLIN COUNTY ON (037B00008N) US 60 AT RJ CORMAN RAILROAD	PL					
				DN	BRO				1,807,116
				RW					
				UT					
				CN					
			Project Cost:			0	0	0	1,807,116
Franklin	10045	KY-676	BRIDGE PROJECT IN FRANKLIN COUNTY ON (037B00074N) KY 676 (E-W CONN) AT KENTUCKY RIVER & KY 1263	PL					
				DN					
				RW					
				UT					
				CN	FBP	15,000,000	15,000,000		
			Project Cost:			15,000,000	15,000,000	0	0
Franklin	22030	I-64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 46.303 TO MILEPOINT 53.118	PL					
				DN	NHPM			2,523,857	
				RW					
				UT					
				CN	NHPM			22,714,709	
			Project Cost:			0	0	25,238,566	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Franklin	22031	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 53.118 TO MILEPOINT 57.811	PL DN RW UT CN	NHPM	13,000,000			
Project Cost:						13,000,000	0	0	0
Franklin	22032	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 57.811 TO MILEPOINT 59.431	PL DN RW UT CN	NHPM		1,069,200		
Project Cost:						0	10,692,800	0	0
Franklin	80105	US-60	ADD A TURN LANE AT THE INTERSECTION OF KY 676 AND US 60 (2020CCN)	PL DN RW UT CN	SAF	1,000,000			
Project Cost:						1,000,000	0	0	0
Franklin	80201	US-127	Improve safety and reduce congestion on US 127 in Frankfort from I-64 to US 60 (2022CCN)	PL DN RW UT CN	SPP	5,500,000	3,400,000	13,100,000	
Project Cost:						5,500,000	3,400,000	13,100,000	0
Franklin	80212	KY-676, PF-9999, US-127	Provide a new roadway from the I-64 WB off-ramp at US 127 to the East-West Connector (KY 676) to reduce congestion, improve safety and enhance mobility. (2022CCN)	PL DN RW UT CN	STPF	4,000,000			
Project Cost:						4,000,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Franklin	80301	US-60	IMPROVE SAFETY AND TRAFFIC FLOW ON US 60 (VERSAILLES ROAD) FROM US 460 TO I-64 IN FRANKFORT.	PL					
				DN					
				RW	NH	3,720,000			
				UT	NH	660,000			
				CN	NH	11,580,000			
				Project Cost:		15,960,000	0	0	0
Total for Franklin county				PL					
				DN			1,069,200	2,523,857	1,807,116
				RW		9,220,000	250,000		
				UT		660,000	3,650,000		
				CN		51,280,000	99,622,800	75,814,709	45,000,000
				Total Amounts:		61,160,000	104,592,000	78,338,566	46,807,116
Fulton	320.1700	KY-1354	OPERATION OF HICKMAN FERRY AT MISSISSIPPI RIVER FOR FY 2025 THROUGH FY 2030. (12CCR) (2020CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	144,000	144,000	144,000	144,000
				Project Cost:		144,000	144,000	144,000	144,000
Fulton	10119	KY-1129	BRIDGE PROJECT IN FULTON COUNTY ON (038B00051N) KY-1129 AT SUBLETT CREEK	PL					
				DN	BRX				106,502
				RW					
				UT					
				CN					
				Project Cost:		0	0	0	106,502
Fulton	10120	KY-1129	BRIDGE PROJECT IN FULTON COUNTY ON (038B00052N) KY-1129 AT BRUSH CREEK	PL					
				DN	BRX	102,569			
				RW					
				UT					
				CN	BRX	683,790			
				Project Cost:		786,359	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Fulton	80304	KY-307	ADDRESS ECONOMIC DEVELOPMENT, AND TRUCK ACCESS ISSUES TO THE FULTON INDUSTRIAL PARK FROM THE PURCHASE PARKWAY TO HOLLAND LANE IN FULTON.	PL DN RW UT CN	SPP SPP SPP	500,000 400,000	1,500,000		
			Project Cost:			900,000	1,500,000	0	0
Fulton	80310	KY-125	CORRECT GEOMETRIC DEFICIENCIES AND ADDRESS SAFETY AND FREIGHT ACCESS ISSUES FROM KY 166 TO KY 1099 IN HICKMAN.	PL DN RW UT CN	SPP SPP SPP	1,650,000 2,160,000	11,600,000		
			Project Cost:			3,810,000	11,600,000	0	0
Fulton	80319	KY-94	CORRECT GEOMETRIC DEFICIENCIES AND ADDRESS SAFETY ISSUES AND FREIGHT ACCESS AT INTERSECTION WITH KY 94 SOUTHWEST.	PL DN RW UT CN	SPP SPP SPP	150,000 250,000	500,000		
			Project Cost:			400,000	500,000	0	0
Fulton	80324	KY-1099	CORRECT SUBSTANDARD INTERSECTION GEOMETRICS AND ADDRESS ACCESS ISSUES AT KY 309 & KY 1099 IN HICKMAN TO IMPROVE THE LESS THAN ADEQUATE TRUCK TURNING RADIUS.	PL DN RW UT CN	SPP		2,000,000		
			Project Cost:			0	2,000,000	0	0
Fulton	80326	KY-125	CORRECT GEOMETRIC DEFICIENCIES AND ADDRESS SAFETY ISSUES AND FREIGHT ACCESS FROM TENNESSEE STATE LINE TO KY 166.	PL DN RW UT CN	SPP SPP SPP SPP	500,000	750,000 500,000	4,000,000	
			Project Cost:			500,000	1,250,000	4,000,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Total for Fulton county				PL					
				DN		602,569			106,502
				RW		2,300,000	750,000		
				UT		2,810,000	500,000		
				CN		827,790	15,744,000	4,144,000	144,000
				Total Amounts:		6,540,359	16,994,000	4,144,000	250,502
Gallatin	8910	I-71	IMPROVE GEOMETRICS ON I-71 FROM US-127 TO MP 64. (16CCN)(18CCR)	PL					
				DN					
				RW	NH	1,000,000			
				UT					
				CN	NH		42,000,000		
				Project Cost:		1,000,000	42,000,000	0	0
Gallatin	80303	I-71	RECONSTRUCT I-71 WITH ADDITIONAL LANES FROM LITTLE SUGAR ROAD OVERPASS TO THE BOONE COUNTY LINE.	PL					
				DN	FED	3,780,000			
				RW	FED	300,000			
				UT	FED	290,000			
				CN	FED		78,000,000		
				Project Cost:		4,370,000	78,000,000	0	0
Gallatin	80355	US-42	Relocate US 42 from MP 0.6 to MP 2.0 (Memorandum of Agreement with Nucor Steel Gallatin to provide ROW).	PL					
				DN					
				RW	NH	8,000,000			
				UT	NH	4,000,000			
				CN	NH		30,000,000		
				Project Cost:		12,000,000	30,000,000	0	0
Total for Gallatin county				PL					
				DN		3,780,000			
				RW		9,300,000			
				UT		4,290,000			
				CN			150,000,000		
				Total Amounts:		17,370,000	150,000,000	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Garrard	196.3000	US-27	IMPROVE US-27 FROM WEST LANCASTER BYPASS TO KY-34. (2006BOPC) (16CCN)(18CCR) (2020CCR)	PL DN RW UT CN	NH	20,000,000			
Project Cost:						20,000,000	0	0	0
Garrard	196.5000	CO-0	West Lancaster Bypass from North of Lancaster to Bell Street at Stanford, KY.	PL DN RW UT CN	NH NH	10,500,000	59,300,000		
Project Cost:						10,500,000	59,300,000	0	0
Garrard	80313	KY-52	PLANNING STUDY TO EVALUATE OPTIONS FOR IMPROVING SAFETY ON KY 52 BETWEEN DANVILLE AND LANCASTER.	PL DN RW UT CN	SPP	15,800,000			
Project Cost:						15,800,000	0	0	0
Total for Garrard county				PL DN RW UT CN		10,500,000	59,300,000		
Total Amounts:						46,300,000	59,300,000	0	0
Grant	20062	I -75	ADDRESS CONDITION OF I-075 FROM MILEPOINT 162.6 TO MILEPOINT 164.4	PL DN RW UT CN	NHPM NHPM				255,682
Project Cost:						0	0	0	2,301,142
									2,556,824

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Grant	80216	US-25	Updating US-25 from KY 1994 to KY 491 north junction. (2022CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP		20,000,000		
				Project Cost:		0	20,000,000	0	0
Grant	80315	US-25	NEW CONSTRUCTION ON THE EAST SIDE OF THE RR FROM SHERMAN-NEWTOWN ROAD TO LEMON-NORTHCUTT ROAD.	PL					
				DN	STP2		6,380,000		
				RW	STP2				4,550,000
				UT	STP2				1,860,000
				CN	STP2				57,120,000
				Project Cost:		0	6,380,000	0	63,530,000
Total for Grant county				PL					
				DN			6,380,000		255,682
				RW					4,550,000
				UT					1,860,000
				CN			20,000,000		59,421,142
				Total Amounts:		0	26,380,000	0	66,086,824
Graves	10126	KY-464	BRIDGE PROJECT IN GRAVES COUNTY ON (042B00062N) KY-464 AT MAYFIELD CREEK	PL					
				DN	BRX				256,090
				RW					
				UT					
				CN					
				Project Cost:		0	0	0	256,090
Graves	10129	KY-408	BRIDGE PROJECT IN GRAVES COUNTY ON (042B00127N) KY-408 AT GOOSE CREEK	PL					
				DN	BRX	223,361			
				RW					
				UT					
				CN	BRX	1,489,000			
				Project Cost:		1,712,361	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Graves	10132	KY-339	BRIDGE PROJECT IN GRAVES COUNTY ON (042B00131N) KY-339 AT WEST MAYFIELD CREEK	PL DN RW UT CN	BRX				946,361
				Project Cost:		0	0	0	946,361
Graves	10135	KY-1485	BRIDGE PROJECT IN GRAVES COUNTY ON (042B00138N) KY-1485 AT TERRAPIN CREEK	PL DN RW UT CN	BRZ			97,000	
				Project Cost:		0	0	97,000	0
Graves	10142	KY-1820	BRIDGE PROJECT IN GRAVES COUNTY ON (042B00271N) KY-1820 AT BRANCH OF MAYFEILD CREEK	PL DN RW UT CN	BRX				163,737
				Project Cost:		0	0	0	163,737
Graves	22072	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 25.002 TO MILEPOINT 34.487	PL DN RW UT CN	NHPM	18,400,000			
				Project Cost:		18,400,000	0	0	0
Graves	22188	JC-9003	ADDRESS CONDITION OF Julian M. Carroll Purchase Parkway FROM MILEPOINT 8.352 TO MILEPOINT 20	PL DN RW UT CN	NHPM	2,000,000			
				Project Cost:		2,000,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Graves	80103	KY-303	WIDEN KY 303 FROM MP 16.034 (EAST FARTHING ST) TO MP 16.807 (CHARLES DR) (2020CCN) (2022CCR)	PL DN RW UT CN	SPP	5,000,000			
			Project Cost:			5,000,000	0	0	0
Graves	80104	KY-131	WIDEN KY 131 FROM MP 0 (KY 58) TO MP 4.555 (KY 483) (2020CCN) (2022CCR)	PL DN RW UT CN	SPP	18,000,000			
			Project Cost:			18,000,000	0	0	0
Graves	80202	KY-121	Upgrade/Widen KY 121 bypass in Mayfield to four lanes. (2022CCN)	PL DN RW UT CN	SPP	7,000,000			
			Project Cost:			7,000,000	0	0	0
Graves	80332	KY-131	CORRECT GEOMETRIC DEFICIENCIES AND ADDRESS SAFETY AND TRUCK ACCESS ISSUES FROM KY 348 IN SYMSONIA TO MCCRACKEN COUNTY LINE.	PL DN RW UT CN	SPP	1,000,000	1,500,000	1,000,000	5,000,000
			Project Cost:			1,000,000	2,500,000	0	5,000,000
Graves	80333	KY-58	ADDRESS ACCESS, CONGESTION, AND GEOMETRIC ALIGNMENT ISSUES FROM THE EASTERN CITY LIMITS OF MAYFIELD TO KY 131.	PL DN RW UT CN	SPP	1,000,000	1,000,000	1,500,000	8,500,000
			Project Cost:			1,000,000	2,500,000	8,500,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Total for Graves county				PL					
				DN		2,223,361		97,000	1,366,188
				RW			2,500,000		
				UT			2,500,000		
				CN		51,889,000		8,500,000	5,000,000
				Total Amounts:		54,112,361	5,000,000	8,597,000	6,366,188
Grayson	8502.2000	US-62	IMPROVE US 62 FROM JUST EAST OF BEEHIVE CURVE TO KY224. CONSTRUCTION SEGMENT 2.	PL					
				DN					
				RW					
				UT					
				CN	SPP	4,000,000			
				Project Cost:		4,000,000	0	0	0
Grayson	22166	WK-9001	ADDRESS CONDITION OF Wendell H. Ford Western KY Parkway FROM MILEPOINT 95.03 TO MILEPOINT 106.08	PL					
				DN	NHPM	2,703,000			
				RW					
				UT					
				CN	NHPM	24,327,000			
				Project Cost:		27,030,000	0	0	0
Grayson	22167	WK-9001	ADDRESS CONDITION OF Wendell H. Ford Western KY Parkway FROM MILEPOINT 106.08 TO MILEPOINT 108	PL					
				DN	NHPM	400,000			
				RW					
				UT					
				CN	NHPM	3,600,000			
				Project Cost:		4,000,000	0	0	0
Grayson	80100	PF-9999	ADDRESS CONNECTIVITY, MOBILITY, AND SAFETY CONCERNS ON THE WEST SIDE OF LEITCHFIELD FROM KY 54 TO THE NORTHERN INTERSECTION OF KY 259 AND KY 3155 (2020CCN) (2022CCR)	PL					
				DN					
				RW	SPP	5,720,000			
				UT	SPP		2,700,000		
				CN	SPP			20,880,000	
				Project Cost:		5,720,000	2,700,000	20,880,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Grayson	80101	KY-259	ADDRESS SAFETY, GOMETRIC DEFICIENCIES, AND MAINTENANCE ISSUES ALONG KY 259 FROM BEAR CREEK ROAD (MP 9.217) TO THE NORTHERN INTERSECTION OF	PL					
				DN					
				RW	SPP	1,730,000			
				UT	SPP	2,800,000			
				CN	SPP			13,200,000	
	Project Cost:				4,530,000	0	13,200,000	0	
Grayson	80150	CS-1136	ADDRESS SAFETY AND TURN MOVEMENTS ALONG WALLACE AVENUE (CS 1136) IN LEITCHFIELD FROM THE INTERSECTION WITH EAST CARROLL GIBSON BLVD TO THE WILLIAM	PL					
				DN					
				RW					
				UT					
				CN	SPP	2,800,000			
	Project Cost:				2,800,000	0	0	0	
Grayson	80302	US-62	IMPROVE SAFETY, GEOMETRIC DEFICIENCIES AND DRAINAGE ALONG US 62 FROM THE PROPOSED LEITCHFIELD WESTERN BYPASS TO THE SOUTHERN INTERSECTION OF KY 259 IN	PL					
				DN	NH	810,000			
				RW	NH		2,160,000		
				UT	NH			2,090,000	
				CN	NH				5,210,000
	Project Cost:			810,000	2,160,000	2,090,000	5,210,000		
Grayson	80307	US-62	IMPROVE SAFETY, GEOMETRIC DEFICIENCIES AND DRAINAGE ALONG US 62 FROM SCHOOLHOUSE ROAD TO THE PROPOSED LEITCHFIELD WESTERN BYPASS.	PL					
				DN					
				RW	NH	2,880,000			
				UT	NH	2,880,000			
				CN	NH			9,220,000	
	Project Cost:			5,760,000	0	9,220,000	0		
Grayson	80311	KY-3155	IMRPOVE INTERSECTIONS ALONG THE LEITCHFIELD BYPASS AT KY 1214, US 62, AND KY 920.	PL					
				DN					
				RW					
				UT					
				CN	SPP	2,500,000			
	Project Cost:			2,500,000	0	0	0		

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Total for Grayson county				PL					
				DN		3,913,000			
				RW		10,330,000	2,160,000		
				UT		5,680,000	2,700,000	2,090,000	
				CN		37,227,000		43,300,000	5,210,000
				Total Amounts:		57,150,000	4,860,000	45,390,000	5,210,000
Green	397.1100	US-68	ADDRESS SAFETY, GEOMETRIC DEFICIENCIES AND MAINTENANCE ISSUES ALONG US 68 FROM THE METCALFE COUNTY LINE (MP 0.000) TO 1600 FEET WEST OF SOUTH THURLOW ROAD (MP	PL					
				DN					
				RW					
				UT	SPP	3,770,000			
				CN	SPP		13,640,000		
				Project Cost:		3,770,000	13,640,000	0	0
Green	398	PF-9999	CONSTRUCT NEW CONNECTOR ON THE EAST SIDE OF GREENSBURG BEGINNING NEAR THE US-61 AND US-68 INTERSECTION SOUTH OF TOWN AND EXTENDING TO KY 3535 ON THE NORTH	PL					
				DN					
				RW					
				UT					
				CN	STP	22,000,000			
				Project Cost:		22,000,000	0	0	0
Green	8706.2000	US-68	Horizontal and vertical alignment spot improvement on US 68 in Metcalfe and Green Counties, north of Edmonton, between the intersections of US 68/745 and US 68/KY 729. (2020BOP)	PL					
				DN					
				RW					
				UT					
				CN	STPF	4,970,000			
				Project Cost:		4,970,000	0	0	0
Green	8712	KY-61	IMPROVE SAFETY AND MOBILITY ON KY-61 FROM PITMAN CREEK BRIDGE TO JUST NORTH OF KY323. (12CCN)(14CCR) (16CCR) (2020CCR) (2022CCR)	PL					
				DN					
				RW					
				UT					
				CN	STPF	5,000,000			
				Project Cost:		5,000,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Green	8853	KY-88	SPOT IMPROVEMENTS & IMPROVE EXISTING ALIGNMENT ON KY 88 FROM 0.20 MILES WEST OF AKIN NARROWS OF PITMAN RD (MP 8.996) TO KY 61 (MP 11.232). (14CCN)(16CCR)(18CCN)	PL DN RW UT CN	SPP SPP SPP	5,400,000 2,700,000	11,520,000		
Project Cost:						8,100,000	11,520,000	0	0
Green	80102	US-68	IMPROVE SAFETY AND PASSING OPPORTUNITIES ALONG US 68 FROM KY 61 IN GREEN COUNTY TO KY 323 IN TAYLOR COUNTY. (2020CCN) (2022CCR)	PL DN RW UT CN	SPP	10,600,000			
Project Cost:						10,600,000	0	0	0
Total for Green county				PL DN RW UT CN		5,400,000 6,470,000 42,570,000	25,160,000		
Total Amounts:						54,440,000	25,160,000	0	0
Greenup	132	KY-2	RECONSTRUCT KY-2 FROM MP 13.2 TO US-23 (MP 17.2)(08CCN)(14CCR)(16CCR) (18CCN)	PL DN RW UT CN	SPP SPP SPP	5,000,000	5,040,000	64,200,000	
Project Cost:						5,000,000	5,040,000	64,200,000	0
Greenup	8509	KY-207	IMPROVE KY-207 FROM THE INDUSTRIAL PARKWAY TO THE KY-693 INTERSECTION IN FLATWOODS.(08CCN) (16CCR) (2020CCR) (2022CCR)	PL DN RW UT CN	NH NH	8,000,000 32,000,000			
Project Cost:						40,000,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Greenup	20028	KY-10	ADDRESS CONDITION OF KY-10 FROM MILEPOINT 0 TO MILEPOINT 3.875	PL					
				DN	STP4	125,000			
				RW					
				UT					
				CN	STP4	2,375,000			
				Project Cost:		<u>2,500,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total for Greenup county				PL					
				DN		125,000			
				RW		5,000,000			
				UT		8,000,000	5,040,000		
				CN		34,375,000		64,200,000	
				Total Amounts:		<u>47,500,000</u>	<u>5,040,000</u>	<u>64,200,000</u>	<u>0</u>
Hancock	197	KY-69	IMPROVE CONNECTION BETWEEN US-60 AND CANNELTON BRIDGE APPROACH AT HAWESVILLE.	PL					
				DN					
				RW					
				UT					
				CN	SPP	7,500,000			
				Project Cost:		<u>7,500,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Hancock	10147	KY-69	ADDRESS DEFICIENCIES OF BRIDGE ON KY 69 OVER OHIO RIVER (046B00043N)	PL					
				DN	FBP	125,000			
				RW					
				UT					
				CN	FBP	750,000			
				Project Cost:		<u>875,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Hancock	80306	US-60	WIDEN US-60 FROM MILE 2.2 IN LEWISPORT TO KY-1957.	PL					
				DN					
				RW					
				UT					
				CN	NH	9,000,000			
				Project Cost:		<u>9,000,000</u>	<u>0</u>	<u>0</u>	<u>0</u>

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Total for Hancock county				PL					
				DN		125,000			
				RW					
				UT					
				CN		17,250,000			
				Total Amounts:		17,375,000	0	0	0
Hardin	29	I-65	NEW INTERCHANGE AT I-65/KY 1136 (GILEAD CHURCH ROAD) AT MP 84 IN HARDIN COUNTY. (2022BOP)	PL					
				DN					
				RW	NH	3,000,000			
				UT					
				CN	NH			18,000,000	
				Project Cost:		3,000,000	0	18,000,000	0
Hardin	154.3000	US-31	ADDRESS CONGESTION, SAFETY, AND MOBILITY ALONG US 31W FROM VETERANS WAY IN ELIZABETHTOWN TO THE NORTH WILSON ROAD OVERPASS IN RADCLIFF. (2018BOP) (2022CCR)	PL					
				DN					
				RW					
				UT	SPP	2,000,000			
				CN	SPP	40,000,000			
				Project Cost:		42,000,000	0	0	0
Hardin	171	KY-1136	Reconstruction of KY 1136 from KY 1868 to US 31W in Hardin County.	PL					
				DN					
				RW					
				UT					
				CN	STP2	25,000,000			
				Project Cost:		25,000,000	0	0	0
Hardin	198	PF-9999	EXTEND RING ROAD FROM THE WESTERN KENTUCKY PARKWAY TO I-65. (REQUIRES RELOCATION OF I-65 SOUTHBOUND COMMERCIAL VEHICLE MONITORING STATION, PROJECT	PL					
				DN					
				RW					
				UT					
				CN	STP2	36,100,000			
				Project Cost:		36,100,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Hardin	202	PF-9999	CONSTRUCT A BYPASS OF GLENDALE. (2022BOP)	PL DN RW UT CN	SPP	4,600,000			
Project Cost:						4,600,000	0	0	0
Hardin	286.1000	I -65	I-65 SOUTHBOUND PORT OF ENTRY FOR A COMMERCIAL VEHICLE MONITORING STATION. (2022CCR)	PL DN RW UT CN	NH		10,000,000	10,000,000	10,000,000
Project Cost:						0	10,000,000	10,000,000	10,000,000
Hardin	442	US-62	IMPROVE SAFETY, MOBILITY AND GEOMETRICS ON US-62 FROM I-65 TO UPPER COLESBURG ROAD (CR-1038)	PL DN RW UT CN	SPP SPP	3,000,000	3,000,000		
Project Cost:						3,000,000	3,000,000	0	0
Hardin	10053	KY-86	BRIDGE PROJECT IN HARDIN COUNTY ON (047B00059N) KY-86 AT ROUGH RIVER	PL DN RW UT CN	BRX				316,052
Project Cost:						0	0	0	316,052
Hardin	10054	KY-86	BRIDGE PROJECT IN HARDIN COUNTY ON (047B00060N) KY-86 AT VERTRESS CREEK	PL DN RW UT CN	BRX				198,269
Project Cost:						0	0	0	198,269

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Hardin	20046	I -65	ADDRESS CONDITION OF I-065 FROM MILEPOINT 78.661 TO MILEPOINT 82.2	PL					
				DN					
				RW					
				UT					
				CN	NHPM	1,000,000			
				Project Cost:		1,000,000	0	0	0
Hardin	20047	I -65	ADDRESS CONDITION OF I-065 FROM MILEPOINT 90.53 TO MILEPOINT 97.54	PL					
				DN	NHPM			1,004,039	
				RW					
				UT					
				CN	NHPM			9,036,350	
				Project Cost:		0	0	10,040,389	0
Hardin	22064	I-65	ADDRESS CONDITION OF I 65 FROM MILEPOINT 82.2 TO MILEPOINT 90.53 (2022CCR)	PL					
				DN	NHPM	949,620			
				RW					
				UT					
				CN	NHPM		9,496,000		
				Project Cost:		949,620	9,496,000	0	0
Hardin	22065	I -65	ADDRESS CONDITION OF I-065 FROM MILEPOINT 97.54 TO MILEPOINT 102.1	PL					
				DN	NHPM	1,000,000			
				RW					
				UT					
				CN	NHPM		10,000,000		
				Project Cost:		1,000,000	10,000,000	0	0
Hardin	80200	US-62	Address safety, mobility, and access management, along with potentially reconfiguring the interchange to I 65. (2022CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP			20,000,000	
				Project Cost:		0	0	20,000,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	
Hardin	80250	KY-3005	EXTEND RING ROAD FROM US 31W TO KY 61 (LINCOLN PARKWAY) (2022CCN)	PL						
				DN						
				RW	SPP	1,000,000				
				UT						
				CN	SPP		9,000,000			
				Project Cost:					1,000,000	9,000,000
Hardin	80301	KY-1600	ADDRESS GEOMETRIC DEFICIENCIES ALONG KY 1600 FROM KY 361 TO THE ROUNDAABOUT AT KY 220 IN RINEYVILLE.	PL						
				DN						
				RW	SPP	1,380,000				
				UT	SPP	1,400,000				
				CN	SPP		5,960,000			
				Project Cost:					2,780,000	5,960,000
Hardin	80303	US-62	EXTEND COMMERCE DRIVE FROM SPRINGFIELD ROAD TO US 31W AT KY 1136 ON THE SOUTH SIDE OF ELIZABETHTOWN.	PL						
				DN						
				RW						
				UT	NH	1,120,000				
				CN	NH		3,720,000			
				Project Cost:					1,120,000	3,720,000
Hardin	80310	US-62	IMPROVE THE INTERSECTION OF US 62 AND THE US 31W BYPASS RAMP AT NICHOLAS STREET IN ELIZABETHTOWN.	PL						
				DN						
				RW						
				UT						
				CN	NH	1,890,000				
				Project Cost:					1,890,000	0
Hardin	80313	US-31	ADD SHOULDERS AND TURN LANES TO US 31W BETWEEN KY 1136 AND KY 222 EAST OF GLENDALE. SEE GLENDALE AREA TRANSPORTATION STUDY.	PL						
				DN	SPP	1,040,000				
				RW	SPP		2,750,000			
				UT	SPP		2,800,000			
				CN	SPP					12,000,000
				Project Cost:					1,040,000	5,550,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Hardin	80314	US-31	ADDRESS GEOMETRIC DEFICIENCIES ALONG US 31W FROM KY 222 TO KY 61 (LINCOLN PARKWAY)/WESTERN KENTUCKY PARKWAY INTERSECTION.	PL					
				DN	NH	2,700,000			
				RW	NH			3,240,000	
				UT	NH			4,200,000	
				CN	NH				
	Project Cost:				2,700,000	0	7,440,000	32,670,000	
Hardin	80364	US-31	Address safety along US 31W from the end of the center barrier wall on Muldraugh hill to KY 44 in Jefferson County (MP 34.626 - MP 19.856).	PL					
				DN					
				RW	SPP	1,150,000			
				UT	SPP	1,680,000			
				CN	SPP		9,860,000		
	Project Cost:			2,830,000	9,860,000	0	0		
Total for Hardin county				PL					
				DN		5,689,620		1,004,039	514,321
				RW		9,530,000	2,750,000	3,240,000	
				UT		6,200,000	5,800,000	4,200,000	
				CN		108,590,000	58,036,000	57,036,350	54,670,000
				Total Amounts:		130,009,620	66,586,000	65,480,389	55,184,321
Harlan	10233	KY-38	ADDRESS DEFICIENCIES OF BRIDGE ON KY 38 OVER Fanny Wynn Branch (048B00197N)	PL					
				DN	BRX		116,428		
				RW					
				UT					
				CN					
	Project Cost:			0	116,428	0	0		
Harlan	80257	KY-72	EXTEND KY 72 FROM ALVA/BLACK STAR NEAR HARLAN /BELL COUNTY LINE TO LIGGETT WEST OF HARLAN CITY. APPROXIMATELY 5 MILES OF RECONSTRUCTION (2022CCN)	PL					
				DN	SPP	1,000,000			
				RW	SPP		2,000,000		
				UT	SPP			500,000	
				CN	SPP				30,000,000
	Project Cost:			1,000,000	2,000,000	500,000	30,000,000		

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Harlan	80259	US-421	SPOT IMPROVEMENTS TO IMPROVE GEOMETRICS AT PARTICULAR LOCATIONS OF US 421 CROSSING OVER PINE MOUNTAIN BETWEEN US 119 AND KY 221 IN HARLAN COUNTY TO	PL DN RW UT CN	SPP	11,500,000			
Project Cost:						11,500,000	0	0	0
Harlan	80260	KY-72	TO IMPROVE ACCESS, CONNECTIVITY AND MOBILITY BY EXTENDING KY 72 FROM ALVA/BLACK STAR NEAR HARLAN/ BELL COUNTY LINE. RECONSTRUCT EXISTING COAL HAUL	PL DN RW UT CN	SPP SPP SPP SPP	1,000,000		500,000 200,000	8,000,000
Project Cost:						1,000,000	0	700,000	8,000,000
Harlan	80359	KY-221	Spot improvements to improve geometrics at particular locations of KY 221 to address safety concerns (MP 10 - 17.5)	PL DN RW UT CN	SPP	1,300,000			
Project Cost:						1,300,000	0	0	0
Harlan	80365		Improve safety along KY 38, KY 221, KY 987, US 421, and KY 522 by removing trees	PL DN RW UT CN	SPP	1,000,000			
Project Cost:						1,000,000	0	0	0
Total for Harlan county				PL DN RW UT CN		2,000,000	116,428 2,000,000	500,000 700,000	38,000,000
Total Amounts:						15,800,000	2,116,428	1,200,000	38,000,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Harrison	8300	US-62	CONSTRUCT WEST US-27 CYNTHIANA BYPASS: SECTION 3 FROM US 27 NORTH TO US 62 EAST (06CCN) MP 9.06-10.25	PL DN RW UT CN	SPP SPP SPP SPP	1,080,000 2,900,000	570,000		18,250,000
Project Cost:						3,980,000	570,000	0	18,250,000
Harrison	8708	US-27	RECONSTRUCT US 27 FROM MP 11.9 TO MP 12.4. (12CCN)(14CCR)(18CCN) (2022CCR)	PL DN RW UT CN	SPP	3,500,000			
Project Cost:						3,500,000	0	0	0
Harrison	10040	KY-36	BRIDGE PROJECT IN HARRISON COUNTY ON (049B00053N) PLEASANT STREET AT SO.FK. LICKING RIVER	PL DN RW UT CN	BRX				782,830
Project Cost:						0	0	0	782,830
Harrison	10042	CR-1316	BRIDGE PROJECT IN HARRISON COUNTY ON (049R00603N) NEBO RD AT CSX RAILWAY	PL DN RW UT CN	FBP				199,337
Project Cost:						0	0	0	199,337
Harrison	80251	CR-1124, KY-982, PF-9999, US-27	CONSTRUCT A CONNECTOR ROAD BETWEEN OLD LAIR ROAD AND KY 982 (NEW LAIR ROAD) NEAR THE HARRISON COUNTY HIGH SCHOOL. (2022CCN)	PL DN RW UT CN	SPP	8,000,000			
Project Cost:						8,000,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Harrison	80353	ky-982	Provide a two way left turn lane on KY 982 (New Lair Road) (MP 4.4 - 5.1)	PL					
				DN					
				RW	SPP	600,000			
				UT	SPP	1,500,000			
				CN	SPP		8,000,000		
				Project Cost:		<u>2,100,000</u>	<u>8,000,000</u>	<u>0</u>	<u>0</u>
Total for Harrison county				PL					
				DN		1,080,000			982,167
				RW		3,500,000			
				UT		1,500,000	570,000		
				CN		11,500,000	8,000,000		18,250,000
				Total Amounts:		<u>17,580,000</u>	<u>8,570,000</u>	<u>0</u>	<u>19,232,167</u>
Hart	20044	I-65	ADDRESS CONDITION OF I-065 FROM MILEPOINT 65.15 TO MILEPOINT 74.622	PL					
				DN					
				RW					
				UT					
				CN	NHPM	2,000,000			
				Project Cost:		<u>2,000,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Hart	20049	KY-218	ADDRESS CONDITION OF KY-218 FROM MILEPOINT 7.245 TO MILEPOINT 11.528	PL					
				DN	STP4	165,000			
				RW					
				UT					
				CN	STP4	3,135,000			
				Project Cost:		<u>3,300,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Hart	80304	US-31	IMPROVE CONNECTION BETWEEN KY 88 AND US 31W NEAR I-65 IN MUNFORDVILLE.	PL					
				DN					
				RW	NH	1,150,000			
				UT	NH	580,000			
				CN	NH			7,440,000	
				Project Cost:		<u>1,730,000</u>	<u>0</u>	<u>7,440,000</u>	<u>0</u>

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Total for Hart county				PL					
				DN		165,000			
				RW		1,150,000			
				UT		580,000			
				CN		5,135,000		7,440,000	
				Total Amounts:		7,030,000	0	7,440,000	0
Henderson	1088.5000	PF-9999	I-69 Ohio River Crossing (ORX) at Henderson/Evansville (KY Share) - NH Fund Component	PL					
				DN					
				RW					
				UT					
				CN	NH	35,000,000	29,000,000	48,000,000	25,000,000
				Project Cost:		35,000,000	29,000,000	48,000,000	25,000,000
Henderson	1088.5200	PF-9999	I-69 Ohio River Crossing (ORX) at Henderson/Evansville (KY Share) - Federal MPDG Grant Request	PL					
				DN					
				RW					
				UT					
				CN	IF	115,000,000	91,000,000		
				Project Cost:		115,000,000	91,000,000	0	0
Henderson	2091.1000	US-41	BRIDGE PROJECT IN HENDERSON COUNTY ON (051B00002R/051B00007L) US-41 AT OHIO RIVER	PL					
				DN					
				RW					
				UT					
				CN	FBP			1,000,000	
				Project Cost:		0	0	1,000,000	0
Henderson	10091	KY-145	BRIDGE PROJECT IN HENDERSON COUNTY ON (051B00119N) KY-145 AT BEAVER DAM CREEK	PL					
				DN	FBP				39,000
				RW					
				UT					
				CN	FBP2				1,111,357
				Project Cost:		0	0	0	1,150,357

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	
Henderson	10148	KY-2084	ADDRESS DEFICIENCIES OF BRIDGE ON KY 2084 OVER BR CANOE CRK (051B00052N)	PL DN RW UT CN	BRX				223,702	
Project Cost:						0	0	0	223,702	
Henderson	22093	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 137.141 TO MILEPOINT 142.334	PL DN RW UT CN	NHPM				2,950,000	
Project Cost:						0	0	0	26,550,000	
Project Cost:						0	0	0	29,500,000	
Henderson	22193	AU-9005	ADDRESS CONDITION OF Audubon Parkway FROM MILEPOINT 0 TO MILEPOINT 8.88	PL DN RW UT CN	NHPM				1,644,228	
Project Cost:						0	0	0	14,798,052	
Project Cost:						0	0	0	16,442,280	
Henderson	22194	AU-9005	ADDRESS CONDITION OF Audubon Parkway FROM MILEPOINT 8.88 TO MILEPOINT 15.883	PL DN RW UT CN	NHPM				1,296,681	
Project Cost:						0	0	0	11,670,129	
Project Cost:						0	0	0	12,966,810	
Henderson	22333	KY-425	ADDRESS CONDITION OF KY-425 FROM MILEPOINT 0 TO MILEPOINT 4.75	PL DN RW UT CN	STP5	300,000				
Project Cost:						6,000,000	5,700,000	0	0	0
Project Cost:						6,000,000	0	0	0	

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Henderson	80309	IC-8029	CONSTRUCT A NEW ROUTE INTO THE PARK FROM WATSON LANE.	PL					
				DN					
				RW					
				UT					
				CN	SPP	2,900,000			
				Project Cost:		2,900,000	0	0	0
Henderson	80310	KY-425	IMPROVE LEVEL OF SERVICE ON KY 425 FROM US60 TO US 41.	PL					
				DN	SPP	1,740,000			
				RW	SPP			660,000	
				UT	SPP			470,000	
				CN	SPP				30,160,000
				Project Cost:		1,740,000	0	1,130,000	30,160,000
Henderson	80311	US-60	IMPROVE EASTERN INTERSECTION OF US 60 AND KY 1078.	PL					
				DN	NH	270,000			
				RW	NH		390,000		
				UT	NH		440,000		
				CN	NH			1,620,000	
				Project Cost:		270,000	830,000	1,620,000	0
Henderson	80350	KY-812	Improve congestion and mobility on KY 812 in the vicinity of sports complex (MP 5.7-6.11).	PL					
				DN					
				RW					
				UT					
				CN	SPP	1,000,000			
				Project Cost:		1,000,000	0	0	0
Total for Henderson county				PL					
				DN		2,310,000			6,153,611
				RW			390,000	660,000	
				UT			440,000	470,000	
				CN		159,600,000	120,000,000	50,620,000	109,289,538
Total Amounts:						161,910,000	120,830,000	51,750,000	115,443,149

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Henry	552	I-71	IMPROVE SAFETY AND REDUCE CONGESTION ON I-71 FROM KY-53 TO KY-153.	PL					
				DN	NH	5,600,000			
				RW	NH			1,500,000	
				UT					
				CN					
				Project Cost:		5,600,000	0	1,500,000	0
Henry	572	I-71	IMPROVE SAFETY AND REDUCE CONGESTION ON I-71 FROM KY 153 TO US 421.	PL					
				DN	SPP	4,320,000			
				RW	SPP				1,500,000
				UT					
				CN					
				Project Cost:		4,320,000	0	0	1,500,000
Henry	8300	KY-146	MAJOR RECONSTRUCTION OF KY-146 BETWEEN NEW CASTLE AT US-421 AND PENDLETON AT KY-153. SEGMENT 1: PENDLETON ROAD (KY 153) TO LOST CREEK (1/2 MILE EAST OF SAFETY	PL					
				DN					
				RW	STP2	75,000			
				UT					
				CN	SPP	16,385,000			
				Project Cost:		16,460,000	0	0	0
Henry	8820	KY-55	REHABILITATION-OVERLAY AND WIDENING EXISTING KY-55 FROM KY-22 TO CURVE AT MP 2.210 NORTH OF EMINENCE. INCLUDES REPLACING EXISTING CURB AND GUTTER AND	PL					
				DN					
				RW	SPP	1,520,000			
				UT	SPP	1,250,000			
				CN	SPP			2,980,000	
				Project Cost:		2,770,000	0	2,980,000	0
Henry	8822	KY-389	SCOPING/PLANNING STUDY FOR KY-389 IN HENRY COUNTY FROM KY-202 (DRENNON ROAD) NORTH TO HENRY COUNTY/CARROLL COUNTY LINE. (14CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP			2,000,000	
				Project Cost:		0	0	2,000,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Henry	10109	KY-202	ADDRESS DEFICIENCIES OF BRIDGE ON KY 202 OVER FLAG RUN (052B00011N)	PL DN RW UT CN	BRZ		118,008		
Project Cost:						0	118,008	0	0
Henry	20068	I-71	ADDRESS CONDITION OF I-071 FROM MILEPOINT 24.727 TO MILEPOINT 29.112 (28.1 CARDINAL)	PL DN RW UT CN	NHPM NHPM			499,153 4,492,380	
Project Cost:						0	0	4,991,533	0
Total for Henry county				PL DN RW UT CN		9,920,000 1,595,000 1,250,000 16,385,000	118,008	499,153 1,500,000 9,472,380	1,500,000
Total Amounts:						29,150,000	118,008	11,471,533	1,500,000
Hickman	10145	KY-307	BRIDGE PROJECT IN HICKMAN COUNTY ON (053B00017N) KY-307 AT NORTH FORK BAYOU DE CHIE	PL DN RW UT CN	BRX				201,597
Project Cost:						0	0	0	201,597
Hickman	10147	KY-58	BRIDGE PROJECT IN HICKMAN COUNTY ON (053B00042N) KY-58 AT OBION CREEK	PL DN RW UT CN	BRX BRX			532,584 3,550,560	
Project Cost:						0	0	4,083,144	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Hickman	10149	KY-1475	BRIDGE PROJECT IN HICKMAN COUNTY ON (053B00078N) KY-1475 AT HURRICANE BRANCH	PL DN RW UT CN	BRX			85,536	
Project Cost:						0	0	85,536	0
Hickman	10150	KY-3061	BRIDGE PROJECT IN HICKMAN COUNTY ON (053B00093N) KY-3061 AT BR OF BRUSH CREEK (EAST)	PL DN RW UT CN	BRX BRX	103,224 688,160			
Project Cost:						791,384	0	0	0
Hickman	80203	US-51	Correct geometric deficiencies and improve safety, access, and regional connectivity from Clayton Street to KY-703 in Clinton. (2022CCN)	PL DN RW UT CN	SPP	6,500,000			
Project Cost:						6,500,000	0	0	0
Hickman	80325	US-51	CORRECT GEOMETRIC DEFICIENCIES AND IMPROVE SAFETY, ACCESS, AND REGIONAL CONNECTIVITY FROM KY-703 IN CLINTON TO .160 MILES SOUTH OF OBION CREEK BRIDGE.	PL DN RW UT CN	NH NH	4,000,000 33,000,000			
Project Cost:						4,000,000	33,000,000	0	0
Hickman	80327	US-51	IMPROVE SAFETY, ACCESS, AND REGIONAL CONNECTIVITY, AND ADDRESS GEOMETRIC DEFICIENCIES FROM HICKMAN C/L TO CANE CREEK BRIDGE.	PL DN RW UT CN	NH NH	2,000,000 8,000,000			
Project Cost:						2,000,000	8,000,000	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Hickman	80328	US-51	CORRECT GEOMETRIC DEFICIENCIES, ANE IMPROVE SAFETY, ACCESS AND REGIONAL CONNECTIVITY FROM BAYOU DE CHEIN BRIDGE TO MARTIN ROAD.	PL DN RW UT CN	NH NH NH	1,000,000 1,000,000	6,500,000		
Project Cost:						2,000,000	6,500,000	0	0
Hickman	80329	KY-307	IMPROVE SAFETY, TRUCK MOBILITY, AND GEOMETRIC DEFICIENCIES AT THE ICR RAILROAD OVERPASS.	PL DN RW UT CN	SPP SPP SPP SPP		800,000	750,000 1,000,000	4,000,000
Project Cost:						0	800,000	1,750,000	4,000,000
Hickman	80330	US-51	IMPROVE INTERSECTION GEMETRICS AND ADDRESS SIGHT DISTANCE ISSUES WITH ACCESS TO US 51 FROM KY 1301 AND THE ENTRANCE OF HARPERS COUNTRY HAMS NEAR CLINTON.	PL DN RW UT CN	NH	2,000,000			
Project Cost:						2,000,000	0	0	0
Total for Hickman county				PL DN RW UT CN		103,224 1,000,000 7,000,000 9,188,160	800,000 750,000 1,000,000 47,500,000	618,120 1,000,000 3,550,560	201,597 4,000,000
Total Amounts:						17,291,384	48,300,000	5,918,680	4,201,597
Hopkins	129	US-41	REMOVE THE MEDIAN ON US 41 (SOUTH MAIN STREET) FROM MP 13.646 TO MP 15.521.	PL DN RW UT CN	NH NH NH NH	925,000	700,000 1,350,000	13,200,000	
Project Cost:						925,000	2,050,000	13,200,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Hopkins	384	KY-281	IMPROVE KY-281 FROM ISLAND PARK DRIVE TO 0.25 MI NORTH OF CARRIAGE LANE (KY-2281).	PL DN RW UT CN	SPP	3,200,000			
Project Cost:						3,200,000	0	0	0
Hopkins	804.3000	PF-9999	Extend Midtown Blvd from CSX Railroad to Whittington Drive, 500' south of Commerce Drive. (2022CCR)	PL DN RW UT CN	SPP	2,000,000			
Project Cost:						2,000,000	0	0	0
Hopkins	804.4000	CS-1287	Reconstruct Whittington Drive beginning 500' south of Commerce Drive and ending at the intersection of Whittington Drive and Island Ford Road (KY 281), including the reconstruction of the KY 281 intersection.	PL DN RW UT CN	SPP	3,100,000			
Project Cost:						3,100,000	0	0	0
Hopkins	10093	I -69	BRIDGE PROJECT IN HOPKINS COUNTY ON (054B00016N) EDWARD T BREATHITT AT PENNYRILE PARKWAY	PL DN RW UT CN	FBP				499,590
Project Cost:						0	0	0	499,590
Hopkins	10098	KY-109	BRIDGE PROJECT IN HOPKINS COUNTY ON (054B00076N) KY-109 AT CLEAR CREEK	PL DN RW UT CN	BRX				845,562
Project Cost:						0	0	0	845,562

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Hopkins	20031	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 124.946 TO MILEPOINT 133.959	PL DN RW UT CN	NHPM		2,300,000		
				Project Cost:		0	25,300,000	0	0
Hopkins	22083	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 89.848 TO MILEPOINT 93.724	PL DN RW UT CN	NHPM		518,527		
				Project Cost:		0	5,185,274	0	0
Hopkins	22087	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 108.994 TO MILEPOINT 114.246 (113.81 NON-CARDINAL)	PL DN RW UT CN	NHPM	8,410,687			
				Project Cost:		8,410,687	0	0	0
Hopkins	22160	WK-9001	ADDRESS CONDITION OF Wendell H. Ford Western KY Parkway FROM MILEPOINT 38.326 TO MILEPOINT 42.807	PL DN RW UT CN	NHPM	1,000,000			
				Project Cost:		1,000,000	0	0	0
Hopkins	22192	EB-9004	ADDRESS CONDITION OF Edward T. Breathitt Pennyrile Parkway FROM MILEPOINT 29.9 TO MILEPOINT 32.861	PL DN RW UT CN	NHPM	1,001,115			
				Project Cost:		10,011,150	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Hopkins	22337	US-62	ADDRESS CONDITION OF US-62 FROM MILEPOINT 15.4 TO MILEPOINT 15.8	PL DN RW UT CN	STP3		37,500		
					STP3		712,500		
				Project Cost:		0	750,000	0	0
Hopkins	80102	PF-9999	CONSTRUCT A 3 LANE CURB, GUTTER AND ROADWAY FROM THE END OF MIDTOWN BLVD. TO THE INTERSECTION OF COMMERCE DR. AND WHITTINGTON DR. (2020CCN) (2022CCR)	PL DN RW UT CN	SPP	2,900,000			
				Project Cost:		2,900,000	0	0	0
Hopkins	80105	US-41	IMPROVE US 41A BEGINNING AT INDUSTRIAL DR AT HOPKINS CO ENDING AT PROVIDENCE (2022CCR)	PL DN RW UT CN	NH	2,200,000			
					NH	5,400,000			
					NH		34,800,000		
				Project Cost:		7,600,000	34,800,000	0	0
Hopkins	80105.1000	US-41	IMPROVE US41A BEGINNING NEAR NEBO AT MP 8.7 AND ENDING AT MP 11.2 IN HOPKINS COUNTY. (2022BOP)	PL DN RW UT CN	SPP	2,000,000			
					SPP	5,500,000			
				Project Cost:		7,500,000	0	0	0
Hopkins	80300	KY-260	IMPROVE SAFETY AND MOBILITY OF KY 260 FROM THE APPROACHES AT THE RAILROAD CROSSING IN HANSON TO THE SOUTHBOUND ON AND OFF RAMPS OF I69.	PL DN RW UT CN	SPP	1,000,000			
					SPP	1,670,000			
					SPP		6,760,000		
				Project Cost:		2,670,000	6,760,000	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Total for Hopkins county				PL					
				DN		1,926,115	2,856,027		1,345,152
				RW		3,200,000	700,000		
				UT		9,070,000	1,350,000		
				CN		35,120,722	69,939,247	13,200,000	
				Total Amounts:		49,316,837	74,845,274	13,200,000	1,345,152
Jackson	10041	KY-89	BRIDGE PROJECT IN JACKSON COUNTY ON (055B00028N) KY-89 AT HORSE LICK CREEK	PL					
				DN	BRX			100,000	
				RW					
				UT					
				CN					
				Project Cost:		0	0	100,000	0
Jackson	80104	US-421	ADDRESS SUBSTARNDARD HORIZONTAL AND VERTICAL ALIGNMENT OF US 421 IN THE CLOVER BOTTOM AREA NEAR THE STONE QUARRY. (2020CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	8,400,000			
				Project Cost:		8,400,000	0	0	0
Jackson	80105	US-421	ADDRESS SAFETY ISSUES WITH VERTICAL AND HORIZONTAL ALIGNMENT ON US 421 FROM MP 11.6 EAST OF PILGRIMS REST RD TO MP 12.6 (2020CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	3,350,000			
				Project Cost:		3,350,000	0	0	0
Jackson	80313	KY-290	Improve the existing geometric alignments at two spot locations (MP 4.7-6.3 and 8.0-8.5) by realigning curves in high crash cluster areas and widening. Improve design speed to 45 mph along these two	PL					
				DN					
				RW	SPP	1,500,000			
				UT	SPP	1,500,000			
				CN	SPP		4,500,000		
				Project Cost:		3,000,000	4,500,000	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Total for Jackson county				PL					
				DN				100,000	
				RW		1,500,000			
				UT		1,500,000			
				CN		11,750,000	4,500,000		
				Total Amounts:		14,750,000	4,500,000	100,000	0
Jefferson	21	I-265	SNYDER FREEWAY; RECONSTRUCT 2 RAMPS AT I-265/I-64 INTERCHANGE EAST OF LOUISVILLE. (DESIGNED WITH 5-41.00) (2006BOPP)(12CCR)	PL					
				DN					
				RW	NH	3,820,000			
				UT	NH	3,550,000			
				CN	NH		57,540,000		
				Project Cost:		7,370,000	57,540,000	0	0
Jefferson	48.1000	I-71	ADDITION OF NB AND SB AUXILIARY LANES ON I-71 NEAR KENNEDY, INCLUDING OPERATIONAL IMPROVEMENTS TO THE ZORN INTERCHANGE. (2004BOPC)	PL					
				DN					
				RW					
				UT					
				CN	NH	15,080,000	15,000,000		
				Project Cost:		15,080,000	15,000,000	0	0
Jefferson	373.2000	KY-1819	RECONSTRUCT AND WIDEN KY 1819 (WATTERSON TRAIL) - PLANTSIDE DRIVE TO BLUEGRASS PARKWAY. (98CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	6,900,000			
				Project Cost:		6,900,000	0	0	0
Jefferson	478.3000	US-31	IMPROVE DIXIE HIGHWAY BETWEEN GREENWOOD ROAD (KY 1931) AND STONESTREET ROAD (CR 1003) (14CCN) (MP9.749-11.650)	PL					
				DN					
				RW					
				UT	SPP	1,300,000			
				CN					
				Project Cost:		1,300,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Jefferson	555	KY-1747	REDUCE CONGESTION AND IMPROVE SAFETY ALONG KY-1747 (HURSTBOURNE PARKWAY) FROM STONY BROOK DRIVE TO I-64.	PL					
				DN					
				RW	FED	7,500,000			
				UT	FED	9,000,000			
				CN	FED			67,000,000	
			Project Cost:			16,500,000	0	67,000,000	0
Jefferson	558	I -265	IMPROVE SAFETY AND REDUCE CONGESTION ON I-265 FROM US-31E (BARDSTOWN RD) TO KY-155 (TAYLORSVILLE RD).	PL					
				DN	NH	4,000,000			
				RW	NH		2,500,000		
				UT	NH		1,500,000		
				CN					
			Project Cost:			4,000,000	4,000,000	0	0
Jefferson	804	I -264	RECONSTRUCT/WIDEN I-264 (WATTERSON EXPRESSWAY) FROM WESTPORT ROAD (KY-1447) TO I-71, INCLUDING THE US-42 INTERCHANGE AS A SPUI.(PROJECT INCLUDES 5-594)	PL					
				DN					
				RW					
				UT					
				CN	NH	64,181,000			
			Project Cost:			64,181,000	0	0	0
Jefferson	965.1900	CO-0	DEDICATED FEDERAL AID STP FUNDS EARMARKED FOR LOUISVILLE URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2024-2030. (FUNDING SUBJECT TO FISCAL CONSTRAINT	PL					
				DN					
				RW					
				UT					
				CN	SLO	26,800,000	26,800,000	26,800,000	26,800,000
			Project Cost:			26,800,000	26,800,000	26,800,000	26,800,000
Jefferson	1079	CR-1001	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056C00130N) RIVER RD AT GOOSE CREEK	PL					
				DN	BRZ			380,000	
				RW					
				UT					
				CN	BRZ			3,800,000	
			Project Cost:			0	0	4,180,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Jefferson	2000.7700	I-264	SHAWNEE EXPRESSWAY LANDSCAPING; I-264 FENCING PROJECT. (2002BOPC) (10CCR)	PL DN RW UT CN	SPP		110,000		
Project Cost:						0	110,000	0	0
Jefferson	8205.1000	KY-2053	IMPROVE AND WIDEN MT WASHINGTON ROAD FROM PRESTON HIGHWAY TO PENN RUN CREEK BRIDGE. (10CCN) (SAME AS5-8611.00)	PL DN RW UT CN	SPP SPP SPP	2,500,000 7,200,000		10,300,000	
Project Cost:						9,700,000	0	10,300,000	0
Jefferson	8507	US-31	MAKE BEAUTIFICATION AND IMPROVEMENTS ON DIXIE HIGHWAY AT THE WATTERSON EXPRESSWAY EXCHANGE. (08CCN)(12CCR)	PL DN RW UT CN	SPP	102,000			
Project Cost:						102,000	0	0	0
Jefferson	8908	KY-155	WIDEN TAYLORSVILLE ROAD FROM I-265 TO KY-148. (18CCN)	PL DN RW UT CN	STPF	16,201,000			
Project Cost:						16,201,000	0	0	0
Jefferson	8954.1000	KY-155	Improve safety and traffic operations on KY 155 from MP 2.0 in Spencer County to Floyds Fork In Jefferson County (total length 6.247 miles) (Portion of 5-8954.0).	PL DN RW UT CN	STPF STPF STPF	3,214,000	8,475,000 21,460,000		
Project Cost:						3,214,000	29,935,000	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Jefferson	10063	I -265	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00087R) & (056B00087L) I-265 AT KY 22 (BROWNSBORO RD)	PL DN RW UT CN	BRO	452,000			
						4,520,000			
			Project Cost:			4,972,000	0	0	0
Jefferson	10065	I -65	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00180N) I-65 AT US 60A (EASTERN PKWY)	PL DN RW UT CN	BRO	2,434,000			
							24,340,000		
			Project Cost:			2,434,000	24,340,000	0	0
Jefferson	10067	I -65	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00184N) I-65 AT ST CATHERINE ST	PL DN RW UT CN	BRO	13,695,000			
			Project Cost:			13,695,000	0	0	0
Jefferson	10068	I -65	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00191N) I-65 AT JACOB, BROADWAY, GRAY ST	PL DN RW UT CN	BRO	10,612,000			
					FBP	15,000,000	26,000,000	45,130,000	20,000,000
			Project Cost:			25,612,000	26,000,000	45,130,000	20,000,000
Jefferson	10069	I -65	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00192N) I-65 AT E CHESTNUT ST	PL DN ST RW UT CN	BRO		1,788,000		
					FBP		1,788,000		
							17,887,000		
					FBP		17,887,000		
			Project Cost:			0	39,350,000	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Jefferson	10077	I -264	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00273N) I-264 EB ON RAMP AT P&L RAILWAY	PL DN RW UT CN	FBP BRX			575,125 3,834,168	
			Project Cost:			0	0	4,409,293	0
Jefferson	10078	I -64	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00278N) I-64 WB RAMP AT I-64 EB	PL DN RW UT CN	BRO BRO			333,122 2,220,816	
			Project Cost:			0	0	2,553,938	0
Jefferson	10082	I -65	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00389N) I-65 AT GRADE LN	PL DN RW UT CN	BRO BRO			474,000 4,740,000	
			Project Cost:			0	0	5,214,000	0
Jefferson	10083	I -65	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00390N) I-65 AT STANDIFORD LN	PL DN RW UT CN	BRO BRO				748,706 4,991,376
			Project Cost:			0	0	0	5,740,082
Jefferson	10099	I -65	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00193N) I-65 AT BROOK/MUHAMMAD ALI. (POTENTIAL CMGC DELIVERY PROJECT)	PL DN RW UT CN	FBP FBP FBP FBP			5,544,528 50,000 75,000	13,000,000
			Project Cost:			0	0	5,669,528	13,000,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Jefferson	10100	I -65	BRIDGE PROJECT IN JEFFERSON COUNTY	PL					
			ON (056B00194N) I-65 AT MUHAMMAD	DN	FBP				89,613
			ALI SB ON-RAMP. (POTENTIAL CMGC	RW	FBP				50,000
			DELIVERY PROJECT)	UT	FBP				75,000
				CN	FBP				855,883
	Project Cost:				0	0	0	1,070,496	
Jefferson	10101	I -65	BRIDGE PROJECT IN JEFFERSON COUNTY	PL					
			ON (056B00195R) I-65 NB AT FLOYD	DN	FBP				173,829
			STREET. (POTENTIAL CMGC DELIVERY	RW	FBP				50,000
			PROJECT)	UT	FBP				75,000
				CN	FBP				1,660,220
	Project Cost:				0	0	0	1,959,049	
Jefferson	10102	I -65	BRIDGE PROJECT IN JEFFERSON COUNTY	PL					
			ON (056B00197R) I-65 NB AT E. LIBERTY	DN	FBP				1,070,151
			STREET. (POTENTIAL CMGC DELIVERY	RW	FBP				50,000
			PROJECT)	UT	FBP				75,000
				CN	FBP				10,220,885
	Project Cost:				0	0	0	11,416,036	
Jefferson	10103	I -65	BRIDGE PROJECT IN JEFFERSON COUNTY	PL					
			ON (056B00186N) I-65 AT OAK STREET.	DN	FBP				1,624,449
			(POTENTIAL CMGC DELIVERY PROJECT)	RW	FBP				50,000
				UT	FBP				75,000
				CN	FBP				15,791,794
	Project Cost:				0	0	0	17,541,243	
Jefferson	10104	I -65	BRIDGE PROJECT IN JEFFERSON COUNTY	PL					
			ON (056B00182N) I-65 AT BRANDIES	DN	FBP				1,131,676
			AVE. (POTENTIAL CMGC DELIVERY	RW	FBP				50,000
			PROJECT)	UT	FBP				75,000
				CN	FBP				11,001,389
	Project Cost:				0	0	0	12,258,065	

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Jefferson	10105	I-65	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00181N) I-65 AT UNIVERSITY BLVD. (POTENTIAL CMGC DELIVERY PROJECT)	PL DN RW UT CN	FBP FBP FBP FBP				1,129,373 50,000 75,000 10,979,004
Project Cost:						0	0	0	12,233,377
Jefferson	10106	I-65	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00212N) I-65 AT BRADLEY AVE. (POTENTIAL CMGC DELIVERY PROJECT)	PL DN RW UT CN	FBP FBP FBP FBP				1,160,879 50,000 75,000 11,285,282
Project Cost:						0	0	0	12,571,161
Jefferson	10112	KY-1703	ADDRESS DEFICIENCIES OF BRIDGE ON CR 1002 OVER NS RAILROAD & HIKES LN (056B00122L)	PL DN RW UT CN	BRZ			827,980	
Project Cost:						0	0	827,980	0
Jefferson	10113	KY-1703	ADDRESS DEFICIENCIES OF BRIDGE ON CR 1002 OVER NS RAILROAD & HIKES LN (056B00122R)	PL DN RW UT CN	BRZ			827,980	
Project Cost:						0	0	827,980	0
Jefferson	10115	US-31	ADDRESS DEFICIENCIES OF BRIDGE ON US 31 OVER OHIO RIVER (056B00136N)	PL DN RW UT CN	BRO				3,861,491
Project Cost:						0	0	0	3,861,491

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Jefferson	20016	I-264	ADDRESS CONDITION OF I-264 FROM MILEPOINT 12.7 TO MILEPOINT 18.41	PL DN RW UT CN	NHPM	19,528,623			
				Project Cost:		19,528,623	0	0	0
Jefferson	20022	KY-841	ADDRESS CONDITION OF KY-841 FROM MILEPOINT 0 TO MILEPOINT 10.25	PL DN RW UT CN	STP5	800,000			
				Project Cost:		800,000	0	0	0
Jefferson	20024	KY-913	ADDRESS CONDITION OF KY-913 FROM MILEPOINT 2.38 TO MILEPOINT 3.07	PL DN RW UT CN	NHPM		37,500		
				Project Cost:		0	712,500	0	0
Jefferson	20025	KY-1020	ADDRESS CONDITION OF KY-1020 FROM MILEPOINT 2.67 TO MILEPOINT 3.66	PL DN RW UT CN	STP5		50,000		
				Project Cost:		0	950,000	0	0
Jefferson	20027	KY-1932	ADDRESS CONDITION OF KY-1932 FROM MILEPOINT 3.21 TO MILEPOINT 3.8	PL DN RW UT CN	STP5		27,500		
				Project Cost:		0	522,500	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Jefferson	20028	KY-1934	ADDRESS CONDITION OF KY-1934 FROM MILEPOINT 0 TO MILEPOINT 4.44	PL					
				DN	STP5		175,000		
				RW					
				UT					
				CN	STP5		3,325,000		
				Project Cost:		0	3,500,000	0	0
Jefferson	20029	KY-1934	ADDRESS CONDITION OF KY-1934 FROM MILEPOINT 4.44 TO MILEPOINT 9.74	PL					
				DN	STP5		265,000		
				RW					
				UT					
				CN	STP5		5,035,000		
				Project Cost:		0	5,300,000	0	0
Jefferson	20030	KY-2048	ADDRESS CONDITION OF KY-2048 FROM MILEPOINT 0 TO MILEPOINT 1.13	PL					
				DN	STP5		55,000		
				RW					
				UT					
				CN	STP5		1,045,000		
				Project Cost:		0	1,100,000	0	0
Jefferson	20031	KY-2052	ADDRESS CONDITION OF KY-2052 FROM MILEPOINT 0 TO MILEPOINT 4.21	PL					
				DN	STP5		210,000		
				RW					
				UT					
				CN	STP5		3,990,000		
				Project Cost:		0	4,200,000	0	0
Jefferson	20064	I-64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 0.65 TO MILEPOINT 0.828 (0.795 NON-CARDINAL)	PL					
				DN					
				RW					
				UT					
				CN	NHPM	1,000,000			
				Project Cost:		1,000,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Jefferson	20065	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 0.795 (0.828 CARDINAL) TO MILEPOINT 5.217 (4.935 NON-CARDINAL)	PL DN RW UT CN	NHPM				600,500 5,404,500
				Project Cost:		0	0	0	6,005,000
Jefferson	20067	I -65	ADDRESS CONDITION OF I-065 FROM MILEPOINT 127.57 TO MILEPOINT 131.24	PL DN RW UT CN	NHPM		738,520		
				Project Cost:		0	7,385,198	0	0
Jefferson	20069	I -265	ADDRESS CONDITION OF I-265 FROM MILEPOINT 18.8 TO MILEPOINT 23.364	PL DN RW UT CN	NHPM	5,605,664			
				Project Cost:		5,605,664	0	0	0
Jefferson	22023	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 11.574 TO MILEPOINT 13.206 (13.124 CARDINAL)	PL DN RW UT CN	NHPM	400,000			
				Project Cost:		4,000,000	0	0	0
Jefferson	22024	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 13.124 (13.206 NON-CARDINAL) TO MILEPOINT 19.4 (19.146 NON-CARDINAL)	PL DN RW UT CN	NHPM	2,000,000			
				Project Cost:		20,000,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Jefferson	22069	I -65	ADDRESS CONDITION OF I-065 FROM MILEPOINT 123.18 TO MILEPOINT 127.57	PL DN RW UT CN	NHPM	52,000,000			
Project Cost:						52,000,000	0	0	0
Jefferson	22070	I -65	ADDRESS CONDITION OF I-065 FROM MILEPOINT 131.24 TO MILEPOINT 136.338	PL DN RW UT CN	NHPM	4,828,191			
Project Cost:						4,828,191	0	0	0
Jefferson	22096	I -71	ADDRESS CONDITION OF I-071 FROM MILEPOINT 0 TO MILEPOINT 3.71	PL DN RW UT CN	NHPM STP5		423,719 3,813,475		
Project Cost:						0	4,237,194	0	0
Jefferson	22140	I -264	ADDRESS CONDITION OF I-264 FROM MILEPOINT 18.41 TO MILEPOINT 20.7	PL DN RW UT CN	NHPM NHPM			598,926 5,390,331	
Project Cost:						0	0	5,989,257	0
Jefferson	80000	KY-1531	EASTWOOD FISHERSVILLE CONNECTOR TO I-64 (18CCN) (2020CCR) (2022CCR)	PL DN RW UT CN	NH NH NH			8,000,000 2,000,000	45,000,000
Project Cost:						0	0	10,000,000	45,000,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Jefferson	80001	US-60	WIDEN US-60 TO 6 LANES FROM OLD SHELBYVILLE RD. TO NORTH ENGLISH STATION RD.(18CCN) (2020CCR)	PL DN RW UT CN	FED		4,325,900		
Project Cost:						0	4,325,900	0	0
Jefferson	80006	I-65	CONSTRUCT NEW INTERCHANGE ON KY-841 AT THE RENAISSANCE SOUTH BUSINESS PARK(18CCN) (FUNDED WITH LOCAL FUNDS) (LOOKING TO APPLY FOR USDOT INFRAGRANT AND	PL DN RW UT CN	FED	13,070,000			
Project Cost:						13,070,000	0	0	0
Jefferson	80108	CR-1015	WIDEN AND IMPROVE RANGELAND RD FROM POLAR LEVEL RDS TO SHEPHERDSVILLE RD (2020CCN) (2022CCR)	PL DN RW UT CN	SPP		3,500,000		
Project Cost:						0	3,500,000	0	0
Jefferson	80200	KY-2050	Reduce congestion, improve safety, and enhance mobility on KY 2050 (Herr Lane) from Prince Valiant Drive/Westmar Terrace to Bedford Lane. (2022CCN)	PL DN RW UT CN	SPP			2,160,000	
Project Cost:						0	0	2,160,000	0
Jefferson	80203	KY-1065	Improve safety and reduce congestion on KY 1065 (Outer Loop) from I-65 to KY 2052 (Shepherdsville Road). Project will evaluate the addition of one travel lane in each direction and consider	PL DN RW UT CN	STPF SPP SPP		3,270,000 2,730,000		27,250,000
Project Cost:						0	6,000,000	0	27,250,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Jefferson	80204	KY-1931	Improve safety and reduce congestion on KY 1931 (Manslick Road) from KY 1931 (St. Andrews Church Road) to I-264 (Henry Watterson Expressway). Project will evaluate 3-lane widening.	PL					
				DN					
				RW	SPP		6,325,000		
				UT	SPP		11,559,000		
				CN	SPP			10,270,000	
	Project Cost:				0	17,884,000	10,270,000	0	
Jefferson	80205	KY-61	Improve safety, reduce congestion, and improve multi-modal transportation options along KY 61 from Commerce Crossings Dr (BMP 1.395) to Briden Avenue (EMP 8.400) including the I-264 (Watterson	PL					
				DN	NH	5,000,000			
				RW	NH		6,310,000		
				UT	NH		10,570,000		
				CN	NH				58,850,000
	Project Cost:			5,000,000	16,880,000	0	58,850,000		
Jefferson	80251	I -65	IMPROVE ALIGNMENT OF THE I 65 SOUTHBOUND RAMP TO BROOK/JEFFERSON THROUGH THE ADDITION OF LANES AND IMPROVED GEOMETRY. (2022CCN)	PL					
				DN					
				RW					
				UT					
				CN	NH	10,000,000			
	Project Cost:			10,000,000	0	0	0		
Jefferson	80253	US-31	RESURFACING, SAFETY IMPROVEMENTS, AND PEDESTRIAN ACCESS IMPROVEMENTS ON US 31E FROM MP 14.625 (EASTERN PARKWAY) TO MILEPOINT 13.125 (TAYLORSVILLE	PL					
				DN					
				RW					
				UT					
				CN	SPP	1,000,000			
	Project Cost:			1,000,000	0	0	0		
Jefferson	80258	KY-1819	REDUCE CONGESTION, IMPROVE SAFETY, AND ENHANCE MOBILITY ON KY 1819 (WATTERSON TRAIL) FROM BLUEGRASS PARKWAY TO BLANKENBAKER PARKWAY (KY 913)	PL					
				DN					
				RW					
				UT	SPP	1,000,000			
				CN	SPP	7,200,000			
	Project Cost:			8,200,000	0	0	0		

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Jefferson	80300	US-31	TRANSPORTATION SYSTEM	PL					
			MANAGEMENT & TRANSPORTATION	DN	SPP	1,740,000			
			DEMAND MANAGEMENT ACTIVITIES ON	RW	SPP		3,920,000		
			US 31E (BARDSTOWN ROAD) BETWEEN	UT	SPP		4,080,000		
			DOUGLASS BOULEVARD & HIKES LANE.	CN	SPP				15,660,000
			Project Cost:			1,740,000	8,000,000	0	15,660,000
Jefferson	80302	US-31	TRANSPORTATION SYSTEM	PL					
			MANAGEMENT IMPROVEMENTS ON US	DN	SPP	3,710,000			
			31W FROM KY 841 TO KY 44 IN	RW	SPP			8,350,000	
			SOUTHERN JEFFERSON COUNTY; TO	UT	SPP			8,690,000	
			INCLUDE THE CONSIDERATION OF	CN	SPP				3,330,000
			Project Cost:		3,710,000	0	17,040,000	3,330,000	
Jefferson	80303	CS-1011	IMPROVE SAFETY AND REDUCE	PL					
			CONGESTION AT THE KY 1065 AND KY	DN					
			61 INTERSECTION. PROJECT WILL	RW	SPP		240,000		
			CONSIDER ADDING A RIGHT TURN LANE	UT	SPP		240,000		
			ON WESTBOUND KY 1065 (OUTER LOOP)	CN	SPP				2,400,000
			Project Cost:		0	480,000	2,400,000	0	
Jefferson	80304	KY-1531	RELOCATE & RECONSTRUCT KY 1531	PL					
			(JOHNSON ROAD) WITH IMPROVED	DN					
			GEOMETRY FROM US 60 (SHELBYVILLE	RW	SPP	470,000			
			ROAD) TO AIKEN ROAD. PROJECT WILL	UT	SPP	240,000			
			CONSIDER A 2 LANE ROAD (NO	CN	SPP				10,190,000
			Project Cost:		710,000	0	10,190,000	0	
Jefferson	80306	CR-1001	IMPROVE SAFETY AND REDUCE	PL					
			CONGESTION ON GRADE LANE FROM KY	DN	SPP	1,200,000			
			1065 (OUTER LOOP) TO KY 1631 (FERN	RW	SPP		700,000		
			VALLEY ROAD). PROJECT DESIGN WILL	UT	SPP		300,000		
			EVALUATE 3-LANE WIDENING WITH	CN	SPP				13,500,000
			Project Cost:		1,200,000	1,000,000	13,500,000	0	

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Jefferson	80310	KY-22	IMPROVE TRAFFIC OPERATIONS ON KY 22 FROM JUST EAST OF MURPHY LANE TO HAUNZ LANE. PROJECT DESIGN WILL EVALUATE 3-LANE WIDENING WITH TWOWAY CENTER TURN LANE AND	PL DN RW UT CN	SPP	4,000,000			
			Project Cost:			4,000,000	0	0	0
Jefferson	80311	CS-1005	WEST KENTUCKY STREET (CS 1005) MASTER PLAN PROJECT FROM 18TH STREET TO 4TH STREET. PROJECT WILL CONSIDER SIDEWALK IMPROVEMENTS, BICYCLE FACILITIES, IMPROVEMENTS TO	PL DN RW UT CN	SPP SPP SPP	300,000 300,000	6,600,000		
			Project Cost:			600,000	6,600,000	0	0
Jefferson	80321	I-264	ADDRESS CONGESTION AND SAFETY ISSUES IN THE VICINITY OF THE BRECKENRIDGE LANE (KY 1932) AND DUTCHMANS LANE INTERSECTION.	PL DN RW UT CN	NH NH NH	500,000 300,000 400,000	2,500,000		
			Project Cost:			1,200,000	2,500,000	0	0
Jefferson	80322	CS-1011	RECONSTRUCT THE INTERSECTION OF HILL STREET AND 7TH STREET TO PROVIDE LEFT TURN LANES.	PL DN RW UT CN	SPP SPP SPP	240,000 240,000 2,400,000			
			Project Cost:			2,880,000	0	0	0
Jefferson	80323	KY-1865	"WEST KENTUCKY STREET (CS 1005) MASTER PLAN PROJECT FROM 18TH STREET TO 4TH STREET. PROJECT WILL CONSIDER SIDEWALK IMPROVEMENTS, BICYCLE FACILITIES, IMPROVEMENTS TO	PL DN RW UT CN	SPP SPP SPP	300,000 300,000	6,600,000		
			Project Cost:			600,000	6,600,000	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Jefferson	80324	CS-1046	THIS PROJECT IS A MAJOR COMPLETE STREET RE-DESIGN OF 9TH STREET JUST WEST OF THE CENTRAL BUSINESS DISTRICT OF LOUISVILLE FROM THE OHIO RIVER SOUTH TO ITS INTERSECTION WITH	PL					
				DN	SPP	2,990,000			
				RW	SPP		220,000		
				UT	SPP		390,000		
				CN	SPP			17,460,000	
				Project Cost:					
Jefferson	80329	KY-44	WIDEN HWY 44 E FOR SAFETY IMPROVEMENTS, CONGESTION RELIEF AND ECONOMIC GROWTH WITH ADDITIONAL LANES.	PL					
				DN					
				RW					
				UT	SPP	850,000			
				CN	SPP	5,350,000			
				Project Cost:					
Jefferson	80331	CR-1003	IMPROVE SAFETY AND OPERATIONS ON ARNOLDTOWN ROAD FROM KY 1931 TO KY 907. PROJECT DESIGN WILL EVALUATE 2 LANE ROAD (NO ADDED LANES).KIPDA ID# 249	PL	SPP	250,000			
				DN	SPP		2,170,000		
				RW	SPP				520,000
				UT	SPP				190,000
				CN	SPP				13,640,000
				Project Cost:					
Jefferson	80332	I-264	IMPROVE SAFETY AND REDUCE CONGESTION AT THE I-65/I-264 (WATTERSON EXPRESSWAY) INTERCHANGE.	PL					
				DN	NH	2,000,000			
				RW					
				UT					
				CN					
				Project Cost:					
Jefferson	80334	I-64	IMPROVEMENTS WITHIN THE I-64 CORRIDOR FROM THE KENNEDY INTERCHANGE TO I-264 (WATTERSON EXPRESSWAY) ADDRESSING SAFETY AND CONGESTION ISSUES. THE	PL					
				DN	NH	2,550,000			
				RW	NH		1,490,000		
				UT	NH		530,000		
				CN	NH			31,980,000	
				Project Cost:					

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Jefferson	80342	US-42	ROADWAY RECONFIGURATION, ONE-WAY TO TWO-WAY CONVERSION.	PL					
				DN	FED	500,000			
				RW					
				UT	FED	2,200,000			
				CN	FED		2,950,000		
Project Cost:						2,700,000	2,950,000	0	0
Jefferson	80350	I-264	Improve traffic operations and improve safety by addressing weaving movements between the US42 and I-71 interchanges on EB 1-264.	PL					
				DN	NH	2,000,000			
				RW					
				UT					
				CN					
Project Cost:						2,000,000	0	0	0
Jefferson	80352	KY-1865	Safety improvements on KY 1865 (New Cut Road)/Taylor Boulevard from MP 0.5 (just south of Old New Cut Road) to MP 5.766 (just north of the I-264 ramp).	PL					
				DN	NH	2,000,000			
				RW	NH	9,000,000			
				UT	NH		8,000,000		
				CN	NH			60,000,000	
Project Cost:						11,000,000	8,000,000	60,000,000	0
Jefferson	80355	US-60	Improvements from Eastern Parkway Transportation Study between Bardstown Road to Cherokee Park entrance (MP 6.82 -0.322) with a Memorandum of Agreement with the Louisville Metro Government.	PL					
				DN					
				RW					
				UT					
				CN	SPP	6,780,000			
Project Cost:						6,780,000	0	0	0
Jefferson	80356	US-60	Improvements from Eastern Parkway Transportation Study between Hahn Street to Concord Drive (MP 3.84-4.15) with a Memorandum of Agreement with the Louisville Metro Government.	PL					
				DN	SPP	990,000			
				RW	SPP		130,000		
				UT	SPP		410,000		
				CN	SPP			6,100,000	
Project Cost:						990,000	540,000	6,100,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Total for Jefferson county				PL		250,000			
				DN		48,340,000	10,382,239	12,675,661	11,590,667
				RW		27,644,000	25,105,000	16,400,000	870,000
				UT		26,580,000	48,784,000	10,765,000	715,000
				CN		330,793,478	286,055,053	341,875,315	321,380,333
				Total Amounts:		433,607,478	370,326,292	381,715,976	334,556,000
Jessamine	87.3000	KY-169, PF-9999, US-27	EAST NICHOLASVILLE BYPASS SECTION 1B FROM 125 FEET NORTH OF KY 169 TO END OF PROJECT AT TIE-IN TO WEST BYPASS. THIS INCLUDES THE INTERCHANGE AT US 27 NORTH OF	PL DN RW UT CN	SPP	15,000,000	24,460,000		
				Project Cost:		15,000,000	24,460,000	0	0
Jessamine	430	US-27	ACCESS MANAGEMENT ON NICHOLASVILLE ROAD BETWEEN NICHOLASVILLE AND MAN-O-WAR BLVD. (14CCR)	PL DN RW UT CN	SPP SPP SPP	8,650,000 1,520,000		24,500,000	
				Project Cost:		10,170,000	0	24,500,000	0
Jessamine	8906	KY-169	RECONSTRUCT KY 169 FROM US 68 TO 0.54 MILES NORTH OF CLEAR CREEK RD (MP 14.448 TO MP 19.00). (16CCN)	PL DN RW UT CN	NH NH NH	5,110,000 4,870,000		24,350,000	
				Project Cost:		9,980,000	0	24,350,000	0
Jessamine	80108	KY-169	IMPROVE KY-169 FROM NORTH OF CLEAR CREEK RD IN JESSAMINE COUNTY TO NORTH OF KY-1967 IN WOODFORD COUNTY. (2020CCN)	PL DN RW UT CN	SPP SPP	5,350,000	16,800,000		
				Project Cost:		5,350,000	16,800,000	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Jessamine	80324	KY-169	IMPROVE SAFETY AND MOBILITY ON NORTH 3RD STREET/KEENE ROAD FROM OAK ST TO US 27 (NICHOLASVILLE BYPASS) IN NICHOLASVILLE	PL DN RW UT CN	SPP SPP SPP SPP	1,250,000		3,750,000 2,750,000	6,500,000
Project Cost:						1,250,000	0	6,500,000	6,500,000
Jessamine	80325	KY-169	Reconstruct KY 169 (Richmond Ave) from proposed East Nicholasville Byp to US 27X (North Main St).	PL DN RW UT CN	SPP SPP SPP SPP	1,250,000		1,200,000 1,500,000	8,000,000
Project Cost:						1,250,000	0	2,700,000	8,000,000
Total for Jessamine county				PL DN RW UT CN		2,500,000 13,760,000 11,740,000 15,000,000	41,260,000	4,950,000 4,250,000 48,850,000	14,500,000
Total Amounts:						43,000,000	41,260,000	58,050,000	14,500,000
Johnson	149	KY-40	IMPROVE ROADWAY GEOMETRICS AND CAPACITY FROM GARBAGE HOLLOW TO EAST OF MILL STREET. (2020CCR) (2022CCR)	PL DN RW UT CN	SPP SPP	2,000,000 8,189,000			
Project Cost:						10,189,000	0	0	0
Johnson	194	KY-40	ADDRESS GEOMETRIC AND SAFETY ISSUES AND FUTURE CONGESTION MITIGATION ON KY 40 FROM 0.10 MILE WEST OF TEAYS BR. ROAD TO 0.10 MILE EAST OF TEAYS BR. ROAD.(12CCR)	PL DN RW UT CN	SPP	2,300,000			
Project Cost:						2,300,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Johnson	10102	KY-825	BRIDGE PROJECT IN JOHNSON COUNTY ON (058B00052N) KY-825 AT JENNY CREEK	PL DN RW UT CN	FBP2 BRX			160,839	1,072,260
Project Cost:						0	0	160,839	1,072,260
Johnson	10103	KY-469	BRIDGE PROJECT IN JOHNSON COUNTY ON (058B00054N) KY-469 AT GILLUM.BRANCH	PL DN RW UT CN	FBP2 FBP2				63,756 425,040
Project Cost:						0	0	0	488,796
Johnson	80100	KY-40	IMPROVE ROADWAY GEOMETRICS AND CAPACITY ON KY 40 FROM KY 321 TO GARBAGE HOLLOW (2020CCN) (2022CCR)	PL DN RW UT CN	SPP	579,000 7,019,000			
Project Cost:						7,598,000	9,253,000	0	0
Johnson	80101	US-460	Reconstruct US 460 from KY 114 in Magoffin County to just west of the US 23 interchange near Paintsville in Johnson County. Use a template of 2 + 1 lanes and a 3 foot median. (Funds to be expended	PL DN RW UT CN	SPP SPP SPP	1,120,000 500,000		37,500,000	
Project Cost:						1,620,000	37,500,000	0	0
Johnson	80116	KY-321	ADDRESS CONGESTION AND SAFETY ISSUES ON KY 321 FROM THE 6TH STREET TO THE JUNCTION OF KY 321 AND KY 40 (2020CCN) (SAME AS 12-8102 IN 2020 HIGHWAY PLAN)	PL DN RW UT CN	SPP SPP SPP	6,650,000 3,170,000		37,220,000	
Project Cost:						9,820,000	0	37,220,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Johnson	80250	KY-40, PF-9999	CONSTRUCT ACCESS ROAD TO PROPOSED JOHNSON COUNTY HIGH SCHOOL AND MIDDLE SCHOOL CAMPUS. TO INTERSECT WITH KY 40 AT MILEPOINT 8.85 (2022CCN)	PL DN RW UT CN	SPP	8,609,253			
Project Cost:						8,609,253	0	0	0
Total for Johnson county				PL DN RW UT CN		8,349,000 12,689,000 19,098,253		160,839 37,220,000	63,756 1,497,300
Total Amounts:						40,136,253	46,753,000	37,380,839	1,561,056
Kenton	17	I-75	UPGRADE THE EXISTING I-71/75 BRENT SPENCE BRIDGE CORRIDOR AT THE OHIO RIVER BETWEEN COVINGTON, KY AND CINCINNATI, OHIO. (02KYD)	PL DN RW UT CN	NH		5,000,000	64,330,000	142,590,000
Project Cost:						0	5,000,000	64,330,000	142,590,000
Kenton	17.3000	CO-0	CONSTRUCT A COMPANION BRIDGE TO THE EXISTING I-71/75 BRENT SPENCE BRIDGE OVER THE OHIO RIVER BETWEEN COVINGTON, KY AND CINCINNATI, OH. (KY SHARE)(FEDERAL BRIDGE	PL DN RW UT CN	KYD	172,000,000	172,000,000	158,270,000	82,410,000
Project Cost:						172,000,000	172,000,000	158,270,000	82,410,000
Kenton	17.3100	CO-0	CONSTRUCT A COMPANION BRIDGE TO THE EXISTING I-71/75 BRENT SPENCE BRIDGE OVER THE OHIO RIVER BETWEEN COVINGTON, KY AND CINCINNATI, OH. (KY SHARE)(DEDICATED STATE	PL DN RW UT CN	SGF	53,000,000	48,000,000	2,400,000	
Project Cost:						53,000,000	48,000,000	2,400,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Kenton	162.3000	KY-536	IMPROVE SAFETY AND REDUCE CONGESTION ON KY-536 FROM KY 1303 TO WILLIAMSWOOD ROAD/CALVARY DRIVE (PRIORITY SECTION 2). DESIGN PHASE UNDER PARENT NO. 6-162.01.	PL DN RW UT CN	STPF	18,000,000			
Project Cost:						18,000,000	0	0	0
Kenton	449	KY-17	IMPROVE SAFETY AND REDUCE CONGESTION ON KY-17 AT THE I-275 INTERCHANGE. (18CCR) (2020CCR)	PL DN RW UT CN	STPF	10,500,000			
Project Cost:						10,500,000	0	0	0
Kenton	450	KY-1303	IMPROVE SAFETY AND REDUCE CONGESTION ALONG KY-1303 (TURKEYFOOT RD) FROM DUDLEY RD TO US-25 (DIXIE HWY). (18CCR) (2020CCR)	PL DN RW UT CN	STPF STPF STPF	4,680,000 3,000,000		28,000,000	
Project Cost:						7,680,000	0	28,000,000	0
Kenton	8951	US-25	IMPROVE EXISTING ALIGNMENT WITH BUTTERMILK PIKE, ORPHANAGE ROAD, AND US 25. FT. MITCHELL WILL PAY \$50,000 TOWARD DESIGN. (16CCN) (18CCN) (2020CCR) (2022CCR)	PL DN RW UT CN	STPF STPF STPF	10,000,000	2,500,000 6,000,000		
Project Cost:						10,000,000	8,500,000	0	0
Kenton	10043	I-75	BRIDGE PROJECT IN KENTON COUNTY ON (059B00040N) I-75 NC AT 3RD-4TH-5TH STS COVINGTO	PL DN RW UT CN	FBP FBP		3,733,000 37,330,000		
Project Cost:						0	41,063,000	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Kenton	10045	I-75	BRIDGE PROJECT IN KENTON COUNTY ON (059B00090N) I-75 RAMP AT 9TH ST-COVINGTON	PL DN RW UT CN	BRO BRO			338,000 3,380,000	
Project Cost:						0	0	3,718,000	0
Kenton	20044	KY-236	ADDRESS CONDITION OF KY-236 FROM MILEPOINT 2.13 TO MILEPOINT 2.62	PL DN RW UT CN	STP5	17,500			
Project Cost:						350,000	0	0	0
Kenton	20045	KY-1072	ADDRESS CONDITION OF KY-1072 FROM MILEPOINT 2.49 TO MILEPOINT 2.83	PL DN RW UT CN	STP5				11,250
Project Cost:						0	0	0	225,000
Kenton	20064	I-75	ADDRESS CONDITION OF I-075 NON-CARDINAL DIRECTION FROM MILEPOINT 190.7 TO MILEPOINT 191.122	PL DN RW UT CN	STP5			50,000	
Project Cost:						0	0	500,000	0
Kenton	22129	I-75	ADDRESS CONDITION OF I-075 FROM MILEPOINT 183.312 TO MILEPOINT 184.708	PL DN RW UT CN	STP5				467,500
Project Cost:						0	0	0	4,207,500
Project Cost:						0	0	0	4,675,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Kenton	22130	I-75	ADDRESS CONDITION OF I-075 NON-CARDINAL DIRECTION FROM MILEPOINT 184.708 TO MILEPOINT 186.95	PL DN RW UT CN	NHPM	1,947,000			
					NHPM	17,523,000			
				Project Cost:		19,470,000	0	0	0
Kenton	22131	I-75	ADDRESS CONDITION OF I-075 FROM MILEPOINT 186.95 TO MILEPOINT 190.7	PL DN RW UT CN	NHPM				4,331,250
					NHPM				38,981,250
				Project Cost:		0	0	0	43,312,500
Kenton	80105	KY-2373	WIDEN KENTON LANDS ROAD FROM US 25 TO RIGGS ROAD (2020CCN) (2022CCR)	PL DN RW UT CN	NH		17,830,000		
					NH		5,600,000		
					NH			30,000,000	
				Project Cost:		0	23,430,000	30,000,000	0
Kenton	80106	I-75	IMPROVE NORTHBOUND ENTRANCE RAMP ONTO I 75 FROM KYLES LANE (KY 1072) (2020CCN) (2022CCR)	PL DN RW UT CN	SPP	250,000			
					SPP		5,180,000		
				Project Cost:		250,000	5,180,000	0	0
Kenton	80203	KY-536	RECONSTRUCT KY 536 TO A 4-LANE URBAN SECTION FROM KY 17 TO THE CAMPBELL COUNTY LINE. (2022CCN)	PL DN RW UT CN	STP2		18,000,000		
					STP2		10,000,000		
					STP2				110,000,000
				Project Cost:		0	28,000,000	0	110,000,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Kenton	80217	KY-536	Provide connectivity, improve mobility, and reduce congestion along KY 536 from KY 17 to KY 16; include multi-modes. (2022CCN)	PL					
				DN					
				RW					
				UT	SPP	1,478,400			
				CN	SPP		12,000,000		
	Project Cost:				1,478,400	12,000,000	0	0	
Kenton	80254	US-25	REHABILITATE/RECONSTRUCT US 25 FROM BUTTERMILK PIKE (KY371) TO I-75 (MP 8.58 TO MP 9.86) (2022CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP			19,720,000	
	Project Cost:			0	0	19,720,000	0		
Kenton	80300	KY-16	IMPROVE SAFETY AND REDUCE CONGESTION ALONG KY 16 (TAYLOR MILL RD) FROM KY 2047 (SENOUR RD) TO KY 536 (HARRIS PIKE); INCLUDE MULTIMODAL NEEDS.	PL					
				DN	SPP	5,400,000			
				RW	SPP		24,000,000		
				UT	SPP		3,480,000		
				CN	SPP			60,000,000	
	Project Cost:			5,400,000	27,480,000	60,000,000	0		
Kenton	80305	KY-2373	ADDRESS SAFETY AND MOBILITY ALONG KY 2373 (BROMLEY CRESCENT SPRINGS RD) FROM WEST INTERSECTION WITH AMSTERDAM RD/ST JOHNS RD TO HIGHWATER RD.	PL					
				DN					
				RW	SPP	3,600,000			
				UT	SPP	2,900,000			
				CN	SPP			15,360,000	
	Project Cost:			6,500,000	0	15,360,000	0		
Kenton	80307	KY-1501	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ALONG KY 1501 (HANDS PIKE) FROM EDWIN DRIVE TO KY 16.	PL					
				DN					
				RW	SPP	2,600,000			
				UT	SPP	930,000			
				CN	SPP			10,540,000	
	Project Cost:			3,530,000	10,540,000	0	0		

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Kenton	80308	KY-1501	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ALONG KY 1501 (HANDS PIKE) FROM OTTER TO EDWIN DRIVES.	PL					
				DN					
				RW	SPP	4,200,000			
				UT	SPP	1,320,000			
				CN	SPP			9,900,000	
				Project Cost:		5,520,000	0	9,900,000	0
Kenton	80309	I-75	RECONSTRUCT I-75 INTERCHANGE AT KY 236 (DONALDSON HIGHWAY).	PL					
				DN	NH	2,000,000			
				RW	NH		8,000,000		
				UT	NH			2,000,000	
				CN	NH				19,000,000
				Project Cost:		2,000,000	8,000,000	2,000,000	19,000,000
Total for Kenton county				PL					
				DN		9,364,500	3,733,000	388,000	4,810,000
				RW		25,080,000	67,830,000		
				UT		9,878,400	21,580,000	2,000,000	
				CN		271,355,500	296,050,000	391,810,000	397,402,500
				Total Amounts:		315,678,400	389,193,000	394,198,000	402,212,500
Knott	10104	KY-1088	BRIDGE PROJECT IN KNOTT COUNTY ON (060B00025N) KY-1088 AT YELLOW CREEK	PL					
				DN	BRX			121,968	
				RW					
				UT					
				CN	BRX			813,120	
				Project Cost:		0	0	935,088	0
Knott	10106	KY-1091	BRIDGE PROJECT IN KNOTT COUNTY ON (060B00046N) KY-1091 AT RT FRK BEAVER CREEK	PL					
				DN	FBP2			150,000	
				RW					
				UT					
				CN	FBP2			1,500,000	
				Project Cost:		0	0	1,650,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Knott	10108	CR-1141	BRIDGE PROJECT IN KNOTT COUNTY ON (060C00032N) BIG DOUBLES BR AT LITTLE CARR FORK	PL DN RW UT CN	FBP	45,936 306,240			
			Project Cost:			<u>352,176</u>	<u>0</u>	<u>0</u>	<u>0</u>
Knott	10148	KY-15	ADDRESS DEFICIENCIES OF BRIDGE ON KY 15 OVER Carr Fork Lake (060B00056N)	PL DN RW UT CN	BRZ				553,875
			Project Cost:			<u>0</u>	<u>0</u>	<u>0</u>	<u>1,107,750</u>
									<u>1,661,625</u>
Knott	80302	KY-899	Improve roadway geometrics along KY 899 from end of prior construction near Pippa Passes to the bottom of the hill at Short Branch.	PL DN RW UT CN	SPP	5,159,000			
			Project Cost:			<u>5,159,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Knott	80305	KY-1087	Curve revision 3.654 miles east of intersection of KY 3209 & KY 1087.	PL DN RW UT CN	SPP	1,125,000			
			Project Cost:			<u>1,125,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Knott	80350	KY-1098	Improve horizontal and vertical roadway geometry to eliminate the substandard curve and increase sight distance on KY 1098 (MP 10.5-11.0)	PL DN RW UT CN	SPP	2,000,000			
			Project Cost:			<u>2,000,000</u>	<u>0</u>	<u>0</u>	<u>0</u>

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Knott	80354	KY-7	Eliminate rockfall hazards along KY 80 from MP 11.23 to 11.55.	PL					
				DN					
				RW	SPP	150,000			
				UT	SPP		650,000		
				CN	SPP			12,900,000	
Project Cost:						150,000	650,000	12,900,000	0
Total for Knott county				PL					
				DN		45,936		271,968	553,875
				RW		150,000			
				UT			650,000		
				CN		8,590,240		15,213,120	1,107,750
Total Amounts:						8,786,176	650,000	15,485,088	1,661,625
Knox	8857	KY-3439	IMPROVE SAFETY OF INTERSECTION AT US 25E AND KY 3439 AND PROVIDE SIDEWALKS TO AN AREA FREQUENTED BY PEDESTRIANS (MP 0.0 - MP 0.9) (2022CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	2,810,000			
Project Cost:						2,810,000	0	0	0
Knox	10201	KY-223	BRIDGE PROJECT IN KNOX COUNTY ON (061B00056N) KY-223 AT ROAD FK STINKING CREEK	PL					
				DN	BRX			124,200	
				RW					
				UT					
				CN	BRX			828,000	
Project Cost:						0	0	952,200	0
Knox	10204	KY-3436	BRIDGE PROJECT IN KNOX COUNTY ON (061B00093N) KY-3436 AT E.FK.LYNN CAMP CK	PL					
				DN	BRZ			110,074	
				RW					
				UT					
				CN	BRZ			733,824	
Project Cost:						0	0	843,898	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Knox	10205	CR-1532	BRIDGE PROJECT IN KNOX COUNTY ON (061C00073N) CR-1532 AT STINKING CREEK	PL DN RW UT CN	FBP2 FBP2	80,000 800,000			
			Project Cost:			880,000	0	0	0
Knox	80155	KY-1487	IMPROVE SAFETY, ADDRESS GEOMETRIC DEFICIENCIES AND PROVIDE FLOOD MITIGATION ON KY 1487 (MANCHESTER STREET) FROM JUDGE STREET TO US 25E (2020CCN) (2022CCR)	PL DN RW UT CN	SPP	4,760,000			
			Project Cost:			4,760,000	0	0	0
Knox	80156	KY-830	IMPROVE SAFETY AND ADDRESS GEOMETRIC DEFICIENCIES ALONG N KY 830 FROM US 25E TO KY 1629 INCLUDING WIDENING AND NEW TURNING LANES (2020CCN)	PL DN RW UT CN	SPP	2,160,000			
			Project Cost:			2,160,000	0	0	0
Knox	80311	CR-1311	Widen Richland Creek Road from US 25E a distance of 0.70 miles	PL DN RW UT CN	SPP SPP SPP	250,000 1,500,000	2,000,000		
			Project Cost:			1,750,000	2,000,000	0	0
Total for Knox county				PL DN RW UT CN		80,000 250,000 1,500,000 10,530,000	234,274 2,000,000	1,561,824	0
				Total Amounts:		12,360,000	2,000,000	1,796,098	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Larue	8909	KY-84	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ALONG KY 84 FROM KY 357 TO KY 61 (LINCOLN PARKWAY) NEAR HODGINSVILLE (2020CCR) (2022CCR)	PL DN RW UT CN	SPP	7,500,000			
Project Cost:						7,500,000	0	0	0
Larue	80154.1000	KY-210	ADDRESS SAFETY ON KY 210 FROM KY 1618 (6.994) TO MORNINGSTAR ROAD (MP14.230) IN LARUE COUNTY.	PL DN RW UT CN	STP2	20,000,000			
Project Cost:						20,000,000	0	0	0
Larue	80154.2000	KY-210	ADDRESS SAFETY ON KY 210 FROM MORNINGSTAR ROAD (LARUE MP14.23) TO JUST EAST OF CORINTH CHURCH (TAYLOR MP0.60)	PL DN RW UT CN	STPF	10,000,000			
Project Cost:						10,000,000	0	0	0
Larue	80258	KY-61	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ALONG KY 61 FROM NEAR SOUTH L AND N TPKE (KY 470)(MP 5.152) TO THE INTERSECTION OF LINCOLN FARM RD (US 31E)(MP 8.031)	PL DN RW UT CN	SPP SPP SPP	1,396,500	1,401,600	7,884,800	
Project Cost:						1,396,500	1,401,600	7,884,800	0
Total for Larue county				PL DN RW UT CN		1,396,500	1,401,600	7,884,800	
Total Amounts:						38,896,500	1,401,600	7,884,800	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Laurel	14.8000	I-75	TENN. STATE LINE-LEXINGTON; WIDEN I-75 FROM MP 24 IN WHITLEY COUNTY TO MP 28.85, US-25E NORTH OF CORBIN. (C-COST=\$110,000,000)(18CCR) (2020CCR)	PL DN RW UT CN	NH	35,500,000	35,500,000	10,000,000	
Project Cost:						35,500,000	35,500,000	10,000,000	0
Laurel	169	CO-0	Improve Rudy Bear Road and KY 3007 from KY 80 South to KY 3432 West of I-75. (2022CCR)	PL DN RW UT CN	SPP	6,750,000			
Project Cost:						6,750,000	0	0	0
Laurel	8515	US-25	Reconstruct/widen US-25 existing route, on alignment, from MP (0-9.03)	PL DN RW UT CN	STP1 STP1 STP1	37,800,000	4,600,000	71,900,000	
Project Cost:						37,800,000	4,600,000	71,900,000	0
Laurel	8909	HR-9006	IMPROVE THE HAL ROGERS PARKWAY FROM 4.0 MI EAST OF KY 192 TO LAUREL/CLAY CO. LINE. (I-75 TO HAZARD) (16CCN)(18CCR)	PL DN RW UT CN	NH		10,000,000	15,000,000	7,850,000
Project Cost:						0	10,000,000	15,000,000	7,850,000
Laurel	10042	KY-490	BRIDGE PROJECT IN LAUREL COUNTY ON (063B00004N) KY-490 AT ROCKCASTLE RIVER	PL DN RW UT CN	BRX			193,752	
Project Cost:						0	0	193,752	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Laurel	10209	KY-472	BRIDGE PROJECT IN LAUREL COUNTY ON (063B00062N) KY-472 AT S.FK.ROCKCASTLE RVR	PL DN RW UT CN	BRZ				1,020,000
			Project Cost:			0	0	0	1,122,000
Laurel	10211	KY-552	BRIDGE PROJECT IN LAUREL COUNTY ON (063B00101N) KY-552 AT LITTLE LAUREL RIVER	PL DN RW UT CN	BRZ				87,516
			Project Cost:			0	0	0	583,440
			Project Cost:			0	0	0	670,956
Laurel	22196	HR-9006	ADDRESS CONDITION OF Hal Rogers Daniel Boone Parkway FROM MILEPOINT 4.169 TO MILEPOINT 8.8	PL DN RW UT CN	STP4				321,151
			Project Cost:			0	0	0	2,890,363
			Project Cost:			0	0	0	3,211,514
Laurel	80312	KY-638	Improve the geometrics of a curve, widen a drainage structure, and provide turn lanes to Johnson Elementary School on KY 638	PL DN RW UT CN	SPP	2,000,000			
			Project Cost:			2,000,000	0	0	0
Laurel	80357	KY-192	Widen KY 192 from Mallard Drive to Esquire Lane, address horizontal and vertical alignment as needed (MP 16.61 - 18.08)	PL DN RW UT CN	SPP	5,000,000			
			Project Cost:			7,000,000	0	0	0
			Project Cost:			12,000,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Total for Laurel county				PL					
				DN				193,752	510,667
				RW		42,800,000			
				UT			4,600,000		
				CN		51,250,000	45,500,000	96,900,000	12,343,803
				Total Amounts:		94,050,000	50,100,000	97,093,752	12,854,470
Lawrence	156	ky-32	Improve KY-32 from Elliott C/L to Yatesville Lake reconstruction section for better access to Yatesville Lake and to improve safety. See Elliott County listing for continuation of project to KY-7 @ Sandy	PL					
				DN					
				RW	SPP	2,894,000			
				UT	SPP	1,687,000			
				CN	SPP			5,475,000	
				Project Cost:		4,581,000	0	5,475,000	0
Lawrence	10111	KY-32	BRIDGE PROJECT IN LAWRENCE COUNTY ON (064B00018N) KY-32 AT HOOD CREEK	PL					
				DN	BRX		299,494		
				RW					
				UT					
				CN					
				Project Cost:		0	299,494	0	0
Lawrence	10112	KY-32	BRIDGE PROJECT IN LAWRENCE COUNTY ON (064B00019N) KY-32 AT BLAINE CREEK	PL					
				DN	BRX			479,411	
				RW					
				UT					
				CN	FBP2			3,196,073	
				Project Cost:		0	0	3,675,484	0
Lawrence	10113	KY-1	BRIDGE PROJECT IN LAWRENCE COUNTY ON (064B00027N) KY-1 AT DRY FORK CREEK	PL					
				DN	BRX			368,712	
				RW					
				UT					
				CN	FBP2			2,458,080	
				Project Cost:		0	0	2,826,792	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Lawrence	10115	KY-2037	BRIDGE PROJECT IN LAWRENCE COUNTY ON (064B00069N) KY-2037 AT Griffith Creek	PL DN RW UT CN	FBP		83,000		
Project Cost:						0	83,000	0	0
Lawrence	22351	KY-32	ADDRESS CONDITION OF KY-32 FROM MILEPOINT 21 TO MILEPOINT 23	PL DN RW UT CN	STP4	15,000			
Project Cost:						300,000	0	0	0
Lawrence	22352	KY-201	ADDRESS CONDITION OF KY-201 FROM MILEPOINT 5 TO MILEPOINT 10.9	PL DN RW UT CN	NHPM		481,833		
Project Cost:						0	9,636,666	0	0
Lawrence	80306	ky-1	Improve KY-1 from the Johnson C/L to KY-3 to eliminate dangerous curves and address safety.	PL DN RW UT CN	SPP	1,000,000 13,650,000 3,240,000		85,120,000	
Project Cost:						17,890,000	0	85,120,000	0
Lawrence	80307	ky-201	Correct substandard roadway geometrics and address safety issues on KY-201/KY-32 from Johnson C/L to KY-1 for safety.	PL DN RW UT CN	NH	3,000,000	12,600,000 6,480,000		84,000,000
Project Cost:						3,000,000	19,080,000	0	84,000,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Total for Lawrence county				PL					
				DN		4,015,000	864,327	848,123	
				RW		16,544,000	12,600,000		
				UT		4,927,000	6,480,000		
				CN		285,000	9,154,833	96,249,153	84,000,000
				Total Amounts:		25,771,000	29,099,160	97,097,276	84,000,000
Lee	10051	CS-1005	BRIDGE PROJECT IN LEE COUNTY ON (065C00024N) SILVER CREEK RD AT SILVER CREEK	PL					
				DN	BRZ			53,724	
				RW					
				UT					
				CN	BRZ			358,160	
				Project Cost:		0	0	411,884	0
Lee	80351	KY-11	Reconstruct KY 11 from 0.5 miles south of KY 587 to 0.65 miles north of KY 52 in Beattyville (MP 1.082 - 4.798)	PL					
				DN					
				RW	STPF	5,750,000			
				UT	STPF	2,320,000			
				CN	STPF		24,000,000		
				Project Cost:		8,070,000	24,000,000	0	0
Total for Lee county				PL					
				DN				53,724	
				RW		5,750,000			
				UT		2,320,000			
				CN			24,000,000	358,160	
				Total Amounts:		8,070,000	24,000,000	411,884	0
Leslie	8516	KY-1482	CONSTRUCT A NEW APPROACH FROM KY-1482 ONTO THE HAL ROGERS PARKWAY AT MP 39. (08CCN)(10CCR) (2011BOPP)(18CCN) (2020CCR) (2022CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	6,860,000			
				Project Cost:		6,860,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Leslie	8912	HR-9006	UPGRADE ROUTE FROM SOMERSET TO HAZARD: 4 LANE FROM CLAY/LESLIE LINE TO HYDEN SPUR, MP 35.929 TO MP 44.188 (SEGMENT 9). (16CCN)(18CCN)	PL DN RW UT CN	NH NH	12,000,000		9,000,000	
Project Cost:						12,000,000	0	9,000,000	0
Leslie	8913	HR-9006	UPGRADE ROUTE FROM SOMERSET TO HAZARD: 4 LANE FROM HYDEN SPUR TO LESLIE/PERRY LINE (SEGMENT 10). (16CCN)(18CCN)	PL DN RW UT CN	NH NH		10,000,000		7,000,000
Project Cost:						0	10,000,000	0	7,000,000
Leslie	10212	KY-2058	BRIDGE PROJECT IN LESLIE COUNTY ON (066B00028N) KY-2058 AT BEECH FORK CREEK	PL DN RW UT CN	FBP				192,550
Project Cost:						0	0	0	192,550
Leslie	10213	KY-699	BRIDGE PROJECT IN LESLIE COUNTY ON (066B00033N) KY-699 AT CUTSHIN CREEK	PL DN RW UT CN	BRX			139,277	
Project Cost:						0	0	139,277	0
Leslie	10215	KY-1482	BRIDGE PROJECT IN LESLIE COUNTY ON (066B00058N) KY-1482 AT HALS FORK	PL DN RW UT CN	BRX			109,000	
Project Cost:						0	0	109,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Leslie	22201	HR-9006	ADDRESS CONDITION OF Hal Rogers Daniel Boone Parkway FROM MILEPOINT 35.929 TO MILEPOINT 44.04	PL DN RW UT CN	NHPM			662,477	
					NHPM			5,962,291	
				Project Cost:		0	0	6,624,768	0
Leslie	22202	HR-9006	ADDRESS CONDITION OF Hal Rogers Daniel Boone Parkway FROM MILEPOINT 44.04 TO MILEPOINT 51.026	PL DN RW UT CN	NHPM			545,783	
					NHPM			4,912,043	
				Project Cost:		0	0	5,457,826	0
Leslie	80007	KY-118	CONSTRUCT A SECONDARY RUNAWAY TRUCK RAMP ON KY 118 (HYDEN SPUR) JUST BEFORE THE INTERSECTION WITH KY 80/US 421 TO INCLUDE A NEW BOX CULVERT OR BRIDGE AT THE	PL DN RW UT CN	SPP	1,470,000			
				Project Cost:		1,470,000	0	0	0
Total for Leslie county				PL DN RW UT CN				1,456,537	192,550
						12,000,000	10,000,000	9,000,000	7,000,000
						8,330,000		10,874,334	
				Total Amounts:		20,330,000	10,000,000	21,330,871	7,192,550
Letcher	199.1000	US-119	IMPROVE US-119 FROM NORTH OF KY-15 TO BRASS DRIVE (SOUTH).(16CCN) (18CCR) (2020CCR) (2022CCR)	PL DN RW UT CN	NH	9,060,000			
				Project Cost:		9,060,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Letcher	199.1500	US-119	IMPROVE US-119 FROM KY-2034/COUGAR DRIVE TO BRASS DRIVE (MP 16.731 TO 17.740). THROUGH MAYKING (MP 19.925 TO 20.6) AND AUXILIARY LANE (MP 22.0 TO 22.75)	PL DN RW UT CN	NH	5,495,000			
			Project Cost:			5,495,000	0	0	0
Letcher	199.3100	US-119	Reconstruct US 119 by widening to 4-lanes from existing 4-lane at KY 1862 to past just north of the Mayking Mall	PL DN RW UT CN	SPP	3,000,000			
			Project Cost:			3,000,000	0	0	0
Letcher	199.5000	US-119	RECONSTRUCT US-119 BY WIDENING TO 4-LANES ALONG A NEW ALIGNMENT (ORANGE) THROUGH THE GATEWAY INDUSTRIAL PARK TO US-23, INCLUDING US-23 FLYOVER RAMP.(16CCN)	PL DN RW UT CN	NH	30,000,000			
			Project Cost:			30,000,000	0	0	0
Letcher	311.8000	US-119	Reconstruction of US 119 from 0.15 mile west of KY 806 to KY 932 (2012BOP)(MP 8.6 -10.2)	PL DN RW UT CN	SPP SPP SPP	2,800,000	350,000	54,420,000	
			Project Cost:			2,800,000	350,000	54,420,000	0
Letcher	311.9000	US-119	Improve safety along US 119 from bottom (North side) of Pine Mountain to intersection with KY 15 at Whitesburg (MP 14.1-15.8)	PL DN RW UT CN	APD	15,000,000			
			Project Cost:			15,000,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Letcher	8702	KY-805	IMPROVE THE EXISTING ROADWAY TO MEET CURRENT STANDARDS AND IMPROVE CONGESTION INTO AND OUT OF JENKINS BETWEEN MP 9.176 AND MP 9.247.	PL DN RW UT CN	STP2	713,000			
Project Cost:						713,000	0	0	0
Letcher	8702.1000	ky-805	IMPROVE THE EXISTING ROADWAY TO MEET CURRENT STANDARDS AND IMPROVE CONGESTION INTO AND OUT OF JENKINS BETWEEN MP 8.554 AND MP 9.176.	PL DN RW UT CN	STP2	1,740,000			
Project Cost:						8,590,000	0	0	0
Letcher	10119	KY-931	BRIDGE PROJECT IN LETCHER COUNTY ON (067B00053N) KY-931 AT N FORK KENTUCKY RIVER	PL DN RW UT CN	FBP2			199,037	
Project Cost:						0	0	1,326,908	0
								1,525,945	0
Letcher	10121	KY-803	BRIDGE PROJECT IN LETCHER COUNTY ON (067B00091N) KY-803 AT MILLSTONE CREEK	PL DN RW UT CN	BRZ			94,248	
Project Cost:						0	0	94,248	628,320
								628,320	0
Letcher	10122	KY-2036	BRIDGE PROJECT IN LETCHER COUNTY ON (067B00094N) KY-2036 AT ROCKHOUSE CREEK	PL DN RW UT CN	BRX			173,880	
Project Cost:						0	0	173,880	1,159,200
								1,159,200	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Total for Letcher county				PL					
				DN				467,165	
				RW		4,540,000			
				UT		450,000	350,000		
				CN		69,668,000		55,746,908	1,787,520
				Total Amounts:		74,658,000	350,000	56,214,073	1,787,520
Lewis	231	KY-59	NEW ROUTE FROM VANCEBURG TO KY-59 FROM POLLITT LANE IN VANCEBURG (ALT. 5B1-2 PER PLANNING STUDY). (2020CCR) (2022CCR)	PL					
				DN					
				RW					
				UT					
				CN	STP2	40,000,000			
				Project Cost:		40,000,000	0	0	0
Lewis	8807	KY-57	RECONSTRUCT KY-57 FROM KY-9 TO FLEMING/LEWIS COUNTY LINE (14CCN) (16CCR) (18CCN) (2020CCR) (2022CCR)	PL					
				DN					
				RW	SPP	4,020,000			
				UT	SPP	3,830,000			
				CN	SPP		38,000,000		
				Project Cost:		7,850,000	38,000,000	0	0
Lewis	10099	KY-1068	ADDRESS DEFICIENCIES OF BRIDGE ON KY 1068 OVER LAUREL FORK (068B00058N)	PL					
				DN	BRZ				102,564
				RW					
				UT					
				CN	BRZ				683,760
				Project Cost:		0	0	0	786,324
Lewis	20029	KY-9	ADDRESS CONDITION OF KY-9 FROM MILEPOINT 0 TO MILEPOINT 8.048	PL					
				DN	STP4				205,000
				RW					
				UT					
				CN	STP4				3,895,000
				Project Cost:		0	0	0	4,100,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Lewis	80251	KY-9	CONSTRUCT RIGHT AND LEFT TURN Lanes AT THE INTERSECTION OF KY 989 (MP18.553) TO IMPROVE SAFETY AND DECREASE COLLISIONS. (2022CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	1,120,000			
				Project Cost:		1,120,000	0	0	0
Lewis	80354	KY-10	Construct left and right turning lanes from KY 10 (AA Highway) onto KY 1306 (MP 11.9 - 12.3)	PL					
				DN	SPP	250,000			
				RW	SPP	175,000			
				UT					
				CN	SPP		1,500,000		
				Project Cost:		425,000	1,500,000	0	0
Total for Lewis county				PL					
				DN		250,000			307,564
				RW		4,195,000			
				UT		3,830,000			
				CN		41,120,000	39,500,000		4,578,760
				Total Amounts:		49,395,000	39,500,000	0	4,886,324
Lincoln	167	US-27	US-27 CORRIDOR FROM SOMERSET TO LEXINGTON. IMPROVE SAFETY AND REDUCE CONGESTION ON US-27 FROM KY-1247 TO EDUCATION WAY. (2022CCR)	PL					
				DN					
				RW	NH	12,390,000			
				UT	NH			13,500,000	
				CN					
				Project Cost:		12,390,000	0	13,500,000	0
Lincoln	10055	KY-3246	BRIDGE PROJECT IN LINCOLN COUNTY ON (069B00068N) KY-3246 AT FALL LICK CREEK	PL					
				DN	BRX				81,994
				RW					
				UT					
				CN	BRX				546,624
				Project Cost:		0	0	0	628,618

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Lincoln	20016	US-27	ADDRESS CONDITION OF US-27 FROM MILEPOINT 17.526 TO MILEPOINT 18.155	PL					
				DN	STP4		160,000		
				RW					
				UT					
				CN	STP4		3,040,000		
				Project Cost:		0	3,200,000	0	0
Lincoln	80009	US-27	Reconstruct US 27 From Bell Street (End of 8-196.00) in Stanford to Lincoln-Garrard County Line. (18CCN) (2020CCR) (2022CCR)	PL					
				DN					
				RW					
				UT					
				CN	NH	30,230,000			
				Project Cost:		30,230,000	0	0	0
Lincoln	80201	US-27	Continue ongoing improvements to US 27 Corridor from Somerset to Lexington. Improve Level of Service and safety on US 27 from KY 328 to KY 501 in Lincoln County. (2022CCN)	PL					
				DN					
				RW	NH		6,958,000		
				UT	NH		4,093,000		
				CN	NH				30,698,000
				Project Cost:		0	0	11,051,000	30,698,000
Lincoln	80300	US-150	Improve Safety and Access Control along US 150 from Danville to Stanford.	PL					
				DN					
				RW	NH	580,000			
				UT	NH		2,960,000		
				CN	NH			9,860,000	
				Project Cost:		580,000	2,960,000	9,860,000	0
Total for Lincoln county				PL					
				DN			160,000		81,994
				RW		12,970,000	6,958,000		
				UT			2,960,000	17,593,000	
				CN		30,230,000	3,040,000	9,860,000	31,244,624
				Total Amounts:		43,200,000	6,160,000	34,411,000	31,326,618

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Livingston	330	US-60	PADUCAH-HENDERSON; RELOCATE US-60 FROM EAST OF THE TENNESSEE RIVER BRIDGE TO EAST OF RUDD-SPEES ROAD (00CCR)(12CCR)(14CCR) (2020CCR)	PL					
				DN					
				RW					
				UT	SPP	2,000,000			
				CN	SPP	12,000,000			
				Project Cost:					
Livingston	10152	KY-135	BRIDGE PROJECT IN LIVINGSTON COUNTY ON (070B00009N) KY-135 AT BUCK CREEK	PL					
				DN	FBP				198,000
				RW					
				UT					
				CN					
				Project Cost:					
Total for Livingston county				PL					
				DN					198,000
				RW					
				UT		2,000,000			
				CN		12,000,000			
Total Amounts:						14,000,000	0	0	198,000
Logan	10042	US-68	BRIDGE PROJECT IN LOGAN COUNTY ON (071B00047N) US-68X AT RJC RAILROAD	PL					
				DN	FBP				925,791
				RW					
				UT					
				CN					
				Project Cost:					
Logan	10043	KY-3201	BRIDGE PROJECT IN LOGAN COUNTY ON (071B00099N) COOPERSTOWN-QUALIT AT MUD RIVER	PL					
				DN	BRX			152,692	
				RW					
				UT					
				CN					
				Project Cost:					

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Logan	80050	US-79	WIDEN US-79 TO 4 LANES FROM TODD COUNTY LINE TO INTERSECTION WITH RUSSELLVILLE BYPASS.(18CCN) (2020CCR)(2022CCR)	PL DN RW UT CN	NH NH NH	10,000,000 20,810,000		59,010,000	
			Project Cost:			30,810,000	0	59,010,000	0
Logan	80101	US-79	REPLACE AND WIDEN TO 4 LANES BRIDGE ON US-79 AT MP 5.950 (BRIDGE OVER DRY FORK) (2020CCN)	PL DN RW UT CN	SPP	1,800,000			
			Project Cost:			1,800,000	0	0	0
Logan	80314	US-431	IMPROVE SAFETY AT THE INTERSECTION OF US 431 AND KY 663.	PL DN RW UT CN	NH	930,000			
			Project Cost:			930,000	0	0	0
Total for Logan county				PL DN RW UT CN				152,692	925,791
				Total Amounts:		33,540,000	0	59,162,692	925,791
Lyon	187.5000	US-62, US-641	RELOCATE US-641 FROM US-62 NEAR EDDYVILLE TO SOUTH OF THE LYON/CALDWELL COUNTY LINE (2020CCR) (2022CCR)	PL DN RW UT CN	STPF	18,000,000			
			Project Cost:			18,000,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Lyon	10155	KY-295	BRIDGE PROJECT IN LYON COUNTY ON (072B00038N) KY-295 AT I 24 @ MP 40.720	PL DN RW UT CN	BRX BRX				277,431 1,849,536
				Project Cost:		0	0	0	2,126,967
Lyon	10156	CS-1047	BRIDGE PROJECT IN LYON COUNTY ON (072B00040N) GREGORY ROAD AT I-24 @ MP. 042.048	PL DN RW UT CN	FBP2				2,000,000
				Project Cost:		0	0	0	2,000,000
Lyon	10157	KY-6020	BRIDGE PROJECT IN LYON COUNTY ON (072B00046N) KY-6020 AT I-24 @ MP. 050.701	PL DN RW UT CN	FBP2				2,000,000
				Project Cost:		0	0	0	2,000,000
Lyon	10158	KY-903	BRIDGE PROJECT IN LYON COUNTY ON (072B00047N) KY-903 AT I 24 @ MP. 51.718	PL DN RW UT CN	FBP2				2,000,000
				Project Cost:		0	0	0	2,000,000
Lyon	10161	KY-6020	BRIDGE PROJECT IN LYON COUNTY ON (072B00058N) KY-6020 AT I-24 @ MP. 050.701	PL DN RW UT CN	BRX				2,000,000
				Project Cost:		0	0	0	2,000,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Lyon	20010	I -24	ADDRESS CONDITION OF I-024 NON-CARDINAL DIRECTION FROM MILEPOINT 45 TO MILEPOINT 54.842	PL DN RW UT CN	NHPM	15,000,000			
Project Cost:						15,000,000	0	0	0
Lyon	22077	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 68.084 (68.116 NON-CARDINAL) TO MILEPOINT 71.818 (71.786 CARDINAL)	PL DN RW UT CN	NHPM	346,187			
Project Cost:						3,115,682	0	0	0
Total for Lyon county				PL DN RW UT CN		346,187			277,431
Total Amounts:						36,115,682	0	0	9,849,536
						36,461,869	0	0	10,126,967
Madison	3	I -75	CONSTRUCT NEW I-75 INTERCHANGE BETWEEN BERE A & RICHMOND TO ACCOMMODATE NEW INDUSTRIAL SITE BACK ENTRANCE. (**THIS PROJECT ONLY PROCEEDS AFTER PROSPECTIVE	PL DN RW UT CN	NH	25,000,000			
Project Cost:						25,000,000	0	0	0
Madison	10050	KY-1985	BRIDGE PROJECT IN MADISON COUNTY ON (076B00070N) KY-1985 AT TATES CREEK	PL DN RW UT CN	BRX BRZ			169,079	
Project Cost:						0	0	169,079	1,127,189

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Madison	22115	I-75	ADDRESS CONDITION OF I-075 FROM MILEPOINT 86.25 TO MILEPOINT 97.703	PL DN RW UT CN	NHPM	10,000,000			
Project Cost:						10,000,000	0	0	0
Madison	80111	KY-374	WIDEN KY 374 (SPEEDWELL RD) FROM KY 25 TO US 421 (2020CCN) (2022CCR)	PL DN RW UT CN	SPP	3,000,000	5,700,000	11,040,000	25,520,000
Project Cost:						3,000,000	5,700,000	11,040,000	25,520,000
Madison	80201	KY-1983, PF-9999	New road that extends from Menelaus Road (KY 1983) at existing MP 2.851 to Mayde Road in Berea. (2022CCN)	PL DN RW UT CN	SPP	1,000,000			
Project Cost:						1,000,000	0	0	0
Madison	80314	KY-21	Reconstruct KY 21 from KY 1617 to US 421.	PL DN RW UT CN	SPP	4,000,000 5,000,000		12,000,000	
Project Cost:						9,000,000	0	12,000,000	0
Madison	80315	KY-876	Improve capacity on Barnes Mill Road between Goggins Lane and the I-75 interchange. Improvements to also include the intersection with Goggins Lane	PL DN RW UT CN	SPP	1,000,000 1,600,000		10,310,000	
Project Cost:						2,600,000	0	10,310,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Madison	80316	I-75	New construction/modification of the I-75 exit 87 interchange as referenced in the West Richmond Small Urban Area Study	PL					
				DN					
				RW	NH		193,000		
				UT	NH		420,000		
				CN	NH			21,500,000	
				Project Cost:		0	613,000	21,500,000	0
Madison	80362	CR-1303	Relieve congestion and safety improvements on CR 1303 (Goggins Lane) between KY 169 and US 25 at Victory Drive (MP 0.979 to 0.363).	PL					
				DN					
				RW					
				UT	SPP		1,260,000		
				CN	SPP			2,300,000	
				Project Cost:		0	1,260,000	2,300,000	0
Total for Madison county				PL					
				DN		3,000,000		169,079	
				RW		5,000,000	5,893,000		
				UT		6,600,000	1,680,000	11,040,000	
				CN		36,000,000	46,110,000	26,647,189	
				Total Amounts:		50,600,000	7,573,000	57,319,079	26,647,189
Magoffin	169.1000	KY-114	MOUNTAIN PARKWAY CORRIDOR: EXTEND THE FOUR LANE MOUNTAIN PARKWAY FROM US 460 AT SALYERSVILLE EAST TO PRESTONSBURG. - FEDERAL MPDG	PL					
				DN					
				RW					
				UT					
				CN	IF	50,000,000	50,000,000	77,540,000	2,080,000
				Project Cost:		50,000,000	50,000,000	77,540,000	2,080,000
Magoffin	213	KY-40	ROADWAY IMPROVEMENTS ALONG KY 40 (MP 0.145-0.660) TO BETTER FACILITATE ALTERNATIVE TRANSPORTATION METHODS (2018BOP). (2020CCR)	PL					
				DN					
				RW					
				UT					
				CN	STPF	2,500,000			
				Project Cost:		2,500,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Magoffin	10053	KY-3333	BRIDGE PROJECT IN MAGOFFIN COUNTY ON (077B00071N) KY-3333 AT LICK CR.	PL					
				DN					
				RW					
				UT					
				CN	FBP	200,000			
				Project Cost:		200,000	0	0	0
Magoffin	22210	KY-9009	ADDRESS CONDITION OF Bert T. Combs Mountain Parkway FROM MILEPOINT 65.277 TO MILEPOINT 71	PL					
				DN	STP4				454,000
				RW					
				UT					
				CN	STP4				4,086,000
				Project Cost:		0	0	0	4,540,000
Magoffin	22211	KY-9009	ADDRESS CONDITION OF Bert T. Combs Mountain Parkway FROM MILEPOINT 71 TO MILEPOINT 73.19	PL					
				DN	STP4				207,387
				RW					
				UT					
				CN	STP4				1,866,481
				Project Cost:		0	0	0	2,073,868
Magoffin	80302	KY-7	RECONSTRUCT KY 7 FROM WILL BAILEY BRANCH ROAD TO KY 1090.	PL					
				DN					
				RW	SPP	2,500,000			
				UT	SPP	1,860,000			
				CN	SPP		7,680,000		
				Project Cost:		4,360,000	7,680,000	0	0
Magoffin	80303	CR-1265	Reconstruct CR 1265 from the intersection with KY 3337 (MP 0.0) to KY 3050 (MP 0.547)	PL					
				DN					
				RW					
				UT					
				CN	SPP	5,100,000			
				Project Cost:		5,100,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Total for Magoffin county				PL					
				DN					661,387
				RW		2,500,000			
				UT		1,860,000			
				CN		57,800,000	57,680,000	77,540,000	8,032,481
				Total Amounts:		62,160,000	57,680,000	77,540,000	8,693,868
Marion	8715	KY-49	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ALONG KY 49 FROM RIVERSIDE BRIDGE TO NARROWS RD, APPROXIMATELY 1.3 MILES SOUTH OF KY 337 (12CCN)(2020CCN) MP 6.692 TO	PL					
				DN					
				RW					
				UT					
				CN	NH			25,600,000	
				Project Cost:		0	0	25,600,000	0
Marion	8805	PF-9999	EXTEND MARTIN LUTHER KING AVENUE FROM DOWNTOWN LEBANON BYPASS (VETERANS MEMORIAL HIGHWAY). ESTIMATED DISTANCE IS 1.5 MILES (14CCN) (2022CCN)	PL					
				DN					
				RW	SPP		3,000,000		
				UT	SPP			500,000	
				CN	SPP				10,100,000
				Project Cost:		0	3,000,000	500,000	10,100,000
Marion	10061	KY-1157	BRIDGE PROJECT IN MARION COUNTY ON (078B00070N) KY-1157 AT ARBUCKLE CREEK	PL					
				DN	FBP2				87,704
				RW					
				UT					
				CN	FBP2				584,688
				Project Cost:		0	0	0	672,392
Marion	80153	KY-2154	Extend KY2154 Bypass from KY208 to KY49. (2022CCR)	PL					
				DN					
				RW					
				UT					
				CN	STP2		10,000,000	10,880,000	
				Project Cost:		0	10,000,000	10,880,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Marion	80259	KY-2154, KY-55, PF-9999, US-68	IMPROVE CONNECTIVITY AND CONGESTION BETWEEN US 68 AND KY 55 ON THE EAST SIDE OF LEBANON (APPROXIMATELY 2 MILES) (2022CCN)	PL DN RW UT CN	NH	15,240,000			
Project Cost:						15,240,000	0	0	0
Marion	80312	CR-1129	RECONSTRUCT BILL SAMUEL'S JR RD (CR1129) AND MAKER'S MARK RD (CR1309) FROM NEAR BURK SPRING RD (CR1307) INTERSECTION TO HICKORY CAMP RD (CR1224) INTERSECTION TO	PL DN RW UT CN	SPP	8,500,000			
Project Cost:						8,500,000	0	0	0
Total for Marion county				PL DN RW UT CN		23,740,000	3,000,000	500,000	87,704
Total Amounts:						23,740,000	13,000,000	36,980,000	10,772,392
Marshall	398	US-62	IMPROVE ACCESS AND REDUCE CONGESTION ON US-62 FROM KY-95 TO THE EXISTING FOUR-LANE HIGHWAY AT LONE VALLEY RD NEAR I-24 INTERCHANGE AND FUTURE I-69	PL DN RW UT CN	SPP	4,480,000			
Project Cost:						4,480,000	0	0	0
Marshall	10171	KY-795	BRIDGE PROJECT IN MARSHALL COUNTY ON (079B00014N) KY-795 AT CHESTNUT CREEK	PL DN RW UT CN	BRX			163,737	
Project Cost:						0	0	163,737	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Marshall	20013	I -24	ADDRESS CONDITION OF I-024 FROM MILEPOINT 17.32 TO MILEPOINT 22.06	PL DN RW UT CN	NHPM	1,350,963			
						12,158,663			
				Project Cost:		13,509,626	0	0	0
Marshall	22073	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 34.487 TO MILEPOINT 40.088	PL DN RW UT CN	NHPM	15,000,000			
				Project Cost:		15,000,000	0	0	0
Marshall	22074	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 40.088 TO MILEPOINT 50.547	PL DN RW UT CN	NHPM	875,376			
						7,878,380			
				Project Cost:		8,753,756	0	0	0
Marshall	80311	US-641	CORRECT GEOMETRIC DEFICIENCIES AND ADDRESS SAFETY, SERVICE, AND CONGESTION ISSUES FROM BENTON BAPTIST TEMPLE ROAD / HAPPY HOLLOW RD TO US 68 IN DRAFFENVILLE.	PL DN RW UT CN	NH NH	2,500,000 2,000,000		10,000,000	
				Project Cost:		4,500,000	0	10,000,000	0
Marshall	80314	KY-348	IMPROVE GEOMETRIC ALIGNMENTS AND ADDRESS ACCESS ISSUES AND SAFETY CONCERNS FROM KY 2206 TO THE ENTRANCE OF MARSHALL COUNTY HOSPITAL IN BENTON.	PL DN RW UT CN	SPP SPP SPP	1,000,000 1,500,000 6,000,000			
				Project Cost:		8,500,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Total for Marshall county				PL					
				DN		2,226,339		163,737	
				RW		3,500,000			
				UT		3,500,000			
				CN		45,517,043		10,000,000	
				Total Amounts:		54,743,382	0	10,163,737	0
Martin	154.1100	KY-40, PF-9999	INEZ TO WARFIELD (CONSTRUCT NEW KY 40 CORRIDOR) (SECTION 2-1): FROM LITTLE BLACKLOG TO BOOTH FORK. [STA. 190+00 TO STA. 298+00 (ENGLISH)] (2002BOP) (12CCR)(AR/W)	PL					
				DN					
				RW					
				UT					
				CN	SPP	4,000,000	16,000,000		
				Project Cost:		4,000,000	16,000,000	0	0
Martin	154.1600	KY-40, PF-9999	INEZ TO WARFIELD (CONSTRUCT NEW KY 40 CORRIDOR) (SECTION 2-2): FROM BOOTH FORK TO KY-2031 [STA. 298+00 TO STA. 382+00 (ENGLISH)] (2002BOP) (16CCR) (2022CCN)	PL					
				DN					
				RW					
				UT					
				CN	STP2	20,000,000	19,360,000		
				Project Cost:		20,000,000	19,360,000	0	0
Martin	154.1700	PF-9999	INEZ TO WARFIELD (CONSTRUCT NEW KY 40 CORRIDOR) (SECTION 2-2): FROM BOOTH FORK TO KY-2031 [STA. 298+00 TO STA. 382+00 (ENGLISH)](16CCR) (2022CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	18,720,000			
				Project Cost:		18,720,000	0	0	0
Martin	154.2100	KY-40, PF-9999	INEZ TO WARFIELD (CONSTRUCT NEW KY 40 CORRIDOR)(SECTION 2-3): FROM KY-2031 TO KY-292 [STA. 382+00 TO STA. 427+00 (ENGLISH)] (2002BOP) (16CCR) (2022CCN)	PL					
				DN					
				RW					
				UT					
				CN	STP		24,855,000		
				Project Cost:		0	24,855,000	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Martin	154.3000	PF-9999	INEZ TO WARFIELD; BRIDGE OVER TUG FORK (CONSTRUCT NEW KY 40 CORRIDOR)(SECTION III) (R & U IDENTIFIED IN SECTION II-ITEM NO. 154.10)(16CCR (2022CCN)	PL DN RW UT CN	STP2	17,080,000			
			Project Cost:			17,080,000	0	0	0
Martin	192	KY-40	IMPROVE ALIGNMENT AND GEOMETRICS OF THE CURVE LOCATED JUST BEFORE THE JUNCTION OF KY-2031 AND KY-40 TO .1 MILES BEFORE GORDON HOLLOW ROAD, AND IMPROVE THE	PL DN RW UT CN	SPP	1,000,000			
			Project Cost:			1,000,000	0	0	0
Martin	10127	KY-40	BRIDGE PROJECT IN MARTIN COUNTY ON (080B00005N) KY-40 AT ROCKCASTLE CREEK	PL DN RW UT CN	FBP2 FBP2			491,787	
			Project Cost:			0	0	491,787	3,278,578
Martin	10128	KY-1224	BRIDGE PROJECT IN MARTIN COUNTY ON (080B00006N) KY-1224 AT ROCKHOUSE FORK	PL DN RW UT CN	BRX FBP2			64,000	
			Project Cost:			0	0	64,000	640,000
Martin	10151	KY-3407	ADDRESS DEFICIENCIES OF BRIDGE ON KY 3407 OVER Wolf Creek (080B00028N)	PL DN RW UT CN	BRX			211,242	
			Project Cost:			0	0	211,242	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Total for Martin county				PL					
				DN				767,029	
				RW					
				UT					
				CN		60,800,000	60,215,000		3,918,578
				Total Amounts:		60,800,000	60,215,000	767,029	3,918,578
Mason	147.2000	PF-9999	NEW FULLY CONTROLLED ACCESS	PL					
				ROUTE FROM US 68 NEAR WASHINGTON	DN	SPP	4,160,000		
				EAST TO KY 11 INCLUDING A NEW	RW	SPP	12,000,000		
				I-CHNG AT KY 11. (PRIORITY SECTION)	UT	SPP		7,200,000	
				(2004BOPC)(06CCR)(18CCN)	CN	SPP			99,200,000
				Project Cost:		16,160,000	7,200,000	0	99,200,000
Mason	147.6000	PF-9999	NEW FULLY CONTROLLED ACCESS	PL					
				ROUTE FROM KY 11 NORTHEAST TO KY	DN	SPP	4,160,000		
				9 (AA HWY) INCLUDING NEW I-CHNG AT	RW	SPP		7,200,000	
				KY 9. (2004BOPC)(06CCR)(18CCN)	UT	SPP		6,000,000	
					CN	SPP			93,000,000
				Project Cost:		4,160,000	7,200,000	6,000,000	93,000,000
Mason	1103	KY-3113	DOVER COVERED BRIDGE	PL					
				RESTORATION. 081B00048N	DN				
					RW				
					UT				
					CN	SPP	1,200,000		
				Project Cost:		1,200,000	0	0	0
Mason	10091	US-62	BRIDGE PROJECT IN MASON COUNTY ON	PL					
				(081B00041N) US-62X AT OHIO	DN				
				RIVER-MYVILLE- CSX R	RW				
					UT				
					CN	BRZ	12,200,000		
				Project Cost:		12,200,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

949

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Mason	10092	KY-1234	BRIDGE PROJECT IN MASON COUNTY ON (081B00047N) KY-1234 AT INDIAN RUN CREEK	PL DN RW UT CN	BRX				51,995
						0	0	0	346,632
				Project Cost:		0	0	0	398,627
Mason	10102	KY-3113	ADDRESS DEFICIENCIES OF BRIDGE ON KY 3113 OVER LEE CREEK (081B00048N)	PL DN RW UT CN	BRZ		103,500		
						0	690,000		
				Project Cost:		0	793,500	0	0
Mason	20030	KY-9	ADDRESS CONDITION OF KY-9 FROM MILEPOINT 7.147 TO MILEPOINT 10.256	PL DN RW UT CN	STP3	150,000			
						2,850,000			
				Project Cost:		3,000,000	0	0	0
Total for Mason county				PL DN RW UT CN		8,470,000	103,500		51,995
						12,000,000	7,200,000		
							7,200,000	6,000,000	
						16,250,000	690,000		192,546,632
				Total Amounts:		36,720,000	15,193,500	6,000,000	192,598,627
McCracken	142	US-62	ADDRESS ISSUES WITH SERVICE, CONGESTION AND SAFETY FROM US 45 TO I-24 IN PADUCAH. SEE MARCH, 2002 PADUCAH-MCCRACKEN COUNTY TRANSPORTATION STUDY.	PL DN RW UT CN	NH		2,500,000		
				Project Cost:		0	2,500,000	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
McCracken	153.3000	KY-1286	Improve KY 1286 from US 62(MP 5.000) to Perkins Creek Bridge (MP 5.896, B00167N). (Priority Section 3) (2022CCN)	PL DN RW UT CN	STP1	4,800,000			
Project Cost:						4,800,000	0	0	0
McCracken	153.4000	KY-1286	Improve KY 1286 from Perkins Creek Bridge (MP 5.896, B00167N) to KY 998 (MP 6.916). (Priority Section 4) (2022CCN)	PL DN RW UT CN	STP1	4,500,000			
Project Cost:						4,500,000	0	0	0
McCracken	1115.1000	US-60	RELOCATION AND MINOR WIDENING OF US-60 FROM CLARKS RIVER TO US-62 JCT.(10CCR)(14CCR)(LET W/ 1-1115.20) (16CCR)	PL DN RW UT CN	NH	3,000,000			
Project Cost:						3,000,000	0	0	0
McCracken	10163	US-60	BRIDGE PROJECT IN MCCRACKEN COUNTY ON (073B00062N) US-62 AT P&L RAILWAY	PL DN RW UT CN	BRO BRO		552,300		
Project Cost:						0	3,681,999	0	0
McCracken	10166	I-24	BRIDGE PROJECT IN MCCRACKEN COUNTY ON (073B00100N) I-24 AT OHIO RIVER	PL DN RW UT CN	BRX	21,000,000			
Project Cost:						21,000,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
McCracken	20017	I-24	ADDRESS CONDITION OF I-024 FROM MILEPOINT 16.172 TO MILEPOINT 17.32	PL					
				DN	STP3	121,000			
				RW					
				UT					
				CN	STP3	1,089,000			
	Project Cost:				1,210,000	0	0	0	
McCracken	22356	KY-305	ADDRESS CONDITION OF KY-305 FROM MILEPOINT 8.35 TO MILEPOINT 8.88	PL					
				DN	STP3	37,500			
				RW					
				UT					
				CN	STP3	712,500			
	Project Cost:				750,000	0	0	0	
McCracken	80305	I-24	ADDRESS SAFETY, CONGESTION, AND FUTURE CAPACITY ISSUES FROM US 60 TO US 68 IN PADUCAH. SEE MARCH, 2002 PADUCAH-MCCRACKEN COUNTY TRANSPORTATION STUDY.	PL					
				DN					
				RW	NH		550,000		
				UT	NH		2,240,000		
				CN	NH				39,200,000
	Project Cost:			0	2,790,000	0	39,200,000		
McCracken	80315	KY-998	IMPROVE MOBILITY, SAFETY AND ADDRESS GEOMETRIC DEFICIENCIES ON KY 998 (OLIVET CHURCH ROAD) FROM KY 1286 (FRIENDSHIP ROAD) TO US 62.	PL					
				DN					
				RW	SPP	5,000,000			
				UT	SPP		3,000,000		
				CN	SPP				10,000,000
	Project Cost:			5,000,000	3,000,000	0	10,000,000		
McCracken	80317	KY-731	BASED ON THE 2019 PADUCAH SUA, ID "Q". RECONFIGURE THE INTERSECTION OF KY 731 AND LABELLE AVE. A ROUNDABOUT SHOULD BE CONSIDERED. THIS IS BASED ON 33 CRASHES IN 3	PL					
				DN					
				RW					
				UT	SPP	3,500,000			
				CN	SPP			3,600,000	
	Project Cost:			3,500,000	0	3,600,000	0		

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Total for McCracken county				PL					
				DN		158,500	552,300		
				RW		5,000,000	550,000		
				UT		6,500,000	7,740,000		
				CN		32,101,500	3,681,999	3,600,000	49,200,000
				Total Amounts:		43,760,000	12,524,299	3,600,000	49,200,000
McCreary	10057	KY-92	BRIDGE PROJECT IN MCCREARY COUNTY	PL					
			ON (074B00007N) KY-92 AT S. FORK OF	DN	FBP				342,000
			CUMBERLAND RI	RW					
				UT					
				CN					
				Project Cost:		0	0	0	342,000
McCreary	10059	KY-1470	BRIDGE PROJECT IN MCCREARY COUNTY	PL					
			ON (074B00020N) KY-1470 AT MARSH	DN	BRX		115,196		
			CREEK	RW					
				UT					
				CN	BRX		767,970		
				Project Cost:		0	883,166	0	0
McCreary	10061	CR-1314	BRIDGE PROJECT IN MCCREARY COUNTY	PL					
			ON (074C00010N) WIBORG LOOP RD AT	DN	FBP2		233,006		
			NS (CNO&TP) SYSTEM	RW					
				UT					
				CN	FBP2		1,553,370		
				Project Cost:		0	1,786,376	0	0
McCreary	80004	KY-92	PRELIMINARY ENGINEERING AND	PL	SPP	1,500,000			
			ENVIRONMENTAL CORRIDOR STUDY FOR	DN					
			IMPROVING SAFETY AND MAKING KY-92	RW					
			A SCENIC ROUTE FROM MONTICELLO TO	UT					
			STEARNS (FLEXIBLE SOLUTIONS)	CN					
				Project Cost:		1,500,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
McCreary	80101	US-27	IMPROVE SAFETY BY CONSTRUCTING TURN LANES INTO COMMUNITY PARK AND WHITLEY CITY ELEMENTARY (2020CCN)	PL DN RW UT CN	SPP	2,000,000			
Project Cost:						2,000,000	0	0	0
McCreary	80103	CR-1199	Improve mobility and safety RR crossing elimination by constructing bridge and realigning KY 1470, approx 0.177 miles west of CR1199A (Dick Wilson Rd) and extending easterly to US 27. (2020CCN)	PL DN RW UT CN	SPP	3,332,000			
Project Cost:						3,332,000	0	0	0
Total for McCreary county				PL DN RW UT CN		1,500,000	348,202		342,000
Total Amounts:						6,832,000	2,321,340	0	342,000
McLean	10110	KY-81	BRIDGE PROJECT IN MCCLEAN COUNTY ON (075B00025N) KY-81 AT SLOUGH	PL DN RW UT CN	FBP BRZ FBP2			40,000 2,000 1,055,503	
Project Cost:						0	0	1,097,503	0
McLean	10111	KY-81	BRIDGE PROJECT IN MCCLEAN COUNTY ON (075B00028N) KY-81 AT UNNAME STREAM	PL DN RW UT CN	FBP				101,376
Project Cost:						0	0	0	101,376

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
McLean	10116	KY-140	BRIDGE PROJECT IN MCCLEAN COUNTY ON (075B00040N) KY-140 AT BR OF LONG FALLS CREEK	PL DN RW UT CN	BRX	165,393	1,102,620		
Project Cost:						165,393	1,102,620	0	0
McLean	10152	KY-140	ADDRESS DEFICIENCIES OF BRIDGE ON KY 140 OVER PORTERS DITCH (075B00041N)	PL DN RW UT CN	BRX		85,404		
Project Cost:						0	654,764	0	0
Total for McLean county				PL DN RW UT CN		165,393	85,404	40,000	101,376
Total Amounts:						165,393	1,757,384	1,055,503	101,376
Meade	8705	KY-79	RECONSTRUCT KY 79 FROM KY 144 TO KY 1051. (12CCN)(14CCR)(18CCN) (2020CCR) (2022CCR)	PL DN RW UT CN	SPP	14,500,000			
Project Cost:						14,500,000	0	0	0
Meade	10078	KY-313	ADDRESS DEFICIENCIES OF BRIDGE ON KY 313 OVER OHIO RIVER & CO ROAD (082B00021N)	PL DN RW UT CN	BRX				3,525,000
Project Cost:						0	0	0	3,525,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Meade	80305	KY-313	ADDRESS TRAVEL TIME RELIABILITY AND IMPROVE INTERSECTIONS ALONG KY 313 FROM HARDIN COUNTY TO KY 1638 IN BRANDENBURG.	PL					
				DN					
				RW	SPP	550,000			
				UT	SPP	1,080,000			
				CN	SPP			19,040,000	
			Project Cost:			1,630,000	0	19,040,000	0
Meade	80309	KY-313	ADDRESS SAFETY AND MOBILITY ALONG KY 313 (BRANDENBURG BYPASS) FROM KY 448 TO KY 228 IN BRANDENBURG.	PL					
				DN					
				RW	SPP	600,000			
				UT	SPP	1,160,000			
				CN	SPP		18,600,000		
			Project Cost:			1,760,000	18,600,000	0	0
Total for Meade county				PL					
				DN					
				RW		1,150,000			
				UT		2,240,000			
				CN		14,500,000	18,600,000	19,040,000	3,525,000
			Total Amounts:			17,890,000	18,600,000	19,040,000	3,525,000
Menifee	8805	US-460	WIDEN EXISTING ROADWAY AND IMPROVE VERTICAL AND HORIZONTAL CURVES. NEW CONSTRUCTION. COMPLETES US 460 UPGRADES IN MENIFEE COUNTY FROM MP 14.35 TO	PL					
				DN					
				RW	SPP	7,660,000			
				UT	SPP	3,650,000			
				CN	SPP			35,540,000	
			Project Cost:			11,310,000	0	35,540,000	0
Menifee	10054	KY-713	BRIDGE PROJECT IN MENIFEE COUNTY ON (083B00024N) KY-713 AT BEAVER CR @MENIFEE HISCH	PL					
				DN	BRX			87,000	
				RW					
				UT					
				CN	FBP2				870,000
			Project Cost:			0	0	87,000	870,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Menifee	80200	US-460	IMPROVE SAFETY, CORRECT GEOMETRICS, AND ENHANCE REGIONAL CONNECTIVITY ON US 460 FROM THE INTERSECTION OF KY 1240 TO 0.7 MILES EAST OF THE MORGAN COUNTY LINE	PL					
				DN					
				RW	SPP	6,000,000			
				UT	SPP	3,000,000			
				CN	SPP		32,480,000		
				Project Cost:		<u>9,000,000</u>	<u>32,480,000</u>	<u>0</u>	<u>0</u>
Menifee	80201	US-460	Improve safety, correct geometrics, and enhance regional connectivity on US 460 from the bridge over Dog Trot Fork (MP 3.3) to Rothwell (MP 4.8). (2022CCN)	PL					
				DN					
				RW					
				UT					
				CN	NH	11,800,000			
				Project Cost:		<u>11,800,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total for Menifee county				PL					
				DN			87,000		
				RW		13,660,000			
				UT		6,650,000			
				CN		<u>11,800,000</u>	<u>32,480,000</u>	<u>35,540,000</u>	<u>870,000</u>
				Total Amounts:		<u>32,110,000</u>	<u>32,480,000</u>	<u>35,627,000</u>	<u>870,000</u>
Mercer	10054	US-68	BRIDGE PROJECT IN MERCER COUNTY ON (084B00003N) US-68 AT KENTUCKY RIVER	PL					
				DN	BRX	1,979,779			
				RW					
				UT					
				CN	BRX		13,198,524		
				Project Cost:		<u>1,979,779</u>	<u>13,198,524</u>	<u>0</u>	<u>0</u>
Total for Mercer county				PL					
				DN		1,979,779			
				RW					
				UT					
				CN			<u>13,198,524</u>		
				Total Amounts:		<u>1,979,779</u>	<u>13,198,524</u>	<u>0</u>	<u>0</u>

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Metcalfe	112.1000	KY-90	NEW CONSTRUCTION TO REROUTE KY 90 TO THE SOUTH OF SUMMER SHADE ("BYPASS").	PL					
				DN					
				RW	SPP	4,830,000			
				UT	SPP	4,620,000			
				CN	SPP			19,040,000	
			Project Cost:			9,450,000	0	19,040,000	0
Metcalfe	8859	KY-163	RECONSTRUCT KY 163 AS A NEW ROUTE ON WEST SIDE OF EDMONTON FROM KY 163 AT GARY BELL RD (MP 10.0) S OF EDMONTON CROSSING US 68 (STOCKTON ST) 2000 FT WEST OF THE	PL					
				DN					
				RW	SPP	2,480,000			
				UT	SPP	2,470,000			
				CN	SPP		13,980,000		
			Project Cost:			4,950,000	13,980,000	0	0
Metcalfe	80306	US-68	INTERSECTION IMPROVEMENTS AT US-68 AND KY-80. OPTIONS INCLUDE REALIGNMENT OF NORTH APPROACH, WIDENING FOR TURN LANES, AND A ROUNDABOUT.	PL					
				DN					
				RW					
				UT	FED	310,000			
				CN	FED		1,240,000		
			Project Cost:			310,000	1,240,000	0	0
Metcalfe	80309	LN-9008	IMPROVE SAFETY AND ADDRESS GEOMETRIC DEFICIENCIES ON THE LB NUNN CUMBERLAND EXPRESSWAY AT EXIT 27 INTERCHANGE.	PL					
				DN					
				RW	SPP	330,000			
				UT	SPP	380,000			
				CN	SPP		11,160,000		
			Project Cost:			710,000	11,160,000	0	0
Metcalfe	80325	KY-163	PE & ENVIRONMENTAL FOR KY-163 FROM KY-90 TO PROPOSTED WEST EDMONTON BYPASS.	PL					
				DN	SPP	3,000,000			
				RW					
				UT					
				CN					
			Project Cost:			3,000,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Total for Metcalfe county				PL					
				DN		3,000,000			
				RW		7,640,000			
				UT		7,780,000			
				CN			26,380,000	19,040,000	
				Total Amounts:		18,420,000	26,380,000	19,040,000	0
Monroe	128.1100	KY-214	OPERATION OF TURKEY NECK BEND FERRY FOR FY 2025-2030.(12CCR) (2020CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	1,250,000	1,250,000	1,250,000	1,250,000
				Project Cost:		1,250,000	1,250,000	1,250,000	1,250,000
Monroe	10044	KY-678	BRIDGE PROJECT IN MONROE COUNTY ON (086B00040N) KY-678 AT SKAGGS CREEK	PL					
				DN	BRX			232,494	
				RW					
				UT					
				CN	BRX			1,549,956	
				Project Cost:		0	0	1,782,450	0
Monroe	80003	KY-100	REPLACE BRIDGE ON KY-100 BETWEEN MP 14.7 AND 14.9. (18CCN)	PL					
				DN					
				RW					
				UT					
				CN	BRX	790,000			
				Project Cost:		790,000	0	0	0
Total for Monroe county				PL					
				DN				232,494	
				RW					
				UT					
				CN		2,040,000	1,250,000	2,799,956	1,250,000
				Total Amounts:		2,040,000	1,250,000	3,032,450	1,250,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Montgomery	250	US-460	Reconstruction of US 460 from Lucky Stop to KY 713 @ Means.	PL					
				DN					
				RW	SPP	2,000,000			
				UT	SPP	10,605,000			
				CN	SPP	13,200,000			
				Project Cost:		25,805,000	0	0	0
Montgomery	411	KY-1991	UPGRADE HINKSTON PIKE IN MT. STERLING FROM NEW MIDLAND TRAIL TO THE NEW INDUSTRIAL PARK ENTRANCE (INCLUDES EXTENSION OF INDUSTRIAL ACCESS ROAD TO HINKSTON PIKE).	PL					
				DN					
				RW					
				UT					
				CN	SPP	8,050,000			
				Project Cost:		8,050,000	0	0	0
Montgomery	8810	US-60	WIDEN EXISTING PAVEMENT & IMPROVE VERTICAL & HORIZONTAL CURVES FROM EXISTING MT STERLING BYPASS (KY 686) TO 500' W OF BENTBROOK SUBDIVISION. ADD FULL WIDTH	PL					
				DN					
				RW					
				UT					
				CN	STPF	5,000,000			
				Project Cost:		5,000,000	0	0	0
Montgomery	8953	US-60	RECONSTRUCT US 60 FOR SAFETY IMPROVEMENTS FROM 500 FEET WEST OF SEWELL SHOP ROAD (MP 17.032) IN CLARK COUNTY TO 500 FEET WEST OF BENTBROOK (MP 2.007) IN	PL					
				DN	STP2	2,210,000			
				RW	STP2			3,670,000	
				UT	STP2			3,480,000	
				CN	STP2				12,270,000
				Project Cost:		2,210,000	0	7,150,000	12,270,000
Montgomery	10057	KY-3362	BRIDGE PROJECT IN MONTGOMERY COUNTY ON (087B00053N) KY-3362 AT GRASSY LICK CREEK	PL					
				DN	FBP2				41,325
				RW					
				UT					
				CN	FBP2				275,496
				Project Cost:		0	0	0	316,821

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Montgomery	20018	I-64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 104.26 TO MILEPOINT 112.113	PL DN RW UT CN	NHPM	5,000,000			
Project Cost:						5,000,000	0	0	0
Total for Montgomery county				PL DN RW UT CN		2,210,000 2,000,000 10,605,000 31,250,000		3,670,000 3,480,000	41,325 12,545,496
Total Amounts:						46,065,000	0	7,150,000	12,586,821
Morgan	8004	PF-9999	WEST LIBERTY BYPASS - CONSTRUCT NEW ROUTE FROM US 460 @ KY 2498 TO US 460 @ KY 172. (00CCN)	PL DN RW UT CN	SPP	3,500,000			
Project Cost:						3,500,000	1,100,000	0	18,900,000
Morgan	8804	KY-2498	IMPROVE KY-2498 FROM US-460 TO THE ARH HOSPITAL. (14CCN)(16CCN) (2022CCR)	PL DN RW UT CN	SPP	4,270,000			
Project Cost:						4,270,000	0	0	0
Morgan	20031	KY-882	ADDRESS CONDITION OF KY-882 FROM MILEPOINT 0 TO MILEPOINT 2.468	PL DN RW UT CN	STP4	13,750			
Project Cost:						275,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Morgan	20032	KY-985	ADDRESS CONDITION OF KY-985 FROM MILEPOINT 0 TO MILEPOINT 2.015	PL					
				DN	STP4	15,000			
				RW					
				UT					
				CN	STP4	285,000			
				Project Cost:		<u>300,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Morgan	20033	KY-1260	ADDRESS CONDITION OF KY-1260 FROM MILEPOINT 0 TO MILEPOINT 2.8	PL					
				DN	STP4	20,000			
				RW					
				UT					
				CN	STP4	380,000			
				Project Cost:		<u>400,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Morgan	80202	US-460	Improve safety and substandard geometrics on US 460 from the Menifee County Line to approximately milepoint 0.8. (2022CCN)	PL					
				DN					
				RW	NH	475,000			
				UT	NH	167,000			
				CN	NH		5,858,000		
				Project Cost:		<u>642,000</u>	<u>5,858,000</u>	<u>0</u>	<u>0</u>
Morgan	80307	US-460	Improve safety and reliability of US 460 from the intersection of KY 1081 to the Magoffin County line	PL					
				DN	FED	1,200,000			
				RW	FED			500,000	
				UT	FED			750,000	
				CN	FED				10,000,000
				Project Cost:		<u>1,200,000</u>	<u>0</u>	<u>1,250,000</u>	<u>10,000,000</u>
Total for Morgan county				PL					
				DN		1,248,750			
				RW		3,975,000		500,000	
				UT		167,000	1,100,000	750,000	
				CN		5,196,250	5,858,000		28,900,000
				Total Amounts:		<u>10,587,000</u>	<u>6,958,000</u>	<u>1,250,000</u>	<u>28,900,000</u>

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Muhlenberg	8803	KY-2533	STRAIGHTEN DEAN ROAD INTERSECTION OF 189 BYPASS TO KY 181 NORTH NEAR THE INTERSECTION WITH THE WKY PARKWAY, WENDELL FORD NATIONAL GUARD CENTER, AND JOB CORP.	PL DN RW UT CN	SPP	7,020,000			
Project Cost:						7,020,000	0	0	0
Muhlenberg	10122	KY-181	BRIDGE PROJECT IN MUHLENBERG COUNTY ON (089B00031N) KY-181 AT BAT EAST CREEK	PL DN RW UT CN	FBP				158,562
Project Cost:						0	0	0	158,562
Muhlenberg	22162	WK-9001	ADDRESS CONDITION OF Wendell H. Ford Western KY Parkway FROM MILEPOINT 45.95 TO MILEPOINT 52.535	PL DN RW UT CN	NHPM		1,500,000		
Project Cost:						0	13,500,000	0	0
Muhlenberg	22164	WK-9001	ADDRESS CONDITION OF Wendell H. Ford Western KY Parkway FROM MILEPOINT 54.317 TO MILEPOINT 59.92	PL DN RW UT CN	NHPM			732,125	
Project Cost:						0	0	6,589,129	0
Muhlenberg	22165	WK-9001	ADDRESS CONDITION OF Wendell H. Ford Western KY Parkway FROM MILEPOINT 59.92 TO MILEPOINT 65.375	PL DN RW UT CN	NHPM	456,038			
Project Cost:						4,104,342	0	0	0
Project Cost:						4,560,380	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Muhlenberg	80201	wk-9001	WESTERN KENTUCKY PKY - RECONSTRUCT INTERCHANGE AT US 431 AT CENTRAL CITY (2022CCN)	PL DN RW UT CN	SPP SPP SPP	1,200,000 1,800,000	13,000,000		
Project Cost:						3,000,000	13,000,000	0	0
Total for Muhlenberg county				PL DN RW UT CN		456,038 1,200,000 1,800,000 11,124,342	1,500,000 26,500,000	732,125 6,589,129	158,562
Total Amounts:						14,580,380	28,000,000	7,321,254	158,562
Nelson	396.1000	US-150	IMPROVE SAFETY, MOBILITY, AND GEOMETRICS ON US-150 FROM THE BLUEGRASS PARKWAY TO THE NELSON/WASHINGTON COUNTY LINE. (2016BOP)(18CCR)(D-Auth under 4-396)	PL DN RW UT CN	STPF	20,000,000	20,000,000		
Project Cost:						20,000,000	20,000,000	0	0
Nelson	8308.1000	US-150	WIDEN US-150 FROM KY-49 TO NEAR KY-245/WAL-MART WIDENING. (06CCN) (2022CCN)	PL DN RW UT CN	STP1		22,400,000		
Project Cost:						0	22,400,000	0	0
Nelson	8809	US-31	NEW ROUTE BETWEEN US 62 AND KY 245 WEST OF BARDSTOWN (2020CCN) (2022CCR)	PL DN RW UT CN	STPF	8,000,000			
Project Cost:						8,000,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Nelson	10065	KY-2738	BRIDGE PROJECT IN NELSON COUNTY ON (090B00109N) KY-2738 AT EAST FORK SIMPSON CREEK	PL DN RW UT CN	BRX			74,184	
Project Cost:						0	0	74,184	0
Nelson	22173	BG-9002	ADDRESS CONDITION OF Martha Layne Collins Bluegrass Parkway FROM MILEPOINT 10.172 TO MILEPOINT 17.542 (17.134 CARDINAL)	PL DN RW UT CN	NHPM NHPM			605,000 5,445,000	
Project Cost:						0	0	6,050,000	0
Nelson	22174	BG-9002	ADDRESS CONDITION OF Martha Layne Collins Bluegrass Parkway FROM MILEPOINT 17.134 (17.542 NON-CARDINAL) TO MILEPOINT 24.095	PL DN RW UT CN	NHPM NHPM			2,100,000 21,000,000	
Project Cost:						0	0	23,100,000	0
Nelson	22176	BG-9002	ADDRESS CONDITION OF Martha Layne Collins Bluegrass Parkway FROM MILEPOINT 35.15 TO MILEPOINT 39.267	PL DN RW UT CN	NHPM NHPM	800,000 7,200,000			
Project Cost:						8,000,000	0	0	0
Nelson	80254	PF-9999, US-31	IMPROVE CONNECTIVITY WEST OF BARDSTOWN BY CONSTRUCTION NEW ROUTE FROM THE BLUEGRASS PARKWAY BEGINNING WEST OF EXIT 21 TO KY245 (2022CCN).	PL DN RW UT CN	NH NH NH		9,500,000	6,000,000	60,000,000
Project Cost:						0	9,500,000	6,000,000	60,000,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Nelson	80255	PF-9999, US-31	IMPROVE MOBILITY AND CONNECTIVITY WEST OF BARDSTOWN FROM KY 245 TO US 31E NEAR COX'S CREEK. (2022CCN)	PL DN RW UT CN	STPF			18,000,000	
Project Cost:						0	0	18,000,000	0
Nelson	80361	PF-9999	Construct new interchange on BG Parkway at KY 1858 along with a connector to proposed 4-80255.0 Connector.	PL DN RW UT CN	NH NH NH NH	4,000,000 10,000,000	3,000,000 70,000,000		
Project Cost:						14,000,000	73,000,000	0	0
Nelson	80363	US-31	Improve traffic operations, mobility and passing opportunities along US 31 E (Louisville - Bardstown Rd) from KY 509 to Bullitt County Line. Consider a 2+1 configuration and/or innovative	PL DN RW UT CN	NH			20,500,000	
Project Cost:						0	0	20,500,000	0
Total for Nelson county				PL DN RW UT CN		4,800,000 10,000,000	9,500,000 3,000,000	2,779,184 6,000,000	
Total Amounts:						50,000,000	124,900,000	73,724,184	60,000,000
Nicholas	205	KY-36	IMPROVE THE KY-36/KY-32 INTERSECTION NEAR THE NICHOLAS COUNTY SCHOOL PROPERTY (12CCR) (16CCR)(2020CCR) (2022CCR)	PL DN RW UT CN	STP	4,000,000			
Project Cost:						4,000,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Nicholas	10103	KY-32	ADDRESS DEFICIENCIES OF BRIDGE ON KY 32 OVER TRIB-HOOKTOWN BRANCH (091B00031N)	PL DN RW UT CN	BRZ		44,564		
				Project Cost:		0	341,652	0	0
Nicholas	22360	US-68	ADDRESS CONDITION OF US-68 FROM MILEPOINT 10.73 TO MILEPOINT 12.13	PL DN RW UT CN	STP4		30,000		
				Project Cost:		0	600,000	0	0
Nicholas	80306	KY-36	Improve safety, geometric deficiencies, and promote connectivity along KY-36 between US-68 (mile-point 0.864) and KY-13 (mile-point 3.910).	PL DN RW UT CN	SPP	2,750,000			
				Project Cost:		6,530,000	0	22,400,000	0
Total for Nicholas county				PL DN RW UT CN			74,564		
				Total Amounts:		10,530,000	941,652	22,400,000	0
Ohio	8951	KY-54	IMPROVE SAFETY ON KY 54 BY UPGRADING MP 7.0 TO MP 8.0 TO THREE LANES INCLUDING CURB AND GUTTER AND ADDRESSING TWO SHARP TURNS. (16CCN)(18CCN) (2020CCR) (2022CCR)	PL DN RW UT CN	SPP	1,440,000			
				Project Cost:		8,740,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Ohio	10016	CR-1510	ADDRESS DEFICIENCIES OF QUARTERHORSE LN BRIDGE OVER N FK PANTHER CREEK. (092C00133N)	PL DN RW UT CN	FBP2		80,000 800,000		
Project Cost:						0	880,000	0	0
Ohio	10123	KY-69	BRIDGE PROJECT IN OHIO COUNTY ON (092B00015N) KY-69 AT SMITH CREEK	PL DN RW UT CN	FBP2				255,026 1,700,172
Project Cost:						0	0	0	1,955,198
Ohio	10131	KY-505	BRIDGE PROJECT IN OHIO COUNTY ON (092B00159N) KY-505 AT BR-INDIAN CAMP CREEK	PL DN RW UT CN	BRX			109,296	
Project Cost:						0	0	109,296	0
Ohio	22134	I-165	ADDRESS CONDITION OF I-165 FROM MILEPOINT 35.064 TO MILEPOINT 41.504	PL DN RW UT CN	NHPM				2,557,500 23,017,500
Project Cost:						0	0	0	25,575,000
Ohio	22136	I-165	ADDRESS CONDITION OF I-165 FROM MILEPOINT 57.776 TO MILEPOINT 59.474	PL DN RW UT CN	NHPM				141,953 1,277,575
Project Cost:						0	0	0	1,419,528

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Ohio	80303	US-231	ADDRESS LEFT TURN LANE ISSUES ON US-231 AT BOTH PERDUE ENTRANCES.	PL					
				DN					
				RW					
				UT					
				CN	NH	3,890,000			
				Project Cost:		3,890,000	0	0	0
Total for Ohio county				PL					
				DN			80,000	109,296	2,954,479
				RW					
				UT		1,440,000			
				CN		11,190,000	800,000		25,995,247
				Total Amounts:		12,630,000	880,000	109,296	28,949,726
Oldham	234	KY-146, KY-393	KY-393 RECONSTRUCT FROM 140FEET SOUTH OF RAILROAD CROSSING (CSX) EXTENDING NORTHWEST TOWARDS KY 146 ENDING AT STATION 12+00 (DESIGN UNDER 5-230.00). (CONSTRUCTION	PL					
				DN					
				RW					
				UT					
				CN	STPF	12,320,000			
				Project Cost:		12,320,000	0	0	0
Oldham	304.1000	KY-22	RECONSTRUCT KY-22 FROM KY-329 TO ABBOTT LANE. (2004BOPC)(08CCR) (10CCR)(12CCR)	PL					
				DN					
				RW	SPP	2,560,000			
				UT	SPP	2,540,000			
				CN	SPP		12,340,000		
				Project Cost:		5,100,000	12,340,000	0	0
Oldham	483.1000	I-71	WIDEN I-71 FROM FOUR TO SIX LANES FROM KY-329 (MP 14.1) TO KY-393 (MP 18.0). (2022CCR)	PL					
				DN					
				RW					
				UT					
				CN	NH	50,000,000			
				Project Cost:		50,000,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Oldham	483.2000	I-71	WIDEN I-71 FROM FOUR TO SIX LANES FROM KY-393 (MP 18.0) TO KY-53 (MP 22.4). (16CCN)	PL					
				DN					
				RW	NH	2,300,000			
				UT	NH	1,000,000			
				CN	NH		40,000,000		
				Project Cost:		3,300,000	40,000,000	0	0
Oldham	483.4000	I-71	Addition of soundwall on I-71 SB along Darby Pointe Neighborhood (MP 16.7-17.4) (To be let with 5-483.1 I-71 Widening).	PL					
				DN					
				RW					
				UT					
				CN	SPP	5,000,000			
				Project Cost:		5,000,000	0	0	0
Oldham	8852	KY-53	IMPROVE KY-53 FROM ZHALE SMITH ROAD TO KY-22 (TOTAL 3.2 MILES). (14CCN)(18CCN) (2022CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	35,000,000			
				Project Cost:		35,000,000	0	0	0
Oldham	10126	KY-1694	ADDRESS DEFICIENCIES OF BRIDGE ON KY 1694 OVER HARRODS CREEK (093B00025N)	PL					
				DN	BRZ		546,411		
				RW					
				UT					
				CN					
				Project Cost:		0	0	546,411	0
Oldham	80005	I-71	IMPROVE THE INTERCHANGE OF I 71 AND KY 329. (18CCN) (2020CCR) (DESIGNED UNDER 5-483.10) (2022CCR)	PL					
				DN					
				RW					
				UT					
				CN	NH	4,200,000			
				Project Cost:		4,200,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	
Oldham	80209	KY-53	Improve safety and reduce congestion on KY 53 from I-71 to Zhale Smith Road. Includes consideration of a five lane widening and bike/ped accommodations. (2022CCN)	PL						
				DN						
				RW	STPF	820,000				
				UT	STPF	350,000				
				CN	STPF		17,400,000			
	Project Cost:				1,170,000	17,400,000	0	0		
Oldham	80211	KY-524	Landslide repair on Westport Road (KY-524) from JCT. US-42 West, north 1.0 mile. (2002BOPC)(NOT REQUIRED) (2022CCN)	PL						
				DN						
				RW						
				UT						
				CN	SPP	4,000,000				
	Project Cost:				4,000,000	0	0	0		
Oldham	80307	US-42	IMPROVE TRAFFIC FLOW, MINIMIZE CONGESTION, AND ADDRESS SAFETY ISSUES ON US 42 BETWEEN RIDGMOOR DRIVE AND KY 1694 (GUM STREET). INCLUDES CONSIDERATION OF A THREE	PL						
				DN						
				RW	FED		7,500,000			
				UT	FED		5,000,000			
				CN	FED				30,000,000	
	Project Cost:			0	12,500,000	0	30,000,000			
Oldham	80313	I-71	IMPROVE SAFETY AND REDUCE CONGESTION AT THE I-71/KY 53 (NORTH/SOUTH FIRST AVENUE) INTERCHANGE. INCLUDES CONSIDERATION OF AN ADDITIONAL	PL						
				DN						
				RW	NH	200,000				
				UT	NH	200,000				
				CN	NH		6,500,000			
	Project Cost:			400,000	6,500,000	0	0			
Oldham	80314	KY-362	IMPROVE SAFETY, ACCESS, AND ADDRESS GEOMETRIC DEFICIENCIES ALONG KY 362 FROM THE OLDHAM/SHELBY COUNTY LINE TO KY 146 (IN AND SOUTH OF PEWEE VALLEY).	PL						
				DN						
				RW	SPP		1,820,000			
				UT	SPP		1,500,000			
				CN	SPP				22,420,000	
	Project Cost:			0	3,320,000	0	22,420,000			

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	
Oldham	80325	KY-146	REDUCE CONGESTION, IMPROVE SAFETY AND ENHANCE MOBILITY ON KY 146 IN BUCKNER FROM KY 1817 (NEW CUT ROAD) (MP 6.81) TO KY 393 (MP 7.42).	PL						
				DN						
				RW	SPP	1,140,000				
				UT	SPP	1,130,000				
				CN	SPP				5,580,000	
	Project Cost:				2,270,000	0	5,580,000	0		
Oldham	80345	KY-22	IMPROVE SAFETY AND REDUCE CONGESTION, ALONG US 22 FROM HAUNZ LANE TO KY 329.	PL						
				DN						
				RW						
				UT						
				CN	SPP	2,600,000				
	Project Cost:				2,600,000	0	0	0		
Total for Oldham county				PL						
				DN				546,411		
				RW		7,020,000	9,320,000			
				UT		5,220,000	6,500,000			
				CN		113,120,000	76,240,000	5,580,000	52,420,000	
				Total Amounts:		125,360,000	92,060,000	6,126,411	52,420,000	
Owen	8702	KY-22	WIDEN KY 22 FROM INTERSECTION WITH KY 845 TO THE OWEN/GRANT COUNTY LINE.(12CCN)(14CCR)(16CCR)	PL						
				DN						
				RW						
				UT						
				CN	SPP				15,000,000	
	Project Cost:				0	0	15,000,000	0		
Owen	22362	KY-355	ADDRESS CONDITION OF KY-355 FROM MILEPOINT 6.56 TO MILEPOINT 18.92	PL						
				DN	STP4				155,000	
				RW						
				UT						
				CN	STP4					2,945,000
	Project Cost:				0	0	0	3,100,000		

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Owen	80319	KY-355	RECONSTRUCTION KY 355 FROM KY 22 IN GRATZ TO KY 1982 NEAR PERRY PARK.	PL					
				DN	SPP	4,860,000			
				RW	SPP			6,250,000	
				UT	SPP			2,400,000	
				CN	SPP				85,800,000
				Project Cost:		<u>4,860,000</u>	<u>0</u>	<u>8,650,000</u>	<u>85,800,000</u>
Total for Owen county				PL					
				DN		4,860,000			155,000
				RW				6,250,000	
				UT				2,400,000	
				CN				15,000,000	88,745,000
				Total Amounts:		<u>4,860,000</u>	<u>0</u>	<u>23,650,000</u>	<u>88,900,000</u>
Owsley	173	KY-708	Replace bridge over Moores Fork and realign roadway.	PL					
				DN					
				RW					
				UT					
				CN	BRX	1,450,000			
				Project Cost:		<u>1,450,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Owsley	80105	KY-11	RECONSTRUCT THE INTERSECTION OF KY 11 AND KY 846 (2020CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	1,000,000			
				Project Cost:		<u>1,000,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total for Owsley county				PL					
				DN					
				RW					
				UT					
				CN		2,450,000			
				Total Amounts:		<u>2,450,000</u>	<u>0</u>	<u>0</u>	<u>0</u>

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	
Pendleton	8508.1000	KY-22, PF-9999	RELOCATE KY 22 FROM THE INTERSECTION OF FRYER ROAD AND KY 330 TO US 27 (ALIGNMENT H FROM 1988 STUDY) (2022CCN)	PL						
				DN						
				RW	NH		8,806,500			
				UT	NH		1,662,400			
				CN	NH				51,398,400	
	Project Cost:				0	10,468,900	0	51,398,400		
Pendleton	10059	US-27	ADDRESS DEFICIENCIES OF BRIDGE ON US 27 OVER SO.FK. LICKING RIVER (096B00021N)	PL						
				DN	BRZ			1,732,690		
				RW						
				UT						
				CN						
	Project Cost:				0	0	1,732,690	0		
Pendleton	80253	US-27	IMPROVE SAFETY AND MOBILITY ON US 27 AT THE KY INTERSECTION (MILEPOINT 11.6 TO MILEPOINT 12) (2022CCN)	PL						
				DN						
				RW						
				UT						
				CN	NH	3,000,000				
	Project Cost:				3,000,000	0	0	0		
Pendleton	80306	US-27	IMPROVE SAFETY AND MOBILITY ON US 27 AT THE KY 22 INTERSECTION.	PL						
				DN						
				RW	NH		300,000			
				UT	NH		580,000			
				CN	NH			7,800,000		
	Project Cost:				0	880,000	7,800,000	0		
Pendleton	80310	KY-177	RECONSTRUCT KY 177 FROM LICKING RIVER BRIDGE IN BUTLER TO KY 3185.	PL						
				DN						
				RW	SPP	580,000				
				UT	SPP	1,120,000				
				CN	SPP		26,400,000			
	Project Cost:				1,700,000	26,400,000	0	0		

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Total for Pendleton county				PL					
				DN				1,732,690	
				RW		580,000	9,106,500		
				UT		1,120,000	2,242,400		
				CN		3,000,000	26,400,000	7,800,000	51,398,400
				Total Amounts:		4,700,000	37,748,900	9,532,690	51,398,400
Perry	178	KY-7	Address roadway slide on KY 7 from MP 9.8 to MP 10.0.	PL					
				DN					
				RW					
				UT					
				CN	PROT	2,500,000			
				Project Cost:		2,500,000	0	0	0
Perry	209	KY-476	IMPROVE KY-476 FROM KY-15X IN WALKERTOWN TO NORTH OF WALKER CORNETT ROAD IN WABACO.	PL					
				DN					
				RW					
				UT	STP2	570,000			
				CN	STP2		3,600,000		
				Project Cost:		570,000	3,600,000	0	0
Perry	269.2000	KY-15	RECONSTRUCTION OF KY 15 FROM BONNYMAN TO NEAR KY 28. (14CCN) (2020CCN) (2022CCR)	PL					
				DN					
				RW					
				UT	SPP	2,700,000			
				CN	SPP		81,990,000		
				Project Cost:		2,700,000	81,990,000	0	0
Perry	8903	HR-9006	NEW INTERCHANGE OFF OF A NEW EXIT 55 HAL ROGERS PARKWAY TO SERVE THE SKYVIEW REGIONAL HOUSING DEVELOPMENT. (16CCN)(18CCN)	PL					
				DN					
				RW					
				UT					
				CN	NH	12,600,000			
				Project Cost:		12,600,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

975

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Perry	10056	KY-476	BRIDGE PROJECT IN PERRY COUNTY ON (097B00005N) KY-476 AT JAKES CREEK	PL DN RW UT CN	BRX				123,786
					BRX				825,240
				Project Cost:		0	0	0	949,026
Perry	20034	KY-7	ADDRESS CONDITION OF KY-7 FROM MILEPOINT 2.83 TO MILEPOINT 13.55	PL DN RW UT CN	STP4				75,000
					STP4				1,425,000
				Project Cost:		0	0	0	1,500,000
Perry	22203	HR-9006	ADDRESS CONDITION OF Hal Rogers Daniel Boone Parkway FROM MILEPOINT 51.026 TO MILEPOINT 56.1	PL DN RW UT CN	STP4			450,463	
					STP4			4,054,164	
				Project Cost:		0	0	4,504,627	0
Perry	22204	HR-9006	ADDRESS CONDITION OF Hal Rogers Daniel Boone Parkway FROM MILEPOINT 57.185 TO MILEPOINT 59.088	PL DN RW UT CN	NHPM	900,000			
					NHPM	8,100,000			
				Project Cost:		9,000,000	0	0	0
Perry	80305	ky-1440	Reconstruct roadway to eliminate flooding beginning at the intersection with KY 550.	PL DN RW UT CN	SPP	4,960,000			
				Project Cost:		4,960,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Perry	80308		Construct a new access road to East Perry Sports Complex development and a connector to Nautilus Drive	PL					
				DN					
				RW					
				UT					
				CN	SPP	1,750,000			
				Project Cost:		1,750,000	0	0	0
Total for Perry county				PL					
				DN		900,000		450,463	198,786
				RW					
				UT		3,270,000			
				CN		29,910,000	85,590,000	4,054,164	2,250,240
				Total Amounts:		34,080,000	85,590,000	4,504,627	2,449,026
Pike	147	KY-1426	MITIGATE OR ELIMINATE ROCKFALL HAZARDS AND IMPROVE ROADWAY FOR BETTER FLOW AND EFFICIENCY IN ORDER TO HANDLE THE EXPECTED CONGESTION ARISING FROM EVENTS AT	PL					
				DN					
				RW					
				UT					
				CN	PROT	10,000,000			
				Project Cost:		10,000,000	0	0	0
Pike	198	KY-194	IMPROVE KY 194 FROM US 119 RAMP NEAR SMITH FARMS BOTTOM (CR 1458) TO NEAR DESKINS BRANCH CULVERT. (18CCR) (2020CCR)	PL					
				DN					
				RW					
				UT					
				CN	STPF	9,711,000			
				Project Cost:		9,711,000	0	0	0
Pike	263.7600	KY-80	"US 460, Section 7A3 Reconstruct KY 80 from US 460 Ramp 2/KY 1372 Intersection to the CSX Railroad Bridge"	PL					
				DN					
				RW					
				UT					
				CN	SPP	14,878,000			
				Project Cost:		14,878,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Pike	346	US-460	IMPROVE SAFETY AND REDUCE CONGESTION AT THE US-460 AND KY-1460 INTERSECTION. (2020CCR) (2022CCR)	PL DN RW UT CN	NH	2,300,000			
Project Cost:						2,300,000	0	0	0
Pike	1129	CO-0	PLANNING STUDY TO EVALUATE REPLACING OLD NOLAN TOLL BRIDGE AT KY 292 JUST SW OF KY 468 INTERSECTION. (2020CCR)	PL DN RW UT CN	SPP	250,000			
Project Cost:						250,000	0	0	0
Pike	10131	KY-308	BRIDGE PROJECT IN PIKE COUNTY ON (098B00009N) KY-308 AT ROAD FK.ROAD CREEK	PL DN RW UT CN	BRX BRX			77,616	
Project Cost:						0	0	517,440	0
Pike	10132	KY-1426	BRIDGE PROJECT IN PIKE COUNTY ON (098B00013N) KY-1426 AT BENT BRANCH	PL DN RW UT CN	BRX	1,012,920			
Project Cost:						1,012,920	0	0	0
Pike	10139	KY-1441	BRIDGE PROJECT IN PIKE COUNTY ON (098B00235N) KY-1441 AT RACCOON CREEK	PL DN RW UT CN	FBP				125,000
Project Cost:						0	0	0	125,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Pike	10152	US-119	ADDRESS DEFICIENCIES OF BRIDGE ON US 119 OVER Tug Fork (098B00001N)	PL DN RW UT CN	BRX	1,000,000			
Project Cost:						<u>1,000,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Pike	10154	KY-610	ADDRESS DEFICIENCIES OF BRIDGE ON KY 610 OVER Shelby Creek (098B00071N)	PL DN RW UT CN	BRX				257,160
Project Cost:						<u>0</u>	<u>0</u>	<u>0</u>	<u>257,160</u>
Pike	10155	CR-1338	ADDRESS DEFICIENCIES OF BRIDGE ON CR 1338 OVER Johns Creek (098C00127N)	PL DN RW UT CN	BRX			105,336	
Project Cost:						<u>0</u>	<u>0</u>	<u>105,336</u>	<u>0</u>
Pike	80308	ky-1469	Improve substandard geometrics in the curve near Marshall Branch.	PL DN RW UT CN	SPP	6,240,000			
Project Cost:						<u>6,240,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Pike	80309	US-23	Make template changes to improve sight distance, drainage, and ingress/egress through this commercial section of US 23	PL DN RW UT CN	NH	4,000,000			
Project Cost:						<u>4,000,000</u>	<u>0</u>	<u>0</u>	<u>0</u>

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Pike	80351	KY-122	Replace bridge (098B00064N) on KY 122 (MP 13.45-13.65)	PL					
				DN					
				RW					
				UT					
				CN	FBP	2,820,000			
				Project Cost:		2,820,000	0	0	0
Total for Pike county				PL		250,000			
				DN				182,952	382,160
				RW					
				UT					
				CN		51,961,920		517,440	
				Total Amounts:		52,211,920	0	700,392	382,160
Powell	163.2000	KY-213	IMPROVE SAFETY, UPGRADE GEOMETRICS, AND ADDRESS CAPACITY ISSUES FOR KY 213 FROM KY 615 TO BOTTOM OF MOUNTAIN. (PRIORITY SECTION 2)(2018BOP) (2022CCN)	PL					
				DN					
				RW	SPP	3,000,000			
				UT	SPP	1,500,000			
				CN	SPP			7,500,000	
				Project Cost:		4,500,000	0	7,500,000	0
Powell	170	ky-11	Improve safety and traffic operations along KY 11/KY 15 in Stanton from east of Halls Lane to west of Stonegate Drive by widening and providing a two-way left-turn lane.	PL					
				DN					
				RW					
				UT					
				CN	SPP	3,250,000			
				Project Cost:		3,250,000	0	0	0
Powell	176	KY-15	Minor widening to improve redundancy of Regional Travel.	PL					
				DN					
				RW	PROT	290,000			
				UT	PROT	280,000			
				CN	PROT			4,720,000	
				Project Cost:		570,000	0	4,720,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Powell	10058	KY-1184	BRIDGE PROJECT IN POWELL COUNTY ON (099B00043N) KY-1184 AT RED RIVER	PL DN RW UT CN	BRX			454,000	
					BRX			4,540,000	
				Project Cost:		0	0	4,994,000	0
Powell	20004	KY-9000	ADDRESS CONDITION OF Bert T. Combs Mountain Parkway FROM MILEPOINT 11.913 TO MILEPOINT 19.228	PL DN RW UT CN	STP4			692,710	
					STP4			6,234,390	
				Project Cost:		0	0	6,927,100	0
Powell	20005	KY-9000	ADDRESS CONDITION OF Bert T. Combs Mountain Parkway FROM MILEPOINT 19.228 TO MILEPOINT 22.307	PL DN RW UT CN	STP4			291,573	
					STP4			2,624,153	
				Project Cost:		0	0	2,915,726	0
Powell	20035	KY-213	ADDRESS CONDITION OF KY-213 FROM MILEPOINT 1.691 TO MILEPOINT 2.244	PL DN RW UT CN	STP4	17,500			
					STP4	332,500			
				Project Cost:		350,000	0	0	0
Powell	22158	KY-9000	ADDRESS CONDITION OF Bert T. Combs Mountain Parkway FROM MILEPOINT 27.376 TO MILEPOINT 32.787	PL DN RW UT CN	NHPM		452,360		
					NHPM		4,071,236		
				Project Cost:		0	4,523,596	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Total for Powell county				PL					
				DN		17,500	452,360	1,438,283	
				RW		3,290,000			
				UT		1,780,000			
				CN		3,582,500	4,071,236	25,618,543	
				Total Amounts:		8,670,000	4,523,596	27,056,826	0
Pulaski	59.5000	LN-9008	Provide connectivity of LBN Expressway to KY to reduce congestion and improve safety for East KY 80.	PL					
				DN					
				RW					
				UT	NH	450,000			
				CN	NH	30,000,000	30,000,000	45,000,000	
				Project Cost:		30,450,000	30,000,000	45,000,000	0
Pulaski	59.6000	KY-80	Somerset Northern Bypass (I-66) Section 4; From East of the KY 39 Interchange, to KY 461 / KY 80 Interchange (8-59.25 - BUILD Grant)	PL					
				DN					
				RW	NH	4,000,000			
				UT	NH	1,852,000			
				CN	NH		30,000,000	30,000,000	32,120,000
				Project Cost:		5,852,000	30,000,000	30,000,000	32,120,000
Pulaski	169	KY-39	IMPROVE SAFETY AND MOBILITY ALONG KY 39 BETWEEN KY 80 AND OAK LEAF LANE TO ENHANCE SCHOOL CAMPUS CONNECTIVITY. (2020CCR)	PL					
				DN					
				RW	STP1	1,780,000			
				UT	STP1		690,000		
				CN	STP1			3,790,000	
				Project Cost:		1,780,000	690,000	3,790,000	0
Pulaski	272	us-27	Reduce congestion and improve safety and mobility along US 27 between General Burnside Island and Cumberland River Bridge.	PL					
				DN					
				RW					
				UT					
				CN	NH	10,770,000			
				Project Cost:		10,770,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Pulaski	10063	KY-1956	BRIDGE PROJECT IN PULASKI COUNTY ON (100B00015N) KY-1956 AT LINE CREEK	PL DN RW UT CN	BRX			230,189	
					BRX				1,534,593
				Project Cost:		0	0	230,189	1,534,593
Pulaski	10065	KY-934	BRIDGE PROJECT IN PULASKI COUNTY ON (100B00048N) KY-934 AT BRUSHY CREEK	PL DN RW UT CN	FBP				231,000
				Project Cost:		0	0	0	231,000
Pulaski	10066	KY-751	BRIDGE PROJECT IN PULASKI COUNTY ON (100B00066N) KENO RD (KY-751) AT NS (CNO&TP) SYSTEM	PL DN RW UT CN	BRX			470,449	
					BRX			3,136,328	
				Project Cost:		0	0	3,606,777	0
Pulaski	10069	KY-196	BRIDGE PROJECT IN PULASKI COUNTY ON (100B00102N) KY-196 AT LITTLE WHITE OAK CREEK	PL DN RW UT CN	BRZ				52,272
					BRZ				348,480
				Project Cost:		0	0	0	400,752
Pulaski	80104	KY-90	REDUCE CONGESTION AND IMPROVE SAFETY, CAPACITY AND MOBILIITY ALONG KY 90 BETWEEN WAYNE COUNTY LINE AND NEW CUMBERLAND RIVER BRIDGE (2020CCN) (2022CCR)	PL DN RW UT CN	SPP	16,280,000			
				Project Cost:		16,280,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Pulaski	80301	KY-1642	Improve safety and reduce congestion along KY 1642 from 0.178 mile west of KY 1577 to KY 914	PL DN RW UT CN	SPP	2,970,000			
Project Cost:						2,970,000	0	0	0
Pulaski	80302	ky-461	Address safety, capacity and access issues along KY-461 from south of Buck Creek extending northerly to Pulaski/Rockcastle Line (as a continuation of 8-59.25).	PL DN RW UT CN	SPP SPP SPP	5,750,000 4,930,000		40,880,000	
Project Cost:						10,680,000	0	40,880,000	0
Pulaski	80312	KY-3262	Improve geometrics and safety along KY 3262 fom Baker Road to approximately 0.5mi northeast of Baker Road	PL DN RW UT CN	SPP	1,110,000			
Project Cost:						1,110,000	0	0	0
Pulaski	80350	ky-1642	Improve safety and congestion along KY 1642 at KY 1577 (MP 13.4 -13.7)	PL DN RW UT CN	SPP SPP SPP	200,000 1,250,000	2,500,000		
Project Cost:						1,450,000	2,500,000	0	0
Total for Pulaski county				PL DN RW UT CN		11,730,000 8,482,000 61,130,000	690,000 62,500,000	700,638 122,806,328	283,272 34,003,073
Total Amounts:						81,342,000	63,190,000	123,506,966	34,286,345

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Robertson	8711	KY-616	IMPROVE CURVE ON KY 616 AND IMPROVE ROADWAY FROM THE NEW ROBERTSON COUNTY SCHOOL TO MT OLIVET. (12CCN)(14CCR)(18CCN) (2020CCR) (2022CCR)	PL DN RW UT CN	SPP	1,710,000			
Project Cost:						1,710,000	0	0	0
Robertson	80312	US-62	IMPROVE THE INTERSECTION OF US 62 AND KY 165 IN MOUNT OLIVET.	PL DN RW UT CN	NH	560,000			
Project Cost:						560,000	0	0	0
Total for Robertson county				PL DN RW UT CN		2,270,000			
Total Amounts:						2,270,000	0	0	0
Rockcastle	8952	KY-461	IMPROVE KY-461 FROM US-150 TO THE EXISTING FOUR LANE APPROACH AT US-25.(16CCN)(18CCR) (2020CCR) (2022CCR)	PL DN RW UT CN	NH	12,620,000			
Project Cost:						12,620,000	0	0	0
Rockcastle	20018	I -75	ADDRESS CONDITION OF I-075 FROM MILEPOINT 60.1 TO MILEPOINT 65.22 (64.5 CARDINAL)	PL DN RW UT CN	NHPM		696,971		
Project Cost:						0	0	6,272,742	0
							6,969,713		

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Rockcastle	22110	I-75	ADDRESS CONDITION OF I-075 FROM MILEPOINT 50.767 TO MILEPOINT 52.05	PL DN RW UT CN	NHPM	1,000,000			
Project Cost:						1,000,000	0	0	0
Rockcastle	22111	I-75	ADDRESS CONDITION OF I-075 FROM MILEPOINT 64.5 (65.22 NON-CARDINAL) TO MILEPOINT 68.78	PL DN RW UT CN	NHPM		583,808		
Project Cost:						0	5,838,082	0	0
Rockcastle	80106	US-25	ADDRESS SAFETY, MOBILITY, AND CONGESTION WITH ACCESS AMANGEMENT ALONG US-25 (RICHMOND ST) FROM THE US 25/US 461 INTERSECTION TO I 75 (2020CCN)(\$7	PL DN RW UT CN	SPP	3,536,000			
Project Cost:						3,536,000	0	0	0
Rockcastle	80303	ky-461	Address capacity and access issues along KY-461 from Pulaski/Rockcastle County Line to KY 1250.	PL DN RW UT CN	SPP	5,310,000 4,560,000		37,750,000	
Project Cost:						9,870,000	0	37,750,000	0
Rockcastle	80304	KY-461	Address safety, capacity and access issues along KY-461 from KY 1250 to US 150.	PL DN RW UT CN	SPP	3,520,000 3,010,000		24,980,000	
Project Cost:						6,530,000	0	24,980,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Rockcastle	80306	US-150	Address capacity issues from KY-461 to US-25 in Mt. Vernon to continue corridor improvements to US 150 as identified in the 1998 planning study.	PL					
				DN					
				RW	NH	2,840,000			
				UT	NH	2,810,000			
				CN	NH			14,280,000	
			Project Cost:			5,650,000	0	14,280,000	0
Total for Rockcastle county				PL					
			DN				583,808	696,971	
			RW		11,670,000				
			UT		10,380,000				
			CN		17,156,000	5,254,274	83,282,742		
			Total Amounts:		39,206,000	5,838,082	83,979,713		0
Rowan	234	KY-801	Provide a planning study to determine possible alternates and feasibility of extending KY 801 from its intersection with KY 158 at Sharkey to KY 32 near the Fleming/Rowan county line.	PL					
				DN	STP2	3,000,000			
				RW	STP2			8,000,000	
				UT	STP2			5,000,000	
				CN	STP2				40,000,000
			Project Cost:		3,000,000	0	13,000,000	40,000,000	
Rowan	8406	KY-377	IMPROVE SAFETY AND CONNECTIVITY AND REDUCE CONGESTION ON KY-377 FROM KY-32 TO NORTH OF KY-799. (08CCN)(10CCR) (16CCR)(18CCR) (2020CCR) (2022CCR)	PL					
				DN					
				RW					
				UT	SPP	6,340,000			
				CN	SPP	48,600,000			
			Project Cost:		54,940,000	0	0	0	
Rowan	8406.1000	KY-377	IMPROVE SAFETY AND CONNECTIVITY AND REDUCE CONGESTION ON KY-377 FROM JUST SOUTH OF CLEARK FORK ROAD TO JUST NORTH OF KY 799 (BIG PERRY ROAD).	PL					
				DN					
				RW					
				UT					
				CN	SPP		40,000,000		
			Project Cost:		0	40,000,000	0	0	

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Rowan	8406.2000	KY-377	IMPROVE SAFETY AND CONNECTIVITY AND REDUCE CONGESTION ON KY-377 FROM JUST SOUTH OF CLEARK FORK ROAD TO JUST NORTH OF KY 799 (BIG PERRY ROAD).	PL DN RW UT CN	STP2 SPP	5,500,000 30,000,000			
			Project Cost:			35,500,000	0	0	0
Rowan	22048	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 134.75 TO MILEPOINT 138.3	PL DN RW UT CN	NHPM NHPM	910,000 9,100,000			
			Project Cost:			10,010,000	0	0	0
Rowan	22050	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 147.94 TO MILEPOINT 148.665	PL DN RW UT CN	NHPM NHPM		249,115 2,242,033		
			Project Cost:			0	2,491,148	0	0
Rowan	80307	ky-32	Improve safety and reduce congestion on KY 32 (Flemingsburg Road) between the intersections of CS 1203 (Trademore Drive) and CS1001 (Fraley Drive) and in the vicinity of the I-64 interchange.	PL DN RW UT CN	SPP SPP SPP	2,360,000 6,140,000		22,460,000	
			Project Cost:			8,500,000	0	22,460,000	0
Rowan	80308	KY-32	Reduce congestion and improve mobility on KY 32 (Flemingsburg Road) between the intersections with KY 3531 (Viking Drive) and CS1020 (Mabry Drive).	PL DN RW UT CN	SPP SPP SPP	1,340,000 2,920,000		12,730,000	
			Project Cost:			4,260,000	0	12,730,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	
Rowan	80309	US-60	Improve safety and reduce congestion at the intersection of US 60 (West Wilkinson Blvd.) and KY 32 (Flemingsburg Road).	PL						
				DN						
				RW						
				UT						
				CN	NH	3,510,000				
				Project Cost:			3,510,000	0	0	0
Total for Rowan county				PL						
			DN		3,910,000	249,115				
			RW		3,700,000		8,000,000			
			UT		20,900,000		5,000,000			
			CN		91,210,000	42,242,033	35,190,000	40,000,000		
			Total Amounts:			119,720,000	42,491,148	48,190,000	40,000,000	
Russell	156	US-127	Reduce congestion and improve capacity, safety and mobility on US 127 between the west bypass of Jamestown to the Cumberland Parkway. See segment 12 in June 1998 Advance	PL						
				DN						
				RW	NH	3,000,000				
				UT	NH	2,210,000				
				CN	NH		16,650,000			
			Project Cost:			5,210,000	16,650,000	0	0	
Russell	166	US-127	Reduce congestion and improve safety, capacity and mobility along US 127 from the Cumberland Parkway to Lakeway drive KY 379 in Russell Springs.	PL						
				DN	NH	750,000				
				RW						
				UT						
			CN							
			Project Cost:			750,000	0	0	0	
Russell	10072	KY-379	BRIDGE PROJECT IN RUSSELL COUNTY ON (104B00003N) KY-379 AT CROCUS CREEK	PL						
				DN	FBP				58,371	
				RW						
				UT						
				CN						
			Project Cost:			0	0	0	58,371	

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Russell	22209	LN-9008	ADDRESS CONDITION OF Louie B. Nunn Cumberland Parkway FROM MILEPOINT 57.791 TO MILEPOINT 62.176	PL					
				DN	NHPM				403,704
				RW					
				UT					
				CN	NHPM				3,633,340
				Project Cost:		0	0	0	4,037,044
Total for Russell county				PL					
				DN		750,000			462,075
				RW		3,000,000			
				UT		2,210,000			
				CN			16,650,000		3,633,340
				Total Amounts:		5,960,000	16,650,000	0	4,095,415
Scott	119	KY-32, US-25	RECONSTRUCT KY 32/I-75 INTERCHANGE EXIT 136 (LOVE'S TRUCK STOP), REALIGNING PORTER RD WITH SADIEVILLE RD AT US25. (2020CCR) (2022CCR)	PL					
				DN	SPP	800,000			
				RW	SPP		780,000		
				UT	SPP		840,000		
				CN	SPP			3,590,000	
				Project Cost:		800,000	1,620,000	3,590,000	0
Scott	10059	CR-1206	BRIDGE PROJECT IN SCOTT COUNTY ON (105B00082N) CANE RUN RD AT I 64	PL					
				DN					
				RW					
				UT					
				CN	FBP	3,000,000			
				Project Cost:		3,000,000	0	0	0
Scott	20049	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 67.106 TO MILEPOINT 71	PL					
				DN					
				RW					
				UT					
				CN	NHPM	5,000,000			
				Project Cost:		5,000,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Scott	20051	I-75	ADDRESS CONDITION OF I-075 FROM MILEPOINT 134.386 TO MILEPOINT 136.758	PL DN RW UT CN	NHPM			336,933	
					NHPM			3,032,393	
				Project Cost:		0	0	3,369,326	0
Scott	22119	I-75	ADDRESS CONDITION OF I-075 FROM MILEPOINT 136.758 TO MILEPOINT 138.424	PL DN RW UT CN	NHPM	326,536			
					NHPM	2,938,824			
				Project Cost:		3,265,360	0	0	0
Scott	80102	KY-2906	IMPROVE CAPACITY AND ACCESS ON KY 2906 FROM US 460 TO US 62 (2020CCN) (2022CCR)	PL DN RW UT CN	STP1	4,465,000			
				Project Cost:		4,465,000	0	0	0
Scott	80317	US-62	Improve safety and driver expectancy at the intersection of US 62 (Paynes Depot Road), US 421 (Leestown Road), and Weisenberger Mill Road.	PL DN RW UT CN	NH	2,000,000			
				Project Cost:		2,000,000	0	0	0
Scott	80318	KY-32	Provide a safe and efficient connection between KY 32 (Long Lick Pike) and KY 1143 (Georgetown Bypass).	PL DN RW UT CN	SPP	690,000			
					SPP	650,000			
					SPP	380,000			
					SPP		2,790,000		
				Project Cost:		1,720,000	2,790,000	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Scott	80319	KY-1962	Address safety issues on KY 1962 (Lemon's Mill Road) From Military Street in Georgetown to Lisle Road at I-75.	PL					
				DN	SPP	1,000,000			
				RW	SPP	1,430,000			
				UT	SPP	750,000			
				CN	SPP			4,800,000	
				Project Cost:		3,180,000	0	4,800,000	0
Total for Scott county				PL					
				DN		2,816,536		336,933	
				RW		2,080,000	780,000		
				UT		1,130,000	840,000		
				CN		17,403,824	2,790,000	11,422,393	
				Total Amounts:		23,430,360	4,410,000	11,759,326	0
Shelby	65.4000	I-64	WIDEN I-64 TO 6-LANES FROM 0.458 MILE EAST OF THE KY-55 INTERCHANGE MP 32.30 TO JUST EAST OF KY-53 UNDERPASS AT MP 35.90. (2022CCR)	PL					
				DN					
				RW					
				UT					
				CN	NH	60,000,000			
				Project Cost:		60,000,000	0	0	0
Shelby	8713	US-60	CONSTRUCT A THIRD LANE ON US-60 FROM THE MASONIC HOME TO ROCKET LANE. (12CCN)(14CCR)(2020CCR) (2022CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	1,100,000			
				Project Cost:		1,100,000	0	0	0
Shelby	8958	KY-55	WIDEN KY 55X FROM TWO TO FIVE LANES FROM US 60 (MP 0.0) NORTH TO KY 43 (MP 1.354).(16CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	10,720,000			
				Project Cost:		10,720,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Shelby	10025	CR-1009	BRIDGE PROJECT IN SHELBY COUNTY ON (106C00007N) CLORE JACKSON RD AT FOX RUN	PL DN RW UT CN	BRZ			114,678	
								764,520	
				Project Cost:		0	0	879,198	0
Shelby	10089	KY-148	BRIDGE PROJECT IN SHELBY COUNTY ON (106B00017N) KY 148 AT GUIST CREEK	PL DN RW UT CN	BRZ			413,948	
				Project Cost:		0	0	413,948	0
Shelby	20066	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 32.214 TO MILEPOINT 38.546	PL DN RW UT CN	STP3			860,771	
								7,746,935	
				Project Cost:		0	0	8,607,706	0
Shelby	22028	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 27.91 TO MILEPOINT 32.214	PL DN RW UT CN	NHPM	15,000,000			
				Project Cost:		15,000,000	0	0	0
Shelby	22029	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 43.77 TO MILEPOINT 46.303	PL DN RW UT CN	NHPM		437,856		
							3,940,708		
				Project Cost:		0	4,378,564	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	
Shelby	80308	KY-55	ADDRESS ACCESS MANAGEMENT AND SAFETY ISSUES ALONG KY 55X FROM KY 43 TO THE ENTRANCE OF THE SHELBYVILLE BYPASS (KY 55).	PL						
				DN	SPP	2,090,000				
				RW	SPP			200,000		
				UT	SPP			816,000		
				CN	SPP					16,020,000
				Project Cost:					2,090,000	0
Shelby	80312	US-60	IMPROVE CONNECTIVITY FROM KY 53 AT THE OLD SEVEN MILE PIKE INTERSECTION TO US 60/ROCKET LANE INTERSECTION.	PL						
				DN						
				RW	SPP	2,000,000				
				UT	SPP	1,400,000				
				CN	SPP			13,690,000		
				Project Cost:					3,400,000	0
Total for Shelby county				PL						
				DN		2,090,000	437,856	1,389,397		
				RW		2,000,000		200,000		
				UT		1,400,000		816,000		
				CN		86,820,000	3,940,708	22,201,455	16,020,000	
Total Amounts:						92,310,000	4,378,564	24,606,852	16,020,000	
Simpson	8856	US-31	IMPROVE US-31W FROM KY-1008 TO KY-621. (14CCN)(16CCR) (2020CCR)	PL						
				DN						
				RW						
				UT	STPF	7,925,000				
				CN	STP1			7,850,000		
				Project Cost:					7,925,000	0
Simpson	10046	KY-664	BRIDGE PROJECT IN SIMPSON COUNTY ON (107B00033N) KY-664 AT NEELEY BRANCH	PL						
				DN	FBP				127,248	
				RW						
				UT						
				CN						
				Project Cost:					0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Simpson	80310	KY-1171	IMPROVE MOBILITY ALONG KY 1171 (NORTH STREET) FROM THE INTERSECTION WITH US 31W TO THE INTERSECTION WITH KY 1008 IN FRANKLIN.	PL					
				DN					
				RW	SPP	1,690,000			
				UT	SPP	1,620,000			
				CN	SPP		5,270,000		
Project Cost:						3,310,000	5,270,000	0	0
Simpson	80316	KY-1008	IMPROVE MOBILITY BY COMPLETING THE KY 1008 BYPASS AROUND FRANKLIN.	PL					
				DN					
				RW	SPP	13,000,000			
				UT	SPP	3,720,000			
				CN	SPP			21,080,000	
Project Cost:						16,720,000	0	21,080,000	0
Simpson	80321	KY-585	IMPROVE SAFETY ON KY 585 AT LICK CREEK FROM MP 3.45 TO 3.75.	PL					
				DN					
				RW	SPP	650,000			
				UT	SPP	620,000			
				CN	SPP		2,480,000		
Project Cost:						1,270,000	2,480,000	0	0
Total for Simpson county				PL					
				DN					127,248
				RW		15,340,000			
				UT		13,885,000			
				CN			7,750,000	28,930,000	
Total Amounts:						29,225,000	7,750,000	28,930,000	127,248
Spencer	8954.2000	KY-155, KY-55	Improve safety and traffic operations on KY 55 from KY 1169 to KY 155 and on KY 155 from KY 55 to MP 2.0 (total length 2.71 miles)(Portion of 5-8954.0).	PL					
				DN					
				RW					
				UT					
				CN	SPP		7,750,000		
Project Cost:						0	7,750,000	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Spencer	10094	KY-44	BRIDGE PROJECT IN SPENCER COUNTY ON (108B00008N) KY 44 AT PLUM CREEK	PL DN RW UT CN	BRX				242,224 1,614,822
Project Cost:						0	0	0	1,857,046
Spencer	80254	KY-44	IMPROVE CAPACITY, RELIEVE CONGESTION, AND IMPROVE SAFETY ALONG KY 44 FROM GOOSE CREEK ROAD (CR 1121) TO OAK TREE WAY (CS 1053) (MILEPOINT 1.202 TO MILEPOINT	PL DN RW UT CN	SPP	4,290,000 6,750,000 5,720,000		36,810,000	
Project Cost:						16,760,000	0	36,810,000	0
Spencer	80255	KY-44	IMPROVE CAPACITY, RELIEVE CONGESTION, AND IMPROVE SAFETY ALONG KY 44 FROM COXS LANE (CR 1087) NEAR THE BULLITT/SPENCER CO LINE TO GOOSE CREEK ROAD (CR 1121)	PL DN RW UT CN	SPP		6,980,000		
Project Cost:						0	6,980,000	0	0
Spencer	80256	KY-55	IMPROVE SAFETY AND TRAFFIC OPERATIONS ON KY 55 FROM KY 44 IN TAYLORSVILLE TO KY 1169 (NORMANDY ROAD) BY PROVIDING ADDITIONAL TURNING AND PASSING	PL DN RW UT CN	SPP	1,590,000	40,000 440,000	6,020,000	
Project Cost:						1,590,000	480,000	6,020,000	0
Spencer	80257	KY-55	IMPROVE SAFETY AND TRAFFIC OPERATIONS ON KY 55 FROM KY 155 NEAR ELK CREEK TO KY 148 AT FINCHVILLE. PROJECT LIMITS ARE ON KY 55 IN SPENCER COUNTY FROM KY 155	PL DN RW UT CN	NH		2,280,000 1,590,000	24,830,000	
Project Cost:						0	3,870,000	24,830,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Spencer	80327	US-31	IMPROVE SAFETY AT THE US 31E/KY 523 INTERSECTION.	PL					
				DN	NH	400,000			
				RW	NH		400,000		
				UT	NH		450,000		
				CN	NH			1,020,000	
				Project Cost:		400,000	850,000	1,020,000	0
Total for Spencer county				PL					
				DN		6,280,000			242,224
				RW		6,750,000	2,720,000		
				UT		5,720,000	2,480,000		
				CN			14,730,000	68,680,000	1,614,822
				Total Amounts:		18,750,000	19,930,000	68,680,000	1,857,046
Statewide	65.1900	CO-0	BRIDGE REPAIRS ON VARIOUS BRIDGES FOR FY 2024 THROUGH FY 2030.	PL					
				DN					
				RW					
				UT					
				CN	BRO	5,000,000	5,000,000	5,000,000	5,000,000
				Project Cost:		5,000,000	5,000,000	5,000,000	5,000,000
Statewide	65.2000	CO-0	BRIDGE REPAIRS ON VARIOUS BRIDGES FOR FY 2024 THROUGH FY 2030.	PL					
				DN					
				RW					
				UT					
				CN	BRX	2,000,000	1,000,000	1,000,000	1,000,000
				Project Cost:		2,000,000	1,000,000	1,000,000	1,000,000
Statewide	65.2100	CO-0	BRIDGE REPAIRS ON VARIOUS OFF SYSTEM BRIDGES FOR FY 2024 THROUGH FY 2030.	PL					
				DN					
				RW					
				UT					
				CN	BRZ	1,000,000	1,000,000	1,000,000	1,000,000
				Project Cost:		1,000,000	1,000,000	1,000,000	1,000,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Statewide	65.2200	CO-0	BRIDGE REPAIRS ON VARIOUS BRIDGES FOR FY 2024-2030. (FBP PROGRAM)	PL DN RW UT CN	FBP	5,000,000	5,000,000	5,000,000	5,000,000
				Project Cost:		<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>
Statewide	65.2300	CO-0	BRIDGE REPAIRS ON VARIOUS BRIDGES FOR FY 2022-2028. (FBP2 PROGRAM)	PL DN RW UT CN	FBP2	2,000,000	2,000,000	2,000,000	2,000,000
				Project Cost:		<u>2,000,000</u>	<u>2,000,000</u>	<u>2,000,000</u>	<u>2,000,000</u>
Statewide	66.1900	CO-0	'ITS' AND 'TSMO' ACTIVITIES ON VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	NH	5,000,000	5,000,000	5,000,000	5,000,000
				Project Cost:		<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>
Statewide	66.2100	CO-0	Transportation Systems Management and Operations (TSMO) activities on various routes for FY-2024 through FY 2030.	PL DN RW UT CN	SPP	2,000,000	2,000,000	2,000,000	2,000,000
				Project Cost:		<u>2,000,000</u>	<u>2,000,000</u>	<u>2,000,000</u>	<u>2,000,000</u>
Statewide	195.1600	CO-0	STATEWIDE TRANSPORTATION ALTERNATIVES PROGRAM FOR FY 2024 THROUGH FY 2030	PL DN RW UT CN	TAP	12,300,000	12,300,000	12,300,000	12,300,000
				Project Cost:		<u>12,300,000</u>	<u>12,300,000</u>	<u>12,300,000</u>	<u>12,300,000</u>

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Statewide	219.1800	CO-0	NON-ATTAINMENT AREAS STATEWIDE CMAQ FUNDED PROJECTS FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	CM	16,200,000	16,200,000	16,200,000	16,200,000
				Project Cost:		<u>16,200,000</u>	<u>16,200,000</u>	<u>16,200,000</u>	<u>16,200,000</u>
Statewide	224.1400	CO-0	PAVEMENT REHAB ON STATE (NON RS) SYSTEM ROUTES IN KENTUCKY FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	STP5	5,000,000	5,000,000	5,000,000	5,000,000
				Project Cost:		<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>
Statewide	239	CO-0	PROMOTING RESILIENT OPERATIONS FOR TRANSFORMATIVE, EFFICIENT, AND COST SAVING TRANSPORTATION (PROTECT) PROGRAM FORMULA FUNDS.	PL DN RW UT CN	PROT	19,580,000	33,130,000	23,450,000	33,130,000
				Project Cost:		<u>19,580,000</u>	<u>33,130,000</u>	<u>23,450,000</u>	<u>33,130,000</u>
Statewide	244	CO-0	STATEWIDE CARBON REDUCTION PROGRAM.	PL DN RW UT CN	CARB	29,130,000	29,130,000	29,130,000	29,130,000
				Project Cost:		<u>29,130,000</u>	<u>29,130,000</u>	<u>29,130,000</u>	<u>29,130,000</u>
Statewide	247	CO-0	STATEWIDE ELECTRIC VEHICLE CHARGING STATION PROGRAM	PL DN RW UT CN	EV	13,800,000	13,800,000	13,800,000	13,800,000
				Project Cost:		<u>13,800,000</u>	<u>13,800,000</u>	<u>13,800,000</u>	<u>13,800,000</u>

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Statewide	327.1600	CO-0	STATEWIDE BRIDGE INSPECTION FOR FY 2024 THROUGH FY 2030.	PL					
				DN					
				RW					
				UT					
				CN	BRX	5,000,000	5,000,000	5,000,000	5,000,000
				Project Cost:		5,000,000	5,000,000	5,000,000	5,000,000
Statewide	337.1500	CO-0	STATEWIDE I-STATE ROUTES FOR FY 2024 THROUGH FY 2030.	PL					
				DN					
				RW					
				UT					
				CN	NHPM	5,000,000	5,000,000	5,000,000	5,000,000
				Project Cost:		5,000,000	5,000,000	5,000,000	5,000,000
Statewide	346.1600	CO-0	STATEWIDE OFF-SYSTEM BRIDGE INSPECTION FOR FY 2024 THROUGH FY 2030.	PL					
				DN					
				RW					
				UT					
				CN	BRZ	3,000,000	3,000,000	3,000,000	3,000,000
				Project Cost:		3,000,000	3,000,000	3,000,000	3,000,000
Statewide	352.1600	CO-0	RAILWAY-HIGHWAY CROSSINGS PROGRAM ON VARIOUS ROUTES FOR FY 2024 THROUGH FY 2030.	PL					
				DN					
				RW					
				UT					
				CN	RRP		1,600,000	4,000,000	4,000,000
				Project Cost:		0	1,600,000	4,000,000	4,000,000
Statewide	369.1000	CO-0	PAVEMENT REHABILITATION FOR VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2024 THROUGH FY 2030.	PL					
				DN					
				RW					
				UT					
				CN	NHPM	5,000,000	5,000,000	5,000,000	5,000,000
				Project Cost:		5,000,000	5,000,000	5,000,000	5,000,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Statewide	388.1000	CO-0	OHIO RIVER BRIDGES FRACTURE CRITICAL FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	BRX	4,000,000	4,000,000	4,000,000	4,000,000
				Project Cost:		4,000,000	4,000,000	4,000,000	4,000,000
Statewide	391.0600	CO-0	STATEWIDE HIGHWAY PROJECT DESIGN ACTIVITIES FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	STPF	1,000,000	1,000,000	1,000,000	1,000,000
				Project Cost:		1,000,000	1,000,000	1,000,000	1,000,000
Statewide	391.0700	CO-0	STATEWIDE HIGHWAY PROJECT DESIGN ACTIVITIES FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	SPP	5,000,000	5,000,000	5,000,000	5,000,000
				Project Cost:		5,000,000	5,000,000	5,000,000	5,000,000
Statewide	400.0700	CO-0	UPGRADE NAVIGATIONAL LIGHTING FOR BRIDGES OVER MAJOR STREAMS AND WATERWAYS FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	BRX	500,000	500,000	500,000	500,000
				Project Cost:		500,000	500,000	500,000	500,000
Statewide	510.0500	CO-0	HONORING BORDER STATES COMMITMENTS FOR EXISTING BRIDGES(CANNOT BE MOVED) FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	BRX	2,000,000	2,000,000	2,000,000	2,000,000
				Project Cost:		2,000,000	2,000,000	2,000,000	2,000,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

1001

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Statewide	511.0400	CO-0	STATEWIDE CORRECTIONS OF ROCK FALL OR EMBANKMENT STABILIZATION FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	SPP	1,000,000	1,000,000	1,000,000	1,000,000
				Project Cost:		<u>1,000,000</u>	<u>1,000,000</u>	<u>1,000,000</u>	<u>1,000,000</u>
Statewide	514.0100	CO-0	PREVENTATIVE MAINTENANCE FOR BRIDGE STRUCTURES FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	BRX	2,500,000	2,500,000	2,500,000	2,500,000
				Project Cost:		<u>2,500,000</u>	<u>2,500,000</u>	<u>2,500,000</u>	<u>2,500,000</u>
Statewide	518.0100	CO-0	STATEWIDE CORRECTIONS OF ROCKFALL OR EMBANKMENT STABILIZATION ON NH ROUTES FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	NH	5,000,000	5,000,000	5,000,000	5,000,000
				Project Cost:		<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>
Statewide	518.0300	CO-0	STATEWIDE CORRECTIONS OF ROCKFALL OR EMBANKMENT STABILIZATION ON NON NH ROUTES FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	STPF	5,000,000	5,000,000	5,000,000	5,000,000
				Project Cost:		<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>
Statewide	600	CO-0	Statewide NHS Rest Area and Welcome Center Renovation.	PL DN RW UT CN	NH	5,000,000	5,000,000	5,000,000	5,000,000
				Project Cost:		<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Statewide	600.1000	CO-0	STATEWIDE REST AREA / WELCOME CENTERS / WEIGH STATION REPAIRS.	PL					
				DN					
				RW					
				UT					
				CN	SPP	5,000,000	5,000,000	5,000,000	5,000,000
				Project Cost:		<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>
Statewide	601	CO-0	Additional Truck Parking at NHS Rest Area and Weigh Stations.	PL					
				DN					
				RW					
				UT					
				CN	NH	5,000,000	5,000,000	5,000,000	5,000,000
				Project Cost:		<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>
Statewide	911.0900	CO-0	STATEWIDE SAFETY PROGRAM FOR FY 2024 THROUGH FY 2030. (HSIP)	PL					
				DN					
				RW					
				UT					
				CN	SAF	71,130,000	71,130,000	71,130,000	71,130,000
				Project Cost:		<u>71,130,000</u>	<u>71,130,000</u>	<u>71,130,000</u>	<u>71,130,000</u>
Statewide	911.5000	CO-0	STATEWIDE SAFETY FUNDING TO BE USED ALONGSIDE FEDERAL HSIP FUNDING TO ENHANCE ROADWAY SAFETY IN KENTUCKY. (2022CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	2,500,000	2,500,000	2,500,000	2,500,000
				Project Cost:		<u>2,500,000</u>	<u>2,500,000</u>	<u>2,500,000</u>	<u>2,500,000</u>
Statewide	1063.1600	CO-0	STATEWIDE UNDERWATER BRIDGE INSPECTION FOR FY 2024 THROUGH FY 2030.	PL					
				DN					
				RW					
				UT					
				CN	BRX	1,000,000	1,000,000	1,000,000	1,000,000
				Project Cost:		<u>1,000,000</u>	<u>1,000,000</u>	<u>1,000,000</u>	<u>1,000,000</u>

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

1003

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Statewide	1071.0800	CO-0	STATEWIDE PROGRAM TO FUND BRIDGE SCOUR COUNTER-MEASURES FOR STATE-MAINTAINED BRIDGES FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	BRX	3,000,000	3,000,000	3,000,000	3,000,000
				Project Cost:		<u>3,000,000</u>	<u>3,000,000</u>	<u>3,000,000</u>	<u>3,000,000</u>
Statewide	1074.0800	CO-0	STATEWIDE BRIDGE REPLACEMENT PROGRAM FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	BRX	2,000,000	1,000,000	1,000,000	1,000,000
				Project Cost:		<u>2,000,000</u>	<u>1,000,000</u>	<u>1,000,000</u>	<u>1,000,000</u>
Statewide	2700.1400	CO-0	PAVEMENT PREVENTATIVE MAINTENANCE PROGRAM FOR FY 2024 THROUGH FY 2030 STP5 FUNDING.	PL DN RW UT CN	STP5	2,000,000	2,000,000	2,000,000	2,000,000
				Project Cost:		<u>2,000,000</u>	<u>2,000,000</u>	<u>2,000,000</u>	<u>2,000,000</u>
Statewide	3011.0100	CO-0	AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN IMPLEMENTATION PROJECTS FY 2024 THROUGH FY 2030.	PL DN RW UT CN	STPF	5,000,000	5,000,000	5,000,000	5,000,000
				Project Cost:		<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>
Statewide	8500.1600	CO-0	SCHOOL TURN LANE PROJECTS FOR NEW SCHOOLS FOR FY 2024 THROUGH FY 2030. (2022CCR)	PL DN RW UT CN	SPP	2,500,000	2,500,000	2,500,000	2,500,000
				Project Cost:		<u>2,500,000</u>	<u>2,500,000</u>	<u>2,500,000</u>	<u>2,500,000</u>

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Statewide	8600	CO-0	Western KY DECEMBER 2021 Tornado Relief Funding POOL FOR THE LAST DOLLAR (UNCOVERED BY FEMA OR INSURANCE) RECONSTRUCTION OF EXISTING ROADS. ALSO APPLYING FOR	PL DN RW UT CN	SPP	16,000,000			
			Project Cost:			16,000,000	0	0	0
Statewide	8601	CO-0	ADVANCE CONSTRUCTION COMMITMENTS FOR I-69 ORX.	PL DN RW UT CN	NH	32,000,000	32,000,000		
			Project Cost:			32,000,000	32,000,000	0	0
Statewide	9068.6100	CO-0	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE (NH) FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	GAR	6,000,000			
			Project Cost:			6,000,000	0	0	0
Statewide	9068.6600	CO-0	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE (STP) FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	GAR	6,000,000			
			Project Cost:			6,000,000	0	0	0
Total for Statewide county				PL DN RW UT CN		6,000,000	6,000,000	6,000,000	6,000,000
						320,140,000	305,290,000	266,010,000	275,690,000
Total Amounts:						326,140,000	311,290,000	272,010,000	281,690,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

1005

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Taylor	443	KY-70	IMPROVE SAFETY, ACCESS, GEOMETRICS AND DRAINAGE ON KY-70 IN CAMPBELLSVILLE FROM US-68 TO COUNTRY VIEW COURT (CS-1305)	PL DN RW UT CN	SPP SPP	2,400,000 2,320,000			
Project Cost:						0	4,720,000	0	0
Taylor	80154.3000	KY-210	ADDRESS SAFETY ON KY 210 FROM JUST EAST OF CORINTH CHURCH (MP0.60) TO KY 883 (MP14.20) IN TAYLOR COUNTY.	PL DN RW UT CN	STP2 STP2 STP2	1,000,000 4,600,000		46,000,000	
Project Cost:						5,600,000	0	46,000,000	0
Taylor	80256	KY-70	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ALONG KY 70 FROM 0. MILES EAST OF ROBERTS RD (NEAR ELKHORN BAPTIST CHURCH) TO NEAR KY 76 (MILEPOINT 3.1 TO MILEPOINT 4.1)	PL DN RW UT CN	SPP SPP SPP	1,380,000	1,120,000	5,400,000	
Project Cost:						1,380,000	1,120,000	5,400,000	0
Taylor	80257	KY-3350, PF-9999	EXTEND KY 3350 (CAMPBELLSVILLE BYPASS) FROM ky 289 TO US 68 ON THE EAST SIDE OF CAMPBELLSVILLE. (2022CCN)	PL DN RW UT CN	SPP			12,000,000	
Project Cost:						0	0	12,000,000	0
Total for Taylor county				PL DN RW UT CN		2,380,000 4,600,000	2,400,000 3,440,000	63,400,000	
Total Amounts:						6,980,000	5,840,000	63,400,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Todd	8811	KY-181	RECONSTRUCT KY-181 (ELKTON ROAD) FROM US-79 (MP 0.000) TO NORTH OF INTERSECTION WITH US-41 (MP 0.214) TO INCLUDE A NEW INTERSECTION WITH KY-294. (MP 0.000-0.400) (14CCN)	PL DN RW UT CN	STP2	2,000,000			
Project Cost:						2,000,000	0	0	0
Todd	10048	KY-848	BRIDGE PROJECT IN TODD COUNTY ON (110B00031N) KY-848 AT SPRING CREEK	PL DN RW UT CN	BRX BRX		98,736		
Project Cost:						0	756,976	0	0
Total for Todd county				PL DN RW UT CN		2,000,000	98,736 658,240		
Total Amounts:						2,000,000	756,976	0	0
Trigg	147	KY-139	CORRECT GEOMETRIC DEFICIENCIES AND ADDRESS SAFETY, MOBILITY AND ACCESS ISSUES ALONG KY 139 FROM THE INTERSECTION OF KY 124 NORTH OF CADIZ TO THE I-24 INTERCHANGE IN	PL DN RW UT CN	SPP	1,500,000			
Project Cost:						1,500,000	0	0	0
Trigg	10182	KY-272	BRIDGE PROJECT IN TRIGG COUNTY ON (111B00009N) KY-272 AT BURGE CREEK	PL DN RW UT CN	FBP				196,476
Project Cost:						0	0	0	196,476

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

1007

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Trigg	22010	I -24	ADDRESS CONDITION OF I-024 CARDINAL DIRECTION FROM MILEPOINT 64.472 TO MILEPOINT 69.83	PL DN RW UT CN	NHPM			1,026,382	
			Project Cost:			0	0	10,263,824	0
Trigg	22011	I -24	ADDRESS CONDITION OF I-024 NON-CARDINAL DIRECTION FROM MILEPOINT 64.472 TO MILEPOINT 69.83	PL DN RW UT CN	NHPM			496,046	
			Project Cost:			0	0	4,464,412	0
Trigg	80306	CR-1005	ADDRESS SAFETY CONCERNS ON GLENWOOD RD (CR-1005) FROM KY 272 TO US 68/80 FROM MP 0.0 TO MP 2.1	PL DN RW UT CN	SPP	750,000			
			Project Cost:			1,250,000	7,000,000	0	0
Trigg	80307	CR-1014	ADDRESS SAFETY CONCERNS ON KINGS CHAPEL RD (CR-1004) FROM KY 272 TO US 68/80 FROM MP 0.0 TO MP 3.7	PL DN RW UT CN	SPP	1,000,000			
			Project Cost:			2,500,000	0	10,000,000	0
Trigg	80318	KY-276	IMPROVE KY 276 FROM KY139 (MP 0.00) TO US68 (MP 14.121). THIS NARROW 2 LANE ROAD SERVES AS A BY-PASS WHEN I-24 IS SHUTDOWN NEAR CADIZ, KY. CORRIDOR IMPROVEMENTS,	PL DN RW UT CN	SPP	1,560,000			
			Project Cost:			1,560,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Total for Trigg county				PL					
				DN		3,060,000		1,522,428	196,476
				RW		1,750,000			
				UT		2,000,000			
				CN			7,000,000	23,701,854	
				Total Amounts:		6,810,000	7,000,000	25,224,282	196,476
Trimble	80309	KY-36	IMPROVE SAFETY, TRUCK MOBILITY, AND ADDRESS GEOMETRIC DEFICIENCIES ALONG KY 36 FROM US 421 TO 250 FEET EAST OF SCHOOL HOLLOW ROAD IN MILTON.	PL					
				DN	SPP	500,000			
				RW	SPP	1,000,000			
				UT	SPP	250,000			
				CN	SPP		1,875,000		
				Project Cost:		1,750,000	1,875,000	0	0
Trimble	80337	US-421	CONSTRUCT PEDESTRIAN FACILITIES ALONG US 421 FROM CUTSHAW LANE TO TRIMBLE COUNTY HIGH SCHOOL/KY 625 AND ALONG KY 625 TO BEDFORD ELEMENTARY SCHOOL (TOTAL 0.983 MI.)	PL					
				DN	SPP	430,000			
				RW	SPP	110,000			
				UT	SPP	70,000			
				CN	SPP		1,440,000		
				Project Cost:		610,000	1,440,000	0	0
Total for Trimble county				PL					
				DN		930,000			
				RW		1,110,000			
				UT		320,000			
				CN			3,315,000		
				Total Amounts:		2,360,000	3,315,000	0	0
Union	310.2100	KY-56	ADDRESS SAFETY, CONDITION AND SERVICE CONCERN FROM KY 109 TO WEST OF KY 360 TO ESTABLISH TRUCK NETWORK CONNECTION TO SHAWNEETOWN BRIDGE.(14CCR) (SAME	PL					
				DN					
				RW					
				UT					
				CN	STPF	10,000,000			
				Project Cost:		10,000,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

1009

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Union	80202	US-60	Address safety and service concerns of US-60 from the KY-950 to KY-492. (2022CCN)	PL					
				DN					
				RW					
				UT	STP2		2,500,000		
				CN	STP2				10,000,000
				Project Cost:			<u>2,500,000</u>	<u>0</u>	<u>10,000,000</u>
Union	80203	KY-56	Address the service, safety and condition of KY 56 from Morganfield to KY 141. (2022CCN)	PL					
				DN					
				RW	STP1		2,000,000		
				UT	STP1			3,800,000	
				CN	STP1				5,000,000
			Project Cost:			<u>2,000,000</u>	<u>3,800,000</u>	<u>5,000,000</u>	<u>15,237,000</u>
Union	80314	US-60	Reconstruct US 60 from Waverly to Corydon	PL					
				DN					
				RW	STP2		2,000,000		
				UT	STP2		2,000,000		
				CN	STP2				7,000,000
			Project Cost:			<u>4,000,000</u>	<u>0</u>	<u>7,000,000</u>	<u>0</u>
Union	80315	US-60	Reconstruct US 60 from the Morganfield Bypass to Waverly.	PL					
				DN					
				RW	STP2		3,500,000		
				UT	STP2		3,000,000		
				CN	STP2				12,500,000
			Project Cost:			<u>6,500,000</u>	<u>0</u>	<u>12,500,000</u>	<u>0</u>
Total for Union county				PL					
				DN					
				RW		7,500,000			
				UT		7,500,000	3,800,000		
				CN		10,000,000		34,500,000	15,237,000
				Total Amounts:		<u>25,000,000</u>	<u>3,800,000</u>	<u>34,500,000</u>	<u>15,237,000</u>

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Warren	20	I-65	COMPLETE I65/US68 (GLASGOW ROAD)DIAMOND INTERCHANGE BY ADDING NORTHBOUND ON-RAMP AND SOUTHBOUND OFF-RAMP.	PL DN RW UT CN	NH		8,000,000		
				Project Cost:		0	8,000,000	0	0
Warren	110.4000	KY-185	IMPROVE KY 185 FROM 0.32 MILES SOUTH OF THE AUSTIN RAYMER ROAD TO 0.08 MILES SOUTH OF THE BRIDGE OVER IVY CREEK. (2018BOP) (2022CCR)	PL DN RW UT CN	SPP	4,665,000			
				Project Cost:		4,665,000	0	0	0
Warren	182	KY-622	RECONSTRUCT KY 622 (PLANO RD) TO ELIMINATE TWO RIGHT-ANGLE CURVES. (2022CCR)	PL DN RW UT CN	SPP	2,490,000			
				Project Cost:		2,490,000	0	0	0
Warren	8707	I-165	CONSTRUCT A NEW INTERCHANGE ON THE NATCHER PARKWAY AT ELROD ROAD IN BOWLING GREEN (MP 3.4 TO MP 4.0).(12CCN)	PL DN RW UT CN	NH NH NH	8,810,000 8,290,000		26,310,000	
				Project Cost:		17,100,000	0	26,310,000	0
Warren	8854	KY-234	MAJOR WIDENING/RECONSTRUCTION OF CEMETERY ROAD (KY-234) FROM FOUNTAIN TRACE TO ROGER PORTER ROAD (MP 7.878 TO MP 9.625).(14CCN) (2020CCN) (2022CCR)	PL DN RW UT CN	SPP SPP	1,250,000 4,500,000			
				Project Cost:		5,750,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

1011

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Warren	8857	US-31	IMPROVE US-31W FROM CAMPBELL LANE (US-231) TO UNIVERSITY BOULEVARD (US-231X). (14CCN) (16CCR)(18CCR) (2020CCR) (2022CCR)	PL DN RW UT CN	SPP	2,300,000			
				Project Cost:		2,300,000	0	0	0
Warren	10049	KY-185	BRIDGE PROJECT IN WARREN COUNTY ON (114B00003N) KY-185 AT BARREN RIVER	PL DN RW UT CN	BRX BRX			1,042,142	6,947,616
				Project Cost:		0	0	1,042,142	6,947,616
Warren	10051	US-68	BRIDGE PROJECT IN WARREN COUNTY ON (114B00076N) KY-880 AT JENNINGS CREEK	PL DN RW UT CN	BRO BRX				583,814 3,892,096
				Project Cost:		0	0	0	4,475,910
Warren	10052	I -65	BRIDGE PROJECT IN WARREN COUNTY ON (114B00095N) I-65 AT BARREN RIVER	PL DN RW UT CN	BRO BRO			1,651,000	16,509,584
				Project Cost:		0	0	1,651,000	16,509,584
Warren	10053	CR-1388	BRIDGE PROJECT IN WARREN COUNTY ON (114C00016N) GREENCASTLE RD AT TAYLOR BRANCH	PL DN RW UT CN	FBP				115,920
				Project Cost:		0	0	0	115,920

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Warren	22132	I-165	ADDRESS CONDITION OF I-165 FROM MILEPOINT 0.521 TO MILEPOINT 7.121	PL DN RW UT CN	NHPM NHPM				551,760 4,965,840
				Project Cost:		0	0	0	5,517,600
Warren	80052	KY-234	WIDEN KY-234 FROM MP 11.9 TO 12.4. IMPROVEMENTS MAY INCLUDE A ROUNDABOUT, TURN LANE, AND A SIGNAL AT HAMPTON DR. (18CCN) (2022CCR)	PL DN RW UT CN	SPP	1,000,000			
				Project Cost:		1,000,000	0	0	0
Warren	80201	CR-1704, CS-1432, CS-2281	Reduce congestion and increase safety on Cave Mill Road/Dishman Lane from the end of the three-lane section near Raintree Drive (MP 0.570) just east of Grider Pond Road. (2022CCN)	PL DN RW UT CN	SPP SPP	5,000,000 12,400,000			
				Project Cost:		17,400,000	0	0	0
Warren	80214	KY-101	Construct a two-lane roundabout at the intersection of KY 101 and the I-65 southbound entrance and exit ramps in Smiths Grove. Widen the existing I-65 southbound exit ramp to two lanes and	PL DN RW UT CN	SPP	6,000,000			
				Project Cost:		6,000,000	0	0	0
Warren	80301	CS-1334	MINOR WIDENING OF CS-1344/CR1235 (SMALLHOUSE RD) FROM ELROD RD TO US 231 (CAMPBELL LANE). SCOPE INCLUDES PREDESTRIAN AND BICYCLE ACCOMODATIONS, INTERSECTION	PL DN RW UT CN	SPP SPP SPP	6,500,000		6,200,000	
				Project Cost:		6,500,000	0	6,200,000	9,920,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Warren	80302	US-31	IMPROVE SAFETY AND MOBILITY ON US 31W FROM FREEPORT ROAD TO KY 101.	PL					
				DN					
				RW	NH	7,150,000			
				UT	NH	7,440,000			
				CN	NH			23,560,000	
	Project Cost:				14,590,000	0	23,560,000	0	
Warren	80303	US-68	REDUCE CONGESTION AND IMPROVE SAFETY AND MOBILITY ON RUSSELLVILLE ROAD FROM MORGANTOWN ROAD TO UNIVERSITY DRIVE (US 231X/US 68X).	PL					
				DN					
				RW	NH	3,900,000			
				UT	NH		5,580,000		
				CN	NH				11,160,000
	Project Cost:			3,900,000	5,580,000	0	11,160,000		
Warren	80304	KY-101	IMPROVE SAFETY AND MOBILITY ON KY 101 BETWEEN THE ALLEN COUNTY LINE AND I 65.	PL					
				DN					
				RW	SPP	1,630,000			
				UT	SPP	2,480,000			
				CN	SPP		9,920,000		
	Project Cost:			4,110,000	9,920,000	0	0		
Warren	80305	KY-622	IMPROVE SAFETY AND MOBILITY ON KY 622 FROM I 165 TO US 231.	PL					
				DN					
				RW	SPP	2,600,000			
				UT	SPP	3,720,000			
				CN	SPP			6,820,000	
	Project Cost:			6,320,000	0	6,820,000	0		
Warren	80307	US-31	IMPROVE SAFETY AND MOBILITY ON US 31W FROM KY 3225 TO KY 957, INCLUDING THE RECONSTRUCTION OF THE INTERCHANGE WITH KY 446.	PL					
				DN					
				RW	NH	6,500,000			
				UT	NH	7,440,000			
				CN	NH			14,880,000	
	Project Cost:			13,940,000	0	14,880,000	0		

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Warren	80311	US-31	CONSTRUCT DUAL-LANE ROUNDABOUT AT BROADWAY AVE AND US 31W BYPASS.	PL					
				DN					
				RW	STP1	10,000,000			
				UT	STP1	5,000,000			
				CN	STP1		5,000,000		
				Project Cost:		15,000,000	5,000,000	0	0
Warren	80320	US-68	MODERNIZE US 68 BETWEEN VICTORIA STREET AND CLAY STREET.	PL					
				DN					
				RW					
				UT					
				CN	NH	1,860,000			
				Project Cost:		1,860,000	0	0	0
Warren	80322	I-65	IMPROVE SAFETY AND MOBILITY ON KY 234 AT I 65, INCLUDING THE RECONSTRUCTION OF THE INTERCHANGE.	PL					
				DN					
				RW	NH	330,000			
				UT	NH	310,000			
				CN	NH		3,720,000		
				Project Cost:		640,000	3,720,000	0	0
Warren	80326	KY-3145	SCOPING STUDY FOR OUTER BELTLINE EXTENDING KY 3145 TO NORTHERN WARREN COUNTY.	PL					
				DN	SPP	12,500,000			
				RW					
				UT					
				CN					
				Project Cost:		12,500,000	0	0	0
Warren	80327	US-68	MAJOR WIDENING OF 68X (RUSSELLVILLE RD) INCLUDING CONSTRUCTION OF ROUNDABOUTS AT INTERSECTIONS WITH MORGANTOWN RD AND UNIVERSITY BLVD. SCOPE	PL					
				DN					
				RW	NH	3,900,000			
				UT	NH	5,800,000			
				CN	NH		11,160,000		
				Project Cost:		9,700,000	0	11,160,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Warren	80328	CR-1240	CONSTRUCT NEW INTERCHANGE ON I-165 (NATCHER EXPRESSWAY) AT ELROD ROAD. INCLUDES NEW CONSTRUCTION FOR SEGMENTS OF ELROD ROAD AND MINOR WIDENING OF	PL DN RW UT CN	SPP SPP SPP	11,900,000 10,620,000		31,580,000	
Project Cost:						22,520,000	0	31,580,000	0
Total for Warren county				PL DN RW UT CN		12,500,000 63,220,000 57,350,000 35,215,000	5,580,000	2,693,142 6,200,000 114,310,000	1,251,494 53,395,136
Total Amounts:						168,285,000	32,220,000	123,203,142	54,646,630
Washington	164.1000	KY-555	IMPROVE MOBILITY ON THE KY 555 HEARTLAND PARKWAY CORRIDOR FROM US 150X (MP 0.00) TO KY 53 (MP 8.7) (2022CCN)	PL DN RW UT CN	STPF	10,000,000	5,800,000		
Project Cost:						10,000,000	5,800,000	0	0
Washington	164.2000	KY-555	IMPROVE MOBILITY ON THE KY 555 HEARTLAND PARKWAY CORRIDOR FROM KY 53 TO BLUEGRASS PARKWAY (2022CCN)	PL DN RW UT CN	STPF STPF	3,430,000 7,000,000	12,720,000		
Project Cost:						10,430,000	12,720,000	0	0
Washington	396.2000	US-150	IMPROVE SAFETY, MOBILITY, AND GEOMETRICS ALONG US-150 FROM WEST OF OLD FREDERICKTOWN-BARDSTOWN ROAD (KY-1872) THROUGH GRUNDY HOME	PL DN RW UT CN	STPF	10,000,000			
Project Cost:						10,000,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Washington	396.3000	US-150	ADDRESS SAFETY, MOBILITY, AND GEOMETRIC ISSUES ALONG US 150 IN WASHINGTON COUNTY FROM 0.7 MILES EAST OF GRUNDY HOME ROAD (MILEPOINT 2.50) TO US 150X (MP 6.557)	PL DN RW UT CN	STPF	6,000,000			
Project Cost:						<u>6,000,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Washington	20043	US-150	ADDRESS CONDITION OF US-150 FROM MILEPOINT 7.6 TO MILEPOINT 7.9	PL DN RW UT CN	STP4 STP4				37,500 712,500
Project Cost:						<u>0</u>	<u>0</u>	<u>0</u>	<u>750,000</u>
Washington	80352	KY-152	Address geometric deficiencies along KY 152 from US 150 (MP 8.815) to MP. 9.9 .	PL DN RW UT CN	SPP		6,500,000		
Project Cost:						<u>0</u>	<u>6,500,000</u>	<u>0</u>	<u>0</u>
Total for Washington county				PL DN RW UT CN		3,430,000 33,000,000	25,020,000		712,500 750,000
Total Amounts:						<u>36,430,000</u>	<u>25,020,000</u>	<u>0</u>	<u>750,000</u>
Wayne	10073	CR-1006	BRIDGE PROJECT IN WAYNE COUNTY ON (116C00042N) EAST RALEIGH CREEK AT RALEIGH CREEK	PL DN RW UT CN	BRZ	700,000			
Project Cost:						<u>700,000</u>	<u>0</u>	<u>0</u>	<u>0</u>

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

1017

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Wayne	22374	KY-90	ADDRESS CONDITION OF KY-90 FROM MILEPOINT 12.9 TO MILEPOINT 17.7	PL					
				DN	STP4				108,675
				RW					
				UT					
				CN	STP4				2,064,825
				Project Cost:		0	0	0	2,173,500
Wayne	80105	KY-90	REDUCE CONGESTION AND IMPROVES SAFETY, CAPACITY AND MOBILITY OF KY 90 BETWEEN KY 90X/KY 1275 AND KY 3106 (2020CCN) (2022CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	12,500,000			
				Project Cost:		12,500,000	0	0	0
Wayne	80308	KY-1765	Improve safety and mobility along KY 1765 between KY 1275 and end of state maintenance near Conley Bottom boat dock.	PL					
				DN					
				RW	SPP	2,730,000			
				UT	SPP	1,300,000			
				CN	SPP		5,600,000		
				Project Cost:		4,030,000	5,600,000	0	0
Wayne	80314	KY-92	IMPROVE VERTICAL GEOMETRICS ALONG KY 92 NEAR KY 789 TO IMPROVE SIGHT DISTANCE. ADD TURNING LANES AND MINOR WIDENING FROM ALONG KY 92 FROM 789 TO KY 90.	PL					
				DN					
				RW					
				UT	SPP	1,600,000			
				CN	SPP		10,400,000		
				Project Cost:		1,600,000	10,400,000	0	0
Total for Wayne county				PL					
				DN					108,675
				RW		2,730,000			
				UT		2,900,000			
				CN		13,200,000	16,000,000		2,064,825
				Total Amounts:		18,830,000	16,000,000	0	2,173,500

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Webster	228	KY-138	RECONSTRUCT BETWEEN KY 120 AND RR BRIDGE AT SLAUGHTERS TO ALLEVIATE FLOODING. (12CCR)(18CCN) (2020CCR) (2022CCR)	PL DN RW UT CN	SPP	1,000,000			
Project Cost:						1,000,000	0	0	0
Webster	20064	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 134.982 TO MILEPOINT 136.5	PL DN RW UT CN	NHPM NHPM				143,750
Project Cost:						0	0	0	1,293,754
Webster	22091	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 133.686 (133.959 NON-CARDINAL) TO MILEPOINT 134.982	PL DN RW UT CN	NHPM NHPM		171,827		
Project Cost:						0	1,546,439	0	0
Webster	22092	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 136.5 TO MILEPOINT 137.141	PL DN RW UT CN	NHPM NHPM		60,500		
Project Cost:						0	544,500	0	0
Webster	80316	KY-630	Address service concerns of KY 630 from KY 132 in Dixon to the Hopkins County Line	PL DN RW UT CN	SPP SPP SPP	2,750,000 1,620,000		8,540,000	
Project Cost:						4,370,000	0	8,540,000	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

1019

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Total for Webster county				PL					
				DN			232,327		143,750
				RW		2,750,000			
				UT		1,620,000			
				CN		1,000,000	2,090,939	8,540,000	1,293,754
				Total Amounts:		5,370,000	2,323,266	8,540,000	1,437,504
Whitley	10219	KY-92	BRIDGE PROJECT IN WHITLEY COUNTY ON (118B00024N) KY-92 AT PLEASANT RUN	PL					
				DN	FBP2	89,000			
				RW					
				UT					
				CN	FBP2		890,000		
				Project Cost:			89,000	890,000	0
Whitley	22107	I-75	ADDRESS CONDITION OF I-075 FROM MILEPOINT 11.27 TO MILEPOINT 20.045	PL					
				DN	STP3	2,700,000			
				RW					
				UT					
				CN	NHPM	27,000,000			
				Project Cost:			29,700,000	0	0
Whitley	80264	KY-92	RECONFIGURE EXISTING INTERSECTION OF KY 92 AND PENNY LANE TO IMPROVE SAFETY ALONG AT INTERSECTION. CONSTRUCT NEW CONNECTOR ROAD BETWEEN KY 92 AND PENNY LANE.	PL					
				DN					
				RW					
				UT					
				CN	SPP		1,400,000		
				Project Cost:			0	1,400,000	0
Whitley	80308	CS-1132	Widen existing South 2nd street to improve geometric deficiencies along route	PL					
				DN					
				RW	SPP	3,500,000			
				UT	SPP	1,500,000			
				CN	SPP		3,000,000		
				Project Cost:			5,000,000	0	3,000,000

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Whitley	80353	I-75	Widen I-75 from MP 19.2 in Whitley County to MP 23.5 South of Corbin	PL DN RW UT CN	NH	88,500,000			
Project Cost:						88,500,000	0	0	0
Whitley	80354	I-75	Widen I-75 from MP 14.4 in Whitley County to MP 19.2	PL DN RW UT CN	NH	2,500,000	500,000 500,000	105,500,000	
Project Cost:						2,500,000	1,000,000	105,500,000	0
Whitley	80355	I-75	Widen I-75 from MP 10.1 in Whitley county to MP 14.4	PL DN RW UT CN	NH			500,000 500,000	92,500,000
Project Cost:						0	2,500,000	1,000,000	92,500,000
Total for Whitley county				PL DN RW UT CN		5,289,000 3,500,000 1,500,000 115,500,000	500,000 500,000 4,790,000	500,000 500,000 108,500,000	92,500,000
Total Amounts:						125,789,000	5,790,000	109,500,000	92,500,000
Wolfe	177	KY-15	Minor widening to improve redundancy of Regional travel.	PL DN RW UT CN	PROT	4,960,000			
Project Cost:						4,960,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

1021

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Wolfe	10059	CR-1135	BRIDGE PROJECT IN WOLFE COUNTY ON (119C00014N) CAVE BRANCH RD AT HOLLY CREEK	PL DN RW UT CN	FBP2	114,180			
					FBP2	761,200			
				Project Cost:		875,380	0	0	0
Wolfe	80352	KY-715	Reconstruct KY 715 from intersection with KY 11 (0.0) to the intersection with KY 15 (MP 5.765).	PL DN RW UT CN	SPP	1,500,000			
				Project Cost:		1,500,000	0	0	0
Total for Wolfe county				PL DN RW UT CN		1,614,180			
				Total Amounts:		5,721,200	0	0	0
						7,335,380	0	0	0
Woodford	117	US-60	IMPROVE US 60 (VERSAILLES ROAD) FROM THE BLUEGRASS PARKWAY/HUNTERTOWN PIKE TO PISGAH PIKE.	PL DN RW UT CN	NH		2,940,000		
				Project Cost:		0	2,940,000	0	0
Woodford	440	KY-169	IMPROVE KY-169 FROM NORTH OF CLEAR CREEK RD IN JESSAMINE COUNTY TO NORTH OF KY-1967 IN WOODFORD COUNTY.	PL DN RW UT CN	STP2	2,630,000			
				Project Cost:	STP2	12,760,000			
						15,390,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Woodford	8905	US-60	ACCESS MANAGEMENT IMPROVEMENTS ON US 60 FROM LEXINGTON ROAD AT WOODFORD FEED TO MARSAILLES DRIVE (MP 9.38 TO MP 9.70).(16CCN) (18CCN) (2022CCR)	PL DN RW UT CN	SPP	1,250,000			
Project Cost:						1,250,000	0	0	0
Woodford	20048	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 64.856 TO MILEPOINT 67.106	PL DN RW UT CN	NHPM	2,455,000			
Project Cost:						2,455,000	0	0	0
Woodford	22033	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 59.431 TO MILEPOINT 64.856	PL DN RW UT CN	STP3 NHPM		3,580,500		
Project Cost:						0	35,805,000	0	0
Woodford	80252	US-62	RECONSTRUCT INTERSECTION AT US 62 (ROSE HILL AVE & TYRONE PK) AND KY 1964 (CLIFTON RD) IN VERSAILLES (2022CCN)	PL DN RW UT CN	SPP SPP	1,000,000	2,000,000		
Project Cost:						1,000,000	2,000,000	0	0
Woodford	80320	KY-341	Improve safety and mobility on KY 341 beginning at I-64 to approximately 0.8 miles north.	PL DN RW UT CN	SPP	3,500,000			
Project Cost:						3,500,000	0	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

1023

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Woodford	80357	US-60	Safety improvements on US 60X from Main Street to Maple Street in Versailles (MP 0.940-1.234).	PL					
				DN	SPP	275,000			
				RW					
				UT	SPP		6,600,000		
				CN	SPP		3,000,000		
				Project Cost:		275,000	9,600,000	0	0
Total for Woodford county				PL					
				DN		275,000	3,580,500		
				RW					
				UT		3,630,000	6,600,000		
				CN		19,965,000	40,164,500		
				Total Amounts:		23,870,000	50,345,000	0	0

2026-2030 HIGHWAY PRECONSTRUCTION PLAN

Fund Summary

Fund	Description	FY 2027	FY 2028	FY 2029	FY 2030	Total
APD	FEDERAL APPALACHIAN DEVELOPMENT HIGHWAYS	15,000,000	0	0	0	15,000,000
BRO	FEDERAL BRIDGE REPLACEMENT - ON SYSTEM	86,777,000	103,549,299	48,187,704	95,562,087	334,076,090
BRX	FEDERAL BRIDGE REPLACEMENT - ON/OFF SYSTEM	81,043,196	39,653,010	52,429,848	56,859,876	229,985,930
BRZ	FEDERAL BRIDGE REPLACEMENT - OFF SYSTEM	18,900,000	5,333,160	17,317,316	22,086,926	63,637,402
CARB	CARBON REDUCTION PROGRAM	29,130,000	29,130,000	29,130,000	29,130,000	116,520,000
CM	FEDERAL CONGESTION MITIGATION FUNDS	16,200,000	16,200,000	16,200,000	16,200,000	64,800,000
EV	ELECTRIC VEHICLE CHARGING STATION FUNDS	13,800,000	13,800,000	13,800,000	13,800,000	55,200,000
FBP	FEDERAL BRIDGE PROGRAM	42,812,176	113,128,772	61,877,696	135,974,637	353,793,281
FBP2	FEDERAL BRIDGE PROGRAM - OFF SYSTEM	3,844,380	21,610,017	17,599,988	19,219,785	62,274,170
FED	FEDERAL PROJECT FUNDS	38,150,000	99,015,900	68,250,000	40,000,000	245,415,900
GAR	BIENNIAL GARVEE BOND FUNDS DESIGNATED FOR LSIORB	12,000,000	0	0	0	12,000,000
IF	INNOVATIVE FINANCING	165,000,000	141,000,000	77,540,000	2,080,000	385,620,000
KYD	FEDERAL DEMONSTRATION FUNDS ALLOCATED TO KENTUCKY	172,000,000	172,000,000	158,270,000	82,410,000	584,680,000
NH	FEDERAL NATIONAL HIGHWAY SYSTEM FUNDS	1,245,455,000	1,167,634,900	1,147,886,000	1,159,716,400	4,720,692,300
NHPM	NATIONAL HIGHWAYS SYSTEM FUNDS FOR PAVEMENT	493,111,646	248,660,013	230,346,084	221,879,872	1,193,997,615
PROT	PROTECT FORMULA PROGRAM	54,910,000	33,130,000	28,170,000	33,130,000	149,340,000
RRP	SAFETY-RAILROAD PROTECTION	0	1,600,000	4,000,000	4,000,000	9,600,000
SAF	FEDERAL SAFETY FUNDS	72,130,000	71,130,000	71,130,000	71,130,000	285,520,000
SAH	FEDERAL STP FUNDS DEDICATED TO ASHLAND	1,800,000	1,800,000	1,800,000	1,800,000	7,200,000
SGF	STATE GENERAL FUNDING	53,000,000	48,000,000	2,400,000	0	103,400,000
SLO	FEDERAL STP FUNDS DEDICATED TO LOUISVILLE	26,800,000	26,800,000	26,800,000	26,800,000	107,200,000
SLX	FEDERAL STP FUNDS DEDICATED TO LEXINGTON	7,800,000	7,800,000	7,800,000	7,800,000	31,200,000
SNK	FEDERAL STP FUNDS DEDICATED TO NORTHERN KENTUCKY	8,600,000	8,600,000	8,600,000	8,600,000	34,400,000
SPP	STATE CONSTRUCTION HIGH PRIORITY PROJECTS	1,890,724,044	1,418,408,498	1,714,151,778	1,147,901,678	6,171,185,998
STP	FEDERAL STATEWIDE TRANSPORTATION PROGRAM FUNDS	56,240,000	41,945,000	52,680,000	44,290,000	195,155,000
STP1	SURFACE TRANSPORTATION (5-200K POP)	103,295,000	51,690,000	106,540,000	40,437,000	301,962,000
STP2	SURFACE TRANSPORTATION (<5K POP)	453,328,000	97,140,000	211,530,000	236,610,000	998,608,000
STP3	SURFACE TRANSPORTATION (5-200K POP) FOR PAVEMENT	12,660,000	5,703,300	8,607,706	8,385,148	35,356,154
STP4	SURFACE TRANSPORTATION (<5K POP) FOR PAVEMENT	17,430,300	3,800,000	17,665,643	21,813,882	60,709,825
STP5	SURFACE TRANSPORTATION FLEX FUNDING FOR PAVEMENT	34,150,000	26,463,475	9,500,000	26,209,090	96,322,565
STPF	SURFACE TRANSPORTATION FLEX FUNDING	281,009,000	180,575,000	82,930,000	143,040,000	687,554,000
TAP	FEDERAL TRANSPORTATION ALTERNATIVES PROGRAM	12,300,000	12,300,000	12,300,000	12,300,000	49,200,000
Total Amount		5,519,399,742	4,207,600,344	4,305,439,763	3,729,166,381	17,761,606,230

CHAPTER 147**(HJR 92)**

A JOINT RESOLUTION relating to road projects.

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

➔Section 1. Notwithstanding KRS 48.100, 48.110, 48.300, and 176.430, this Joint Resolution in conjunction with 2024 Regular Session HB 266 and 2024 Regular Session HJR 91 shall constitute the Six-Year Road Plan. The County Priority Projects are as follows:

Signed by Governor April 9, 2024.

COUNTY PRIORITY PROJECTS PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Adair	90003	CR-1507	Resurface Coffey Rd	PL				
				DN				
				RW				
				UT				
				CN	CPP		23,000	
				Project Cost:		0	23,000	0
Adair	90007	CR-1293	Resurface Bird Rd	PL				
				DN				
				RW				
				UT				
				CN	CPP		224,000	
				Project Cost:		0	224,000	0
Adair	90028		City of Columbia Resurface Lancaster Street	PL				
				DN				
				RW				
				UT				
				CN	CPP		17,000	
				Project Cost:		0	17,000	0
Total for Adair county				PL				
				DN				
				RW				
				UT				
				CN			264,000	
				Total Amounts:		0	264,000	0
Allen	90000	CR-1208	Resurface Blakenship Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		102,000	
				Project Cost:		0	102,000	0

COUNTY PRIORITY PROJECTS PLAN

1027

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Total for Allen county				PL				
				DN				
				RW				
				UT				
				CN			102,000	
				Total Amounts:		0	102,000	0
Anderson				PL				
90001	CR-1215	Resurface Lick Skillet	DN					
			RW					
			UT					
			CN	CPP			175,000	
			Project Cost:			0	175,000	0
Total for Anderson county				PL				
				DN				
				RW				
				UT				
				CN			175,000	
				Total Amounts:		0	175,000	0
Ballard				PL				
90001	CR-1315	Resurface Steve Denton	DN					
			RW					
			UT					
			CN	CPP			104,000	
			Project Cost:			0	104,000	0
Total for Ballard county				PL				
				DN				
				RW				
				UT				
				CN			104,000	
				Total Amounts:		0	104,000	0

COUNTY PRIORITY PROJECTS PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Barren	90001	CR-1187	Resurface Mt Pleasant Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		445,000	
				Project Cost:				
Barren	90002	CR-1116	Resurface Glover Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		166,000	
				Project Cost:				
Barren	90003	CR-1187	Resurface Mt Pleasant Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		400,000	
				Project Cost:				
Barren	90004	CR-1101	Resurface Willie Groce Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		88,000	
				Project Cost:				
Barren	90006	CR-1419	Resurface Millstown Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		69,000	
				Project Cost:				

COUNTY PRIORITY PROJECTS PLAN

1029

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Barren	90021	CS-4097	City of Cave City Sink Hole Repair 2nd Street	PL				
				DN				
				RW				
				UT				
				CN	CPP		18,000	
				Project Cost:		0	18,000	0
Total for Barren county				PL				
				DN				
				RW				
				UT				
				CN			1,186,000	
				Total Amounts:		0	1,186,000	0
Bath	90002	CR-1237	Resurface Mill Creek	PL				
				DN				
				RW				
				UT				
				CN	CPP		100,000	
				Project Cost:		0	100,000	0
Bath	90003	CR-1229	Resurface Ridge Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		156,000	
				Project Cost:		0	156,000	0
Bath	90006	CR-1210	Resurface Pergram Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		79,000	
				Project Cost:		0	79,000	0

COUNTY PRIORITY PROJECTS PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Bath	90008	CR-1212	Resurface Hart Grove	PL				
				DN				
				RW				
				UT				
				CN	CPP		20,000	
				Project Cost:		0	20,000	0
Bath	90012	CR-1313	Resurface Hickory Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		68,000	
				Project Cost:		0	68,000	0
Bath	90015	CR-1210	Resurface Pergram Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		86,000	
				Project Cost:		0	86,000	0
Total for Bath county				PL				
				DN				
				RW				
				UT				
				CN			509,000	
				Total Amounts:		0	509,000	0
Boyle	90004	CR-1038	Resurface South Buster Pike	PL				
				DN				
				RW				
				UT				
				CN	CPP		110,000	
				Project Cost:		0	110,000	0

COUNTY PRIORITY PROJECTS PLAN

1031

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Total for Boyle county				PL				
				DN				
				RW				
				UT				
				CN			110,000	
				Total Amounts:		0	110,000	0
Bracken	90000	CR-1104	Resurface Parina Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		90,000	
				Project Cost:		0	90,000	0
Total for Bracken county				PL				
				DN				
				RW				
				UT				
				CN			90,000	
				Total Amounts:		0	90,000	0
Bullitt	90000	CR-1120	Resurface Woodsdale Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		185,000	
				Project Cost:		0	185,000	0
Total for Bullitt county				PL				
				DN				
				RW				
				UT				
				CN			185,000	
				Total Amounts:		0	185,000	0

COUNTY PRIORITY PROJECTS PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Butler	90007	CR-1192	Resurface Gilbert Borders	PL				
				DN				
				RW				
				UT				
				CN	CPP		126,000	
				Project Cost:		0	126,000	0
Butler	90008	CR-1296	Resurface Arnold Ridge Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		103,000	
				Project Cost:		0	103,000	0
Butler	90009	CR-1154	Resurface Youngs Ferry Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		180,000	
				Project Cost:		0	180,000	0
Total for Butler county				PL				
				DN				
				RW				
				UT				
				CN			409,000	
				Total Amounts:		0	409,000	0
Caldwell	90000	CR-1148	Resurface Harmony Church Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		108,000	
				Project Cost:		0	108,000	0

COUNTY PRIORITY PROJECTS PLAN

1033

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Caldwell	90001	CR-1080	Resurface Holeman Hill Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		162,000	
				Project Cost:		0	162,000	0
Caldwell	90003	CR-1074	Resurface Shad Grove Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		115,000	
				Project Cost:		0	115,000	0
Caldwell	90005	CR-1320	Resurface Donaldson Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		209,000	
				Project Cost:		0	209,000	0
Total for Caldwell county				PL				
				DN				
				RW				
				UT				
				CN			594,000	
				Total Amounts:		0	594,000	0
Carlisle	90003	CR-1116	Resurface Crider Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		89,000	
				Project Cost:		0	89,000	0

COUNTY PRIORITY PROJECTS PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Total for Carlisle county				PL				
				DN				
				RW				
				UT				
				CN			89,000	
				Total Amounts:		0	89,000	0
Carter	90020	CR-1002	Resurface Iron Hill Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		95,000	
				Project Cost:		0	95,000	0
Carter	90021	CR-1410	Resurface Prater Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		90,000	
				Project Cost:		0	90,000	0
Carter	90022	CR-1077	Resurface Four Mile Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		137,000	
				Project Cost:		0	137,000	0
Carter	90023	CR-1222	Resurface Powell Hollow Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		63,000	
				Project Cost:		0	63,000	0

COUNTY PRIORITY PROJECTS PLAN

1035

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Total for Carter county				PL				
				DN				
				RW				
				UT				
				CN			385,000	
				Total Amounts:		0	385,000	0
Casey	90013	CR-1255	Resurface Canoe Creek Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		175,000	
				Project Cost:		0	175,000	0
Casey	90014	CR-1136	Resurface Black Ridge Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		75,000	
				Project Cost:		0	75,000	0
Casey	90015	CR-1120	Resurface Turkey Creek Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		175,000	
				Project Cost:		0	175,000	0
Casey	90016	CR-1169	Resurface Sloan Fork Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		275,000	
				Project Cost:		0	275,000	0

COUNTY PRIORITY PROJECTS PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Casey	90017	CR-1352	Resurface Minor's Branch Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		175,000	
				Project Cost:		0	175,000	0
Total for Casey county				PL				
				DN				
				RW				
				UT				
				CN			875,000	
				Total Amounts:		0	875,000	0
Christian	90007	CR-1392	Resurface Coal Creek Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		545,000	
				Project Cost:		0	545,000	0
Total for Christian county				PL				
				DN				
				RW				
				UT				
				CN			545,000	
				Total Amounts:		0	545,000	0
Clark	90011	CR-1130	Resurface Dry Fork Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		279,000	
				Project Cost:		0	279,000	0

COUNTY PRIORITY PROJECTS PLAN

1037

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Clark	90013	CR-1125	Resurface Howards Creek Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		62,000	
				Project Cost:		0	62,000	0
Total for Clark county				PL				
				DN				
				RW				
				UT				
				CN			341,000	
				Total Amounts:		0	341,000	0
Clay	90007	CS-1062	City of Manchester Resurface Thorn Hill Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		25,000	
				Project Cost:		0	25,000	0
Clay	90008	CR-1429	Resurface Collins Gibson Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		110,000	
				Project Cost:		0	110,000	0
Clay	90051	CS-1001	Resurface 3rd Street	PL				
				DN				
				RW				
				UT				
				CN	CPP		28,000	
				Project Cost:		0	28,000	0

COUNTY PRIORITY PROJECTS PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Clay	90052	CS-1071	Resurface Railroad Avenue	PL				
				DN				
				RW				
				UT				
				CN	CPP		39,000	
				Project Cost:		0	39,000	0
Total for Clay county				PL				
				DN				
				RW				
				UT				
				CN			202,000	
				Total Amounts:		0	202,000	0
Clinton	90022	CS-1058	City of Burkesville Resurface Herd Street	PL				
				DN				
				RW				
				UT				
				CN	CPP		22,000	
				Project Cost:		0	22,000	0
Clinton	90034	CR-1069	Resurface Joyce Conner Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		25,000	
				Project Cost:		0	25,000	0
Total for Clinton county				PL				
				DN				
				RW				
				UT				
				CN			47,000	
				Total Amounts:		0	47,000	0

COUNTY PRIORITY PROJECTS PLAN

1039

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Crittenden	90006	CR-1364	Resurface Aunt Jane Tabernacle Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		75,000	
				Project Cost:		0	75,000	0
Total for Crittenden county				PL				
				DN				
				RW				
				UT				
				CN			75,000	
				Total Amounts:		0	75,000	0
Cumberland	90041	CR-1132	Resurface Midway Church Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		19,000	
				Project Cost:		0	19,000	0
Total for Cumberland county				PL				
				DN				
				RW				
				UT				
				CN			19,000	
				Total Amounts:		0	19,000	0
Graves	90008	CR-1420	Resurface Owens Chapel Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		177,000	
				Project Cost:		0	177,000	0

COUNTY PRIORITY PROJECTS PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Total for Graves county				PL				
				DN				
				RW				
				UT				
				CN			177,000	
				Total Amounts:		0	177,000	0
Grayson	90000	CR-1358	Resurface Blue Creek Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		108,000	
				Project Cost:		0	108,000	0
Grayson	90001	CR-1340	Resurface Blue Creek Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		76,000	
				Project Cost:		0	76,000	0
Grayson	90003	CR-1260	Resurface Hooper Barton Rd	PL				
				DN				
				RW				
				UT				
				CN	CPP		226,000	
				Project Cost:		0	226,000	0
Total for Grayson county				PL				
				DN				
				RW				
				UT				
				CN			410,000	
				Total Amounts:		0	410,000	0

COUNTY PRIORITY PROJECTS PLAN

1041

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Green	90005	CR-1214	Resurface Matney Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		85,000	
				Project Cost:		0	85,000	0
Green	90006	CR-1169	Resurface Blowing Springs Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		187,000	
				Project Cost:		0	187,000	0
Green	90007	CR-1284	Resurface Gabe-Webb Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		82,000	
				Project Cost:		0	82,000	0
Green	90010	CR-1057	Resurface Elmore Hodges Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		61,000	
				Project Cost:		0	61,000	0
Green	90014	CR-1102	Resurface West Buckner Hill Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		262,000	
				Project Cost:		0	262,000	0
Total for Green county				PL				
				DN				
				RW				
				UT				
				CN			677,000	
				Total Amounts:		0	677,000	0

COUNTY PRIORITY PROJECTS PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Greenup	90034	CS-3052	City of Russell Resurface Our Lady Way	PL				
				DN				
				RW				
				UT				
				CN	CPP		234,000	
				Project Cost:		0	234,000	0
Total for Greenup county				PL				
				DN				
				RW				
				UT				
				CN			234,000	
				Total Amounts:		0	234,000	0
Hancock	90010	CS-2034	City of Lewisport Resurface Old Mill Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		22,000	
				Project Cost:		0	22,000	0
Hancock	90013	CR-1213	Resurface Crowe Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		171,000	
				Project Cost:		0	171,000	0
Total for Hancock county				PL				
				DN				
				RW				
				UT				
				CN			193,000	
				Total Amounts:		0	193,000	0

COUNTY PRIORITY PROJECTS PLAN

1043

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Hardin	90016	CR-1297	Resurface Tabbs Hollow Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		320,000	
				Project Cost:		0	320,000	0
Total for Hardin county				PL				
				DN				
				RW				
				UT				
				CN			320,000	
				Total Amounts:		0	320,000	0
Harlan	90009	CR-1453	Resurface Mildred St	PL				
				DN				
				RW				
				UT				
				CN	CPP		17,000	
				Project Cost:		0	17,000	0
Harlan	90011	CR-1133	Resurface Hall St	PL				
				DN				
				RW				
				UT				
				CN	CPP		20,000	
				Project Cost:		0	20,000	0
Harlan	90015	CR-1339	Resurface Brown Court Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		22,000	
				Project Cost:		0	22,000	0

COUNTY PRIORITY PROJECTS PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Total for Harlan county				PL				
				DN				
				RW				
				UT				
				CN			59,000	
				Total Amounts:		0	59,000	0
Hart	90018	CR-1096	Resurface DW Meredith Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		50,000	
				Project Cost:		0	50,000	0
Total for Hart county				PL				
				DN				
				RW				
				UT				
				CN			50,000	
				Total Amounts:		0	50,000	0
Hickman	90010	CR-1050	Resurface Spraggs Rd	PL				
				DN				
				RW				
				UT				
				CN	CPP		27,000	
				Project Cost:		0	27,000	0
Hickman	90011	CR-1213	Resurface Deweese Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		91,000	
				Project Cost:		0	91,000	0

COUNTY PRIORITY PROJECTS PLAN

1045

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Hickman	90012	CR-1210	Resurface Campbell Rd	PL				
				DN				
				RW				
				UT				
				CN	CPP		98,000	
				Project Cost:		0	98,000	0
Hickman	90013	CR-1224	Resurface Morris Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		41,000	
				Project Cost:		0	41,000	0
Hickman	90014	CR-1126	Resurface Laine Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		31,000	
				Project Cost:		0	31,000	0
Hickman	90015	CR-1156	Resurface Elam Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		22,000	
				Project Cost:		0	22,000	0
Hickman	90016	CR-1042	Resurface Rook Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		20,000	
				Project Cost:		0	20,000	0

COUNTY PRIORITY PROJECTS PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Hickman	90017	CR-1129	Resurface Powell Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		16,000	
				Project Cost:		0	16,000	0
Total for Hickman county				PL				
				DN				
				RW				
				UT				
				CN			346,000	
				Total Amounts:		0	346,000	0
Hopkins	90015	CR-1473	Resurface Johnson Island Cemetery Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		118,000	
				Project Cost:		0	118,000	0
Hopkins	90016	CR-1156	Resurface Long Pond Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		62,000	
				Project Cost:		0	62,000	0
Hopkins	90017	CR-1304	Resurface Fox Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		50,000	
				Project Cost:		0	50,000	0

COUNTY PRIORITY PROJECTS PLAN

1047

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Hopkins	90018	CR-1034	Resurface Frostburg Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		112,000	
				Project Cost:		0	112,000	0
Hopkins	90019	CR-1081	Resurface Irvin Edwards Lane	PL				
				DN				
				RW				
				UT				
				CN	CPP		26,000	
				Project Cost:		0	26,000	0
Total for Hopkins county				PL				
				DN				
				RW				
				UT				
				CN			368,000	
				Total Amounts:		0	368,000	0
Jackson	90025	CR-1346	Resurface Black Lick Rd	PL				
				DN				
				RW				
				UT				
				CN	CPP		197,000	
				Project Cost:		0	197,000	0
Total for Jackson county				PL				
				DN				
				RW				
				UT				
				CN			197,000	
				Total Amounts:		0	197,000	0

COUNTY PRIORITY PROJECTS PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Jessamine	90015	CR-1225	Resurface Dix Drive	PL				
				DN				
				RW				
				UT				
				CN	CPP		71,000	
				Project Cost:		0	71,000	0
Total for Jessamine county				PL				
				DN				
				RW				
				UT				
				CN			71,000	
				Total Amounts:		0	71,000	0
Johnson	90003	CS-1004	City of Paintsville Resurface Riverview Ln	PL				
				DN				
				RW				
				UT				
				CN	CPP		61,000	
				Project Cost:		0	61,000	0
Johnson	90004	CS-1031	City of Paintsville Resurface Jefferson St/10th Ave	PL				
				DN				
				RW				
				UT				
				CN	CPP		40,000	
				Project Cost:		0	40,000	0
Johnson	90012	CR-1122	Resurface Buffalo Pigeon Roost Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		112,000	
				Project Cost:		0	112,000	0

COUNTY PRIORITY PROJECTS PLAN

1049

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Johnson	90013	CR-1226	Resurface Cantrell Fork Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		104,000	
				Project Cost:		0	104,000	0
Johnson	90014	CR-1063	Resurface Right Fork Burchett Hollow	PL				
				DN				
				RW				
				UT				
				CN	CPP		88,000	
				Project Cost:		0	88,000	0
Johnson	90016	CR-1291	Resurface Rt 580 Subdivision Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		29,000	
				Project Cost:		0	29,000	0
Johnson	90020	CR-1220	Resurface Hilton Hollow Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		62,000	
				Project Cost:		0	62,000	0
Johnson	90021	CR-1235	Resurface Greenrock Fork Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		72,000	
				Project Cost:		0	72,000	0
Total for Johnson county				PL				
				DN				
				RW				
				UT				
				CN			568,000	
				Total Amounts:		0	568,000	0

COUNTY PRIORITY PROJECTS PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Knott	90023	CR-1312	Bit Patching Middle Quicksand Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		25,000	
				Project Cost:		0	25,000	0
Total for Knott county				PL				
				DN				
				RW				
				UT				
				CN			25,000	
Total Amounts:						0	25,000	0
Knox	90030	CR-1053	Resurface Disappointment Hollow Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		53,000	
				Project Cost:		0	53,000	0
Knox	90035	CR-1418	Resurface East Lewis Street	PL				
				DN				
				RW				
				UT				
				CN	CPP		21,000	
				Project Cost:		0	21,000	0
Knox	90055	CS-1062	Resurface Shelby St	PL				
				DN				
				RW				
				UT				
				CN	CPP		28,000	
				Project Cost:		0	28,000	0

COUNTY PRIORITY PROJECTS PLAN

1051

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Total for Knox county				PL				
				DN				
				RW				
				UT				
				CN			102,000	
				Total Amounts:		0	102,000	0
Laurel	90036	CR-1075	Resurface Hoskins Lane	PL				
				DN				
				RW				
				UT				
				CN	CPP		53,000	
				Project Cost:		0	53,000	0
Total for Laurel county				PL				
				DN				
				RW				
				UT				
				CN			53,000	
				Total Amounts:		0	53,000	0
Lawrence	90025	CR-1322	Patching Bells Trace	PL				
				DN				
				RW				
				UT				
				CN	CPP		89,000	
				Project Cost:		0	89,000	0
Total for Lawrence county				PL				
				DN				
				RW				
				UT				
				CN			89,000	
				Total Amounts:		0	89,000	0

COUNTY PRIORITY PROJECTS PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Lee	90014	CR-1076	Resurface Old Highway 11	PL				
				DN				
				RW				
				UT				
				CN	CPP		336,000	
				Project Cost:		0	336,000	0
Total for Lee county				PL				
				DN				
				RW				
				UT				
				CN			336,000	
				Total Amounts:		0	336,000	0
Leslie	90002	CS-1011	City of Hyden Resurface Hickory Street	PL				
				DN				
				RW				
				UT				
				CN	CPP		163,000	
				Project Cost:		0	163,000	0
Leslie	90003	CS-1006	City of Hyden Patching Maple Street	PL				
				DN				
				RW				
				UT				
				CN	CPP		46,000	
				Project Cost:		0	46,000	0
Leslie	90004	CS-1002	City of Hyden Patching Oak Street	PL				
				DN				
				RW				
				UT				
				CN	CPP		16,000	
				Project Cost:		0	16,000	0

COUNTY PRIORITY PROJECTS PLAN

1053

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Leslie	90037	CR-1226	Resurface Big Rock Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		72,000	
				Project Cost:		0	72,000	0
Leslie	90038	CR-1113	Resurface Hazelnut Drive	PL				
				DN				
				RW				
				UT				
				CN	CPP		106,000	
				Project Cost:		0	106,000	0
Leslie	90039	CR-1011	Resurface Levi Branch	PL				
				DN				
				RW				
				UT				
				CN	CPP		65,000	
				Project Cost:		0	65,000	0
Leslie	90040	CR-1118	Resurface Long Branch	PL				
				DN				
				RW				
				UT				
				CN	CPP		53,000	
				Project Cost:		0	53,000	0
Leslie	90041	CR-1115	Resurface Crystal Lane	PL				
				DN				
				RW				
				UT				
				CN	CPP		37,000	
				Project Cost:		0	37,000	0

COUNTY PRIORITY PROJECTS PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Leslie	90042	CR-1114	Resurface Beech Bottom Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		33,000	
				Project Cost:		0	33,000	0
Total for Leslie county				PL				
				DN				
				RW				
				UT				
				CN			591,000	
				Total Amounts:		0	591,000	0
Lewis	90042	CR-1253	Resurface Pine Valley	PL				
				DN				
				RW				
				UT				
				CN	CPP		52,000	
				Project Cost:		0	52,000	0
Lewis	90043	CR-1249	Resurface Ribolt-Epworth	PL				
				DN				
				RW				
				UT				
				CN	CPP		26,000	
				Project Cost:		0	26,000	0
Total for Lewis county				PL				
				DN				
				RW				
				UT				
				CN			78,000	
				Total Amounts:		0	78,000	0

COUNTY PRIORITY PROJECTS PLAN

1055

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Lincoln	90046	CR-1136	Resurface Brock Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		74,000	
				Project Cost:		0	74,000	0
Lincoln	90047	CR-1303	Resurface Martins Trail	PL				
				DN				
				RW				
				UT				
				CN	CPP		95,000	
				Project Cost:		0	95,000	0
Lincoln	90048	CR-1408	Resurface Ash Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		58,000	
				Project Cost:		0	58,000	0
Total for Lincoln county				PL				
				DN				
				RW				
				UT				
				CN			227,000	
				Total Amounts:		0	227,000	0
Livingston	90019	CR-1280	Resurface Edmonds Lane	PL				
				DN				
				RW				
				UT				
				CN	CPP		20,000	
				Project Cost:		0	20,000	0

COUNTY PRIORITY PROJECTS PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Livingston	90020	CR-1123	Resurface Teeny Circle	PL				
				DN				
				RW				
				UT				
				CN	CPP		25,000	
				Project Cost:		0	25,000	0
Livingston	90023	CR-1368	Resurface Birdville Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		40,000	
				Project Cost:		0	40,000	0
Livingston	90024	CR-1066	Resurface Barnett Chapel Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		30,000	
				Project Cost:		0	30,000	0
Livingston	90025	CR-1020	Resurface Farris Spring Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		40,000	
				Project Cost:		0	40,000	0
Livingston	90026	CR-1231	Resurface Bishop Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		30,000	
				Project Cost:		0	30,000	0
Total for Livingston county				PL				
				DN				
				RW				
				UT				
				CN			185,000	
				Total Amounts:		0	185,000	0

COUNTY PRIORITY PROJECTS PLAN

1057

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Lyon	90027	CR-1003	Drainage/Chipseal Ausenbaugh Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		34,000	
				Project Cost:		0	34,000	0
Total for Lyon county				PL				
				DN				
				RW				
				UT				
				CN			34,000	
				Total Amounts:		0	34,000	0
Madison	90019	CR-1163	Resurface Maple Dr	PL				
				DN				
				RW				
				UT				
				CN	CPP		16,000	
				Project Cost:		0	16,000	0
Total for Madison county				PL				
				DN				
				RW				
				UT				
				CN			16,000	
				Total Amounts:		0	16,000	0
Magoffin	90019	CR-1158	Resurface Matt Wireman Cemetery	PL				
				DN				
				RW				
				UT				
				CN	CPP		76,000	
				Project Cost:		0	76,000	0

COUNTY PRIORITY PROJECTS PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>			
Magoffin	90025	CR-1007	Resurface Limestone Branch Road	PL							
				DN							
				RW							
				UT							
				CN	CPP		60,000				
				Project Cost:					0	60,000	0
				Magoffin	90026	CR-1215	Resurface Howard Branch Road	PL			
DN											
RW											
UT											
CN	CPP		105,000								
Project Cost:								0	105,000	0	
Magoffin	90031	CR-1213	Resurface Patton Branch Road					PL			
				DN							
				RW							
				UT							
				CN	CPP		60,000				
				Project Cost:					0	60,000	0
				Magoffin	90036	CR-1163	Resurface Shady Lane Road	PL			
DN											
RW											
UT											
CN	CPP		32,000								
Project Cost:								0	32,000	0	
Magoffin	90038	CR-1332	Resurface Whitt Branch Road					PL			
				DN							
				RW							
				UT							
				CN	CPP		24,000				
				Project Cost:					0	24,000	0

COUNTY PRIORITY PROJECTS PLAN

1059

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Magoffin	90039	CR-1202	Resurface Will Bailey Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		24,000	
				Project Cost:		0	24,000	0
Total for Magoffin county				PL				
				DN				
				RW				
				UT				
				CN			381,000	
				Total Amounts:		0	381,000	0
Martin	90027		Resurface Crum Branch	PL				
				DN				
				RW				
				UT				
				CN	CPP		32,000	
				Project Cost:		0	32,000	0
Total for Martin county				PL				
				DN				
				RW				
				UT				
				CN			32,000	
				Total Amounts:		0	32,000	0
McLean	90022	CR-1004	Resurface Richland Lane	PL				
				DN				
				RW				
				UT				
				CN	CPP		216,000	
				Project Cost:		0	216,000	0

COUNTY PRIORITY PROJECTS PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>	
McLean	90023	CR-1305	Resurface Howards Mill Road	PL					
				DN					
				RW					
				UT					
				CN	CPP		104,000		
				Project Cost:					
						0	104,000	0	
McLean	90024	CR-1130	Resurface City Lane	PL					
				DN					
				RW					
				UT					
				CN	CPP		41,000		
				Project Cost:					
						0	41,000	0	
McLean	90025	CR-1103	Resurface Stroud Levy	PL					
				DN					
				RW					
				UT					
				CN	CPP		34,000		
				Project Cost:					
						0	34,000	0	
Total for McLean county				PL					
				DN					
				RW					
				UT					
				CN			395,000		
				Total Amounts:					
						0	395,000	0	
Menifee	90042	CR-1201	Resurface Allen Cope	PL					
				DN					
				RW					
				UT					
				CN	CPP		24,000		
				Project Cost:					
						0	24,000	0	

COUNTY PRIORITY PROJECTS PLAN

1061

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>	
Menifee	90045	CR-1345	Resurface Blackberry	PL					
				DN					
				RW					
				UT					
				CN	CPP		23,000		
				Project Cost:					
						0	23,000	0	
Menifee	90046	CR-1126	Resurface Doc Mullins	PL					
				DN					
				RW					
				UT					
				CN	CPP		84,000		
				Project Cost:					
						0	84,000	0	
Menifee	90047	CR-1008	Resurface Brushy Fork	PL					
				DN					
				RW					
				UT					
				CN	CPP		163,000		
				Project Cost:					
						0	163,000	0	
Menifee	90053	CR-1216	Resurface Arthur Sexton Road	PL					
				DN					
				RW					
				UT					
				CN	CPP		63,000		
				Project Cost:					
						0	63,000	0	
Total for Menifee county				PL					
				DN					
				RW					
				UT					
				CN			357,000		
				Total Amounts:					
						0	357,000	0	

COUNTY PRIORITY PROJECTS PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Mercer	90022	CR-1318	Resurface Southworth Rd	PL				
				DN				
				RW				
				UT				
				CN	CPP		51,000	
				Project Cost:		0	51,000	0
Total for Mercer county				PL				
				DN				
				RW				
				UT				
				CN			51,000	
				Total Amounts:		0	51,000	0
Metcalfe	90010	CS-1056	City of Edmonton Resurface Scott Drive	PL				
				DN				
				RW				
				UT				
				CN	CPP		21,000	
				Project Cost:		0	21,000	0
Metcalfe	90012	CS-1013	City of Edmonton Resurface Shirley Street	PL				
				DN				
				RW				
				UT				
				CN	CPP		33,000	
				Project Cost:		0	33,000	0
Metcalfe	90013	CR-1137	Resurface Lone Star Ridge Rd	PL				
				DN				
				RW				
				UT				
				CN	CPP		508,000	
				Project Cost:		0	508,000	0

COUNTY PRIORITY PROJECTS PLAN

1063

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Metcalf	90014	CR-1264	Resurface Wilbur Glass Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		182,000	
				Project Cost:			0	182,000
Metcalf	90015	CR-1114	Resurface Reese Hurt Rd	PL				
				DN				
				RW				
				UT				
				CN	CPP		482,000	
				Project Cost:			0	482,000
Total for Metcalfe county				PL				
				DN				
				RW				
				UT				
				CN			1,226,000	
Total Amounts:						0	1,226,000	0
Monroe	90016	CR-1033	Resurface Leatherwood Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		45,000	
				Project Cost:			0	45,000
Monroe	90017	CR-1032	Resurface Persimmon Kessler Ridge	PL				
				DN				
				RW				
				UT				
				CN	CPP		72,000	
				Project Cost:			0	72,000

COUNTY PRIORITY PROJECTS PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Total for Monroe county				PL				
				DN				
				RW				
				UT				
				CN			117,000	
				Total Amounts:		0	117,000	0
Montgomery	90006	CS-2019	City of Camargo Resurface Valleyview Dr	PL				
				DN				
				RW				
				UT				
				CN	CPP		30,000	
				Project Cost:		0	30,000	0
Montgomery	90007	CS-2017	City of Camargo Resurface Gateway Ave	PL				
				DN				
				RW				
				UT				
				CN	CPP		18,000	
				Project Cost:		0	18,000	0
Montgomery	90008	CS-2020	City of Camargo Resurface Camargo Hts Dr	PL				
				DN				
				RW				
				UT				
				CN	CPP		35,000	
				Project Cost:		0	35,000	0
Montgomery	90009	CS-2019	City of Camargo Resurface Valleyview Dr	PL				
				DN				
				RW				
				UT				
				CN	CPP		30,000	
				Project Cost:		0	30,000	0

COUNTY PRIORITY PROJECTS PLAN

1065

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Montgomery	90010	CS-2017	City of Camargo Resurface Gateway Ave	PL				
				DN				
				RW				
				UT				
				CN	CPP		18,000	
				Project Cost:		0	18,000	0
Total for Montgomery county				PL				
				DN				
				RW				
				UT				
				CN			131,000	
				Total Amounts:		0	131,000	0
Morgan	90054	CR-1236	Patching Phills Branch	PL				
				DN				
				RW				
				UT				
				CN	CPP		54,000	
				Project Cost:		0	54,000	0
Morgan	90055	CR-1708	Resurface Robinson Branch	PL				
				DN				
				RW				
				UT				
				CN	CPP		90,000	
				Project Cost:		0	90,000	0
Total for Morgan county				PL				
				DN				
				RW				
				UT				
				CN			144,000	
				Total Amounts:		0	144,000	0

COUNTY PRIORITY PROJECTS PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Muhlenberg	90008	CS-1059	City of Greenville Resurface Joyce Ave	PL				
				DN				
				RW				
				UT				
				CN	CPP		52,000	
				Project Cost:		0	52,000	0
Total for Muhlenberg county				PL				
				DN				
				RW				
				UT				
				CN			52,000	
				Total Amounts:		0	52,000	0
Nelson	90019	CR-1034	Resurface Highview Church Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		190,000	
				Project Cost:		0	190,000	0
Nelson	90020	CR-1149	Resurface Eddie Miles Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		174,000	
				Project Cost:		0	174,000	0
Nelson	90021	CR-1035	Resurface Greens Chapel Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		130,000	
				Project Cost:		0	130,000	0

COUNTY PRIORITY PROJECTS PLAN

1067

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>	
Nelson	90022	CR-1152	Resurface Ritchie Lane	PL					
				DN					
				RW					
				UT					
				CN	CPP		59,000		
				Project Cost:					
						0	59,000	0	
Nelson	90023	CR-1385	Resurface Francis Drive	PL					
				DN					
				RW					
				UT					
				CN	CPP		39,000		
				Project Cost:					
						0	39,000	0	
Nelson	90024	CR-1036	Resurface Timber Creek Road	PL					
				DN					
				RW					
				UT					
				CN	CPP		32,000		
				Project Cost:					
						0	32,000	0	
Nelson	90025	CR-1283	Resurface Pembroke Drive	PL					
				DN					
				RW					
				UT					
				CN	CPP		42,000		
				Project Cost:					
						0	42,000	0	
Nelson	90027	CR-1081	Resurface Eastland Drive	PL					
				DN					
				RW					
				UT					
				CN	CPP		31,000		
				Project Cost:					
						0	31,000	0	

COUNTY PRIORITY PROJECTS PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Nelson	90029	CR-1081	Resurface McDonald Drive	PL				
				DN				
				RW				
				UT				
				CN	CPP		26,000	
				Project Cost:		0	26,000	0
Nelson	90030	CR-1081	Resurface Hill Street	PL				
				DN				
				RW				
				UT				
				CN	CPP		54,000	
				Project Cost:		0	54,000	0
Total for Nelson county				PL				
				DN				
				RW				
				UT				
				CN			777,000	
				Total Amounts:		0	777,000	0
Nicholas	90046	CR-1209	Resurface Burns Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		139,000	
				Project Cost:		0	139,000	0
Nicholas	90048	CR-1135	Resurface Ratliff Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		97,000	
				Project Cost:		0	97,000	0

COUNTY PRIORITY PROJECTS PLAN

1069

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Total for Nicholas county				PL				
				DN				
				RW				
				UT				
				CN			236,000	
				Total Amounts:		0	236,000	0
Pendleton	90006	CR-1110	Resurface Milford Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		63,000	
				Project Cost:		0	63,000	0
Total for Pendleton county				PL				
				DN				
				RW				
				UT				
				CN			63,000	
				Total Amounts:		0	63,000	0
Perry	90008	CS-1016	City of Hazard Resurface Locust St	PL				
				DN				
				RW				
				UT				
				CN	CPP		21,000	
				Project Cost:		0	21,000	0
Total for Perry county				PL				
				DN				
				RW				
				UT				
				CN			21,000	
				Total Amounts:		0	21,000	0

COUNTY PRIORITY PROJECTS PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Pike	90028	CR-1571	Resurface Pigeon Roost	PL				
				DN				
				RW				
				UT				
				CN	CPP		118,000	
				Project Cost:		0	118,000	0
Pike	90029	CR-1981	Resurface Sycamore	PL				
				DN				
				RW				
				UT				
				CN	CPP		118,000	
				Project Cost:		0	118,000	0
Total for Pike county				PL				
				DN				
				RW				
				UT				
				CN			236,000	
				Total Amounts:		0	236,000	0
Russell	90054	CR-1035	Resurface Yellow Apple Ridge Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		144,000	
				Project Cost:		0	144,000	0
Russell	90055	CR-1393	Resurface Little Clifty Creek Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		79,000	
				Project Cost:		0	79,000	0

COUNTY PRIORITY PROJECTS PLAN

1071

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Russell	90057	CR-1282	Resurface Melson Ridge Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		153,000	
				Project Cost:		0	153,000	0
Total for Russell county				PL				
				DN				
				RW				
				UT				
				CN			376,000	
				Total Amounts:		0	376,000	0
Scott	90023	CR-1124	Resurface Triport Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		480,000	
				Project Cost:		0	480,000	0
Total for Scott county				PL				
				DN				
				RW				
				UT				
				CN			480,000	
				Total Amounts:		0	480,000	0
Simpson	90020	CR-1040	Resurface Evans Rd	PL				
				DN				
				RW				
				UT				
				CN	CPP		77,000	
				Project Cost:		0	77,000	0

COUNTY PRIORITY PROJECTS PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Total for Simpson county				PL				
				DN				
				RW				
				UT				
				CN			77,000	
				Total Amounts:		0	77,000	0
Spencer	90002	CR-1049	Resurface Houghlin Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		93,000	
				Project Cost:		0	93,000	0
Spencer	90006	CR-1162	Resurface Shultz Lane	PL				
				DN				
				RW				
				UT				
				CN	CPP		68,000	
				Project Cost:		0	68,000	0
Spencer	90010	CR-1047	Resurface Cooks Lane	PL				
				DN				
				RW				
				UT				
				CN	CPP		116,000	
				Project Cost:		0	116,000	0
Total for Spencer county				PL				
				DN				
				RW				
				UT				
				CN			277,000	
				Total Amounts:		0	277,000	0

COUNTY PRIORITY PROJECTS PLAN

1073

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Trimble	90018	CR-1119	Resurface Daugherty Creek Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		147,000	
				Project Cost:		0	147,000	0
Total for Trimble county				PL				
				DN				
				RW				
				UT				
				CN			147,000	
				Total Amounts:		0	147,000	0
Union	90031	CR-1096	Resurface T Frank Wathen Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		26,000	
				Project Cost:		0	26,000	0
Total for Union county				PL				
				DN				
				RW				
				UT				
				CN			26,000	
				Total Amounts:		0	26,000	0
Washington	90032	CR-1004	Resurface White Hall Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		210,000	
				Project Cost:		0	210,000	0

COUNTY PRIORITY PROJECTS PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Washington	90034	CR-1158	Resurface Old Perryville Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		51,000	
				Project Cost:		0	51,000	0
Total for Washington county				PL				
				DN				
				RW				
				UT				
				CN			261,000	
				Total Amounts:		0	261,000	0
Wayne	90029	CS-1110	City of Monticello Resurface Alexander Street	PL				
				DN				
				RW				
				UT				
				CN	CPP		12,000	
				Project Cost:		0	12,000	0
Wayne	90068	CR-1307	Resurface Morris Hill	PL				
				DN				
				RW				
				UT				
				CN	CPP		54,000	
				Project Cost:		0	54,000	0
Wayne	90074	CR-1137	Resurface Parmleystown Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		124,000	
				Project Cost:		0	124,000	0

COUNTY PRIORITY PROJECTS PLAN

1075

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Total for Wayne county				PL				
				DN				
				RW				
				UT				
				CN			190,000	
				Total Amounts:		0	190,000	0
Webster	90033	CR-1301	Resurface Burnt Mill Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		91,000	
				Project Cost:		0	91,000	0
Webster	90034	CR-1146	Resurface Vanderburg Lisman	PL				
				DN				
				RW				
				UT				
				CN	CPP		317,000	
				Project Cost:		0	317,000	0
Webster	90035	CR-1247	Resurface West Elm	PL				
				DN				
				RW				
				UT				
				CN	CPP		91,000	
				Project Cost:		0	91,000	0
Webster	90036	CR-1260	Resurface Smith Brantly	PL				
				DN				
				RW				
				UT				
				CN	CPP		162,000	
				Project Cost:		0	162,000	0

COUNTY PRIORITY PROJECTS PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>			
Webster	90037	CR-1124	Resurface Old Dixon Slaughters	PL							
				DN							
				RW							
				UT							
				CN	CPP		228,000				
				Project Cost:					0	228,000	0
Webster	90038	CR-1128	Resurface Gooch Jones	PL							
				DN							
				RW							
				UT							
				CN	CPP		125,000				
				Project Cost:					0	125,000	0
Webster	90039	CR-3133	Resurface Baptist Hill	PL							
				DN							
				RW							
				UT							
				CN	CPP		96,000				
				Project Cost:					0	96,000	0
Webster	90040	CR-1107	Resurface Ritz Road	PL							
				DN							
				RW							
				UT							
				CN	CPP		98,000				
				Project Cost:					0	98,000	0
Webster	90041	CR-1029	Resurface JZ Shelton	PL							
				DN							
				RW							
				UT							
				CN	CPP		108,000				
				Project Cost:					0	108,000	0

COUNTY PRIORITY PROJECTS PLAN

1077

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Webster	90042	CR-1056	Resurface Poole Mill Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		62,000	
				Project Cost:		0	62,000	0
Total for Webster county				PL				
				DN				
				RW				
				UT				
				CN			1,378,000	
				Total Amounts:		0	1,378,000	0
Whitley	90043	CR-1792	Resurface Oak Dale Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		30,000	
				Project Cost:		0	30,000	0
Whitley	90044	CR-1434	Resurface Rosetown Church Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		90,000	
				Project Cost:		0	90,000	0
Whitley	90045	CR-1240	Resurface Lydia Haun	PL				
				DN				
				RW				
				UT				
				CN	CPP		49,000	
				Project Cost:		0	49,000	0

COUNTY PRIORITY PROJECTS PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Whitley	90048	CR-1445	Resurface Brays Chapel	PL				
				DN				
				RW				
				UT				
				CN	CPP		87,000	
				Project Cost:		0	87,000	0
Whitley	90049	CR-1208	Resurface Tiny Branch Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		287,000	
				Project Cost:		0	287,000	0
Total for Whitley county				PL				
				DN				
				RW				
				UT				
				CN		0	543,000	0
				Total Amounts:		0	543,000	0
Woodford	90025	CR-1106	Resurface Dry Ridge Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		95,000	
				Project Cost:		0	95,000	0
Woodford	90026	CR-1004	Resurface Paynes Mill Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		115,000	
				Project Cost:		0	115,000	0

COUNTY PRIORITY PROJECTS PLAN

1079

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Woodford	90027	CR-1004	Resurface Paynes Mill Road	PL				
				DN				
				RW				
				UT				
				CN	CPP		95,000	
				Project Cost:		0	95,000	0
Total for Woodford county				PL				
				DN				
				RW				
				UT				
				CN			305,000	
				Total Amounts:		0	305,000	0

COUNTY PRIORITY PROJECTS PLAN**Biennium Fund Summary**

Fund	Description	FY 2025	FY 2026	Total
CPP	COUNTY PRIORITY PROJECTS	19,991,000	0	19,991,000
Total Amount		19,991,000	0	19,991,000

COUNTY PRIORITY PROJECTS PLAN

Fund Summary

Fund	Description	FY 2024	FY 2025	FY 2026	Total
CPP	COUNTY PRIORITY PROJECTS	0	19,991,000	0	19,991,000
Total Amount		0	19,991,000	0	19,991,000

CHAPTER 148**(HB 264)**

AN ACT making appropriations for the operations, maintenance, support, and functioning of the Judicial Branch of the government of the Commonwealth of Kentucky and its various officers, boards, commissions, subdivisions, and other state-supported activities.

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

➔Section 1. The Judicial Branch Budget is as follows:

PART I**OPERATING BUDGET**

(1) **Funds Appropriations:** There is appropriated out of the General Fund, Restricted Funds accounts, or Federal Funds accounts for the fiscal year beginning July 1, 2023, and ending June 30, 2024, for the fiscal year beginning July 1, 2024, and ending June 30, 2025, and for the fiscal year beginning July 1, 2025, and ending June 30, 2026, the following sums to be used for the purposes of the Judicial Branch of the government of the Commonwealth of Kentucky, including the Supreme Court, Court of Appeals, Circuit Court, Family Court, District Court, the Administrative Office of the Courts, Judicial Retirement, Local Facilities Fund, Local Facilities Use Allowance Contingency Fund, and for services performed by the Circuit Court Clerks' offices, including both Circuit and District Court support.

A. JUDICIAL BRANCH**Budget Units****1. COURT OF JUSTICE****a. Court Operations and Administration**

	2024-25	2025-26
General Fund	317,432,400	327,717,500
Restricted Funds	51,368,700	52,118,600
Federal Funds	3,486,600	1,817,800
TOTAL	372,287,700	381,653,900

(1) **Civil Filing Fees:** Pursuant to its authority, if the Supreme Court retains the increases in civil filing fees that were effective in 2008 and 2018, the additional income resulting from the fee increases, not to exceed \$15,468,100 in each fiscal year, shall be deposited into a trust and agency account for court operations and salaries for non-elected personnel. Any revenue generated by these increases in excess of the \$15,468,100 in each fiscal year shall be deposited into the General Fund.

(2) **Mental Health Court Expansion:** Included in the above General Fund appropriation is \$1,587,900 in fiscal year 2024-2025 and \$1,491,900 in fiscal year 2025-2026 for expansion of mental health court by ten sites, including Bourbon, Scott, and Woodford Counties.

(3) **Additional Positions:** Included in the above General Fund appropriation is \$563,500 in fiscal year 2024-2025 and \$528,500 in fiscal year 2025-2026 to support additional positions.

(4) **Utilization of Video Arraignment Technology:** (a) Notwithstanding any statute to the contrary, courts shall use the video arraignment system set forth in 2021 Ky. Acts ch. 194, sec. 14, (1), (a), when available.

(b) Notwithstanding any statute to the contrary, if a court does not use the video arraignment system referenced in paragraph (a) of this subsection, when available, the Administrative Office of the Courts shall be responsible for the costs associated with transporting prisoners to and from arraignments.

b. Local Facilities Fund

	2024-25	2025-26
General Fund	132,775,500	138,318,600

(1) **Local Facility Projects:** Included in the above General Fund appropriation is \$3,219,100 in fiscal year 2024-2025 and \$8,207,200 in fiscal year 2025-2026 to support the use allowance, operating, and non-recurring furniture and equipment costs for six judicial centers authorized by the 2020 General Assembly and two judicial center projects authorized by the 2022 General Assembly.

(2) **Local Court Facility Compensation:** Included in the above General Fund appropriation are moneys to compensate local units of government for providing court space and for costs incurred in the development of local court facilities as defined in KRS Chapter 26A and provided for in Part II, Capital Projects Budget, of this Act, and to perform all other acts required or authorized by KRS Chapter 26A.

(3) **Use Allowance Payments to Counties:** Pursuant to KRS 26A.090(2), beginning with court facility construction or renovation projects authorized by the 2000 Regular Session of the General Assembly and all subsequent court facility projects, use allowance payments are restricted to the court's proportional share of the annual principal and interest costs in connection with the construction or renovation of the facility, not to exceed the authorized annual use allowance.

(4) **Court Facility Maintenance Fund:** (a) Notwithstanding KRS 26A.090(2), when there is no debt on court facility construction or renovation projects authorized prior to the 2000 Regular Session of the General Assembly, use allowance is restricted to compensation equal to two percent annually of capital costs to be paid to the county unit of government and two percent annually to be retained by the Administrative Office of the Courts and directed to a separate fund specifically for maintenance of court facilities.

(b) The fund created pursuant to paragraph (a) of this subsection shall be used for routine, ongoing, planned, and unanticipated maintenance for court facilities.

(c) Notwithstanding KRS 45.750, any maintenance project estimated to cost \$3,000,000 or less for a local court facility is not considered to be a capital project requiring authorization of the General Assembly in the Judicial Branch Budget and may be completed using funds appropriated to the Judicial Branch for maintenance of local facilities or other agency funds of the Judicial Branch.

(5) **Maintenance Pool:** Included in the above General Fund appropriation is \$3,000,000 in each fiscal year to create a maintenance pool for planned and unanticipated non-capital projects for local courthouses and judicial centers.

(6) **Debt Service:** Included in the above General Fund appropriation is \$570,000 in fiscal year 2024-2025 and \$1,140,000 in fiscal year 2025-2026 to support debt service for new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(7) **Additional Use Allowance:** Included in the above General Fund appropriation is \$1,462,200 in each fiscal year to support additional use allowance for previously authorized courthouse projects in Butler, Clinton, and Crittenden counties.

(8) **Asset Preservation Pool - HVAC, Roof, and Electrical Upgrades:** The Administrative Office of the Courts shall prepare a report on the Asset Preservation - HVAC, Roof, Electrical project authorized in Part II, Capital Projects Budget, of this Act, including but not limited to the projects funded in the asset preservation pool, the current status of each project and projected completion date, and the amount expended on each project and for the pool in total. The Administrative Office of the Courts shall submit this report on a quarterly basis beginning November 1, 2024, to the Interim Joint Committee on Appropriations and Revenue.

(9) **Asset Preservation Pool – Renovations:** The Administrative Office of the Courts shall prepare a report on the Asset Preservation - Renovations project authorized in Part II, Capital Projects Budget, of this Act, including but not limited to the projects funded in the asset preservation pool, the current status of each project and projected completion date, and the amount expended on each project and for the pool in total. The Administrative Office of the Courts shall submit this report on a quarterly basis beginning November 1, 2024, to the Interim Joint Committee on Appropriations and Revenue.

(10) **Metcalfe County Courthouse:** Included in the above General Fund appropriation is \$15,000 in fiscal year 2024-2025 to construct a statue on the courthouse grounds of the Metcalfe County Courthouse. Notwithstanding any statute to the contrary, the Metcalfe County Courthouse shall be named the Tom Emberton Metcalfe County Courthouse.

c. Local Facilities Use Allowance Contingency Fund

(1) **Funds Carry Forward:** Notwithstanding KRS 45.229, any unexpended balance remaining at the close of fiscal year 2023-2024 shall not lapse and shall continue into fiscal year 2024-2025, and any unexpended balance

remaining at the close of fiscal year 2024-2025 shall not lapse and shall continue into fiscal year 2025-2026 to provide for cost overruns in authorized court facilities projects not to exceed 15 percent of the use allowance in accordance with KRS Chapter 26A.

TOTAL – COURT OF JUSTICE

	2024-25	2025-26
General Fund	450,207,900	466,036,100
Restricted Funds	51,368,700	52,118,600
Federal Funds	3,486,600	1,817,800
TOTAL	505,063,200	519,972,500

2. JUDICIAL FORM RETIREMENT SYSTEM

	2024-25	2025-26
General Fund	660,000	703,000
Restricted Funds	691,900	693,900
TOTAL	1,351,900	1,396,900

(1) Administrative Expenses: Pursuant to KRS 21.540, administrative expenses shall be paid out of an administrative account which shall be funded by transfers of the necessary moneys, in appropriate ratio, from the funds described in KRS 21.550 and 21.560. Notwithstanding Part III, 7. of this Act, Restricted Funds appropriations may be increased to ensure sufficient funding to support the Judicial Form Retirement System.

(2) Pension Benefit Increase: Notwithstanding KRS 21.405(5), no pension benefit increase shall be granted to recipients of a retirement allowance under KRS 21.345 to 21.580 on July 1, 2024, or July 1, 2025.

TOTAL - JUDICIAL BRANCH

	2024-25	2025-26
General Fund	450,867,900	466,739,100
Restricted Funds	52,060,600	52,812,500
Federal Funds	3,486,600	1,817,800
TOTAL	506,400,100	521,369,400

PART II

CAPITAL PROJECTS BUDGET

(1) Authorization of Capital Projects: It is the intent of the General Assembly that any capital project proposed by any state government entity, including the agencies and subdivisions of the Court of Justice, shall be authorized by the General Assembly prior to the project's financing and construction, in accordance with KRS 7A.010, 7A.120, 45.750, 45.760, 45.763, 45.765, and 48.110. Pursuant to KRS 45.760(1), the amount allotted, from all sources, for expenditure on any capital project, including leases as defined by KRS 45.750, shall not exceed the estimated cost as shown in this Act.

(2) Capital Projects and Bond Oversight Committee: Capital construction projects and major items of equipment that are not specifically listed in this Act may be authorized only after submission of the project to the Capital Projects and Bond Oversight Committee and in accordance with the other requirements of KRS 45.760(7). Moneys may be transferred to the allotment account of any capital project only after submission of the project to the Capital Projects and Bond Oversight Committee and in accordance with the other requirements of KRS 45.760(6). As required by KRS 45.760, all capital construction items authorized in this Act shall be constructed in accordance with this Act, supporting documentation considered by the General Assembly, and Judicial Branch budget records. Any modifications to the scope of a capital construction project or to a lease shall be reported to the Capital Projects and Bond Oversight Committee before execution.

(3) Court Facility Planning Process: A feasibility study completed by a certified architect not otherwise involved with the project shall be provided to the Project Development Board to assist in making a determination whether the needs of the community and the Court of Justice can best be met through the construction of a freestanding building, or through an addition and/or renovation of the existing court facility.

(4) Deferred Funding: (a) General Fund support to provide operating costs totaling \$240,000 and annualized use allowance payments totaling \$2,352,900 and \$500,000 for nonrecurring equipment and furniture costs for the Owsley County project is deferred to the 2026-2028 biennium.

(b) General Fund support to provide operating costs totaling \$311,000 and annualized use allowance payments totaling \$3,020,500 and \$500,000 for nonrecurring equipment and furniture costs for the Greenup County project is deferred to the 2026-2028 biennium.

(c) General Fund support to provide operating costs totaling \$470,000 and annualized use allowance payments totaling \$4,551,700 and \$500,000 for nonrecurring equipment and furniture costs for the Knox County project is deferred to the 2026-2028 biennium.

(d) General Fund support to provide operating costs totaling \$600,000 and annualized use allowance payments totaling \$5,803,600 and \$1,000,000 for nonrecurring equipment and furniture costs for the Clark County project is deferred to the 2026-2028 biennium.

(e) General Fund support to provide operating costs totaling \$290,000 and annualized use allowance payments totaling \$2,826,600 and \$500,000 for nonrecurring equipment and furniture costs for the Caldwell County project is deferred to the 2026-2028 biennium.

(f) It is the intent of the General Assembly that the projects in paragraphs (a), (b), (c), (d), and (e) of this subsection shall be funded using resources previously appropriated for projects that no longer require use allowance debt payments in the 2026-2028 fiscal biennium.

(5) Local Facilities Use Allowance Contingency Fund: For any court facility project which is occupied and use allowance funding is insufficient, the use allowance payments shall be approved from the Local Facilities Use Allowance Contingency Fund. If funds are not available in the Local Facilities Use Allowance Contingency Fund, the Chief Justice may transfer funds from other Judicial Branch accounts to make the necessary payments.

(6) Facility Title: Pursuant to KRS Chapter 26A, Hardin County shall accept title to the facility as set out in 2022 Ky. Acts ch. 162, Part II, A., 2., 004., Hardin County – HVAC Project, within six months of notification by the Administrative Office of the Courts of the completion of the project.

(7) Critical and High Category Court Facilities: The Court of Justice is authorized to proceed with the planning, design, and construction of four courthouses that are currently identified as Critical or High need by the Administrative Office of the Courts' Courthouse Assessment County Ranking, created pursuant to KRS 26A.160, in a county where the General Assembly has approved a new judgeship that has taken office within the previous four years or in a county with special needs for office space for an appellate judge and/or where the circuit clerk's office is in a different building than the current building in which court takes place, while taking population into consideration.

A. JUDICIAL BRANCH

Budget Units	2024-25	2025-26
1. LOCAL FACILITIES FUND		
Project	Project Scope	
001. Owsley	28,015,000	
002. Greenup	35,330,000	
003. Knox	53,255,000	
004. Clark	67,910,000	
005. Caldwell	33,060,000	
006. Construction - Court of Appeals		
Bond Funds	14,100,000	-0-
007. Asset Preservation - HVAC, Roof, Electrical		
General Fund	47,080,000	-0-
008. Asset Preservation - Renovations		
General Fund	6,420,000	-0-

2. LEASE AUTHORIZATIONS

- 001. Franklin County - Lease - Court of Appeals
- 002. Jefferson County - Lease - Parking
- 003. Madison County - Lease - Family Court

PART III

GENERAL PROVISIONS

1. **Expenditure Authority:** The Director of the Administrative Office of the Courts, with the approval of the Chief Justice, may expend any of the funds appropriated for court operations and administration in any lawful manner and for any legal purpose that the Chief Justice shall authorize or direct. No executive agency of state government shall have the power to restrict or limit the expenditure of funds appropriated to the Judicial Branch of government, except that funds appropriated in this Act shall not be expended for any purpose not specifically authorized by the General Assembly in this Act. The Court of Justice shall prepare a report of actual expenditures citing specific statutory or budgetary authorization for the reported expenditures and detailing expenditures for the Supreme Court, Court of Appeals, Circuit Court, Family Court, District Court, Administrative Office of the Courts, Judicial Retirement, Local Facilities Fund, Local Facilities Use Allowance Contingency Fund, and for services performed by the Circuit Court Clerks' offices. The Court of Justice shall provide this report on a quarterly basis to the Interim Joint Committee on Appropriations and Revenue.

2. **Severability of Budget Provisions:** Appropriation items and sums in this Act conform to KRS 48.311. If any section, any subsection, or any provision thereof shall be invalid or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions.

3. **Duplicate Appropriations:** Any appropriation item and sum in this Act and in an appropriation provision in another Act of the 2024 Regular Session of the General Assembly which constitutes a duplicate appropriation shall be governed by KRS 48.312.

4. **Priority of Individual Appropriations:** KRS 48.313 shall control when a total or subtotal figure in this Act conflicts with the sum of the appropriations of which it consists.

5. **Carry Forward of Funds:** Notwithstanding KRS 45.229, any unexpended balance remaining at the close of the fiscal years ending June 30, 2024, June 30, 2025, and June 30, 2026, shall not lapse and shall continue into the next fiscal year.

6. **Final Budget Document:** The Director of the Administrative Office of the Courts shall prepare a final budget document reflecting the 2024-2026 biennial budget of the Court of Justice. A copy shall be provided to the Legislative Research Commission, and an informational copy shall be furnished to the Finance and Administration Cabinet, within 60 days of the adjournment of the 2024 Regular Session of the General Assembly.

7. **Appropriations Revisions:** Notwithstanding KRS 48.630(10), no revisions for unbudgeted Restricted Funds appropriations for expenditure shall be allotted or expended that have not been appropriated in any enacted branch budget bill or without the express authority of the General Assembly. Proposed revisions to unbudgeted Federal Funds appropriations for expenditure in this Act shall be made and reported to the Interim Joint Committee on Appropriations and Revenue. The Director of the Administrative Office of the Courts shall notify, on a timely basis, the Legislative Research Commission of the most current estimates of anticipated receipts for the affected fiscal year and an accompanying statement which explains variations from the anticipated amount.

8. **Maximum Salary of Trial Commissioners:** Notwithstanding KRS 24A.100(3), no trial commissioner shall be compensated at a rate greater than \$6,000 per year. No funding is provided for trial commissioners commissioned in counties with a residing District Judge.

9. **Authorized Personnel Complement:** On July 1, 2024, the Administrative Office of the Courts shall establish a record for each budget unit of authorized permanent full-time and all other positions based upon the enacted Judicial Budget of the Commonwealth and any adjustments authorized by provisions in this Act. The total number of filled permanent full-time and all other positions shall not exceed the authorized complements pursuant to this section. The Director of the Administrative Office of the Courts may request an increase in the number of authorized positions to the Chief Justice. Upon approval, the Administrative Office of the Courts may authorize the employment of individuals in addition to the authorized complement. A report of the actions authorized in this section shall be provided to the Interim Joint Committee on Appropriations and Revenue on a monthly basis.

10. Debt Restructuring: Notwithstanding any other provision of the Kentucky Revised Statutes, use allowance payments shall not be amended to reflect debt restructuring transactions undertaken by a county during the 2024-2026 fiscal biennium.

11. Court Facility Maintenance Fund Report: For each of the periods ending June 30, 2024, June 30, 2025, and June 30, 2026, the Director of the Administrative Office of the Courts shall prepare a court facility maintenance report. This report shall detail all court facility maintenance undertaken by the Court of Justice, to include any cost-sharing with counties, as well as detail regarding future maintenance needs. This report shall include a statewide expenditure summary followed by individual county expenditures detailing the state's and county's respective share of expenditures. The Administrative Office of the Courts shall provide this report to the Interim Joint Committee on Appropriations and Revenue by September 15 of each fiscal year.

12. Biennial Audits: The Auditor of Public Accounts shall have the right to review, upon request, the accountant's work papers.

13. Budgetary Restructuring: The Court of Justice shall prepare a report to be submitted to the Interim Joint Committee on Appropriations and Revenue by September 1 of each fiscal year detailing the existing budget processes of the Court of Justice and the actual expenditure of funds from the prior fiscal year and budgeted expenditures for the current fiscal year by fund source and individual location or office, for the Supreme Court, Court of Appeals, Circuit Court, Family Court, District Court, Administrative Office of the Courts, Judicial Retirement, Local Facilities Fund, Local Facilities Use Allowance Contingency Fund, and for services performed by the Circuit Court Clerks' offices.

14. Unexpended Use Allowance: Notwithstanding any provision of the Kentucky Revised Statutes, any General Fund moneys appropriated for project-related expenses or use allowance payments in fiscal years 2024-2025 and 2025-2026 that are not expended specifically for project-related expenses or use allowance payments in the fiscal year in which appropriated shall be transferred to the Budget Reserve Trust Fund Account (KRS 48.705).

15. Salary Increase for Personnel: Notwithstanding KRS 64.480(2), included in the General Fund, Restricted Funds, and Federal Funds appropriations in Part I of this Act are sufficient funds to support a three percent salary increase on the base salary and wages of each eligible employee effective July 1, 2024 and a three percent increase on the base salary or wages of each eligible employee effective July 1, 2025.

16. Juror Pay Study: The Administrative Office of the Courts shall study the potential ways an increase in juror pay can impact timely case disposition, including but not limited to juror attendance rates and a comparison of Kentucky's juror pay to surrounding states. The Finance and Administration Cabinet shall work with the Administrative Office of the Courts to determine the potential costs of implementing increased juror pay that is most likely to yield optimal rates for case disposition.

17. Application for Federal Funds: Notwithstanding any statute to the contrary, the Court of Justice shall report to the Interim Joint Committee on Appropriations and Revenue, within 30 days, any new federally funded programs for which funding had not previously been awarded without authorization by the General Assembly.

PART IV

BUDGET REDUCTION OR SURPLUS EXPENDITURE PLAN

The Judicial Branch shall participate in any Budget Reduction Plan or Surplus Expenditure Plan in accordance with KRS Chapter 48, except that obligations essential to the constitutional duties and use allowance of the Judicial Branch shall be exempt from any Budget Reduction Plan. The level of participation in a Budget Reduction Plan shall be at the discretion of the Chief Justice and shall not exceed the actual percentage of revenue shortfall.

Signed by Governor April 9, 2024.

CHAPTER 149

(HB 142)

AN ACT relating to products that contain nicotine.

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

➔Section 1. KRS 438.345 is repealed, reenacted as a new section of KRS Chapter 158, and amended to read as follows:

- (1) As used in this section:
 - (a) "Alternative nicotine product" has the same meaning as in KRS 438.305;
 - (b) "Tobacco product" has the same meaning as in KRS 438.305; and
 - (c) "Vapor product" has the same meaning as in KRS 438.305.
- (2) The use of any tobacco product, alternative nicotine product, or vapor product:
 - (a) Shall be prohibited for all persons and at all times on or in all property, including any vehicle, that is owned, operated, leased, or contracted for use by a local board of education;
 - (b) Shall be prohibited for all students while attending or participating in any school-related student trip or student activity; and
 - (c) Shall be prohibited for school district employees, volunteers, and all other individuals affiliated with a school while the user is attending or participating in any school-related student trip or student activity and is in the presence of a student or students.
- (3) ~~On or before July 1, 2020,~~ Each local board of education shall implement this section by adopting written policies that prohibit the use of tobacco products, alternative nicotine products, and vapor products pursuant to this section. The policies shall provide for:
 - (a) *The distribution of evidence-based, age-appropriate nicotine prevention and cessation material to all students of the district at the beginning of each school year;*
 - (b) *Access to evidence-based, age-appropriate nicotine prevention and cessation material throughout the school year for all students of the district;*
 - (c) Adequate notice regarding the policy to be provided to students, parents and guardians, school employees, and the general public;
 - ~~(d)(b)~~ A requirement to post signage on or in all property, including any vehicle, that is owned, operated, leased, or contracted for use by a local board of education, clearly stating that use of tobacco products, alternative nicotine products, and vapor products is prohibited at all times and by all persons on or in the property; and
 - ~~(e)(c)~~ A requirement that school employees enforce the policies.
- (4)
 - (a) A person ~~who violates~~ ~~in violation of~~ subsection (2) of this section, or policies adopted by a local board of education pursuant to subsection (3) of this section, shall be subject to penalties as set forth by the local board of education.
 - (b) *In the district's code of acceptable behavior and discipline formulated under KRS 158.148(5), each local board of education shall include a policy which, at a minimum, provides that if a student under the age of twenty-one (21) violates subsection (2) of this section, then the district will confiscate the alternative nicotine products, tobacco products, or vapor products and:*
 1. *For the first incident, the school counselor or other school-based mental health services provider shall provide to the parent or guardian and the student evidence-based, age-appropriate nicotine cessation information to include but not be limited to materials, programs, and referrals for treatment;*
 2. *A second incident shall result in providing information as required in subparagraph 1. of this paragraph and disciplinary action as determined by the board and included in the district's code of acceptable behavior and discipline; and*
 3. *The third and subsequent incidents may result in an in-school or out-of-school suspension of that student. The school shall provide the opportunity for a student to complete an evidence-based, age-appropriate nicotine education program during an in-school suspension.*
- (5) Nothing in this section shall be interpreted or construed to:
 - (a) Permit use of a tobacco product, alternative nicotine product, or vapor product, where it is otherwise restricted by this section, other state or federal law, administrative regulation, or executive order;

- (b) Prevent a local board of education or any other local governmental entity from adopting local ordinances, regulations, or policies relating to use of a tobacco product, alternative nicotine product, or a vapor product, in public places of employment, and nonenclosed areas, that are more restrictive than what is provided for in this section; or
 - (c) Repeal any existing local ordinances, regulations, or policies that provide restrictions on the use of a tobacco product, alternative nicotine product, or vapor product, in addition to those provided for in this section.
- (6) *By August 1, 2024, the department, after consultation with the Cabinet for Health and Family Services, shall post on its website nicotine awareness information to include but not be limited to the various types of products containing nicotine, the health issues associated with nicotine, and a list of evidence-based cessation programs available to school districts.*
- (7) *The department, regional educational cooperatives, and local boards of education may identify and apply for grant opportunities relating to nicotine usage, including but not limited to nicotine cessation, vaping, and tobacco products containing nicotine, and the health consequences of the use of nicotine products.*
- (8) *No later than August 1 of each year, each local board of education shall submit a report to the department that includes:*
- (a) *The number of behavior incidents for each product defined in subsection (1) of this section, listed by school and grade; and*
 - (b) *The number of incidents in paragraph (a) of this subsection for which medical intervention was provided, listed by school, grade, and product.*
- (9) *No later than September 1 of each year, the department shall submit a report to the Legislative Research Commission for referral to the Interim Joint Committee on Education that compiles all of the data required in subsection (8) of this section.* ~~*Each local board of education may choose, up to three (3) years after June 27, 2019, to opt out of subsections (2) to (4) of this section.*~~

Signed by Governor April 9, 2024.

CHAPTER 150

(HB 472)

AN ACT relating to residential planned communities.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 381 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
- (a) *"City" means any city, consolidated local government, urban-county government, or unified local government; and*
 - (b) *"Planned community" means a group of residential dwellings, excluding condominiums, composed of individual lots for which a deed, common plan, or other legal document requires that:*
 1. *All owners within the group become members of a homeowners' association;*
 2. *Owners, or the homeowners' association, hold or lease property or facilities for the benefit of all owners within the group; or*
 3. *Owners support by membership fees property or facilities for all owners within the group to use.*
- (2) *If a planned community, whether active or inactive, fails to maintain any infrastructure, common area, storm water detention or retention area, or other facility that it is legally obligated to maintain, any city in which the planned community is located may petition the Circuit Court of the jurisdiction in which the city lies for the appointment of a receiver to manage the affairs of the homeowners' association. The city shall*

serve notice of the filing of the petition on the governing authority of the planned community and each owner within the planned community. If the petition by a city for the appointment of a receiver is successful, the city seeking the appointment of a receiver shall be entitled to reimbursement of all costs, fees, and reasonable attorney's fees, as approved by the court.

- (3) *The receiver appointed pursuant to subsection (2) of this section shall have all the authority granted to the governing authority of the planned community by its governing documents, including the ability to impose and collect fees as authorized by, and in conformance with, its governing documents, and to contract for the ongoing renovation, maintenance, and upkeep of the legally obligated infrastructure, common areas, storm water detention or retention areas, or other facilities. The receiver shall be entitled to recover reasonable costs and fees for services as approved by the court.*
- (4) *If any city is required to expend funds to repair, renovate, maintain, or correct code violations of the infrastructure, common areas, storm water detention or retention areas, or other facilities for which the homeowners' association is legally responsible, the city may seek reimbursement for those costs from the receiver.*

Signed by Governor April 9, 2024.

CHAPTER 151

(HB 712)

AN ACT relating to economic development.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 148 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 5 of this Act, unless the context requires otherwise:

- (1) *"Authority" or "KORRRRA" means the Kentucky Ohio River Regional Recreation Authority established in Section 2 of this Act;*
- (2) *"Board" means the board of directors of KORRRRA;*
- (3) *"County" means a county, charter county, urban-county government, unified local government, or consolidated local government;*
- (4) *"Recreational Area" or "RA" means lands on which there is a system of recreational trails, including streams, rivers, and other waterways, and appurtenant facilities, including trailhead centers, parking areas, camping facilities, picnic areas, historic or cultural interpretive sites, and other facilities in Kentucky and designated by the KORRRRA as part of the RA;*
- (5) *"Land" means roads, water, watercourses, buildings, structures, and machinery or equipment thereon when attached to the realty;*
- (6) *"Landowner" means a tenant, lessee, occupant, or person in control of the premises;*
- (7) *"Participating county" means a county that has qualified under subsection (5) of Section 2 of this Act;*
- (8) *"Participating landowner" means a landowner who owns land in a participating county and has a contractual agreement with the KORRRRA for trail development as part of the RA;*
- (9) *"Recreational purposes" means all-terrain vehicle riding, bicycling, canoeing, hiking, horseback riding, hunting, kayaking, motorcycle riding, rock climbing, fishing, swimming, archaeological activities, nature study, off-highway vehicle driving, pleasure driving, watersports, winter sports, visiting or viewing historical or scenic sites, and otherwise using land for purposes pertaining to recreation or trail activities; and*
- (10) *"Target county" means Ballard, Boone, Boyd, Bracken, Breckinridge, Campbell, Carroll, Crittenden, Daviess, Gallatin, Greenup, Hancock, Hardin, Henderson, Jefferson, Kenton, Lewis, Livingston, Mason, McCracken, Meade, Oldham, Pendleton, Trimble, or Union County.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 148 IS CREATED TO READ AS FOLLOWS:

- (1) *The Kentucky Ohio River Regional Recreation Authority is hereby created and established as an independent, de jure municipal corporation and political subdivision of the Commonwealth and shall exercise all of the powers that a corporation may lawfully exercise under the laws of the Commonwealth. The authority shall be a public body corporate and politic and an instrumentality of the Commonwealth, established with all the general corporate powers incidental thereto. The authority shall be attached to the Kentucky Department for Local Government for administrative purposes only. The authority shall be authorized for an initial period of five (5) years from the effective date of this Act and may be renewed by the General Assembly. The authority may adopt by laws and administrative regulations, subject to KRS Chapter 13A, for the orderly conduct of its affairs.*
- (2) *The purpose of the authority is to establish, maintain, and promote a recreational trail system throughout the RA to increase economic development, tourism, and outdoor recreation for residents and visitors. The recreational trail system shall be located with significant portions of the system situated on private property made available for use through lease, license, easement, or other appropriate legal form by willing landowners.*
- (3) *The authority shall be governed by a board of directors consisting of representatives from participating counties and the Commonwealth as provided in this section.*
- (4) *The authority and the board shall become operational when eleven (11) target counties complete the requirements established by subsection (5)(a) of this section. When at least eleven (11) target counties become participating counties, the commissioner of the Department for Local Government shall notify the county judge/executive or consolidated local government mayor of each of the participating counties, as well as the board members described in subsection (6) of this section, that the requirements have been met for the authority and board to become operational. The commissioner shall also establish a date, time, and place for an initial organizational meeting of the board, and shall serve as interim chair of the initial organizational meeting until such time as a chair is elected. The chair shall be a resident of a participating county.*
- (5) *Any target county may become a participating county upon adoption of a resolution or ordinance by the governing body of the county specifically approving the county's participation in the KORRRA and submission of the adopted resolution or ordinance to:*
 - (a) *The commissioner of the Department for Local Government if the resolution or ordinance is adopted prior to the KORRRA becoming operational pursuant to subsection (4) of this section; or*
 - (b) *The KORRRA if the resolution or ordinance is adopted after KORRRA becomes operational.*
- (6) *The KORRRA board shall consist of the following members:*
 - (a) *The secretary of the Tourism, Arts and Heritage Cabinet or his or her designee;*
 - (b) *The commissioner of the Department for Local Government or his or her designee;*
 - (c) *The commissioner of the Department of Fish and Wildlife Resources or his or her designee;*
 - (d) *If an executive director of the authority has been employed under subsection (10) of this section, he or she shall serve as a nonvoting member, except in the event of a tie vote of the board;*
 - (e) *One (1) representative selected for each of the six (6) participating counties as provided in subsection (8) of this section, who shall be either:*
 1. *The county judge/executive or consolidated local government mayor; or*
 2. *The county judge/executive's designee or consolidated local government mayor's designee, who shall be an individual involved with economic development, tourism, recreation, or a related area within the county;*
 - (f) *One (1) state Representative who is from the KORRRA region shall serve as a nonvoting member, appointed to a two (2) year term by the Speaker of the Kentucky House of Representatives, and shall not serve another term consecutively with a prior term; and*
 - (g) *One (1) state Senator who is from the KORRRA region shall serve as a nonvoting member, appointed to two (2) year term by the President of the Kentucky Senate.*
- (7) *A county judge/executive or consolidated local government mayor shall only serve on the board while holding the office for which he or she was elected. If a county judge/executive or consolidated local*

government mayor ceases to serve as the county judge/executive or consolidated local government mayor prior to the end of his or her term, he or she shall be removed from the board, and his or her replacement as county judge/executive or consolidated local government mayor shall serve on the board for the remainder of the term.

- (8) (a) *The nine (9) voting members of the board shall be:*
1. *The six (6) county judges/executive, consolidated local government mayor, or their designees, from different KORRRA participating counties as described in subsection (6)(e) of this section;*
 2. *The secretary of the Tourism, Arts and Heritage Cabinet or his or her designee;*
 3. *The commissioner of the Department for Local Government or his or her designee; and*
 4. *The commissioner of the Department of Fish and Wildlife Resources or his or her designee.*
- (b) *The six (6) initial county representatives shall be the county judges/executive or consolidated local government mayor of Boone, Campbell, Daviess, Jefferson, Kenton, and Mason Counties or their designees in that order. The first three (3) representatives listed shall serve a three (3) year term as voting members, the next three (3) representatives shall serve a two (2) year term as voting members, and the remaining three (3) representatives shall serve a one (1) year term as voting members.*
- (c) *After each term ends, the voting county representative shall be replaced by one (1) of the county judges/executive, consolidated local government mayor, or his or her designee from one (1) of the target counties whose representative has not yet served as a voting member.*
- (d) *After the third year of operation, each new voting member shall serve a term of three (3) years, then step down and let a representative from a county whose representative has not served as a voting member take his or her place.*
- (e) *Once representatives from all participating counties within RA have each served one (1) term, the rotation shall begin again.*
- (9) (a) *The board shall meet at least once every quarter to elect officers, establish a regular meeting schedule, and perform other duties as may be prescribed in the authority's bylaws. The board chair may call special meetings at any time.*
- (b) *Notice of each meeting shall be made in writing and delivered to board members at least seven (7) days before the scheduled meeting date. Electronic mail is an acceptable form of notice of special meetings, so long as it is sent to directors at least seven (7) days before the scheduled meeting date.*
- (c) *Accommodations shall be made for remote attendance for each board meeting, whether regular or special, through means such as video conferencing, conference call, or similar services.*
- (d) *The presence of a majority of the total voting members of the KORRRA board shall constitute a quorum. Vacant board positions shall be counted against the quorum total necessary for board action.*
- (e) *Board meetings shall be held exclusively within the KORRRA participating counties, and each meeting shall be held in a different participating county until every participating county has hosted a meeting, at which time the cycle shall begin again.*
- (10) *The KORRRA board:*
- (a) *Shall elect a chair, vice chair, secretary, treasurer, and any other officers as established in the bylaws of the board;*
 - (b) *May appoint temporary and standing committees to accomplish the purposes of Sections 1 to 5 of this Act and shall clearly describe the role, responsibilities, and tenure of each committee so created;*
 - (c) *Shall adopt bylaws for the management and regulation of its affairs and all other matters necessary to effect proper management and accountability of the board. The bylaws shall include, at a minimum, the following:*
 1. *The powers and duties of the board's members and the manner and number of officers to be elected from among the board members; and*
 2. *The terms, conditions, and manner in which a board member will be removed.*

- (d) *Shall review and approve an annual budget;*
 - (e) *Shall ensure that all administrative costs for operating the authority are paid from funds accruing to the authority. The authority, its board, and its staff shall incur no liability or obligation beyond the extent to which revenues have been provided under Sections 1 to 5 of this Act;*
 - (f) *May seek administrative and management assistance through written agreement with state agencies, local area development districts, or local governing bodies until such time as the board has secured sufficient funding through grants, loans, fee systems, or any other funding source to hire staff; and*
 - (g) *Shall employ an executive director to act as its chief executive officer to serve at its will and pleasure.*
- (11) *The authority shall comply with the provisions of KRS Chapter 65A.*
- (12) *The executive director:*
- (a) *Shall be a person who is domiciled in a KORRRA participating county;*
 - (b) *May, with permission of the board and approval of the commissioner of the Department for Local Government or his or her designee, employ any other hourly personnel considered necessary and retain temporary services. Pay raises for any personnel shall require approval of the board and the commissioner of the Department for Local Government or his or her designee;*
 - (c) *Shall carry out plans to implement Sections 1 to 5 of this Act and to exercise those powers enumerated in the bylaws of the board;*
 - (d) *Shall, along with any staff with responsibilities so delegated by the executive director, ensure that all minutes, records, and orders of the authority and its board are complete and available for public inspection, if necessary;*
 - (e) *Shall prepare narrative and financial reports of the authority's fiscal obligations and submit these reports to the board at regularly scheduled meetings or as otherwise directed; and*
 - (f) *May cast a tiebreaking vote in board decisions, but shall not be permitted to cast a vote under any other circumstances. Until such time as an executive director is hired, the chairperson of the board shall make the final determination in the event of a tie vote of the board.*
- (13) *The executive director, all full-time or part-time personnel, all seasonal employees, and all contractual employees, if any, shall be paid from funds accruing to the authority and authorized in a budget approved by the board, unless the Department for Local Government has temporarily taken on the responsibility of paying any of those employees.*
- (14) *Board members shall serve without compensation, but may be reimbursed for actual and necessary travel expenses incurred in the performance of their duties, subject to Finance and Administration Cabinet administrative regulations. Board members may have their lodging reimbursed by KORRRA. Any reimbursement requests exceeding five hundred dollars (\$500) per person shall be submitted to the Department for Local Government for approval.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 148 IS CREATED TO READ AS FOLLOWS:

- (1) *The KORRRA shall:*
- (a) *Supervise the design and construction of trail systems within the RA and provide all management functions for the trails and for any other property built, acquired, or leased pursuant to its powers under Sections 1 to 5 of this Act;*
 - (b) *Construct, develop, manage, maintain, operate, improve, renovate, finance, or otherwise provide for recreational and trail-related activities and facilities on designated public lands and private lands of participating landowners who have voluntarily entered into use agreements with the board;*
 - (c) *Promote the growth and development of the trail system, tourism, and the hotel, restaurant, and entertainment industry within the RA and the Commonwealth, through marketing RA to enhance local economic and tourism development;*
 - (d) *Establish agreements with other persons, businesses, agencies, organizations, or any other entity to levy a surcharge on tickets for events, activities, festivals, or functions that are cosponsored with other entities and contribute to the authority's operating revenue; and*

- (e) *Procure insurance against any losses in connection with its property, licenses, easements, or contracts, including hold-harmless agreements, operations, or assets in such amounts and from such insurers as the board considers desirable.*
- (2) *The board's management program shall prioritize contractual arrangements with private landowners to use land for recreational purposes, which shall not diminish the participating landowner's interest, control, or profitability of the land. If necessary to implement a comprehensive trail system, the board may also contract with public landowners through contractual agreements that recognize the primary mission for which the public entity controls and manages the land.*
- (3) *The board may carry out any of the following to accomplish the purposes of Sections 1 to 5 of this Act:*
 - (a) *Acquire, own, and hold property, and all interests therein, by deed, purchase, gift, devise, bequest, or lease, or by transfer from the State Property and Buildings Commission, except that the authority shall not acquire property through the exercise of the power of eminent domain;*
 - (b) *Dispose of any property acquired in any manner provided by law;*
 - (c) *Lease property, whether as lessee or lessor, and acquire or grant through easement, license, or other appropriate legal form, the right to develop and use property and open it to the use of the public;*
 - (d) *Mortgage or otherwise grant security interests in its property;*
 - (e) *Maintain sinking funds and reserves as the board determines appropriate for the purposes of meeting future monetary obligations and needs of the authority; however, contributions to a sinking fund during a fiscal year shall not exceed ten percent (10%) of the total fees collected during the prior year;*
 - (f) *Sue and be sued, plead and be impleaded, and complain and defend in any court;*
 - (g) *Make contracts and execute instruments necessary for carrying on its business, including contracts with any Kentucky state agency, the federal government, or any person, individual, partnership, or corporation to effect any or all of the purposes of Sections 1 to 5 of this Act as follows:*
 - 1. *Contracts shall go through a public bidding process;*
 - 2. *Contracts for one thousand dollars (\$1,000) or more shall be sent, with at least three (3) bids from separate entities, to the Department for Local Government for review and final approval;*
 - 3. *Bids from entities with KORRRRA participating counties are to be given preference over competing bidders from outside of KORRRRA participating counties; and*
 - 4. *If the Department for Local Government has not given a response in the form of an approval or rejection after five (5) business days from the date the department received the contract to be reviewed, it shall be considered approved;*
 - (h) *Accept grants and loans from and enter into contracts and other transactions with any federal agency, regional commission, or state agency for accomplishing the purposes of Sections 1 to 5 of this Act;*
 - (i) *Borrow money and issue bonds, security interests, or notes;*
 - (j) *Provide for and secure the payment of the bonds, security interests, or notes;*
 - (k) *Provide for the rights of the holders of the bonds, security interests, or notes;*
 - (l) *Purchase, hold, and dispose of any of its bonds, security interests, or notes;*
 - (m) *Accept gifts or grants of property, security interests, money, labor, supplies, or services from any governmental unit or from any person, firm, or corporation;*
 - (n) *Establish a regional recreational trail system based upon contracts and agreements with participating landowners. The board may enter into contracts with landowners, and other persons holding an interest in the land being used for its recreational facilities, to hold those landowners harmless with respect to any claim in tort growing out of the use of the land for public recreation or growing out of the recreational activities operated or managed by the board from any claim, except a claim for damages proximately caused by the willful or malicious conduct of the landowner or any of his or her agents or employees;*

- (o) 1. *Establish a fee-based system of permits, user registrations, or other trail or facility access mechanisms.*
- 2. *The fees may be imposed for access to and use of the trails, parking facilities, visitor centers, or other trail-related recreational purpose facilities or recreation activities that are part of the RA or as an admission to an event.*
- 3. *The fees shall be decided by the board.*
- 4. *The KORRRA shall retain and use the revenue from fees for any purposes consistent with Sections 1 to 5 of this Act and within the guidelines in subsection (4) of this section;*
- (p) *Promulgate administrative regulations in accordance with KRS Chapter 13A to govern use and maintenance of the RA and any other matters for effective management of the RA;*
- (q) *Cooperate and contract with the regional recreation authorities of Illinois, Indiana, Ohio, West Virginia, and other contiguous states to connect the trails in Kentucky with similar recreation facilities in those states; and*
- (r) *Exercise all of the powers that a corporation may lawfully exercise under the laws of the Commonwealth.*
- (4) *The fees collected by the KORRRA are to be used within the following guidelines;*
 - (a) *To pay the salary of the executive director and all staff of the KORRRA;*
 - (b) *To reimburse travel expenses of board members including lodging, subject to Finance and Administration Cabinet administrative regulations;*
 - (c) *To fund the construction, maintenance, and all necessary expenses of the KORRRA trail system;*
 - (d) *To maintain a sinking fund with contributions to the fund during a fiscal year not to exceed ten percent (10%) of the total fees collected during the prior year and the total fund not to exceed a balance of one million dollars (\$1,000,000) at the end of any fiscal year; and*
 - (e) *Any remaining moneys not already appropriated in accordance with Sections 1 to 5 of this Act at the end of the fiscal year are to be sent to the Department for Local Government to be placed into an account to be used exclusively for economic development grants in KORRRA participating counties. These grants shall give preference to projects in economically distressed counties, then to at-risk counties, then to transitional counties, as defined by Kentucky Council of Area Development Districts.*
- (5) *Nothing in this section shall be construed as a waiver of sovereign immunity.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 148 IS CREATED TO READ AS FOLLOWS:

- (1) *Revenue bonds and revenue refunding bonds of the authority issued under Sections 1 to 5 of this Act do not constitute a debt of the Commonwealth or of any political subdivision of the Commonwealth or a pledge of the faith and credit of the Commonwealth or of any political subdivision, but the bonds shall be payable solely from the funds provided for in Sections 1 to 5 of this Act from revenues resulting from the issuance of bonds.*
- (2) *All bonds shall contain on the face of the bond a statement to the effect that neither the Commonwealth nor any political subdivision of the Commonwealth is obligated to pay the bond or the interest on the bond, except from revenues of the recreational project or projects for which they are issued, and that neither the faith or credit nor the taxing power of the Commonwealth or any political subdivision of the Commonwealth is pledged to the payment of the principal or the interest on the bonds.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 148 IS CREATED TO READ AS FOLLOWS:

A participating landowner who has a contractual agreement with the KORRRA for use of private land as part of the RA does not waive any protection granted to the landowner by KRS 411.190.

➔Section 6. KRS 147A.090 is amended to read as follows:

Each district board of directors shall have the power, duty, and authority to:

- (1) Establish such functional advisory committees as may be necessary and advisable. These functional advisory committees shall be organized to meet such guidelines as may be required for federal or state assistance;

- (2) Conduct the necessary research and studies and coordinate and cooperate with all appropriate groups and agencies in order to develop, and adopt and revise, when necessary, a district development plan or series of plans, including, but not limited to, the following districtwide plan elements: goals and objectives; water and sewer; land-use; and open space and recreation. Such plans shall serve as a general guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationships;
- (3) Prepare annually a report of its activities to the cities and counties within the district, the legislature, and the Governor. The board shall make copies of the report available to members of the public within the district;
- (4) Comply with the provisions of KRS 65A.010 to 65A.090;~~and~~
- (5) Cooperate with the Kentucky Mountain Regional Recreation Authority established in KRS 148.0222 for the purpose of establishing, maintaining, and promoting recreational trails to increase economic development, tourism, and outdoor recreation for Kentucky's residents and visitors, not only in eastern Kentucky but throughout the Commonwealth; *and*
- (6) ***Cooperate with the Kentucky Ohio River Regional Recreation Authority established in Section 2 of this Act for the purpose of establishing, maintaining, and promoting recreational trails to increase economic development, tourism, and outdoor recreation for Kentucky's residents and visitors, not only along the Ohio River but throughout the Commonwealth.***

➔Section 7. KRS 241.010 is amended to read as follows:

As used in KRS Chapters 241 to 244, unless the context requires otherwise:

- (1) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl or spirit of wine, from whatever source or by whatever process it is produced;
- (2) "Alcoholic beverage" means every liquid, solid, powder, or crystal, whether patented or not, containing alcohol in an amount in excess of more than one percent (1%) of alcohol by volume, which is fit for beverage purposes. It includes every spurious or imitation liquor sold as, or under any name commonly used for, alcoholic beverages, whether containing any alcohol or not. It does not include the following products:
 - (a) Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia, National Formulary, or the American Institute of Homeopathy;
 - (b) Patented, patent, and proprietary medicines;
 - (c) Toilet, medicinal, and antiseptic preparations and solutions;
 - (d) Flavoring extracts and syrups;
 - (e) Denatured alcohol or denatured rum;
 - (f) Vinegar and preserved sweet cider;
 - (g) Wine for sacramental purposes; and
 - (h) Alcohol unfit for beverage purposes that is to be sold for legitimate external use;
- (3) (a) "Alcohol vaporizing device" or "AWOL device" means any device, machine, or process that mixes liquor, spirits, or any other alcohol product with pure oxygen or by any other means produces a vaporized alcoholic product used for human consumption;
- (b) "Alcohol vaporizing device" or "AWOL device" does not include an inhaler, nebulizer, atomizer, or other device that is designed and intended by the manufacturer to dispense a prescribed or over-the-counter medication or a device installed and used by a licensee under this chapter to demonstrate the aroma of an alcoholic beverage;
- (4) "Automobile race track" means a facility primarily used for vehicle racing that has a seating capacity of at least thirty thousand (30,000) people;
- (5) "Barrel-aged and batched cocktail" means an alcoholic beverage that is:
 - (a) Composed of:
 1. Distilled spirits that have been dispensed from their original sealed container; and
 2. Other ingredients or alcoholic beverages;

- (b) Placed into a barrel or container on the premises of a retail licensee; and
 - (c) Dispensed from the barrel or container as a retail sale by the drink;
- (6) "Bed and breakfast" means a one (1) family dwelling unit that:
- (a) Has guest rooms or suites used, rented, or hired out for occupancy or that are occupied for sleeping purposes by persons not members of the single-family unit;
 - (b) Holds a permit under KRS Chapter 219; and
 - (c) Has an innkeeper who resides on the premises or property adjacent to the premises during periods of occupancy;
- (7) "Board" means the State Alcoholic Beverage Control Board created by KRS 241.030;
- (8) "Bottle" means any container which is used for holding alcoholic beverages for the use and sale of alcoholic beverages at retail;
- (9) "Brewer" means any person who manufactures malt beverages or owns, occupies, carries on, works, or conducts any brewery, either alone or through an agent;
- (10) "Brewery" means any place or premises where malt beverages are manufactured for sale, and includes all offices, granaries, mash rooms, cooling rooms, vaults, yards, and storerooms connected with the premises; or where any part of the process of the manufacture of malt beverages is carried on; or where any apparatus connected with manufacture is kept or used; or where any of the products of brewing or fermentation are stored or kept;
- (11) "Building containing licensed premises" means the licensed premises themselves and includes the land, tract of land, or parking lot in which the premises are contained, and any part of any building connected by direct access or by an entrance which is under the ownership or control of the licensee by lease holdings or ownership;
- (12) "Caterer" means a person operating a food service business that prepares food in a licensed and inspected commissary, transports the food and alcoholic beverages to the caterer's designated and inspected banquet hall or to an agreed location, and serves the food and alcoholic beverages pursuant to an agreement with another person;
- (13) "Charitable organization" means a nonprofit entity recognized as exempt from federal taxation under section 501(c) of the Internal Revenue Code (26 U.S.C. sec. 501(c)) or any organization having been established and continuously operating within the Commonwealth of Kentucky for charitable purposes for three (3) years and which expends at least sixty percent (60%) of its gross revenue exclusively for religious, educational, literary, civic, fraternal, or patriotic purposes;
- (14) "Cider" means any fermented fruit-based beverage containing seven percent (7%) or more alcohol by volume and includes hard cider and perry cider;
- (15) "City administrator" means city alcoholic beverage control administrator;
- (16) "Commercial airport" means an airport through which more than five hundred thousand (500,000) passengers arrive or depart annually;
- (17) (a) "Commercial quadricycle" means a vehicle equipped with a minimum of ten (10) pairs of fully operative pedals for propulsion by means of human muscular power and which:
- 1. Has four (4) wheels;
 - 2. Is operated in a manner similar to that of a bicycle;
 - 3. Is equipped with a minimum of thirteen (13) seats for passengers;
 - 4. Has a unibody design;
 - 5. Is equipped with a minimum of four (4) hydraulically operated brakes;
 - 6. Is used for commercial tour purposes;
 - 7. Is operated by the vehicle owner or an employee of the owner; and
 - 8. Has an electrical assist system that shall only be used when traveling to or from its storage location while not carrying passengers.

- (b) A "commercial quadricycle" is not a motor vehicle as defined in KRS 186.010 or 189.010;
- (18) "Commissioner" means the commissioner of the Department of Alcoholic Beverage Control;
- (19) "Consumer" means a person, persons, or business organization who purchases alcoholic beverages and who:
 - (a) Does not hold a license or permit issued by the department;
 - (b) Purchases the alcoholic beverages for personal consumption only and not for resale;
 - (c) Is of lawful drinking age; and
 - (d) Receives the alcoholic beverages in territory where the alcoholic beverages may be lawfully sold or received;
- (20) "Convention center" means any facility which, in its usual and customary business, provides seating for a minimum of one thousand (1,000) people and offers convention facilities and related services for seminars, training and educational purposes, trade association meetings, conventions, or civic and community events or for plays, theatrical productions, or cultural exhibitions;
- (21) "Convicted" and "conviction" means a finding of guilt resulting from a plea of guilty, the decision of a court, or the finding of a jury, irrespective of a pronouncement of judgment or the suspension of the judgment;
- (22) "County administrator" means county alcoholic beverage control administrator;
- (23) "Department" means the Department of Alcoholic Beverage Control;
- (24) "Dining car" means a railroad passenger car that serves meals to consumers on any railroad or Pullman car company;
- (25) "Discount in the usual course of business" means price reductions, rebates, refunds, and discounts given by wholesalers to distilled spirits and wine retailers pursuant to an agreement made at the time of the sale of the merchandise involved and are considered a part of the sales transaction, constituting reductions in price pursuant to the terms of the sale, irrespective of whether the quantity discount was:
 - (a) Prorated and allowed on each delivery;
 - (b) Given in a lump sum after the entire quantity of merchandise purchased had been delivered; or
 - (c) Based on dollar volume or on the quantity of merchandise purchased;
- (26) "Distilled spirits" or "spirits" means any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by KRS Chapter 242 obtained by distilling, mixed with water or other substances in solution, except wine, hard cider, and malt beverages;
- (27) "Distiller" means any person who is engaged in the business of manufacturing distilled spirits at any distillery in the state and is registered in the Office of the Collector of Internal Revenue for the United States at Louisville, Kentucky;
- (28) "Distillery" means any place or premises where distilled spirits are manufactured for sale, and which are registered in the office of any collector of internal revenue for the United States. It includes any United States government bonded warehouse;
- (29) "Distributor" means any person who distributes malt beverages for the purpose of being sold at retail;
- (30) "Dry" means a territory in which a majority of the electorate voted to prohibit all forms of retail alcohol sales through a local option election held under KRS Chapter 242;
- (31) "Election" means:
 - (a) An election held for the purpose of taking the sense of the people as to the application or discontinuance of alcoholic beverage sales under KRS Chapter 242; or
 - (b) Any other election not pertaining to alcohol;
- (32) "Horse racetrack" means a facility licensed to conduct a horse race meeting under KRS Chapter 230;
- (33) "Hotel" means a hotel, motel, or inn for accommodation of the traveling public, designed primarily to serve transient patrons;
- (34) "Investigator" means any employee or agent of the department who is regularly employed and whose primary function is to travel from place to place for the purpose of visiting licensees, and any employee or agent of the

department who is assigned, temporarily or permanently, by the commissioner to duty outside the main office of the department at Frankfort, in connection with the administration of alcoholic beverage statutes;

- (35) "License" means any license issued pursuant to KRS Chapters 241 to 244;
- (36) "Licensee" means any person to whom a license has been issued, pursuant to KRS Chapters 241 to 244;
- (37) "Limited restaurant" means:
- (a) A facility where the usual and customary business is the preparation and serving of meals to consumers, which has a bona fide kitchen facility, which receives at least seventy percent (70%) of its food and alcoholic beverage receipts from the sale of food, which maintains a minimum seating capacity of fifty (50) persons for dining, which has no open bar, which requires that alcoholic beverages be sold in conjunction with the sale of a meal, and which is located in a wet or moist territory under KRS 242.1244; or
 - (b) A facility where the usual and customary business is the preparation and serving of meals to consumers, which has a bona fide kitchen facility, which receives at least seventy percent (70%) of its food and alcoholic beverage receipts from the sale of food, which maintains a minimum seating capacity of one hundred (100) persons of dining, and which is located in a wet or moist territory under KRS 242.1244;
- (38) "Local administrator" means a city alcoholic beverage administrator, county alcoholic beverage administrator, or urban-county alcoholic beverage control administrator;
- (39) "Malt beverage" means any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt, and includes weak cider;
- (40) "Manufacture" means distill, rectify, brew, bottle, and operate a winery;
- (41) "Manufacturer" means a winery, distiller, rectifier, or brewer, and any other person engaged in the production or bottling of alcoholic beverages;
- (42) "Marina" means a dock or basin providing moorings for boats and offering supply, repair, or other services for remuneration;**
- ~~(43)~~~~(42)~~ "Minor" means any person who is not twenty-one (21) years of age or older;
- ~~(44)~~~~(43)~~ "Moist" means a territory in which a majority of the electorate voted to permit limited alcohol sales by any one (1) or a combination of special limited local option elections authorized by KRS Chapter 242;
- ~~(45)~~~~(44)~~ "Population" means the population figures established by the federal decennial census for a census year or the current yearly population estimates prepared by the Kentucky State Data Center, Urban Studies Center of the University of Louisville, Louisville, Kentucky, for all other years;
- ~~(46)~~~~(45)~~ "Premises" means the land and building in and upon which any business regulated by alcoholic beverage statutes is operated or carried on. "Premises" shall not include as a single unit two (2) or more separate businesses of one (1) owner on the same lot or tract of land, in the same or in different buildings if physical and permanent separation of the premises is maintained, excluding employee access by keyed entry and emergency exits equipped with crash bars, and each has a separate public entrance accessible directly from the sidewalk or parking lot. Any licensee holding an alcoholic beverage license on July 15, 1998, shall not, by reason of this subsection, be ineligible to continue to hold his or her license or obtain a renewal, of the license;
- ~~(47)~~~~(46)~~ "Primary source of supply" or "supplier" means the distiller, winery, brewer, producer, owner of the commodity at the time it becomes a marketable product, bottler, or authorized agent of the brand owner. In the case of imported products, the primary source of supply means either the foreign producer, owner, bottler, or agent of the prime importer from, or the exclusive agent in, the United States of the foreign distiller, producer, bottler, or owner;
- ~~(48)~~~~(47)~~ "Private club" means a nonprofit social, fraternal, military, or political organization, club, or nonprofit or for-profit entity maintaining or operating a club room, club rooms, or premises from which the general public is excluded;
- ~~(49)~~~~(48)~~ "Private selection event" means a private event with a licensed distiller during which participating consumers, retail licensees, wholesalers, distributors, or a distillery's own representatives select a single barrel or a blend of barrels of the distiller's products to be specially packaged for the participants;

- (50)~~(49)~~ "Private selection package" means a bottle of distilled spirits sourced from the barrel or barrels selected by participating consumers, retail licensees, wholesalers, distributors, microbreweries that hold a quota retail drink or quota retail package license, or a distillery's own representatives during a private selection event;
- (51)~~(50)~~ "Public nuisance" means a condition that endangers safety or health, is offensive to the senses, or obstructs the free use of property so as to interfere with the comfortable enjoyment of life or property by a community or neighborhood or by any considerable number of persons;
- (52)~~(51)~~ "Qualified historic site" means:
- (a) A contributing property with dining facilities for at least fifty (50) persons at tables, booths, or bars where food may be served within a commercial district listed in the National Register of Historic Places;
 - (b) A site that is listed as a National Historic Landmark or in the National Register of Historic Places with dining facilities for at least fifty (50) persons at tables, booths, or bars where food may be served;
 - (c) A distillery which is listed as a National Historic Landmark and which conducts souvenir retail package sales under KRS 243.0305; or
 - (d) A not-for-profit or nonprofit facility listed on the National Register of Historic Places;
- (53)~~(52)~~ "Rectifier" means any person who rectifies, purifies, or refines distilled spirits, malt, or wine by any process other than as provided for on distillery premises, and every person who, without rectifying, purifying, or refining distilled spirits by mixing alcoholic beverages with any materials, manufactures any imitations of or compounds liquors for sale under the name of whiskey, brandy, gin, rum, wine, spirits, cordials, bitters, or any other name;
- (54)~~(53)~~ "Repackaging" means the placing of alcoholic beverages in any retail container irrespective of the material from which the container is made;
- (55)~~(54)~~ "Restaurant" means a facility where the usual and customary business is the preparation and serving of meals to consumers, that has a bona fide kitchen facility, and that receives at least fifty percent (50%) of its food and alcoholic beverage receipts from the sale of food at the premises;
- (56)~~(55)~~ "Retail container" means any bottle, can, barrel, or other container which, without a separable intermediate container, holds alcoholic beverages and is suitable and destined for sale to a retail outlet, whether it is suitable for delivery or shipment to the consumer or not;
- (57)~~(56)~~ "Retail sale" means any sale of alcoholic beverages to a consumer, including those transactions taking place in person, electronically, online, by mail, or by telephone;
- (58)~~(57)~~ "Retailer" means any licensee who sells and delivers any alcoholic beverage to consumers, except for manufacturers with limited retail sale privileges and direct shipper licensees;
- (59)~~(58)~~ "Riverboat" means any boat or vessel with a regular place of mooring in this state that is licensed by the United States Coast Guard to carry one hundred (100) or more passengers for hire on navigable waters in or adjacent to this state;
- (60)~~(59)~~ "Sale" means any transfer, exchange, or barter for consideration, and includes all sales made by any person, whether principal, proprietor, agent, servant, or employee, of any alcoholic beverage;
- (61)~~(60)~~ "Service bar" means a bar, counter, shelving, or similar structure used for storing or stocking supplies of alcoholic beverages that is a workstation where employees prepare alcoholic beverage drinks to be delivered to customers away from the service bar;
- (62)~~(61)~~ "Sell" includes solicit or receive an order for, keep or expose for sale, keep with intent to sell, and the delivery of any alcoholic beverage;
- (63)~~(62)~~ "Small farm winery" means a winery whose wine production is not less than two hundred fifty (250) gallons and not greater than five hundred thousand (500,000) gallons in a calendar year;
- (64)~~(63)~~ "Souvenir package" means a special package of distilled spirits available from a licensed retailer that is:
- (a) Available for retail sale at a licensed Kentucky distillery where the distilled spirits were produced or bottled; or
 - (b) Available for retail sale at a licensed Kentucky distillery but produced or bottled at another of that distiller's licensed distilleries in Kentucky;

- (65)~~(64)~~ "State administrator" or "administrator" means the distilled spirits administrator or the malt beverages administrator, or both, as the context requires;
- (66)~~(65)~~ "State park" means a state park that has a:
- (a) Nine (9) or eighteen (18) hole golf course; or
 - (b) Full-service lodge and dining room;
- (67)~~(66)~~ "Supplemental bar" means a bar, counter, shelving, or similar structure used for serving and selling distilled spirits or wine by the drink for consumption on the licensed premises to guests and patrons from additional locations other than the main bar;
- (68)~~(67)~~ "Territory" means a county, city, district, or precinct;
- (69)~~(68)~~ "Urban-county administrator" means an urban-county alcoholic beverage control administrator;
- (70)~~(69)~~ "Valid identification document" means an unexpired, government-issued form of identification that contains the photograph and date of birth of the individual to whom it is issued;
- (71)~~(70)~~ "Vehicle" means any device or animal used to carry, convey, transport, or otherwise move alcoholic beverages or any products, equipment, or appurtenances used to manufacture, bottle, or sell these beverages;
- (72)~~(71)~~ "Vintage distilled spirit" means:
- (a) A private selection package; or
 - (b) A package or packages of distilled spirits that:
 1. Are in their original manufacturer's unopened container;
 2. Are not owned by a distillery; and
 3. Are not otherwise available for purchase from a licensed wholesaler within the Commonwealth;
- (73)~~(72)~~ (a) "Vintage distilled spirits seller" means a nonlicensed person at least twenty-one (21) years of age who is:
1. An administrator, executor, receiver, or other fiduciary who receives and sells vintage distilled spirits in execution of the person's fiduciary capacity;
 2. A creditor who receives or takes possession of vintage distilled spirits as security for, or in payment of, debt, in whole or in part;
 3. A public officer or court official who levies on vintage distilled spirits under order or process of any court or magistrate to sell the vintage distilled spirits in satisfaction of the order or process; or
 4. Any other person not engaged in the business of selling alcoholic beverages.
- (b) "Vintage distilled spirits seller" does not mean:
1. A person selling alcoholic beverages as part of an approved KRS 243.630 transfer; or
 2. A person selling alcoholic beverages as authorized by KRS 243.540;
- (74)~~(73)~~ "Warehouse" means any place in which alcoholic beverages are housed or stored;
- (75)~~(74)~~ "Weak cider" means any fermented fruit-based beverage containing more than one percent (1%) but less than seven percent (7%) alcohol by volume;
- (76)~~(75)~~ "Wet" means a territory in which a majority of the electorate voted to permit all forms of retail alcohol sales by a local option election under KRS 242.050 or 242.125 on the following question: "Are you in favor of the sale of alcoholic beverages in (name of territory)?"
- (77)~~(76)~~ "Wholesale sale" means a sale to any person for the purpose of resale;
- (78)~~(77)~~ "Wholesaler" means any person who distributes alcoholic beverages for the purpose of being sold at retail, but it shall not include a subsidiary of a manufacturer or cooperative of a retail outlet;
- (79)~~(78)~~ "Wine" means the product of the normal alcoholic fermentation of the juices of fruits, with the usual processes of manufacture and normal additions, and includes champagne and sparkling and fortified wine of an alcoholic content not to exceed twenty-four percent (24%) by volume. It includes sake, cider, hard cider,

and perry cider and also includes preparations or mixtures vended in retail containers if these preparations or mixtures contain not more than fifteen percent (15%) of alcohol by volume. It does not include weak cider; and

~~(80)(79)~~ "Winery" means any place or premises in which wine is manufactured from any fruit, or brandies are distilled as a by-product of wine or other fruit, or cordials are compounded, except a place or premises that manufactures wine for sacramental purposes exclusively.

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 243 IS CREATED TO READ AS FOLLOWS:

- (1) *To qualify for a local option election under Section 9 of this Act, a marina shall:*
- (a) *Operate on any body of water;*
 - (b) *Own, operate, or manage at least fifteen (15) boat slips;*
 - (c) *Buy and sell gasoline and petroleum products for the operation of boats; and*
 - (d) *1. Sell staple groceries;*
2. Operate a restaurant on its premises; or
3. Sell staple groceries and operate a restaurant on its premises.
- (2) *A restaurant on the marina premises is not required to be located on or adjacent to the shoreline of the body of water.*

➔SECTION 9. A NEW SECTION OF KRS CHAPTER 242 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *To promote economic development and tourism in any dry or moist county or city in which a marina is located, a local option election for the sale of alcoholic beverages may be held in a city or county precinct where the marina is located, notwithstanding any other provision of the Kentucky Revised Statutes to the contrary.*
- (b) *A petition seeking a local option election under this section shall state "We the undersigned registered voters hereby petition for an election on the following question: 'Are you in favor of the sale of alcoholic beverages by the drink and malt beverages by the package at marinas located in (name of precinct)?'".*
- (2) *A local option election for the sale of alcoholic beverages held under subsection (1) of this section shall be conducted in the same manner as specified in KRS 242.020, 242.040, 242.060, 242.070, 242.090, 242.110, and 242.120. The form of the proposition to be voted upon shall be "Are you in favor of the sale of alcoholic beverages by the drink and malt beverages by the package at marinas located in the (name of precinct)?".*
- (3) *When a majority of the votes cast in an election held under subsections (1) and (2) of this section are in favor of establishing moist territory, the premises of the marinas located in that precinct shall become moist in the manner specified in KRS 242.200.*
- (4) *The election shall not be deemed to be an election in the "same territory" within the meaning of KRS 242.030(3).*

Signed by Governor April 9, 2024.

CHAPTER 152

(HB 726)

AN ACT relating to the regulation of financial institutions.

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

➔Section 1. KRS 286.1-011 is amended to read as follows:

- (1) There is created within the Public Protection Cabinet a Department of Financial Institutions~~[, which shall be]~~ headed by a commissioner~~[of financial institutions]~~, who shall be:

- (a) The executive head of the department; and ~~[shall be]~~
 - (b) Charged with the administration of the department.
- (2) (a) ***The Governor, in accordance with KRS 12.040, shall appoint as commissioner a person knowledgeable in banking with not less than three (3) years of banking experience.***
- (b) ***As used in this subsection, "banking experience" means service as:***
- 1. ***An executive officer in a bank with its principal office located in Kentucky; or***
 - 2. ***An executive with policy making authority in a state or federal agency having regulatory authority over an insured financial institution or another financial institution that is regulated by the department.***
- (3) (a) ***With prior written approval of the Governor, the secretary of the Public Protection Cabinet may appoint a deputy commissioner.***
- (b) ***The deputy commissioner shall be vested with all of the powers, and perform all of the duties, of the commissioner:***
- 1. ***During the absence or inability of the commissioner;***
 - 2. ***At other times as the commissioner may instruct; or***
 - 3. ***During any vacancy in the office of the commissioner.***
- (4) (a) ***The commissioner shall devise a seal for the department, which shall be renewed whenever necessary.***
- (b) ***A description and impression of the seal shall be:***
- 1. ***Approved by the Governor; and***
 - 2. ***Filed, together with a certificate of approval from the Governor, in the office of the Secretary of State.***
- (5) The department ~~[of Financial Institutions]~~ shall exercise all administrative functions of the state in relation to the regulation, supervision, chartering, and licensing of:
- (a) ***Persons under this chapter;*** ~~[banks, trust companies, savings and loan associations, consumer loan companies, investment and industrial loan companies, and credit unions,] and [in relation to the regulation of]~~
 - (b) ***Securities and persons under KRS Chapter 292.***
- (6) ~~(3)~~ (a) There are established within the department ~~[of Financial Institutions]~~ the following divisions:
- 1. ~~(a)~~ ~~[The Division of Depository Institutions, which shall be headed by a director appointed by the secretary of the Public Protection Cabinet in accordance with KRS 12.050. The division shall consist of entities deemed appropriate by the director];~~
 - 2. ~~(b)~~ ~~[The Division of Non-Depository Institutions, which shall be headed by a director appointed by the secretary of the Public Protection Cabinet in accordance with KRS 12.050. The division shall consist of entities deemed appropriate by the director]; and~~
 - 3. ~~(c)~~ ~~[The Division of Securities, which shall be headed by a director appointed by the secretary of the Public Protection Cabinet in accordance with KRS 12.050. The division shall consist of entities deemed appropriate by the director].~~
- (b) ***Each division shall be headed by a director appointed by the secretary of the Public Protection Cabinet in accordance with KRS 12.050.***

~~(4) The department may accept any application or other document required to be filed with the department in electronic format or in any other technology acceptable to the department.]~~

➔Section 2. KRS 286.1-013 is amended to read as follows:

- (1) There is created a Financial Institutions Board ***whose duties shall be to advise the commissioner and the Governor as provided in this section.*** The board shall consist of:
 - (a) Twelve (12) ***voting*** members appointed by the Governor, who shall serve terms of four (4) years; ***and***

- (b) *The commissioner as a nonvoting ex officio member, who shall serve as chair of the board*~~[, except the initial terms shall be established as hereafter provided].~~
- (2) ~~[It is recommended that]~~The *voting board member* appointments made by the Governor *shall consist of*~~[be selected from the following]:~~
- (a) Three (3) members selected from the banking industry regulated by the department with appropriate recognition as to bank size and geographic diversity;
 - (b) Three (3) members selected from the~~[broker/dealer]~~ securities industry regulated by the department;
 - (c) One (1) member selected from the credit union industry regulated by the department;
 - (d) One (1) member selected from the consumer finance~~[or industrial loan]~~ industry regulated by the department;
 - (e) *One (1) member selected from an industry regulated by the department that is not represented in another capacity on the board; and*
 - (f) Three (3) members selected from the public at large who are *residents of Kentucky and* knowledgeable concerning financial institutions, the legislative process, and consumer interests, two (2) of whom are not employees, officers, or directors of any financial institution~~[- and~~
 - ~~(f) The commissioner, who shall also serve as chairman of the board].~~
- (3)~~(2)~~ All members of the board from *an*~~[the banking]~~ industry *regulated by the department*~~[, securities industry, credit union industry, consumer finance, or industrial loan industry]~~ shall be persons:
- (a) With practical experience in the industry so represented; and
 - (b) Currently serving at the executive level of that industry at the time of their appointment.
- (4)~~(3)~~ (a) ~~[At the first meeting of the board, a drawing by lot shall be conducted to determine the length of each original member's term. Initially, there shall be four (4) four (4) year terms, five (5) three (3) year terms, and two (2) two (2) year terms.]~~ Vacancies in the membership of the board shall be filled in the same manner as original appointments.
- (b) Appointments to fill vacancies occurring before the expiration of a term shall be for the remainder of the unexpired term.
- (5)~~(4)~~ No member of the board, other than the commissioner, shall serve more than two (2) consecutive terms on the board.
- (6)~~(5)~~ (a) The board shall ~~[first]~~ meet at the call of the Governor *or chair*,~~[and thereafter as the chairman shall determine]~~ at a time and place determined by the *Governor or chair*~~[chairman]~~.
- (b) The board may elect other officers for the conduct of its business.
 - (c) A majority of *voting* board members shall constitute a quorum.~~[- and]~~
 - (d) *If a quorum is present*, a decision *of the board* shall require the majority vote of those present.
 - (e) Each *voting* board member shall have one (1) vote, and voting by proxy *is*~~[shall be]~~ prohibited.
- (7)~~(6)~~ *Voting* board members shall:
- (a) Receive one hundred dollars (\$100) per diem for each board meeting~~[which] they attend; and [shall]~~
 - (b) Be reimbursed for other reasonable and necessary expenses incurred while engaged in carrying out the duties of the board.
- (8)~~(7)~~ The board shall:
- (a) Prepare and submit, at the Governor's request, *the following recommendations*:
 1. A list of candidates qualified to serve as commissioner;~~[- and recommend to the Governor]~~
 2. A proposed salary for each nomination for commissioner; *and*
 - 3.~~[(b)] [Recommend to the Governor]~~ A proposed salary structure for other department staff in order to provide competitive salaries for recruitment and retention of staff;

~~(b)(e)~~ Receive and comment on various reports relating to the department and its activities as submitted to the board by the commissioner or the Governor; and

~~(c)(d)~~ Review, consider, and make recommendations to the commissioner on any matters referred to the board by the commissioner or the Governor.

~~(9)(8)~~ In no event shall the board or its members interfere with the statutory duties of the commissioner, whose decisions shall be governed by law.

➔Section 3. KRS 286.1-020 is amended to read as follows:

(1) The commissioner may promulgate, amend, and repeal any administrative regulations, forms, and orders as are necessary to interpret and carry out the provisions and intent of this chapter. ~~{The commissioner shall devise a seal for the department, a description of which, together with an impression thereof and a certificate of approval by the Governor, shall be filed in the office of the Secretary of State. The seal shall be renewed whenever necessary.}~~

(2) The commissioner ~~{of financial institutions}~~ and his or her *designees* ~~{deputies}~~ shall be allowed their necessary traveling and other expenses of conducting their office.

(3) ~~{The commissioner of financial institutions may issue a finding of permissible activities, services, or products to authorize banks to engage in any banking activity in which the banks could engage were they operating as national banks at the time the authority is granted. Any finding shall be specifically limited to the activity, service, or products contained therein and shall be mailed to all banks. This section shall not apply to activities prohibited under Subtitle 9 of KRS Chapter 304.}~~

~~(4) Nothing herein contained shall be construed to repeal, modify, or alter the restrictions of KRS 286.3-105 relative to the leasing of motor vehicles, or of KRS 286.3-180 relative to the establishment of branches.~~

~~(5) }~~The commissioner may designate the deputy commissioner, division directors, general counsel, or branch managers to sign documents under his or her instructions.

(4) *The department may accept any application or other document required to be filed with it in electronic format or in any other technology acceptable to the department.*

➔Section 4. KRS 286.1-440 is amended to read as follows:

(1) (a) The commissioner shall appoint a sufficient number of examiners and assistant examiners to examine all institutions coming under the supervision of the department.

(b) A salary schedule for examiners and assistant examiners shall be prepared by the commissioner and presented to the secretary of the Finance and Administration Cabinet for approval. ~~{In the event an advisory state banking board is established by law, the appointment and compensation of examiners and assistant examiners shall be with the advice of such board.}~~

(2) The commissioner, the deputy commissioner, and each examiner shall take the constitutional oath of office.

(3) (a) Neither the commissioner, nor the deputy commissioner, nor any examiner or assistant examiner shall be:

1. Indebted, directly or indirectly, ~~{either}~~ as borrower, indorser, surety, or guarantor ~~{}~~ to any *financial institution* ~~{bank or trust company}~~ under his *or her* supervision or subject to his *or her* examination; ~~{nor shall he or she be}~~

2. A director, officer, or employee *of a financial institution under his or her supervision or subject to his or her examination*; ~~{in such bank or trust company, nor engage}~~ or

3. *Engaged, or* become interested, in the:

a. Sale of securities as a business; or ~~{in the}~~

b. Negotiation of loans for others.

(b) *Any financial institution to which any person becomes indebted in violation of this subsection shall immediately, upon notice of the violation or possible violation, report the fact to:*

1. *The commissioner; or*

2. *If the debtor is or may be the commissioner, the secretary of the Public Protection Cabinet.*

- (c) *Subject to paragraph (d) of this subsection, any person who violates this subsection may be removed from office.*
- (d) *An order of removal under paragraph (c) of this subsection shall not be issued without notice to the person, opportunity for a hearing, and written findings of fact and conclusions of law in accordance with KRS Chapter 13B.*

- (4) No person shall be assigned to examine the affairs of any bank or trust company in a county in which he *or she* holds stock in either a state or national bank or trust company.
- (5) (a) The commissioner may enter into contracts with any bank supervisory agency that has concurrent jurisdiction over a state bank or the branch of an out-of-state ~~state~~ bank operating in this state to:
 - 1. Engage the services of the agency's examiners at a reasonable rate of compensation;~~;~~ or ~~to~~
 - 2. Provide the services of the commissioner's examiners to the agency at a reasonable rate of compensation.
- (b) Any contract entered into pursuant to this subsection shall be deemed a sole source contract under the provisions of KRS 45A.095.

➔Section 5. KRS 286.1-485 is amended to read as follows:

All fees collected and paid into the State Treasury under the provisions of *this chapter and KRS Chapter*~~KRS Chapters~~ 292 ~~and 366~~ and of Subtitles 1, 2, 3, 4, 5, 6, 7, and 8 of ~~KRS Chapter 286~~, or any *other statute administered*~~industry regulated~~ by the department, shall be:

- (1) Credited to a revolving trust or agency fund account, as provided in KRS 45.253, for the department; ~~of Financial Institutions and shall be~~
- (2) Separately accounted for; and ~~shall be~~
- (3) Used solely for the administration and enforcement of said KRS chapters *and statutes*.

➔SECTION 6. A NEW SECTION OF SUBTITLE 2 OF KRS CHAPTER 286 IS CREATED TO READ AS FOLLOWS:

The provisions of this chapter shall be interpreted and applied:

- (1) *To the fullest extent practicable under law; and*
- (2) *In a manner consistent with applicable:*
 - (a) *Federal laws and regulations; and*
 - (b) *Policies and orders of federal regulatory agencies.*

➔Section 7. KRS 286.2-015 is amended to read as follows:

- (1) Except as provided in KRS 41.470 to 41.476 and 41.480, *and subsection (3) of this section*, all political subdivisions of the Commonwealth shall be prohibited from enacting and ~~from~~ enforcing ordinances, resolutions, and regulations pertaining to the financial or lending activities of persons or entities *that*~~which~~:
 - (a) Are subject to:
 - 1. The jurisdiction of the department; or
 - 2. The provisions of this chapter;
 - (b) Are subject to the jurisdiction or regulatory supervision of the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, ~~the Office of Thrift Supervision,~~ the National Credit Union Administration, the Farm Credit Administration, the Federal Deposit Insurance Corporation, or the United States Department of Housing and Urban Development; or
 - (c) Originate, purchase, sell, assign, securitize, assist, facilitate, or service property interests or obligations created by financial transactions or loans made, executed, or originated by persons or entities referred to in paragraph (a) or (b) of this subsection.
- (2) The requirements of this section shall apply to all ordinances, resolutions, or regulations pertaining to *financial or* lending activities, including any ordinances, resolutions, or regulations *that*:~~which~~

- (a) Limit or disqualify persons or entities from doing business with a political subdivision based upon financial or lending activities; or ~~the imposition of~~
 - (b) **Impose** additional reporting requirements or other obligations on ~~such~~ persons or entities **referred to in subsection (1) of this section** seeking to do business with a political subdivision.
- (3) ~~[Any provision of this chapter preempted by federal law with respect to a national bank or federal savings association shall not apply to the same extent to an operating subsidiary of a national bank or federal savings association.]~~
- (4) ~~The provisions of this chapter shall be interpreted and applied to the fullest extent practicable in a manner consistent with applicable federal laws and regulations and with applicable policies and orders of federal regulatory agencies and shall not be deemed to constitute an attempt to override federal law.~~
- (5) ~~Nothing in this section shall be interpreted as preventing the enforcement of ordinances, regulations, or resolutions of political subdivisions of the Commonwealth pertaining to civil rights.~~

➔ Section 8. KRS 286.2-105 is amended to read as follows:

(1) **As used in this section:**

(a) **"Interested person" means a:**

1. **Lessee's surviving spouse, adult child, or parent;**
2. **Person named as the personal representative in a copy of a purported will of a lessee produced by the person;**
3. **Person designated by a lessee in a writing that is:**
 - a. **Acceptable to a lessor; and**
 - b. **Filed with a lessor before the death of a lessee; or**
4. **Person named in a court order to examine the contents of a safe deposit box for any purpose listed in subsection (2) of this section;**

(b) **"Lessee" means a person who contracts with a lessor for the use of a safe deposit box;**

(c) **"Lessor" means any of the following entities that rent safe deposit boxes:**

1. **A state or national bank, bank holding company, trust company, savings and loan association, savings and loan association holding company, credit union, or wholly owned subsidiary of any of the foregoing; or**
2. **A safe deposit company; and**

(d) **"Safe deposit box" means a safe deposit box, vault, receptacle, or other safe deposit facility maintained by a lessor that may be used for the safekeeping and storage of property and documents.**

- (2) (a) If **an interested person presents** satisfactory proof of the death of ~~a~~~~the~~ lessee ~~is presented~~ and the interested person possesses a key to the lessee's safe deposit box, a lessor shall permit ~~the~~~~an~~ interested person to open and examine the contents of ~~the~~~~a~~ safe deposit box ~~leased by a decedent~~ in the presence of an employee of the lessor for **any or all** ~~one (1) or both~~ of the following purposes:

1. ~~(a)~~ To conduct a will search; ~~or~~~~and~~
2. ~~(b)~~ To obtain any document purporting to:
 - a. Be a deed to a burial plot; ~~or~~~~to~~
 - b. Give funeral or burial instructions.

(b) **For purposes of this subsection, the following shall be considered satisfactory proof of the death of a lessee:**

1. **A death certificate;**
2. **A notice or indication of death from a governmental agency, funeral home, or hospital; or**
3. **Any other document that a reasonable person would rely on as an indication of death.**

~~(3)(2)~~ If ~~a~~~~the~~ safe deposit box is opened for **any or all of the purposes listed in subsection (2) of this section**~~[the purpose of conducting a will search]~~, an employee of the lessor shall remove any document that appears to **satisfy the purpose or purposes**~~[be a will and]~~ make a true and correct machine copy thereof, replace the copy **or copies** in the box, and then deliver the original **document or documents**~~[thereof]~~ to the **interested** person requesting the search.

~~(3)~~ If the safe deposit box is opened for the purpose of obtaining any document purporting to be a deed to a burial plot or to give funeral or burial instructions, the employee of the lessor shall make a true and correct machine copy thereof, replace the copy in the box, and then deliver the original thereof to the person requesting the search.

(4) **This section shall not be construed to authorize the removal of any safe deposit box**~~[No]~~ contents~~[of a safe deposit box]~~ other than a will,~~and~~ a document purporting to be a deed to a burial plot, **and a document giving**~~[or to give]~~ funeral or burial instructions~~[may be removed under this section]~~.

➔ Section 9. KRS 286.2-670 is amended to read as follows:

(1) (a) **As used in this subsection, a "foreign financial institution" means any bank, bank holding company, trust company, savings and loan association, savings and loan association holding company, credit union, or wholly owned subsidiary of any of the foregoing, that is organized under the laws of another state or of the United States.**

(b) Except as provided in subsection (2) of this section, a foreign financial institution shall not be considered to be doing, transacting, or carrying on business in this state, **or be required to qualify to do business in this state**, solely by reason of engaging in any or all of the following activities, either on its own behalf or as a trustee of a pension plan, employee's profit-sharing or retirement plan, or testamentary or inter vivos trust:

1.~~(a)~~ The lending of money, or the acquisition by purchase, by contract to purchase, by making of advance commitments to purchase, or by assignment to it of loans, including construction loans, or any interest in loans, secured in whole or in part by mortgages, deeds of trust, or other forms of security on real or personal property in this state, if ~~the~~~~such~~ activities are carried on from outside this state by the ~~lending~~ institution or within this state by independent agencies on behalf of ~~the~~ ~~said foreign lending~~ institution;

2.~~(b)~~ The receipt of principal and interest on ~~any~~~~such~~ loans **referenced in subparagraph 1. of this paragraph**;

3.~~(c)~~ The making of physical inspections and appraisals of real or personal property ~~that~~~~which~~ secures or is proposed to secure any loan by an officer or employee of ~~the~~~~a foreign lending~~ institution if the officer or employee making any physical inspections and appraisals is not a resident of and does not maintain his **or her** place of business in this state;

4.~~(d)~~ The ownership of any loans and the enforcement of any loans by trustee's sale, judicial process, or deed in lieu of foreclosure, or otherwise;

5.~~(e)~~ The modification, renewal, extension, transfer, or sale of loans,~~or~~ the acceptance of additional or substitute security **for loans**,~~therefor or~~ the full or partial release of ~~the~~ security **for loans**,~~therefor~~ or the acceptance of substitute or additional obligors **on loans**~~thereon~~ if the activities are carried on from outside this state by the ~~lending~~ institution or carried on within this state by independent agencies;

6.~~(f)~~ The maintaining and defending of any action or suits relating to loans, mortgages, deeds of trust, security instruments or related agreements, or activities referred to **in this section**~~herein~~ or incidental thereto;

7.~~(g)~~ The engaging, by contractual arrangement, of a corporation, firm, or association, qualified to do business in this state, which is not a subsidiary or parent of the ~~lending~~ institution or ~~which is not~~ under common management with the ~~lending~~ institution, to make collections and to service loans in any manner whatsoever, including:

a. The payment of ground rents, taxes, assessments, insurance, and the like; and

b. The making **and performance of**, on behalf of the ~~lending~~ institution,~~of~~ physical inspections and appraisals of real or personal property securing, **or proposed to secure**,

any loans ~~or property which is proposed to secure any loans, and the performance of any such engagement~~;

8.~~(h)~~ The acquisition of title to ~~the~~ real or personal property covered by any mortgages, deeds of trust, or other security instrument, by trustees, pledgees, or judicial sales, ~~or~~ by deed in lieu of foreclosure, or for the purpose of transferring title to any federal agency or instrumentality as the insurer or guarantor of any loans, the maintenance or defense of any action or suit relating to the possession of the property, and the retention of title to *the* ~~any real or personal~~ property as acquired pending the orderly sale or other disposition thereof; or

9.~~(i)~~ The maintenance of ~~bank~~ accounts in banks *or credit unions*, authorized or licensed to do and transact *business as a bank or credit union* ~~banking business in this state~~.

(2) The provisions of this section shall be inapplicable *for purposes of* ~~in~~ determining whether, *and to what extent*, a financial institution is *subject to taxation under state law* ~~regularly engaged in business in this Commonwealth within the meaning of that phrase as used in KRS 136.500 to 136.575~~.

➔Section 10. KRS 286.3-010 is amended to read as follows:

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

- (1) *"Articles of incorporation"* means the organizing records of a corporation filed and recorded with the Secretary of State in accordance with KRS Chapter 271B or 275;
- (2) "Bank" or "state bank" means any bank *or combined bank and trust company* which is now or may hereafter be organized under the laws of this state ~~or a combined bank and trust company~~;
- (3)~~(2)~~ *"Board of directors"* means the governing body of a corporation elected or otherwise chosen by the shareholders, including the managers of a limited liability company;
- (4) *"Capital stock"* means, at any particular time, the sum of:
 - (a) *The par value of all shares of a corporation having a par value that have been issued;*
 - (b) *The amount of the consideration received by a corporation for all shares of the corporation that have been issued without par value except any part of the consideration that has been allocated to surplus in a manner permitted by law; and*
 - (c) *Amounts not included in paragraph (a) or (b) of this subsection that have been transferred to stated capital of a corporation, whether through the issuance of stock dividends, resolution of the board of directors under applicable corporate law, or otherwise by law;*
- (5) *"Charter"* means the record or records issued to a state bank, trust company, out-of-state bank, out-of-state trust company, or national bank by a chartering authority that authorizes the bank or trust company to transact a banking, trust, or combined banking and trust business;
- (6) *"Corporation"* means either a for-profit corporation or a for-profit limited liability company;
- (7) *"Director"* means a member of the board of directors;
- (8) *"Dividends"* means a distribution of money, stock, or other property to shareholders of a corporation;
- (9) *"Home state"* means:
 - (a) *With respect to a state bank, trust company, out-of-state bank, or out-of-state trust company, the state in which the bank or trust company is organized; and*
 - (b) *With respect to a national bank, the state in which the main office of the bank is located;*
- (10) *"Home state regulator"* means, with respect to an out-of-state bank or out-of-state trust company, the bank or trust supervisory agency of the state in which the bank or trust company is organized;
- (11) *"Host state"* means a state, other than its home state, in which:
 - (a) *A bank or trust company maintains, or seeks to establish and maintain, a branch or office; or*
 - (b) *A trust company conducts, or seeks to conduct, trust business;*
- (12) "National bank" or "national *banking*~~bank~~ association" means a bank created by Congress and organized pursuant to the provisions of federal law, including savings and loan associations;

- (13)~~(3)~~ "Out-of-state bank" means a bank *organized*~~[chartered]~~ under the laws of any state other than Kentucky;
- ~~(4) "Home state" means:~~
- ~~(a) With respect to a state bank or out of state state bank, the state by which the bank is chartered; and~~
 - ~~(b) With respect to a national bank, the state in which the main office of the bank is located;~~
- ~~(5) "Home state regulator" means, with respect to an out of state state bank, the bank supervisory agency of the state in which such bank is chartered;~~
- ~~(6) "Host state" means a state, other than the home state, in which the bank maintains, or seeks to establish and maintain, a branch;~~
- ~~(7) "Commissioner" means the commissioner of financial institutions;~~
- ~~(8) "Department" means the Department of Financial Institutions;~~
- ~~(9) "Population" means the population as indicated by the latest regular United States census;~~
- ~~(10) "Trust company" includes every corporation authorized by this subtitle to do a trust business;~~
- ~~(11) "Undivided profits" means the composite of the bank's net retained earnings from current and prior years' operations;~~
- ~~(12) "Capital stock" shall mean, at any particular time, the sum of:~~
- ~~(a) The par value of all shares of the corporation having a par value that have been issued;~~
 - ~~(b) The amount of the consideration received by the corporation for all shares of the corporation that have been issued without par value except such part of the consideration as has been allocated to surplus in a manner permitted by law; and~~
 - ~~(c) Such amounts not included in paragraphs (a) and (b) of this subsection as have been transferred to stated capital of the corporation, whether through the issuance of stock dividends, resolution of the bank's board of directors under applicable corporate law or otherwise by law;~~
- ~~(13) "Surplus" means the amount of consideration received by the corporation for all shares issued without par value that has not been allocated to capital stock or the amount of consideration received by the corporation in excess of par value for all shares with a par value, or both;~~
- ~~(14) "Municipality" means a county, city, or urban county government;~~
- ~~(15) "Political subdivision" means a municipality, school district, or other municipal authority;~~
- ~~(16) "Corporation" means either a for profit corporation or limited liability company;~~
- ~~(17) "Share" means the shares of stock or the unit of equity into which the proprietary interests in a corporation are divided;~~
- ~~(18) "Stock" means the corporation's shares;~~
- ~~(19) "Stockholder" or "shareholder" means an owner of the corporation's shares;~~
- ~~(20) "Board of directors" means the governing body of a corporation elected or otherwise chosen by the shareholders, including the managers of a limited liability company;~~
- ~~(21) "Director" means a member of the board of directors;~~
- ~~(22) "Articles of incorporation" means the organizing documents of a corporation filed with the Secretary of State in accordance with KRS Chapter 271B or 275;~~
- ~~(23) "Dividends" means a distribution of money, stock, or other property to shareholders of a corporation;]~~
- (14)~~(24)~~ "Out-of-state trust company" means a *corporation*~~[trust company]~~ that is *organized*~~[chartered]~~ under the laws of a state other than Kentucky *to engage in a trust business*~~;~~~~and]~~
- (15) "*Shares*" means the shares of stock or the unit of equity into which the proprietary interests of a corporation are divided;
- (16) "*Stock*" means a corporation's shares;

- (17) *"Stockholder" or "shareholder" means an owner of a corporation's shares;*
- (18) *"Surplus" means, at any particular time, the sum of:*
- (a) *The amount of consideration received by a corporation for all shares issued without par value that has not been allocated to capital stock;*
 - (b) *The amount of consideration received by a corporation in excess of par value for all shares with a par value; and*
 - (c) *Amounts authorized by a corporation that have been transferred from undivided profits to surplus;*
- (19) *"Trust company" means any trust company which is now or may hereafter be organized under the laws of this state;*
- (20)~~(25)~~ *"Trust representative office" means an office at which a trust company or an out-of-state trust company has been authorized by the commissioner to engage in a trust business other than acting as a fiduciary; and*
- (21) *"Undivided profits" means the composite of a corporation's net retained earnings from current and prior years' operations.*

➔Section 11. KRS 286.3-020 is amended to read as follows:

- (1)
 - (a) The commissioner shall approve an application for a bank,~~or~~ trust company, **or combined bank and trust company** charter upon a finding that the public convenience and advantage will be served by opening~~ing~~ the proposed institution.
 - (b) To determine whether public convenience and advantage will be served, the commissioner shall consider *whether*~~the following factors~~:
 - 1.~~(a)~~ ~~Whether~~ Conditions in the community indicate reasonable assurance of successful operation for the proposed institution;
 - 2.~~(b)~~ ~~Whether~~ The *proposed institution's* organizational and capital structure and amount of capitalization is adequate for the business plan; and
 - 3.~~(c)~~ ~~Whether~~ The officers and directors *of the proposed institution* have sufficient experience, ability, standing, and reputation to provide reasonable assurance of successful operation and of compliance with the law.
- (2) Before any *bank, trust company, or combined bank and trust company commences*~~institution shall commence~~ business, **except business which is incidental or preliminarily necessary to its organization or as otherwise provided in subsection (3) of this section**, it shall:
 - (a) Obtain from the commissioner a charter authorizing it to commence doing business;~~and shall comply with the following requirements:~~
 - ~~(b)(a)~~ **Ensure that** the oaths of all directors have been taken *in accordance with Section 15 of this Act*; **and**
 - ~~(c)(b)~~ **Provide**~~The commissioner has received~~ satisfactory proof **to the commissioner** that:
 1. The accounts of the ~~banking~~ institution's depositors will be insured by the Federal Deposit Insurance Corporation;~~and~~
 - 2.~~(c)~~ ~~The commissioner has received satisfactory proof that~~ The institution has subscribed and paid in the required capital; and
 3. **The institution** has otherwise fully complied with all pertinent laws and administrative regulations.
- (3) **In the event that an institution for which a charter under this subtitle is sought is to be created solely for the purpose of effectuating a merger or consolidation to facilitate the formation of a bank holding company, the commissioner may waive all or any part of the requirements of this subtitle.**

➔Section 12. KRS 286.3-025 is amended to read as follows:

- (1) **A person shall not transact banking or trust business in this state unless the person:**
 - (a) **Has been issued a charter under this subtitle to transact the business;**

- (b) *Is transacting business authorized under Section 9 of this Act; or*
- (c) *Is otherwise specifically authorized by the laws of this state or of the United States to transact the business in this state.*

(2) *An out-of-state bank or national bank may lend money in this state*~~[An institution shall not transact any business, except business which is incidental or preliminarily necessary to its organization, until it has been issued a charter under KRS 286.3-020].~~

➔Section 13. KRS 286.3-040 is amended to read as follows:

(1) Any five (5) or more natural persons may organize a ~~[banking]~~ corporation *for the purpose of obtaining a charter to transact business as a:*

- (a) *Bank;*
- (b) *Trust company; or*
- (c) *Combined bank and trust company.*

~~(2) [Any five (5) or more natural persons may organize a corporation for the purpose of conducting a trust business.~~

~~(3) Any five (5) or more natural persons may organize a corporation for the purpose of conducting a combined banking and trust business.~~

~~(4)]The board of directors of a *bank* [banking corporation], trust *company* [corporation], or combined bank and trust *company* [corporation] shall **not** be [no] less than the [required] number of organizers *required for the corporation under subsection (1) of this section.*~~

➔Section 14. KRS 286.3-050 is amended to read as follows:

(1) Before filing *and recording* the articles of incorporation *or amendments to the articles of incorporation of a proposed or existing bank, trust company, or combined bank and trust company, as provided under the general corporation or limited liability laws of this state*~~[of any financial institution mentioned in KRS 286.3-040]~~, the organizers *of the proposed bank, trust company, or combined bank and trust company, or the bank, trust company, or combined bank and trust company, as applicable,* shall present a copy of ~~the~~~~[their]~~ proposed articles *or amendments* to the commissioner for approval.

(2) *The Secretary of State shall not accept the articles of incorporation of any proposed bank, trust company, or combined bank and trust company, or amendments to the articles of incorporation of any existing bank, trust company, or combined bank and trust company, for filing and recording unless the articles or amendments have been approved in writing by the commissioner*~~[In the event that the institution for which a charter is sought is to be created solely for the purpose of effectuating a merger or consolidation to facilitate the formation of a bank holding company, the commissioner may waive all or any part of the requirements of this subtitle].~~

~~(3) If the commissioner determines that it is expedient and desirable to permit the proposed corporation to engage in business, the commissioner shall approve the articles of incorporation in writing, and the articles then may be filed and recorded as provided in the general corporation or limited liability company law.~~

~~(4) All amendments to the articles of incorporation of any financial institution mentioned in KRS 286.3-040 shall be approved by the commissioner before filing with the Secretary of State.]~~

➔Section 15. KRS 286.3-060 is amended to read as follows:

(1) *A newly chartered state bank or trust company shall not*~~[Before any financial institution mentioned in KRS 286.3-040 may]~~ transact any banking or trust business *until*~~[,]~~ each director of the institution *executes, in writing,*~~[shall take]~~ an oath *of office* which shall:

(a) State in substance:

1.~~[(a)]~~ That *he or she*~~[such director]~~ is a citizen of the United States, and the State of Kentucky, or, if not, the place of his *or her* residence;

2.~~[(b)]~~ That he *or she* will faithfully discharge the duties of ~~the~~~~[his]~~ office and administer the affairs of the institution, so far as the duties of ~~the~~~~[his]~~ office require; *and*

3. ~~(c)~~ That he *or she* will uphold the laws of **Kentucky**~~the state~~, and particularly the banking and trust laws;~~;~~
- (b) ~~(2)~~ ~~The oath shall~~ Be *executed and acknowledged*~~Taken~~ before any officer authorized to administer oaths;~~;~~ and ~~shall~~
- (c) Be forwarded to the commissioner for filing.
- (2) ~~(3)~~ (a) *The oath of office required under subsection (1) of this section shall be executed or reexecuted, as applicable, upon the election of any subsequent director~~;~~ or reelection of any director.* ~~the oath shall be taken and shall be~~
- (b) *Any oath of office executed by a subsequent or reelected director shall be:*
1. Maintained by the *state bank or trust company*; and ~~be~~
 2. Subject to review at examination.
- (3) (a) *Each officer and director of a state bank or trust company shall discharge the duties and responsibilities of his or her respective office or position in good faith and with the ordinary care and diligence as necessary and reasonable to administer the affairs of the state bank or trust company in a safe and sound manner.*
- (b) *The provisions of this subsection and KRS 271B.8-300 apply to directors.*
- (c) *The provisions of this subsection and KRS 271B.8-420 apply to officers.*
- ➔Section 16. KRS 286.3-070 is amended to read as follows:
- (1) (a) The minimum capital stock of any newly chartered *state* bank or trust company shall be five million dollars (\$5,000,000). Additional capital may be required depending upon an investigation of the application, at the discretion of the commissioner.
- (b) *The minimum capital required under paragraph (a) of this subsection shall:*
1. *Be paid in full in money;*
 2. *Be in the custody of the directors before the institution commences business; and*
 3. *Not be designated as undivided profits.*
- (c) *Not less than fifty percent (50%) of the minimum capital required under paragraph (a) of this subsection shall be designated as surplus.*
- (2) (a) *A reduction in the capital stock of a state bank or trust company shall not be made until it has been approved by the commissioner. Any reduction made in violation of this paragraph shall be invalid.*
- (b) *The commissioner shall not approve a reduction in capital stock unless he or she finds that:*
1. *The interest of the state bank's or trust company's creditors will not be prejudiced by the reduction; and*
 2. *The reduction results in capital stock that is not less than the greater of the following:*
 - a. *An amount that is not less than the amount that was required for organization; or*
 - b. *Two million five hundred thousand dollars (\$2,500,000).*
- (3) (a) *Any state bank or trust company may issue preferred capital stock of one (1) or more classes.*
- (b) *Preferred capital stock may be considered as part of the minimum capital stock required under this section, and in the case of existing corporations, shall be issued in the manner provided for increasing capital stock.*
- (c) *Unless expressly provided otherwise in this subtitle, the following shall be governed by KRS Chapter 271B:*
1. *The manner in which preferred capital stock is issued; and*
 2. *The rights and preferences of preferred capital stockholders.*
- (d) *The issue of preferred capital stock shall not be valid until the stated value of the issued stock has been paid in.*

- (e) *If any part of the capital stock of a state bank or trust company consists of preferred capital stock, the determination of whether or not the capital of the corporation is impaired, and the amount of the impairment, shall be based upon the stated value of the state bank's or trust company's stock, even though the amount that the preferred capital stockholders are entitled to receive in the event of retirement or liquidation is in excess of the stated value of the preferred capital stock.*

➔SECTION 17. A NEW SECTION OF SUBTITLE 3 OF KRS CHAPTER 286 IS CREATED TO READ AS FOLLOWS:

- (1) *Except as provided in subsection (3) of this section, the commissioner may, by administrative regulation or order, authorize banks to engage in any banking activity in which the banks could engage in were they operating as national banks at the time the authority is granted.*
- (2) *Any administrative regulation or order issued under subsection (1) of this section shall be:*
- (a) *Specifically limited to the activities, services, or products contained in the administrative regulation or order;*
- (b) *Mailed to all banks regulated by the department;*
- (c) *Retained by the department;*
- (d) *Published on the department's website; and*
- (e) *Searchable by index.*
- (3) *This section shall not:*
- (a) *Apply to activities prohibited under Subtitle 9 of KRS Chapter 304; or*
- (b) *Be used to repeal, modify, or alter Section 24 of this Act, relating to the establishment of branches.*

➔Section 18. KRS 286.3-095 is amended to read as follows:

- (1) At least sixty (60) days prior to a change occurring in the outstanding voting stock of any *state* bank, ~~trust~~ trust company, *or bank holding company that owns or controls a state bank*, which will result in control, or in a change in the control, of the bank, ~~trust~~ trust company, *or bank holding company*, the proposed acquiring party or parties shall report such facts to the commissioner for approval unless the commissioner finds that:
- (a) The terms of the acquisition are not in accordance with the laws of this state; ~~or~~
- (b) The financial condition, or the competence, experience, and integrity, of the acquiring party or parties are such as will jeopardize the financial stability of the bank, *trust company, or bank holding company*; or
- (c) The public convenience and advantage will not be served by the acquisition.
- (2) (a) As used in subsection (1) of this section, the term "control" means the power to directly or indirectly direct or cause the direction of the management or policies of the bank, ~~trust~~ trust company, *or bank holding company*.
- (b) A change in ownership of voting stock which would result in direct or indirect ownership by a stockholder or an affiliated group of stockholders of less than twenty-five percent (25%) of the outstanding voting stock shall not be considered a change of control.
- (c) If there is any doubt as to whether a change in the outstanding voting stock is sufficient to result in control, ~~thereof~~ or to effect a change in ~~the~~ control ~~thereof~~, such doubt shall be resolved in favor of reporting the facts to the commissioner.
- (3) Whenever a bank makes a loan or loans, secured, or to be secured, by twenty-five percent (25%) or more of the outstanding voting stock of a bank, the president or other chief executive officer of the lending bank shall promptly report *that* ~~such~~ fact to the commissioner upon obtaining knowledge of *the* ~~such~~ loan or loans, *unless* ~~except that no report need be made in those cases where~~:
- (a) The borrower has been the owner of record of the stock for a period of one (1) year or more; ~~or~~
- (b) The stock is that of a newly *chartered* ~~organized~~ bank prior to its opening.
- (4) The reports required by subsections (1), (2), and (3) of this section shall contain the following information, *as applicable*, to the extent that it is known by the person making the report:

- (a) The number of shares involved;
- (b) The names of the sellers ~~[(or transferors)]~~;
- (c) The names of the purchasers ~~[(or transferees)]~~;
- (d) The names of the beneficial owners if the shares are registered in another name;
- (e) The purchase price;
- (f) The total number of shares owned by the *sellers*~~[seller]~~ ~~[(or transferors)]~~, the purchasers ~~[(or transferees)]~~ and the beneficial owners, both immediately before and after the transaction;~~[-and]~~
- (g) In the case of a loan:
 - 1. The name of the borrower;
 - 2. The amount of the loan; and
 - 3. The name of the bank issuing the stock securing the loan and the number of shares securing the loan;~~and[-]~~
- (h) ~~Any~~~~[-In addition to the foregoing, such]~~ reports shall contain such other information as may be available to inform the commissioner of the effect of the transaction upon control of the bank,~~[-or]~~ trust company, *or bank holding company* whose stock is involved.

- (5) Whenever *control or*~~[such]~~ a change *of control*~~[as]~~ described in subsection (1) of this section occurs, each bank,~~[-or]~~ trust company, *or bank holding company* shall report promptly to the commissioner any changes *to* or replacement of its chief executive officer or of any director occurring in the next twelve (12) month period, including in its report a statement of the past and current business and professional affiliations of the new chief executive officer or directors.

➔Section 19. KRS 286.3-100 is amended to read as follows:

- (1) A bank may *do any or all of the following*:

- (a)~~[(1)]~~ Hold personal property that has been transferred to it as collateral for the payment of any debt;
- (b)~~[(2)]~~ Acquire and hold title to real estate ~~if~~~~[-, provided]~~:
 - 1.~~[(a)]~~ The real estate is necessary or appropriate for the transaction of legitimate business; and
 - 2.~~[(b)]~~ *Except with prior written approval of the commissioner*, the cost of the real estate, including furniture and fixtures, *less accumulated depreciation does*~~[shall]~~ not exceed forty percent (40%) of the *bank's* total paid-in capital, unimpaired surplus, and undivided profits ~~[(determined on accrual basis)]~~. ~~The investment may exceed the bank's forty percent (40%) limit with prior written approval of the commissioner~~;
- (c)~~[(3)]~~ Acquire and hold *title to real estate if*:
 - 1. *The title is held* for not longer than ten (10) years;~~and~~~~[-, any]~~
 - 2. *The real estate is conveyed to the bank*~~[(it)]~~ in satisfaction of debts:
 - a. Previously contracted in the course of its business;~~[-]~~ or
 - b. That it *purchases*~~[may purchase]~~ under a judgment in its favor~~[-. A bank acquiring real estate in satisfaction of debts previously contracted in the course of business shall write down the acquisition at ten percent (10%) per year]~~;

~~[(4)] Invest in the bonds of any federal home loan bank;~~

- (d)~~[(5)]~~ Invest in obligations issued separately or collectively by or for federal land banks, federal intermediate credit banks, and banks for cooperatives under the~~[- Act of Congress known as the]~~ Farm Credit Act of 1971,~~[-85 Stat. 583,]~~ 12 U.S.C. sec. 2001 *et seq., as amended*~~[-and amendments thereto]~~;
- (e)~~[(6)]~~ Invest, subject to the approval of the commissioner, in the capital stock or bonds or both of any domestic realty corporation organized or existing for the sole purpose of acquiring and holding title to real property used by the bank, through lease or otherwise, for the transaction of the bank's legitimate business;

- (f)(7) Purchase, hold, and convey the shares of any open end registered investment company registered under the Investment Company Act of 1940, or a series of the company, whose shares are registered under the Securities Act of 1933 and whose investments are limited to *any or all of the following*:
- 1.(a) Bonds or other interest-bearing obligations of the United States, or those for the payment of the principal and interest on which the faith and credit of the United States is pledged;
 - 2.(b) Stocks, bonds, or other interest-bearing or dividend-yielding obligations issued or guaranteed as to the payment of principal and interest or *dividends*~~{dividend}~~ by any instrumentality presently or hereafter incorporated by authority of an Act of Congress;
 - 3.(c) General obligation bonds or revenue bonds issued and guaranteed as to payment of principal and interest by any state, county, or municipal governments legally authorized to issue these instruments of indebtedness; *or*
 - 4.(d) Any other obligations in which national *banks*~~{banking associations organized under the laws of the United States}~~ are permitted to invest in directly;
- (g)(8) Purchase and hold shares of a bank service corporation, as that term is used in the Bank Service *Company*~~{Corporation}~~ Act, ~~{12 U.S.C. sec. 1861 et seq., as amended}~~ and any amendments thereto;
- (h)(9) Invest in *any or all of the following*:
- 1.(a) *Bonds of any federal home loan bank*;
 2. Bonds or other interest-bearing obligations:
 - a. Of the United States;~~{}~~ or~~{ those }~~
 - b. For the payment of the principal and interest on which the faith and credit of the United States is pledged;
 - 3.(b) Stocks, bonds, or other interest-bearing or dividend-yielding obligations issued or guaranteed as to the payment of principal and interest or *dividends*~~{dividend}~~ by any instrumentality presently or hereafter incorporated by authority of an Act of Congress; *or*
 - 4.(c) General obligation bonds or revenue bonds issued and guaranteed as to payment of principal and interest by any state, county, or municipal governments legally authorized to issue such instruments of indebtedness;
- (i)(10) — (a) 1. Invest in~~{ other }~~ real estate in the bank's generally accepted banking market *if*. ~~For purposes of this section, "the bank's generally accepted banking market" means the geographic banking market at the time the investment is made as defined by the Federal Reserve Bank in the Federal Reserve District in which the bank is located.~~ the investment *does*~~{shall}~~ not exceed ten percent (10%) of the bank's actual paid-in capital and surplus, calculated at the time the investment is made, for each real estate investment.
2. *As used in this paragraph, "the bank's generally accepted banking market" means the bank's geographic banking market, as determined by the federal reserve bank in the federal reserve district in which the bank is located, at the time the investment is made;* ~~{and}~~
- (j)(b) *Invest*~~{Investment}~~ in other real estate~~{ not to exceed ten percent (10%) of the bank's actual paid-in capital and surplus, calculated at the time the investment is made, for each real estate investment, if the bank has acquired the real estate}~~ in satisfaction of a debt previously contracted *by the bank if*:~~{ and }~~
1. The investment is for the purpose of improving the real estate for sale; *and*~~{ Any }~~
 2. *The* real estate *is*~~{acquired in satisfaction of a debt previously contracted and improved by the bank shall be}~~ disposed of within five (5) years of the date of acquisition, *except*~~{with}~~ the commissioner *may*~~{authorized to}~~ extend the disposition upon written request of the bank for good cause shown on a year-to-year basis not exceeding an additional five (5) years;
- (k)(11) Own or operate, *either through the bank or a bona fide subsidiary of the bank, any or all of the following*:
1. A discount brokerage service~~{ either through the bank or a bona fide subsidiary of the bank}~~;

2. ~~{(12)}~~ ~~{Own or operate }~~A travel agency~~{ either through the bank or a bona fide subsidiary of the bank}; or~~

3. *A courier service;*

(1) ~~{(13)}~~ Invest, with the prior approval of the commissioner, in the capital stock or bonds of a trust company;~~{ and }~~

(m) *Engage, either through the bank or a bona fide subsidiary of the bank, in the sale of insurance; or*

~~{(14)}~~ ~~Own or operate a courier service, either through the bank or a bona fide subsidiary of the bank, in any county where the bank has its principal office or a branch.~~

(n) ~~{(15)}~~ Except for real estate provided in *paragraph (c) of this subsection*~~{ subsection (3) of this section}~~, acquire and hold for not more than one (1) year, or for an additional period allowed in writing by the commissioner, any assets taken as security for debts previously contracted in the ordinary course of business.

(2) Investments *made* in accordance with *subsection (1)(f) or (1)(h)2., 3., or 4.*~~{ subsections (7) and (9)}~~ of this section are subject to KRS 286.3-280 and 286.3-290.

(3) (a) *Except as provided in paragraph (b) of this subsection*, for purposes of computing the maximum investment of a bank in bonds, notes, and other investments, book value shall be used.

(b) For deep discount bonds or zero coupon bonds, accreted book value shall be used.

(4) (a) *Except as provided in paragraph (b) of this subsection, when accounting for real estate acquired under subsections (1)(c) or (j) of this section, a bank shall comply with the other real estate owned, or OREO, accounting standards established under federal law, including federal regulations and other guidance, for national banks.*

(b) *When accounting for real estate acquired under subsection (1)(c) of this section, a bank may, in lieu of complying with paragraph (a) of this subsection, elect to write down the acquisition at ten percent (10%) per year.*

➔Section 20. KRS 286.3-140 is amended to read as follows:

(1) *Except as provided in subsection (2) of this section*, a bank may~~{, with the consent of a majority in number and interest of its stockholders,}~~ amend its articles of incorporation or reorganize to permit it to engage in a trust business.~~{ The stock of the old corporation, if unimpaired, may be converted into stock in the new corporation.}~~

(2) *A bank that acts as a fiduciary under the authority of a permit obtained prior to May 31, 1938, under 1920 Ky. Acts ch. 128, may continue to act as a fiduciary under that Act.*

(3) ~~{(2)}~~ (a) Any bank ~~and~~~~{ or }~~ trust company may consolidate *into a resulting combined bank and trust company.*~~{ and }~~

(b) The consolidated corporation shall issue stock for an equivalent amount in value of the stock of the constituent corporations.

(4) ~~{(3)}~~ (a) Upon written approval of the commissioner, a bank or trust company may transfer one (1) or more fiduciary accounts under its administration to an affiliate of the trust company or bank, as defined in KRS 286.3-230(6), located in *this state*~~{ the Commonwealth}~~, if the transferring bank or trust company~~{ shall also}~~:

1. ~~{(a)}~~ Not later than thirty (30) days prior to the date of~~{ the}~~ transfer~~{ of the fiduciary accounts}~~, *sends the following, in writing,*~~{ send written notice}~~ to the person or entity that was the recipient of the last *account status* report:

a. *Notice of the transfer; and*

b. *Notice that the person has a right*~~{ of the status of the account. The notice shall include notification of the recipient's rights}~~ to object to the transfer in the probate division of District Court; and

2. *Within ten (10) days after the date of transfer, files an affidavit recording the transfer in the District Court, probate division, of the county in which its principal office is located.*

- (b) *The notice required under paragraph (a)1. of this subsection* shall be deemed effective when mailed by the bank or trust company~~[- and~~
- ~~(b) Within ten (10) days after the date of a transfer of the fiduciary accounts, file an affidavit recording the transfer in the District Court, probate division, of the county in which its main office is located.~~

➔Section 21. KRS 286.3-145 is amended to read as follows:

- (1) A~~[- Kentucky state]~~ trust company:
- (a) May, at its trust office or offices in Kentucky or any other state or foreign country, act as a fiduciary and engage in *other* trust business as permitted by Kentucky law or the applicable law of the state or foreign country; and
- (b) *Shall*~~[- May]~~ not, at its trust representative office or offices in Kentucky or any other state or foreign country, act as a fiduciary, but it may~~[- otherwise]~~ engage in other *trust business at the office or offices as permitted by Kentucky law or the applicable law of the state or foreign country*~~[- fiduciary related activities]~~, including but not limited to marketing, soliciting, and *operations*~~[- operating through the trust representative office as permitted by this section]~~.
- (2) A~~[- Kentucky state]~~ trust company may conduct ~~[- any]~~ *trust business in a state other than Kentucky or a foreign country, to the extent the* activities~~[- at an office outside of this state that]~~ are:
- (a) Permissible for *an out-of-state or a foreign*~~[- a]~~ trust company *organized under the laws of*~~[- chartered by]~~ the host state *or foreign country; and*~~[- where the office of the Kentucky state trust company is located, except to the extent the activities are]~~
- (b) *Not* expressly prohibited by the laws of *this state*~~[- Kentucky or by any applicable law of the host state or foreign country]~~.
- (3) (a) A~~[- Kentucky state]~~ trust company shall have and continuously maintain a principal office in this state.
- (b) *A trust company may establish, or acquire and maintain, additional trust offices or trust representative offices in this state, a state other than Kentucky, or a foreign country.*
- (4) (a) A~~[- Kentucky state]~~ trust company may establish or acquire and maintain trust offices or trust representative offices in this state. A ~~[- Kentucky state]~~ trust company desiring to establish, or acquire and maintain, an office *or offices, in addition to its principal office,*~~[- in this state]~~ shall:
- 1.~~[- (a)]~~ File a written *application*~~[- notice]~~ on a form prescribed by the commissioner, *which shall include*~~[- setting forth the following]~~:
- a.~~[- 1.]~~ The name of the~~[- Kentucky state]~~ trust company;
- b.~~[- 2.]~~ The location of the proposed office or offices;~~[- and]~~
- c.~~[- 3.]~~ The designation of the additional office or offices as trust offices or trust representative offices; *and*
- d. *For any office or offices proposed to be located in a jurisdiction other than this state, an affirmation that the laws of the jurisdiction permit the office or offices proposed by the trust company;*
- 2.~~[- (b)]~~ Furnish the commissioner with a copy of the resolution adopted by the board of directors authorizing the *additional office or offices; and*
- 3.~~[- (c)]~~ Pay the filing fee, if any, prescribed by the commissioner;
- (b)~~[- (d)]~~
1. *An application made under paragraph (a) of this subsection shall be deemed approved on the thirty-first day*~~[- Commence business at the office no sooner than thirty one (31) days]~~ after the date the commissioner receives *the application*~~[- notice as specified by paragraph (a) of this subsection]~~, unless the commissioner:
- a. Specifies an earlier or later date; *or*
- b. *Extends the review period under subparagraph 2. of this paragraph.*
2. The *commissioner may extend the* thirty (30) day *review period*~~[- of review]~~ *provided under this paragraph*~~[- may be extended by the commissioner]~~ if he or she determines~~[- the notice raises issues]~~ that~~[- require]~~ additional information or~~[- additional]~~ time for analysis *is required.*

3. If the ~~period of~~ review *period* is extended, the ~~Kentucky state~~ trust company *shall not be authorized to commence business at the proposed office or offices until the trust company receives* ~~may establish or acquire and maintain the additional office only on prior~~ written approval ~~from~~ ~~by~~ the commissioner.
- (c) The commissioner may deny *an application for an* ~~approval of the~~ additional office *or offices* if the commissioner finds that:
 1. The ~~Kentucky state~~ trust company lacks sufficient financial resources to undertake the proposed expansion without adversely affecting its safety or soundness;
 2. The proposed office *or offices* would be contrary to the public interest; or
 3. The proposed expansion is not authorized by applicable law.
- (5) (a) ~~A Kentucky state trust company may establish or acquire and maintain a trust office or a trust representative office in a state other than this state. A Kentucky state trust company desiring to establish or acquire and maintain an office in another state shall:~~
 - (a) ~~File a written notice on a form prescribed by the commissioner setting forth the following:~~
 1. ~~The name of the Kentucky state trust company;~~
 2. ~~The location of the proposed office or offices;~~
 3. ~~The designation of the additional office or offices as trust offices or trust representative offices; and~~
 4. ~~An affirmation that the laws of the jurisdiction where the office will be located permit the office to be maintained by the trust company;~~
 - (b) ~~Furnish the commissioner with a copy of the resolution adopted by the board of directors authorizing the out of state office;~~
 - (c) ~~Pay the filing fee, if any, prescribed by the commissioner; and~~
 - (d) ~~Commence business at the office no sooner than thirty one (31) days after the date the commissioner receives notice as specified by paragraph (a) of this subsection unless the commissioner specifies an earlier or later date. The thirty (30) day period of review may be extended by the commissioner if he or she determines the notice raises issues that require additional information or additional time for analysis. If the period of review is extended, the Kentucky state trust company may establish or acquire and maintain the additional office only on prior written approval by the commissioner. The commissioner may deny approval of the additional office if the commissioner finds that:~~
 1. ~~The Kentucky state trust company lacks sufficient financial resources to undertake the proposed expansion without adversely affecting its safety or soundness;~~
 2. ~~The proposed office would be contrary to the public interest; or~~
 3. ~~The proposed expansion is not authorized by applicable law.~~
 - (6) ~~A Kentucky state} trust company acquiring an office in this state, { or in} any other state, *or a foreign country* shall provide evidence to the commissioner that all fiduciary obligations and liabilities of the trust company being acquired have been properly discharged or assumed.~~
 - (b) An acquiring trust company shall succeed by operation of law to all of the rights, privileges, and obligations of the selling trust company.
- ➔ Section 22. KRS 286.3-146 is amended to read as follows:
- (1) An out-of-state trust company may *do any or all of the following, to the extent permitted under this section:*
 - (a) *Conduct trust business in this state, including but not limited to acting as a trustee, personal representative, executor, administrator of any kind, guardian, conservator, or in any other like or similar fiduciary capacity, whether the appointment is by law, will, deed, trust, mortgage, court order, or otherwise, to the extent the activities are authorized for a trust company organized under the laws of this state; or*
 - (b) Establish, or acquire and maintain, a trust office or a trust representative office in this state ~~only if trust companies chartered under the laws of Kentucky are permitted to establish or acquire and maintain~~

offices, and engage in substantially similar activities permissible for out of state trust companies as established in KRS 286.3-145, in the state where the out of state trust company has its principal office].

- (2) (a) An out-of-state trust company *shall not conduct an activity authorized under subsection (1) of this section unless:*
1. *A trust company organized under the laws of this state is permitted under the laws of the out-of-state trust company's home state to conduct a substantially similar activity in that state; and*
 2. *The trust company has filed with the commissioner, in a form and format prescribed by the commissioner in an administrative regulation promulgated in accordance with KRS Chapter 13A:*
 - a. *If the trust company has an agent for service of process in this state:*
 - i. *The name, physical address, telephone number, and electronic mail address of the trust company's agent in this state for service of process; and*
 - ii. *A certification that the trust company will, at least five (5) days prior to any change in the information provided under subpart i. of this subdivision, notify the commissioner of the change and update the information;*
 - b. *If the trust company does not have an agent for service of process in this state, an irrevocable consent appointing the Secretary of State as the trust company's attorney to receive lawful process issued against the trust company in this state; and* ~~that establishes or acquires and maintains a trust office or trust representative office in Kentucky pursuant to this section may conduct any activity in Kentucky that would be authorized under the laws of this state for a Kentucky state trust company~~
 - c. *The confirmation required under subsection (6) of this section.*
- (b) *If any out-of-state trust company engages in conduct in this state without making the service of process filing required under paragraph (a)2. of this subsection, the trust company shall be subject to service of process as provided in KRS 454.210.*
- (c) *Notwithstanding this section, a court of this state may exercise jurisdiction over an out-of-state trust company on any other basis authorized in the Kentucky Revised Statutes or by the Rules of Civil Procedure.*
- (3)~~(2)~~ An out-of-state trust company:
- (a) May, at its trust office or offices in Kentucky, act as a fiduciary in Kentucky~~[-]~~ and *engage in other trust business, to the extent the activities are* ~~may conduct any activity at the trust office or offices that would be~~ authorized ~~under the laws of this state~~ for a ~~Kentucky state~~ trust company *organized under the laws of this state; and*
 - (b) ~~Shall~~~~May~~ not, at its trust representative office or offices in Kentucky, act as a fiduciary, but it may ~~otherwise~~ engage in other *trust business at the office or offices,* ~~fiduciary related activities~~ including but not limited to marketing, soliciting, and *operations, to the extent the activities are authorized for a trust company organized under the laws of this state* ~~operating through the trust representative office, but only to the extent the home state of the out of state trust company permits trust companies chartered in Kentucky to engage in similar activities in the other state~~.
- ~~(3) An out of state trust company shall have and continuously maintain a trust office or trust representative office in this state.]~~
- (4) (a) An out-of-state trust company desiring to establish, or acquire and maintain, *an office or offices* ~~a trust office~~ in this state shall:
1. *File a written application on a form prescribed by the commissioner, which shall include* ~~Provide, or cause its home state regulator to provide, on a form prescribed by the commissioner written notice of the proposed transaction. This form shall be provided to the commissioner on or after the date on which the out of state trust company applies for approval to establish or acquire and maintain an office in this state. The written notice shall set forth~~:
 - a. The name of the out-of-state trust company;
 - b. The location of the proposed office or offices; and

- c. The designation of the additional office or offices as trust offices or trust representative offices;
 - 2. Furnish the commissioner with:
 - a. A copy of the resolution adopted by the board of directors of the out-of-state trust company authorizing the office *or offices*; **and**
 - b. *A notice from the out-of-state trust company's home state regulator that the proposed transaction is authorized by that regulator; and*
 - 3. Pay the filing fee, if any, prescribed by the commissioner.~~{;}~~
- (b) ~~1.4.1~~ *An application made under paragraph (a) of this subsection shall be deemed approved on the sixty-first day*~~{Commence business at the trust office no sooner than sixty one (61) days}~~ after the date the commissioner receives the *application*~~{notice specified by this subsection}~~, unless the commissioner:
- a. Specifies an earlier or later date; *or*
 - b. *Extends the review period under subparagraph 3. of this paragraph.*
- 2. With respect to an out-of-state trust company that is not a depository institution,~~{and for which}~~ the commissioner *may condition*~~{shall have conditioned}~~ approval *of any application* upon:
 - a. Satisfaction by the out-of-state trust company of any requirement applicable to a ~~{Kentucky state}~~ trust company *organized under the laws of this state; and*
 - b. *The out-of-state trust company furnishing*~~{, the out-of-state trust company must have satisfied those conditions and provided}~~ the commissioner with satisfactory evidence *that the conditions required for approval have been satisfied*~~{thereof}~~.
 - 3. The *commissioner may extend the* sixty (60) day *review* period~~{of review}~~ *provided under this paragraph*~~{may be extended by the commissioner}~~ if he or she determines~~{the written notice raises issues}~~ that~~{require}~~ additional information or~~{additional}~~ time for analysis *is required*.
 - 4. If the *review* period~~{of review}~~ is extended, the out-of-state trust company *shall not be authorized to commence business at the proposed office or offices until the trust company receives*~~{may establish or acquire and maintain the office only on prior}~~ written approval of the commissioner.
- (c) The commissioner may deny *an out-of-state trust company's application for an*~~{approval of the}~~ office *or offices in this state* if the commissioner finds that:
- 1.~~{a.}~~ The out-of-state trust company lacks sufficient financial resources to undertake the proposed expansion without adversely affecting its safety or soundness;
 - 2.~~{b.}~~ The proposed office *or offices are*~~{is}~~ contrary to the public interest; or
 - 3.~~{c.}~~ The proposed expansion is not authorized under applicable law.
- (5) (a) An out-of-state trust company *establishing or* acquiring an office *in this state* shall:
- 1.~~{(a)}~~ Provide evidence to the commissioner of compliance with *the requirements*:
 - a.~~{1.}~~ ~~{Requirements}~~ Of the trust company's home state regulator and home state law for establishing, or acquiring and maintaining, the office; and
 - b.~~{2.}~~ *For*~~{requirements to qualify as a}~~ foreign *corporations*~~{corporation}~~ under KRS Chapter 271B; and
 - 2.~~{(b)}~~ Provide evidence to the commissioner that all fiduciary obligations and liabilities of *any*~~{the}~~ trust company being acquired have been properly discharged or assumed.
- (b) An acquiring trust company shall succeed by operation of law to all of the rights, privileges, and obligations of the selling trust company.
- (c) Fulfillment of the requirements of this subsection shall not result in the establishment *or acquisition* of~~{an office of}~~ an out-of-state trust company *office in this state*~~{Kentucky}~~ until the commissioner~~{, acting within sixty (60) days after receiving notice pursuant to this subsection,}~~ has~~{certified to the home state~~

~~regulator of the proposed out of state trust company that the requirements of this section have been met and the notice has been~~ approved *an application made for the office in accordance with subsection (4) of this section*~~[or, if applicable, that any conditions imposed by the commissioner pursuant to this subsection have been satisfied].~~

- (6) An out-of-state trust company that *conducts trust business*, establishes *an office*, or acquires and maintains an office in this state shall confirm~~[in writing]~~ to the commissioner, prior to commencing~~[to do]~~ business in this state~~[,]~~ and at least annually thereafter, that for so long as it *conducts trust business, or* maintains a trust office or trust representative office, in this state, it will comply with all applicable laws of this state.

➔Section 23. KRS 286.3-172 is amended to read as follows:

- (1) A national banking association may convert into, or merge *or consolidate* with, a state bank under a state charter *in the manner*~~[,]~~ provided *by*~~[that the action taken complies with]~~ federal law.
- (2) In the case of each conversion:~~[,]~~
- (a) A written plan of conversion shall be submitted~~[, in duplicate,]~~ to the commissioner;~~[,]~~
- (b) *The conversion*~~[Such]~~ plan shall:
1. Be in *a* form satisfactory to the commissioner;~~[, shall]~~
 2. Prescribe the terms and conditions of the conversion and the mode of carrying it into effect;~~[,]~~ and~~[shall have annexed thereto and forming a part thereof]~~
 3. *Include:*
 - a. The proposed articles of incorporation of the state bank *that*~~[which]~~ is to result from the conversion, *which*~~[Such articles of incorporation]~~ shall be in the form prescribed by law for the organization of state banks, with~~[such]~~ variations, if any, as *are*~~[shall be]~~ satisfactory to the commissioner; *and*~~[With such plan of conversion there shall be submitted, in duplicate, to the commissioner]~~
 - b. A certificate of the president, secretary, or cashier of the national banking association certifying that all steps have been taken which are necessary under federal law *for*~~[to the consummation of]~~ the conversion;~~[,]~~
- (c) The commissioner shall approve or disapprove *a conversion*~~[such]~~ plan~~[of conversion]~~ within sixty (60) days of the *plan's* submission;~~[thereof to him.]~~
- (d) In considering the approval or disapproval of *a*~~[the]~~ conversion plan, the commissioner shall take into account:
- 1.~~[(a)]~~ *Whether there are any significant supervisory or compliance concerns that exist with respect to the national banking association*~~[pending administrative or judicial action to which the bank] or any officer or director of the association~~~~[bank is a party];~~
 - 2.~~[(b)]~~ The performance of the converting national *banking association*~~[bank]~~ for the five (5) years preceding the application for conversion as compared to similarly situated state~~[chartered]~~ banks; and
 - 3.~~[(c)]~~ The proposed name of the bank after conversion which shall not be the same as or deceptively similar to any existing state~~[chartered]~~ bank;~~[,]~~
- (e) ~~[(f)]~~ The commissioner shall approve *or disapprove a conversion*~~[such]~~ plan *in writing, which shall be sent to the applicant and filed*~~[he shall file one (1) duplicate thereof, together with one (1) duplicate of such certificate submitted therewith and the original of the approval of the commissioner,]~~ in the office of the commissioner; *and*~~[,]~~
- (f) After *a conversion plan has been approved in writing and filed*~~[such filing]~~ in the office of the *commissioner*~~[commission]~~, the conversion shall become effective upon the filing and recording of the articles of incorporation, as provided in KRS 286.3-050, unless a later date is specified in the plan, in which event the conversion shall become effective upon *the*~~[such]~~ later date. ~~[(f)]~~ ~~the commissioner shall disapprove the conversion plan, he shall state his reasons for such disapproval in writing to which the converting national bank shall have the right of appeal as permitted by law.]~~
- (3) In the case of each merger *or consolidation*:~~[,]~~

- (a) A written plan of merger *or consolidation* shall be submitted~~[, in duplicate,]~~ to the commissioner;~~[]~~
- (b) *The merger or consolidation*~~[Such]~~ plan shall:
1. Be in *a* form satisfactory to the commissioner;~~[and shall]~~
 2. Prescribe the terms and conditions of the merger *or consolidation* and the mode of carrying it into effect;~~[. Such plan may]~~
 3. Provide the name to be borne by the state bank, as receiving corporation, if *the state bank's*~~[such]~~ name is to be changed;~~[. Such plan may also]~~
 4. *Either:*
 - a. Name the persons who *will*~~[shall]~~ constitute the first board of directors of the state bank after the merger *or consolidation*; *or*~~[shall have been accomplished, provided that the number and qualifications of such person shall be in accordance with the provisions of Subtitle 3 of KRS Chapter 286 relating to the number and qualifications of directors of a state bank; or such plan may]~~
 - b. Provide for:
 - i. *Conducting the affairs of the state bank until* a meeting of the stockholders to elect *the first*~~[a]~~ board of directors *of the state bank after the merger or consolidation occurs; and*
 - ii. *A stockholder meeting to elect the first board of directors, which shall occur* within sixty (60) days after *the*~~[such]~~ merger *or consolidation*; *and*~~[, and may make provision for conducting the affairs of the state bank meanwhile. With such plan of merger there shall be submitted, in duplicate, to the commissioner the following]~~
 5. *Include:*
 - a.~~[(a)]~~ By the national banking association, a certificate of the president, secretary, or cashier of *the*~~[such]~~ association certifying that all steps have been taken which are necessary under federal law *for the*~~[to the consummation of their]~~ merger *or consolidation*; *and*
 - b.~~[(b)]~~ By the state bank, a certificate of the president, secretary, or cashier *of the bank* certifying that *the plan:*
 - i. ~~[such plan of merger]~~Has been approved by the board of directors of the state bank by a majority vote of all the members thereof;~~[, that such]~~
 - ii. ~~[plan]~~Has been submitted to the stockholders of the state bank at a meeting~~[thereof]~~ held,~~[]~~ upon notice of at least fifteen (15) days,~~[]~~ specifying the time and place and object of *the*~~[such]~~ meeting and addressed to each stockholder at the address appearing upon the books of the state bank and published pursuant to KRS Chapter 424;~~[]~~ and~~[that such]~~
 - iii. ~~[plan of merger]~~Has been approved~~[at such meeting]~~ by the vote of *at least two-thirds (2/3) of* the stockholders~~[owning at least two thirds (2/3) in amount of the stock]~~ of the state bank;~~[]~~
- (c) *The first board of directors of the state bank after the merger or consolidation shall be in accordance with the provisions of this subtitle relating to the number and qualifications of directors of a state bank;*
- (d)~~[(4)]~~ The commissioner shall approve or disapprove *a*~~[such]~~ plan of merger *or consolidation:*
1. Within sixty (60) days of *the plan's*~~[such]~~ submission; *and*
 2. *In writing, which shall be sent to the applicant and filed*~~[thereof to him. If the commissioner shall approve such plan, he shall file one (1) duplicate thereof, together with one (1) duplicate of each of such certificates and the original of the approval of the commissioner,]~~ in the office of the commissioner; *and*~~[]~~
- (e) *A merger or consolidation shall become effective* upon *the*~~[such]~~ filing *of an approval of the merger or consolidation plan* in the office of the commissioner,~~[the merger shall become effective,]~~ unless a

later date is specified in the plan, in which event the merger *or consolidation* shall become effective upon ~~the~~^[such] later date.

- (4) ***If the commissioner disapproves a conversion, merger, or consolidation plan:***
- (a) ***The commissioner shall state the reasons for disapproval in the filing made under this section; and***
- (b) ***The applicant or applicants seeking conversion, merger, or consolidation shall have a right of appeal as permitted by law.***
- (5) At the time when ~~a~~^[such] conversion, ~~or~~ merger, *or consolidation* becomes effective:
- (a) The resulting state bank shall be considered the same business and corporate entity as the national banking association, although as to rights, powers, and duties, the resulting bank is a state bank;
- (b) All of the property, rights, and powers and franchises of the national banking association shall vest in the resulting state bank and the resulting state bank shall be subject to and deemed to have assumed all of the debts, liabilities, obligations, and duties of the national banking association and to have succeeded to all of its relationships, fiduciary or otherwise, as fully and to the same extent as if ***the national banking association's*** ~~[such]~~ property, rights, powers, franchises, debts, liabilities, obligations, duties, and relationships had been originally acquired, incurred, or entered into by the resulting state bank, ~~except; provided, however, that~~ the resulting state bank shall not, through ~~the~~^[such] conversion, ~~or~~ merger, *or consolidation*, acquire ***the*** power to engage in any business or to exercise any right, privilege, or franchise ~~that~~^[which] is not conferred by the provisions of Subtitle 3 of KRS Chapter 286 upon ~~the~~^[such] resulting state bank;
- (c) Any reference to the national banking association in any contract, will, or document, whether executed or taking effect before or after the conversion, ~~or~~ merger, *or consolidation*, shall be considered a reference to the resulting state bank if not inconsistent with the other provisions of the contract, will, or document; ***and***
- (d) A pending action or other judicial proceeding to which the national banking association is a party~~;~~ shall not be deemed to have abated or to have discontinued by reason of the conversion, ~~or~~ merger, *or consolidation*, but may be prosecuted to final judgment, order, or decree in the same manner as if the conversion, ~~or~~ merger, *or consolidation* had not been made.~~;~~ The resulting state bank may be substituted as a party to ~~any~~^[such] action or proceeding ***to which the national banking association is a party***~~;~~ and any judgment, order, or decree may be rendered for or against ***the resulting state bank***~~;~~ that might have been rendered for or against the national banking association if the conversion, ~~or~~ merger, *or consolidation* had not occurred.

➔Section 24. KRS 286.3-180 is amended to read as follows:

- (1) ***Except as provided in KRS 286.3-820, state banks may*** ~~authorized under the laws of this state may, except as provided in subsections (2) or (3) of this section,~~ exercise~~, only at their principal office,~~ ***the following*** powers necessary to carry on the business of banking ***at their principal office or a branch:***~~;~~
- (a) Discounting and negotiating notes, drafts, bills of exchange, and other evidences of debt; ~~and by~~
- (b) Purchasing bonds, receiving deposits, and allowing interest on these items;~~;~~
- (c) Buying and selling exchange, coin, and bullion;~~;~~ and
- (d) Lending money on personal or real security.
- (2) ***Subject to subsection (3) of this section and Section 33 of this Act, a state bank may establish or acquire a branch*** within any state, the District of Columbia, or a territory of the United States ~~a branch and may exercise all of the powers conferred in subsection (1) of this section at the branch~~.
- (3) (a) ~~A bank,~~ Except for a bank that the commissioner may designate by the promulgation of administrative regulations ***or as provided in subsections (4) and (5) of this section, a state bank*** shall apply to the commissioner for permission to establish or acquire a branch.
- (b) ~~Before~~ The commissioner ***shall approve an*** ~~shall approve or disapprove any~~ application made under this subsection ***if***~~;~~ the commissioner ***determines*** ~~shall ascertain and determine~~ that:
1. The public convenience and advantage will be served and promoted ***by operation of the branch;*** ~~and that~~

2. There is reasonable probability of the successful operation of the branch based upon the financial and managerial impact of the branch on the bank establishing or acquiring the branch.
- (c) The following conditions shall apply to applications for branches *under this subsection*:
1. ~~(a) [The]~~ Permission to open a branch shall lapse one (1) year after the commissioner has rendered a final order, as defined in KRS 13B.010, **approving the application** ~~unless it shall have been opened and business actually begun in good faith~~. If, for reasons beyond the control of the applicant, the branch is not opened **and business is not actually begun in good faith** within this time period, permission to open the branch may, with the approval of the commissioner, be extended for any period of time the commissioner deems to be necessary; and
 2. ~~(b)~~ An application to establish or acquire a branch ~~office~~ shall be approved or disapproved by the commissioner based upon the facts existing ~~on~~~~at~~ the date ~~of filing of~~ the application **is filed**, except for the financial condition of the bank proposing to establish a branch ~~office~~, which condition shall be subject to review until **a final** ~~an~~ order ruling on the application is made.
- (4) ~~(3)~~ Any corporation which on January 1, 1966, was engaged in operating a branch bank may continue to retain and operate the branch bank under the general banking laws, and the requirements set forth in this section in respect to capital shall not apply to any existing branch bank but only as to those branch banks which may be established in the future in accordance with the terms of this section.
- (5) ~~(4)~~ **Except as otherwise expressly provided in this subtitle**, the provisions of **subsection (3) of this section** shall not **apply to the conversion, merger, consolidation, acquisition, or combination of any bank or branch that is authorized under another provision of this subtitle** ~~be construed to prohibit the merger of banks in the same county and the operation by the merged corporation of the banks, nor to prohibit the sale of any bank to, and the purchase by, any other bank in the same county and the operation of the bank by the purchasing bank as a branch, provided the commissioner shall determine that the public convenience and necessity will be served by the operation. The bank which does not survive the merger shall surrender its charter~~.
- (6) ~~(5)~~ Any national banking association ~~or any state bank member of the Federal Reserve system~~ whose principal office is located in this state may do all things and perform all acts **that** ~~which~~ state banks are permitted to do or perform under this section, subject to the conditions and restrictions provided for **state** banks as to exercise of these powers.
- (7) ~~(6)~~ **Except as provided in subsection (9) of this section**, when a branch ~~bank~~ has ~~once~~ been established, any operation of the branch ~~bank~~ shall not be discontinued ~~or, and the branch bank shall not be~~ closed **unless**:
- (a) **The bank provides at least** ~~until after~~ ninety (90) days' notice **of the branch's discontinuance or closure** in writing to the commissioner; ~~and, in the discretion of~~
 - (b) **If requested by the commissioner**, the ~~branch~~ bank **provides the commissioner** ~~proposing to discontinue operation may be required to give~~ notice of the date when **the branch will be discontinued or closed** ~~its operation will cease. The consolidation of two (2) or more branches into a single location in the same vicinity or immediate neighborhood shall not be considered a branch closure subject to the provisions of this subsection~~.
- (8) (a) **Except as provided in subsection (9) of this section, a state bank shall apply to the commissioner for permission to change the location of its principal office or a branch.**
- (b) **The commissioner shall approve a change of location if the commissioner determines that:**
1. **The public convenience and advantage will be served and promoted by the proposed change of location; and**
 2. **There is a reasonable probability of the successful operation of the principal office or branch at the new location.**
- (9) (a) **The commissioner may exempt a bank from compliance with subsection (7) or (8) of this section, or both, through the promulgation of administrative regulations.**
- (b) **The consolidation of two (2) or more branches into a single location, or the relocation of a branch, within the same vicinity or immediate neighborhood shall not be considered a branch closure or change of location subject to the provisions of subsection (7) or (8) of this section if the consolidation or relocation does not substantially affect the nature of the business or customers served.**

- (10) (a) *Except as provided in paragraph (b) of this subsection, a state bank, out-of-state bank, or national bank shall use at all times the same name for all of its branches in Kentucky.*
- (b) *Upon written request, the commissioner shall permit the limited use of a different name at one (1) or more branches when necessary to avoid customer confusion.*

➔Section 25. KRS 286.3-193 is amended to read as follows:

- (1) (a) ~~{The first day of January (New Year's Day), Easter Sunday, the last Monday in May (Memorial Day), the fourth day of July (Independence Day), the first Monday in September (Labor Day), the fourth Thursday in November (Thanksgiving Day), and the twenty fifth day of December (Christmas) of each year are holidays on which banks shall close. If New Year's Day, Independence Day, or Christmas falls on a Saturday or Sunday, either the preceding Friday or the succeeding Monday shall also be observed as a holiday and the offices of banks closed.~~
- (2) ~~Except as provided in subsection (1) of this section, }A bank, *or any of its branches or other offices:*~~
1. May, at its option, either close or remain open for business on any day *or during any hours* of the week ~~if provided~~ the days of the week and the hours *during* which an office of the bank will remain open are conspicuously posted in ~~each~~~~that~~ office; ~~and~~;
 2. ~~{(3)}~~ *Except as provided in paragraph (b) of this subsection, shall not close during any hours or days for which the bank or office has posted that it will be open.*
- (b) A bank~~,~~ or ~~an~~ office ~~thereof,~~ may, because of an emergency or any other reason deemed sufficient by the bank, close on any day or days, *in whole or in part*, which it would normally be open for business *if the bank or office gives notice in accordance with paragraph (c) of this subsection.*
- (c) *A bank or office shall give the public*~~{by giving}~~ five (5) business days' notice of ~~a~~~~the~~ closing *made under paragraph (b) of this subsection*~~{to the public}~~ by posting a statement to that effect in a conspicuous place in ~~each~~~~the~~ office of the bank ~~that~~~~which~~ will be closed, unless the giving of the notice is impractical because of the existence of an emergency or other condition.
- (2)~~{(4)}~~ (a) Any day on which a bank is closed pursuant to the provisions of this section shall not be a banking day of the bank within the meaning of KRS Chapter 355 or any other law, and no bank shall be required to permit access to its safe deposit vaults on that day.
- (b) When a contract by its terms requires the payment of money or the performance of a condition by or at the bank on a day when the bank is closed, the payment shall be made or condition performed on the next business day succeeding the day when the bank was closed.
- (c) ~~Any~~~~The~~ payment *made in accordance with paragraph (b) of this subsection* shall be deemed made and the condition performed with the same force and effect as if made in accordance with the terms of the contract, and no liability or loss of rights shall result from the delay.

➔Section 26. KRS 286.3-280 is amended to read as follows:

- (1) Except as provided in subsection (2) of this section:
- (a) Subject to paragraph (b) of this subsection, ~~a~~~~no~~ bank or trust company shall *not* permit any person to become indebted to it or become obligated as guarantor or surety to it in an amount exceeding twenty percent (20%) of the bank's or trust company's capital stock actually paid in and actual amount of surplus, unless the person pledges, for any amount that exceeds the twenty percent (20%) limit, good collateral security or a mortgage upon real or personal property, which at the time is of more than the cash value of the indebtedness or obligation required to be secured under this paragraph above all other encumbrances;
 - (b) In no event shall the indebtedness or obligation of any person exceed thirty percent (30%) of a bank's or trust company's capital stock actually paid in and actual amount of surplus; and
 - (c) When computing the total of a bank's or trust company's capital stock actually paid in and actual amount of surplus, any negative balance of a bank's or trust company's undivided profits account shall be deducted.
- (2) A bank or trust company may, in lieu of complying with subsection (1) of this section, elect to comply with the legal lending limits applicable to national banks, as set forth in 12 U.S.C. sec. 84 and 12 C.F.R. pt. 32, as amended.

- (3) ~~A [No]~~ bank or trust company shall **not** permit any of its directors or executive officers to become indebted to it or become obligated as guarantor or surety to it in an amount that exceeds the amount that any other person is authorized by this section to become indebted or obligated to the bank or trust company.
- (4) In computing the indebtedness of any person:
- (a) The liability of any partnership in which the person acts as a general partner, and any obligation entered into for the benefit of a person, partnership, or association, shall be included in the total liabilities of the person, partnership, or association; and
 - (b) 1. Any credit exposure arising from a derivative transaction, repurchase agreement, reverse purchase agreement, securities lending transaction, or securities borrowing transaction shall be included.
 2. For the purposes of this paragraph, the term "derivative transaction" includes any transaction that is a contract, agreement, swap, warrant, note, or option that is based, in whole or in part, on the value of, any interest in, or any quantitative measure or the occurrence of any event relating to, one (1) or more commodities, securities, currencies, interest or other rates, indices, or other assets.
- (5) Except as otherwise provided in this section, the same security, both in kind and amount, shall be required from stockholders as from nonstockholders.
- (6) The discount of bills of exchange drawn against actually existing value, and the purchase or discounting of commercial or business paper actually owned by the person negotiating the paper, shall not be considered as borrowed money within the meaning of this section in fixing the limit of indebtedness or obligation of any person selling or negotiating the paper to a bank.
- (7) (a) ***Except as provided in paragraph (b) of this subsection, a bank shall not make any loan or discount on the security of, or be the purchaser or holder of, the shares of its own capital stock, or the shares of stock of a bank holding company that controls the bank, in an amount that exceeds the amounts permitted by 12 U.S.C. sec. 371c, as that section read on July 15, 1986.***
- (b) ***A bank may take property of any kind to satisfy or protect a loan previously made in good faith and in the ordinary course of business.***
- (c) ***Any stock purchased or acquired under paragraph (b) of this subsection that exceeds the amount permitted under paragraph (a) of this subsection shall, within six (6) months from the time of purchase or acquisition, be sold or disposed of at public or private sale.***
- (d) ***This subsection shall not be construed to affect or modify KRS 386.025.***

➔Section 27. KRS 286.3-330 is amended to read as follows:

- (1) ***A bank may***~~[Banks]~~, subject to statutory or charter limitations,~~[may]~~ pledge ~~a~~~~such~~ portion of ~~its~~~~their~~ assets or provide surety bonds as may be required by law as collateral security for government deposits made with ~~it~~~~them, or any of them,~~ by or under the authority of the United States~~[-]~~ or for any other deposit required by law to be secured.
- (2) Notwithstanding any law requiring security for deposits in the form of collateral, surety bond, or in any other form, security for~~[-such]~~ deposits shall not be required to the extent ***the deposit is an***~~[said deposits are]~~ insured ***deposit as defined in 12 U.S.C. sec. 1813,***~~[under the provisions of Section 12B of the Federal Reserve Act (38 Stat. 251)]~~ as amended.
- (3) If a bank proposes to sell its assets and transfer its deposit liability to another bank and the purchasing bank is unwilling to accept a sufficient amount of the assets to cover the liability to depositors and other creditors, the selling bank may, with the consent of the commissioner, pledge all or a part of its remaining or unacceptable assets to secure a loan for an amount sufficient to cover the remaining liability to the depositors and other creditors.

➔Section 28. KRS 286.3-350 is amended to read as follows:

- (1) (a) ***Except as provided in subsection (2) of this section,*** the board of directors of any ***state*** bank or trust company~~[organized under the laws of this state]~~ may declare a dividend of so much of the net profits as they deem ***appropriate***~~[expedient]~~.

(b) The net profits *referenced in paragraph (a) of this subsection* shall be computed by deducting all expenses, losses, and interest and taxes accrued or due from the bank.

- (2) The *prior* approval of the commissioner shall be required if the total of all dividends *that a state bank or trust company intends to declare* ~~declared by such institution~~ in any calendar year *would* ~~shall~~ exceed the total of its net profits of that year combined with its retained net profits of the preceding two (2) years, less any required transfers to surplus or a fund for the retirement of preferred stock or debt.

➔Section 29. KRS 286.3-690 is amended to read as follows:

- (1) (a) If the commissioner has knowledge or reasonable cause to believe that any bank or trust company, or any director, officer, employee, agent, or other person participating in the conduct of the affairs of the bank or trust company has engaged in violations of law, or charter, or administrative regulation promulgated by the department, or in unsafe or unsound business practices, the commissioner may issue and serve upon the bank, trust company, director, officer, employee, agent, or other person a notice of charges containing a statement of facts with respect to *the* alleged violations or practices.
- (b) *The notice of charges issued under paragraph (a) of this subsection shall contain* ~~and shall fix~~ the time and place at which an administrative hearing *conducted in accordance with KRS Chapter 13B will* ~~shall~~ be held to determine whether an order to cease and desist should issue against the bank, trust company, director, officer, employee, agent, or other person. ~~The hearing shall be conducted in accordance with KRS Chapter 13B.~~
- (2) *Any* ~~Unless the~~ party or parties ~~so~~ served *with a notice of charges issued pursuant to subsection (1) of this section that fails to* ~~shall~~ appear at the *scheduled* hearing personally or by a duly-authorized representative ~~they~~ shall be deemed to have consented to the issuance of the cease and desist order.
- (3) If the parties consent, or if upon the record made at the hearing the commissioner *finds* ~~shall find~~ that any violation or unsafe or unsound practice specified in the notice of charges has been established, the commissioner may issue and serve upon the bank, trust company, director, officer, employee, agent, or other person an order to cease and desist from any violation or practice and, further, to take affirmative action to correct the conditions resulting from any violation or practice.
- (4) If the commissioner *determines* ~~shall determine~~ that the violation or practice, as specified in the notice of charges *issued* pursuant to subsection (1) of this section, or the continuation thereof, is likely to cause insolvency or substantial dissipation of assets or earnings of the bank or trust company, or is likely to otherwise seriously prejudice the interests of *the bank's or trust company's* ~~its~~ depositors or investors, the commissioner may issue an emergency order pursuant to KRS 13B.125 requiring the bank, ~~or~~ trust company, director, officer, employee, agent, or other person to cease and desist from any violation or practice.
- (5) (a) A cease and desist order or an emergency cease and desist order shall become effective upon service upon the bank or trust company.
- (b) Unless set aside, limited, or suspended, as provided *in* ~~by~~ subsection (6) of this section, a cease and desist order shall remain effective and enforceable pending completion of an administrative hearing conducted in accordance with KRS Chapter 13B.
- (6) Within ten (10) days after service of an emergency cease and desist order, the party or parties served may apply to the Circuit Court for the county in which the bank *or trust company* is located, or the *Franklin* Circuit Court ~~of Franklin County~~, for an injunction setting aside, limiting, or suspending the enforcement, operation, or effectiveness of the order pending completion of the administrative hearing ~~and the court shall have jurisdiction to issue an injunction~~.
- (7) In the case of violation or threatened violation of, or failure to obey, an emergency cease and desist order or a cease and desist order issued pursuant to this section, the commissioner may apply to the Circuit Court for the county in which the bank or trust company is located, or the *Franklin* Circuit Court ~~of Franklin County~~, for an injunction to enforce the order, and it shall be the duty of the court to issue the injunction.
- (8) (a) *The commissioner may serve upon any officer, director, or employee of a bank or trust company a written notice of intention to remove him or her from office* if the commissioner *determines* ~~shall determine~~ that: ~~any~~
1. *Subject to paragraph (b) of this subsection, the* officer, ~~or~~ director, *or employee* ~~of a bank or trust company~~ has:

- a. Committed any violation of law, ~~of~~ an administrative regulation, or ~~of~~ a cease and desist order which has become final, ~~or has~~
 - b. Engaged in or participated in any unsafe or unsound practice in connection with the bank or trust company; ~~or has~~
 - c. Committed or engaged in any act, omission, or practice which constitutes a breach of his or her fiduciary duty as officer or director; ~~and the commissioner determines that~~
2. *Any of the following are satisfied:*
- a. The bank or trust company has suffered or will probably suffer substantial financial loss or other damages; ~~or that~~
 - b. The interests of *the bank's or trust company's* ~~its~~ depositors or investors could be seriously prejudiced by reason of the violation, ~~or~~ practice, ~~or~~ breach of fiduciary duty; ~~or that~~
 - c. The director, ~~or~~ officer, *or employee* has received financial gain by reason of the violation, ~~or~~ practice, or breach of fiduciary duty ~~the commissioner may serve upon the director or officer a written notice of intention to remove him or her from office~~.
- (b) The violation, practice, or breach *described in paragraph (a)1. of this subsection* shall be one (1):
- 1. Involving personal dishonesty on the part of the director, ~~or~~ officer, *or employee*; ~~or one (1)~~
 - 2. Which demonstrates a willful or continuing disregard for the safety or soundness of the bank *or trust company*.
- (c) The written notice *issued under paragraph (a) of this subsection* shall serve to suspend the officer, ~~or~~ director, *or employee* from office.
- (d) The suspension *referenced in paragraph (c) of this subsection* shall:
- 1. Become effective upon service of the notice; ~~and~~
 - 2. Unless stayed by a court in proceedings authorized by subsection (10) of this section, ~~shall~~ remain in effect pending the completion of the administrative hearing under subsection (9) of this section.
- (e) The resignation of an officer, ~~or~~ director, *or employee* from ~~a~~ *the* bank *or trust company* shall not prohibit the commissioner from pursuing an action for removal of the officer, ~~or~~ director, *or employee*.
- (9) A notice of intention to remove an officer, ~~or~~ director, *or employee* from office shall contain a:
- (a) Statement of the facts constituting grounds therefor; ~~and shall fix a~~
 - (b) Time and place at which an administrative hearing ~~will~~ ~~shall~~ be held in accordance with KRS Chapter 13B.
- (10) Within ten (10) days after an officer, ~~or~~ director, *or employee* has been suspended from office, the officer, ~~or~~ director, *or employee* may apply to the Circuit Court for the county in which the bank or trust company is located for a stay of the suspension pending the completion of the administrative hearing pursuant to the notice served upon the officer, ~~or~~ director, *or employee* ~~and the court shall have jurisdiction to grant the stay~~.
- (11) ~~The bank, trust company, or person assessed shall be afforded an opportunity for an administrative hearing upon request made to the commissioner within ten (10) days after issuance of the assessment notice. The hearing shall be conducted in accordance with KRS Chapter 13B.~~
- ~~(12)~~ Any person aggrieved by a final order of the commissioner *issued* under ~~subsections (9) or (11) of~~ this section may obtain a review of the order by filing in the Circuit Court for the county in which the bank or trust company is located a petition of appeal in accordance with KRS Chapter 13B.
- ~~(12)~~~~(13)~~ The commissioner may apply to the Circuit Court for the county in which the bank or trust company is located for an injunction to enforce any final order issued under ~~subsection (9) of~~ this section ~~or any assessment made under subsection (11) of this section~~, and it shall be the duty of the court to issue the injunction.

➔Section 30. KRS 286.3-850 is amended to read as follows:

As used in KRS 286.3-852 to 286.3-884:

- (1) "Bank" means any *state* bank~~[-, which is now or may hereafter be organized under the laws of this state];~~
- (2) "FDIC" means the Federal Deposit Insurance Corporation and includes any successor to the corporation or other agency or instrumentality of the United States which undertakes to discharge the purposes of the corporation;
- (3) "Receivership court" means the Circuit Court for the county in which the bank is located, *except if no circuit judge in the Circuit Court of the county in which the bank is located is able or available to preside over the receivership at the time an application is made under KRS 286.3-854 due to a conflict of interest or another reason, the circuit clerk of the county in which the bank is located shall at once transfer the matter to the Franklin Circuit Court for immediate action upon the application;* and
- (4) "Insolvent" means that appearing upon examination of any bank its liabilities exceed its assets or it cannot meet its obligations in the usual and ordinary course of business for any reason.

➔Section 31. KRS 286.3-900 is amended to read as follows:

- (1) ~~As used in~~ ~~For purposes of~~ this section and KRS 286.3-905:
 - (a) "Bank" means:
 1. Any institution organized under this subtitle, the banking laws of another state, or the National Bank Act, as amended, to do a banking business; *or*
 2. *A bank as defined in 12 U.S.C. sec. 1841, as amended;*
 - (b) "Bank holding company~~[-]~~" *has the same meaning as in 12 U.S.C. sec. 1841, as in effect on the effective date of this Act or as amended;*
 - (c) "Company~~[-]~~"~~[-and "control"]~~ means:
 1. *Any corporation, partnership, business trust, association, or similar organization, or any other trust unless by its terms it must terminate within twenty-five (25) years or not later than twenty-one (21) years and ten (10) months after the death of individuals living on the effective date of the trust, but shall not include:*
 - a. *Any corporation the majority of the shares of which are owned by the United States or by any state; or*
 - b. *A qualified family partnership; or*
 2. *A company as defined in* ~~have the meanings accorded them in the Federal Bank Holding Company Act of 1956, as amended (-12 U.S.C. sec. [secs.] 1841, as amended; [-et seq.]-)~~
 - (d) "Control":
 1. *Has the same meaning as in 12 U.S.C. sec. 1841(a)(2) and (3), as in effect on the effective date of this Act or as amended; and*
 2. May be acquired by acquisition of voting securities, by purchase of assets, by merger or consolidation, by contract, or otherwise;
 - ~~(e)(e)~~ "Deposit":
 1. *Except as provided in subparagraph 2. of this paragraph, has the same meaning as in 12 U.S.C. sec. 1813, as in effect on the effective date of this Act or as amended; and*
 2. *Does not include interbank deposits and deposits in foreign branches and international banking facilities, as shown in the reports made by federally insured depository institutions to their respective supervisory authorities; and*
 - (f) "Individual":
 1. Means a natural person, partnership, association, business trust, voting trust, or similar organization; *and*~~[- "Individual" -]~~
 2. Does not include a corporation~~[- and~~

- (d) ~~"Deposit" has the meaning accorded it in the Federal Deposit Insurance Act, as amended, and regulations promulgated thereunder; excluded, however, from deposits are all interbank deposits and all deposits in foreign branches and international banking facilities, as shown in the reports made by all federally insured depository institutions to their respective supervisory authorities.~~
- (2) ***Except as provided in subsections (3) and (4) of this section,*** no individual or bank holding company, wherever located, may acquire control of any bank or bank holding company if, upon the acquisition, the individual or bank holding company would control banks in this state holding more than fifteen percent (15%) of the total deposits and member accounts in the offices of all federally insured depository institutions in this state as reported in the most recent June 30 quarterly report made by the institutions to their respective supervisory authorities ~~that~~~~which~~ are available at the time of the acquisition.
- (3) (a) The limitations set forth in this section or any other provision of this subtitle or any administrative regulation promulgated thereunder~~, as now in effect or amended after July 13, 1984,~~ shall not apply to the acquisition of a bank if: ~~in his or her discretion, the commissioner, if the bank is organized under the laws of this state, or the comptroller of the currency, if the bank is a national bank, determines that~~
1. An emergency exists; and
 2. The acquisition is appropriate in order to prevent the probable failure of the bank which is closed or is in danger of closing.
- (b) ***The determinations referenced in paragraph (a) of this subsection shall be made by the:***
1. ***Commissioner, in his or her discretion, if the bank is organized under the laws of this state; or***
 2. ***Comptroller of the currency, in his or her discretion, if the bank is a national bank.***
- (4) The provisions of this section shall not ***apply to the following, if the commissioner determines that the public convenience and necessity will be served by the merger, consolidation, or sale:***~~be construed to prohibit or restrict~~
- (a) The merger or consolidation of banks or bank holding companies having their principal places of business in the same county and the operation by the merged or consolidated corporation of the banks; ~~or~~~~nor to prohibit~~
- (b) The sale of any bank or bank holding company to, and the purchase thereof by, any other bank or bank holding company with its principal place of business in the same county and the operation of the bank as a branch ~~so long as the provisions of KRS 286.3-180(4) have been satisfied.~~

➔Section 32. KRS 286.3-915 is amended to read as follows:

- (1) Notwithstanding any other provision of Subtitle 1, 2, or 3 of KRS Chapter 286:
- (a) An individual or bank holding company that controls two (2) or more banks ~~having their principal offices~~ in this ~~state~~~~Commonwealth~~ may, from time to time:~~;~~
1. Combine any or all of the ~~commonly controlled~~ banks ~~in this Commonwealth~~ into and with any one (1) of the ***commonly controlled banks in this state,*** and thereafter, the surviving bank ~~which shall have its principal office in this Commonwealth,~~ shall continue to operate its principal office ***in this state*** and may operate the other authorized offices of the banks so combined as branches of the surviving bank; ~~or~~~~and~~
 2. ***Transfer all of the branches in a county of one (1) of the commonly controlled banks to any other of the commonly controlled banks in this state, and thereafter, the bank to which the branches are transferred may operate the branches as branches of the bank;***
- (b) 1. Any combination authorized by this ~~subsection~~~~section~~ shall not require the approval of the commissioner. ~~of financial institutions, but~~
2. On or before thirty (30) days prior to ~~the~~~~consummation of any~~ combination, the proposed surviving ***or transferee*** bank shall notify the commissioner of the combination.~~;~~~~and~~
 3. On the effective date of ~~the~~~~any such~~ combination, the charter of any combined bank organized under the laws of this ~~state~~~~Commonwealth~~ shall be surrendered; ~~and~~~~;~~

~~(2) Following any combination authorized by this section:~~

- ~~(a) The surviving bank may, subject to the approval of the commissioner as provided in KRS 286.3-180(2), establish and operate additional branches in any county where any bank involved in the combination had established a branch or main office;~~
- ~~(b) The surviving bank shall maintain a record of the deposits in each of its offices resulting from such combination or thereafter established as provided in paragraph (a) of this subsection; and~~
- ~~(c) With the approval of the commissioner, all of a bank's offices in a county may be transferred, by a purchase and assumption or other transaction, by the bank to a newly chartered bank having its principal office in the same county, or to an existing bank.~~

~~(c)(3)~~ For purposes of this *subsection*~~[section]~~:

- ~~1.(a)~~ The term "combine" or "combination" includes a merger or the acquisition of all or substantially all of the assets of a bank already controlled by an individual or bank holding company;
- ~~2.(b)~~ An individual or bank holding company "controls" a bank if that individual or company, directly or indirectly, owns, controls, or has the power to vote at least eighty percent (80%) of the issued and outstanding voting securities of the bank;
- ~~3.(c)~~ "Combined bank" means any bank participating in a combination authorized by this section other than the surviving bank;
- ~~4.(d)~~ "Surviving bank" means a bank into which a combined bank has been combined;
- ~~5.(e)~~ "Bank" includes a national bank~~[-, savings and loan association,]~~ and federal savings bank; and
- ~~6.(f)~~ "Individual~~[-,]~~" *and* "bank holding company~~[-,]~~"~~[- and "deposit" shall]~~ have the same meanings ~~as [attributed to them]~~ in KRS 286.3-900~~(1)~~.

- (2) (a) *The commissioner shall approve the following, if he or she determines that the public convenience and necessity will be served by the merger, consolidation, or sale:*
 - 1. *The merger or consolidation of state banks having their principal offices in the same county and the operation by the merged or consolidated corporation of the banks; or*
 - 2. *The sale of any state bank to, and the purchase thereof by, any other state bank with its principal office in the same county and the operation of the bank by the purchasing bank as a branch.*
- (b) *The bank that does not survive the merger or consolidation shall surrender its charter.*

➔Section 33. KRS 286.3-920 is amended to read as follows:

- (1) As used in this section~~[-, unless the context requires otherwise]~~:
 - (a) *"Bank" includes:*
 - 1. *An out-of-state bank; and*
 - 2. *A national bank;*
 - (b) "Interstate merger transaction" means:
 - 1. The merger or consolidation of banks with different home states, *including*~~and]~~ the conversion of branches of any bank involved in the merger or consolidation into branches of the resulting bank; ~~or~~~~and]~~
 - 2. *The acquisition of a bank's branch or branches by a bank with a different home state without acquisition of the bank; and*
 - ~~(c)(b)~~ "Resulting bank" means *the*~~[a]~~ bank that has resulted from *a merger or consolidation*~~[an interstate merger transaction under this section]~~.
- (2) (a) A Kentucky state bank may:
 - 1. Establish, maintain, and operate one (1) or more branches in a state other than Kentucky in accordance with an interstate merger transaction in which the Kentucky state bank is the resulting bank~~[-,]~~; or

2. If the other state permits, ~~acquire [by acquisition of]~~ a *bank's* branch or branches in ~~a [the other]~~ state *other than Kentucky in accordance with an interstate merger transaction in which the Kentucky state bank does not acquire the bank.*
- (b) Not later than the date on which the required application for the interstate merger transaction ~~[or branch acquisition]~~ is filed with the responsible federal bank supervisory agency, the applicant shall:
1. File an application on a form prescribed by the commissioner; ~~[and]~~
 2. Pay ~~any [the]~~ fee prescribed by KRS 286.3-480; ~~and [The applicant shall also]~~
 3. Comply with the applicable provisions of KRS 286.3-180(3) *for the establishment or acquisition of branches by Kentucky state banks.* ~~[(2) and]~~
- (c) The commissioner shall base his or her approval or disapproval *of the interstate merger transaction on the requirements of this subtitle and the factors* ~~[in the same manner as]~~ prescribed in KRS 286.3-180(3)(b) ~~[(2)]~~.
- (3) (a) An *out-of-state* ~~[out of state state]~~ bank may establish, maintain, and operate one (1) or more branches in Kentucky in accordance with an interstate merger transaction in which the *out-of-state* ~~[out of state state]~~ bank is the resulting bank ~~[in accordance with the requirements of Kentucky laws and administrative regulations]~~.
- (b) If the laws of the home state of the *out-of-state* ~~[out of state]~~ bank place more restrictive terms or requirements on Kentucky state banks seeking to ~~acquire and]~~ merge *or consolidate* with a bank in that state, the interstate merger *transaction* of the *out-of-state* ~~[out of state]~~ bank may be allowed only under substantially the same terms and conditions as applicable to Kentucky state banks *seeking to merge or consolidate with a bank in the home state of the out-of-state bank* ~~[that state]~~.
- (c) Not later than the date on which the required application for the interstate merger transaction is filed with the responsible federal bank supervisory agency, the applicant shall:
1. File an application on a form prescribed by the commissioner; ~~[;]~~
 2. Pay ~~any [the]~~ fee prescribed by KRS 286.3-480; ~~[; and]~~
 3. Agree in writing to comply with the laws of this state applicable to its operation of branches in Kentucky; ~~and [The applicant shall also]~~
 4. Comply with the applicable provisions of KRS 286.3-180(3) *for the establishment or acquisition of branches by Kentucky state banks.* ~~[(2) and]~~
- (d) The commissioner shall base his or her approval or disapproval *of the interstate merger transaction on the requirements of this subtitle and the factors* ~~[in the same manner as]~~ prescribed in KRS 286.3-180(3)(b) ~~[(2)]~~.
- (4) No interstate merger transaction under subsection (2) or (3) of this section shall be approved if the transaction would result in a bank holding company having control of banks or branches in this state holding more than fifteen percent (15%) of the total deposits and member accounts in the offices of all federally insured depository institutions in this state as reported in the most recent June 30 quarterly report made by the institutions to their respective supervisory authorities *that* ~~[which]~~ are available at the time of the transaction.
- (5) ~~[An individual or bank holding company that controls two (2) or more banks may, from time to time, combine any or all of the commonly controlled banks in this Commonwealth into and with any one (1) of the banks, and thereafter the surviving bank shall continue to operate its principal office and may operate the other authorized offices of the banks so combined as branches of the surviving bank.]~~
- ~~(6)~~ (a) A branch of an out-of-state ~~[state]~~ bank *located in Kentucky* may conduct:
- (a) Any activities *in this state, other than fiduciary activities*, that are authorized under the laws of this state for *Kentucky* state banks; ~~[;]~~
 - (b) *Fiduciary activities in this state that are authorized under the laws of this state for Kentucky state banks if a branch of a Kentucky state bank located in the out-of-state bank's home state is permitted to engage in substantially similar activities under the laws of the out-of-state bank's home state; and*
 - (c) ~~[Additionally, the branch of an out of state state bank is authorized to conduct]~~ Any activities *in this state* relating to the administration of trusts that are authorized under, *and conducted in conformity*

with, the laws of *the out-of-state bank's* ~~[its]~~ home state *for the bank* ~~[, if the activities are conducted in conformity with the laws of its home state].~~

~~[(b) A branch office of an out of state bank may conduct any fiduciary activities that are authorized under the laws of this state for banks, provided that a branch office of a Kentucky bank is permitted, pursuant to the laws of the state under which the out of state bank is organized to engage in substantially similar activities.]~~

~~(6)~~~~(7)~~ A branch of a Kentucky state bank located in a host state may conduct any activities that are:

- (a) Authorized under the laws of the host state for banks chartered by the host state; or
- (b) Authorized for branches of national banks located in the host state, but whose principal location is in a state other than the host state.

➔Section 34. KRS 286.3-990 is amended to read as follows:

(1) (a) *The commissioner* ~~[Any person who violates KRS 286.3-030(2)]~~ may *levy a civil penalty against any person that violates Section 12 of this Act.*

(b) *The civil penalty levied under paragraph (a) of this subsection shall* ~~[be fined]~~ not *be* less than ~~[five hundred dollars (\$500) nor more than]~~ one thousand dollars (\$1,000) *nor more than five thousand dollars (\$5,000) for each violation, plus the state's costs and expenses for examination, investigation, and prosecution of the matter, including reasonable attorney's fees and court costs* ~~[for each day he or she is engaged in the private banking business].~~

(2) ~~[Any institution that fails to make the report required by KRS 286.3-420 to the commissioner within five (5) days after the report is due or demanded, or that fails to have the report published as required by KRS 286.3-420, may be assessed and, if assessed, shall pay a penalty of two hundred dollars (\$200).]~~

~~(3) If any person violates KRS 286.3-440(3) his or her office shall ipso facto become vacant. The president or cashier of any bank or trust company to which any person becomes indebted in violation of KRS 286.3-440(3) shall immediately report such fact to the commissioner, who may remove the person so offending.~~

~~(4) Any receiver of an insolvent institution who fails to comply with the provisions of this subtitle shall be subject to the same penalties provided for solvent institutions and officers so offending.~~

~~(3)~~~~(5)~~ (a) Any directors of a bank who knowingly violate, or knowingly permit any officer or employee of the bank to violate, any of the laws relating to banks, shall be jointly and severally liable to the creditors and stockholders for any loss or damage resulting from such violation.

(b) If the loss or damage is not made good within a reasonable time, the commissioner, with the consent of the Attorney General, shall institute proceedings to revoke the corporate powers of the bank.

~~(4)~~~~(6)~~ Any deputy commissioner or any examiner who has knowledge of the insolvency or unsafe condition of a state bank or trust company, or that it is inexpedient to permit the bank or trust company to continue business, and who fails to immediately present a signed report of such facts to the commissioner, or who violates any of the provisions of this subtitle, shall:

(a) Forfeit his or her office; and ~~[shall]~~

(b) *Pay a civil penalty of* ~~[Be fined]~~ not less than one hundred (\$100) nor more than two thousand dollars (\$2,000) for each *violation* ~~[offense].~~

~~(5)~~~~(7)~~ Any commissioner who has knowledge of the insolvency or unsafe condition of a state bank or trust company, or that it is inexpedient to permit the bank or trust company to continue business, and who willfully fails to take the action prescribed by this subtitle, or who violates any of the provisions of this subtitle, shall:

(a) Forfeit his or her office; and ~~[shall]~~

(b) *Pay a civil penalty of* ~~[Be fined]~~ not less than five hundred (\$500) nor more than five thousand dollars (\$5,000) for each *violation* ~~[offense].~~

~~(6)~~~~(8)~~ (a) *The commissioner may levy a civil penalty against* any bank or trust company that knowingly fails to:

- I. Make a report required by law or by the commissioner within the time designated for ~~[the]~~ making *the report*; ~~[thereof, or fails to]~~

2. Include in a ~~such~~ report any matter required by law or by the commissioner; ~~or fails to~~
 3. Publish a report within thirty (30) days after it should have been published; ~~or~~ ~~fails to~~
 4. Pay, when due, the fees for:
 - a. Filing reports; ~~or for~~
 - b. An examination of the bank *or trust company*; *or*
 - c. *The annual assessment required under KRS 286.3-480* ~~shall be subject to a penalty of one hundred dollars (\$100) for each day of delinquency, but the aggregate penalty for each kind of offense shall not exceed one thousand dollars (\$1,000).~~
- (b) *The civil penalty levied under paragraph (a) of this subsection shall not be more than one hundred dollars (\$100) for each day of delinquency, and in no event shall the aggregate penalty for any violation exceed one thousand dollars (\$1,000).*
- ~~(7)~~(9) (a) *The commissioner may levy a civil penalty against:*
1. Each ~~person,~~ bank ~~,~~ or trust company that willfully:
 - a. Makes or transmits a false report; *or*
 - b. Refuses to submit its books, papers, and assets for examination; ~~or~~
 2. Any officer of a bank *or trust company* who refuses to be examined under oath concerning the affairs of the bank *or trust company* ~~shall be severally fined not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000).~~
- (b) *The civil penalty levied under paragraph (a) of this subsection shall not be less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000) for each violation.*
- ~~(10) Whenever any fine imposed by subsection (1), (2), (4), (6), (7), (8), (9), (15), (16), (17), or (18) of this section is not paid, the Attorney General shall institute an action, in the name of the state, in the Franklin Circuit Court or the Circuit Court of the county in which the offense was committed, for the recovery of the fine.~~
- (8) (a)~~(11)~~ *The commissioner may levy a civil penalty against any person that violates* ~~Any person violating any of the provisions of~~ KRS 286.3-225. ~~shall be guilty of a misdemeanor and fined~~
- (b) *The civil penalty levied under paragraph (a) of this subsection shall not be less than fifty dollars (\$50) nor more than two thousand dollars (\$2,000) for each violation.*
- ~~(12) Any person who willfully makes charges in excess of those permitted by KRS 286.3 720 to 286.3 770 shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding five hundred dollars (\$500) or by imprisonment for not more than six (6) months, or both.~~
- ~~(13) Any bank which violates any provision of KRS 286.3 720 to 286.3 770, except as a result of an accidental or bona fide error, shall be barred from the recovery of any finance charges permitted by KRS 286.3 740 and 286.3 750, and the debtor, or the debtor's legal representatives, may recover back, in an action against the bank, any amounts paid to the bank on account of such finance charge; provided such action is commenced within two (2) years from the date such violation first occurred; but the bank may nevertheless recover from the debtor an amount equal to the principal of extensions of credit made pursuant to a revolving credit plan and any charges not prohibited by KRS 286.3 760.~~
- ~~(14) Notwithstanding the provisions of subsections (12) and (13) of this section, any failure, other than a willful and intentional failure, to comply with any provisions of KRS 286.3 710 to 286.3 770 may be corrected during the billing cycle next succeeding the receipt by the bank of written notice thereof from the debtor, and if so corrected, the bank shall not be subject to any penalty under KRS 286.3 710 to 286.3 770.~~
- (9)~~(15)~~ (a) *The commissioner may levy a civil penalty against* any bank or trust company *that* ~~which~~ violates, or any officer, director, employee, agent, or other person ~~participating in the conduct of the affairs of a bank~~ who violates, ~~the terms of~~ any order issued under KRS 286.3-690 which has become final.
- (b) *The civil penalty levied under paragraph (a) of this subsection shall not be* ~~forfeit and pay a fine of not~~ more than one thousand dollars (\$1,000) ~~per day~~ for each day *the* ~~such~~ violation continues, *and in no event shall the aggregate penalty for any violation exceed ten thousand dollars (\$10,000).* ~~[The fine shall be assessed by the commissioner by written notice.]~~

- (c) As used in this subsection, the term "violates" includes any action causing, participating in, counseling, aiding, or abetting a violation.
- (d) In determining the amount of the *civil penalty*, ~~fine~~ the commissioner shall consider:
1. The financial resources and good faith of the bank, *trust company*, or person charged; ~~;~~
 2. The gravity of the violation; ~~;~~
 3. The history of previous violations; and
 4. Such other factors as justice requires.
- ~~{(16) Any bank which violates the provisions of KRS 286.3-065 may be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). The fines may be assessed by the commissioner by written notice.}~~
- (10)~~{(17)}~~ **The commissioner may levy a civil penalty against any bank that** ~~which~~ **violates subsection (1)(i) or (j) of Section 19 of this Act of: ~~any provisions of KRS 286.3-100(10) may be fined~~**
- (a) **For the first violation**, not less than one thousand dollars (\$1,000) nor more than two thousand dollars (\$2,000); ~~for the first violation,~~ and
 - (b) **For the second or any subsequent violation**, ~~may be fined~~ not less than two thousand dollars (\$2,000) nor more than five thousand dollars (\$5,000) ~~for any subsequent violations~~.
- (11)~~{(18)}~~ **The commissioner may levy a civil penalty against any officer or director who violates** ~~the provisions of:~~
- (a) KRS 286.3-280(1) or (2). **The civil penalty shall** ~~may be fined~~ not **be** less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each violation; ~~;~~ and
 - (b) ~~any officer or director who violates the provisions of~~ KRS 286.3-280(3). **The civil penalty shall** ~~may be fined~~ not **be** less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000) for each violation. ~~The fine may be assessed by the commissioner by written notice.~~
- (12) **Except as provided in subsection (13) of this section:**
- (a) **The commissioner shall provide written notice of any civil penalty assessed under this subtitle; and**
 - (b) **Whenever any civil penalty imposed under this subtitle is not paid, the commissioner may institute an action in Franklin Circuit Court or the Circuit Court of the county in which the violation was committed to recover the civil penalty.**
- (13) **In the case of a violation of subsection (5) of this section, the secretary of the Public Protection Cabinet may designate the Attorney General or any other person authorized to represent the cabinet to provide written notice or institute an action under subsection (12) of this section.**
- ➔Section 35. KRS 286.3-102 is amended to read as follows:
- (1) As used in this section, a CAMELS rating means a system of rating used by examiners of financial institutions to rate the institutions in six (6) categories: capital adequacy, asset quality, management effectiveness, quantity and quality of earnings, liquidity, and sensitivity to market risk.
 - (2) In addition to all other banking activities permitted by this subtitle, a state bank receiving a CAMELS rating of 1 or 2 at its most recent state or federal bank regulatory examination may engage in any banking activity in which the bank could engage and is exempted from any statutes or administrative regulations which would be preempted if:
 - (a) It was operating as a national bank in Kentucky;
 - (b) It was operating as a state bank, state thrift, or state savings bank in any state; or
 - (c) It meets the qualified thrift lender test as determined by the Office of Thrift Supervision or its successor, or was operating as a federally chartered thrift or federal savings bank in any state.
 - (3) Before a state bank may engage in any of the banking activities permitted by subsection (2) of this section, the state bank shall obtain a legal opinion specifying the statutory or regulatory provisions that permit the activity in which the state bank intends to engage and the conditions under which such activity is allowed. This legal opinion shall be maintained by the bank and provided to the department upon request.

- (4) This section shall not apply to exempt any laws which regulate Kentucky state banks pertaining to deferred deposit transactions in Subtitle 9 of this chapter, ~~[title pledge lending in Subtitle 10 of this chapter,]~~ visitorial or examination powers, and interest rates.

➔Section 36. KRS 286.4-410 is amended to read as follows:

- (1) As used in this subtitle, unless the context requires otherwise:
- (a) "Applicant" means a person filing an application under this subtitle;
 - (b) "Consumer loan company" means a person licensed under this subtitle to engage in the business of making loans to a consumer for personal, family, or household use in the amount or value of fifteen thousand dollars (\$15,000) or less;
 - (c) "Control" means the power to direct the management or policies of a licensee or applicant, whether through ownership of securities, by contract, or otherwise;
 - (d) "Executive officer" means a natural person holding the title or responsibility of president, vice president, chief executive officer, chief financial officer, chief operational officer, or chief compliance officer;
 - (e) "Licensee" means a person licensed under this subtitle;
 - (f) "Managing principal" means a natural person who meets the requirements of KRS 286.4-450 and actively participates in and is primarily responsible for the operations of a licensee;
 - (g) "Material fact" means a fact that a reasonable person knows, or should know, that could reasonably be expected to influence any decision or action taken by the commissioner under this subtitle;
 - (h) "Nationwide consumer reporting agency" means a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis as defined by Section 603(p) of the Fair Credit Reporting Act, 15 U.S.C. sec. 1681a(p); and
 - (i) "Person in control of a licensee or applicant" means, with respect to an applicant or licensee, any of the following:
 1. A director, general partner, or executive officer;
 2. In the case of a limited liability company, a managing member or manager;
 3. Any person who directly or indirectly has the right to vote twenty-five percent (25%) or more of a class of voting securities;
 4. Any person who has the power to sell or direct the sale of twenty-five percent (25%) or more of a class of voting securities;
 5. In the case of a partnership or limited liability company, any person that has the right to receive twenty-five percent (25%) or more of the capital upon dissolution; or
 6. Any person that exercises control.

- (2) This subtitle shall not apply to any person doing business under and as permitted by any law of this state or of the United States relating to banks, savings banks, trust companies, savings and loan associations, agricultural cooperative associations, credit unions, ~~[industrial loan companies,]~~ or licensed pawnbrokers. This subtitle does not apply to the purchase or acquisition, directly or indirectly, of notes, chattel mortgages, installment or conditional sales contracts, embodying liens or evidencing title retention arising from the bona fide sale of goods or services by a seller of the goods or services.

➔Section 37. KRS 286.9-030 is amended to read as follows:

The provisions of this subtitle shall not apply to:

- (1) Any bank, trust company, savings and loan association, savings bank, credit union, *or* consumer loan company ~~that, or industrial loan corporation which~~ is chartered, licensed, or organized under the laws of this Commonwealth or under federal law and authorized to do business in this Commonwealth;
- (2) Any person who cashes checks without receiving, directly or indirectly, any consideration or fee therefor;
- (3) Any person principally engaged in the retail sale of goods or services who, either as an incident to or independently of a retail sale, may from time to time cash checks for a fee or other consideration;

- (4) The United States and any department, agency, or instrumentality thereof; and
 - (5) A state or any agency, department, or political subdivision of a state.
- ➔Section 38. KRS 286.12-020 is amended to read as follows:
- (1) As used in this section, "federal student education loan" means any:
 - (a) Student education loan issued pursuant to the William D. Ford Federal Direct Loan Program established under 20 U.S.C. sec. 1087a et seq., as amended;
 - (b) Student education loan issued pursuant to the Federal Family Education Loan Program, which was purchased by the United States pursuant to the federal Ensuring Continued Access to Student Loans Act of 2008, Pub. L. No. 110-227, and is presently owned by the United States; or
 - (c) Other student education loan issued pursuant to a federal program that is identified by order of the commissioner as a federal student education loan.
 - (2) Except as provided in subsections (3) and (4) of this section, no person shall engage in the business of servicing student education loans in this state without having first obtained a license as a student education loan servicer in accordance with this subtitle.
 - (3) The following shall be exempt from the provisions of this subtitle:
 - (a) A bank ~~or~~ trust company ~~, or industrial loan company~~ doing business under the authority of, or in accordance with, a license, certificate, or charter, issued by the United States, or any state, district, territory, or commonwealth of the United States, that is authorized to transact business in this state;
 - (b) A wholly owned subsidiary of any entity exempt under paragraph (a) of this subsection;
 - (c) A federally chartered savings and loan association, federal savings bank, or federal credit union that is authorized to transact business in this state;
 - (d) A savings and loan association, savings bank, or credit union organized under the laws of this or any other state that is authorized to transact business in this state;
 - (e) A public postsecondary education institution or private nonprofit postsecondary education institution servicing a student education loan extended to a borrower;
 - (f) The United States, or any state, district, territory, commonwealth, or possession of the United States;
 - (g) Any city, county, or other political subdivision of any entity exempt under paragraph (f) of this subsection; and
 - (h) Any agency, division, or corporate instrumentality of any entity exempt under paragraph (f) or (g) of this subsection.
 - (4) A person servicing federal student education loans in this state shall:
 - (a) As of July 14, 2022, automatically be deemed, by operation of law, as having been licensed by the commissioner to service federal student education loans in this state;
 - (b) Provide notice to the commissioner that the person is servicing federal student education loans in this state;
 - (c) Comply with this subtitle, with the exception of KRS 286.12-030; and
 - (d) Not be authorized to engage in the business of servicing non-federal student education loans in this state unless the person is:
 - 1. Exempt from this subtitle under subsection (3) of this section; or
 - 2. Licensed as a student education loan servicer in accordance with this subtitle.

➔Section 39. KRS 286.8-020 is amended to read as follows:

- (1) The following mortgage loan companies and mortgage loan brokers shall be subject to KRS 286.8-046, 286.8-180, 286.8-220(1), and subsections (12), (13), and (14) of this section, but shall be exempt from all other provisions of this subtitle:
 - (a) Any person duly licensed, chartered, and otherwise subject to regular examination at least once every two (2) years by a state or federal financial institution regulatory agency under the laws of this state or

any other state or the United States as a bank, bank holding company, trust company, credit union, savings and loan association, savings and loan association holding company, service corporation subsidiary of a savings and loan association, insurance company, real estate investment trust as defined in 26 U.S.C. sec. 856, an institution of the farm credit system organized under the Farm Credit Act of 1971 as amended, or any wholly owned subsidiary of any such person if the subsidiary is subject to regular examination at least once every two (2) years by a state or federal financial institution regulatory agency;

- (b) Any natural person who makes a mortgage loan secured by a dwelling that served as the natural person's residence, unless the natural person is compensated in connection with that transaction by a mortgage loan company, mortgage loan broker, or other mortgage loan originator, or by an agent of such company, broker, or other originator;
 - (c) Any natural person who makes a mortgage loan to an immediate family member of the natural person unless the natural person is compensated in connection with that transaction by a mortgage loan company, mortgage loan broker, or other mortgage loan originator, or by an agent of such company, broker, or other originator;
 - (d) Any person other than a natural person, including any affiliate of that person, that makes in the aggregate no more than four (4) mortgage loans within a calendar year with its own funds and secured by residential real property owned by the person making the mortgage loan, provided that the mortgage loan is made without the intent to resell the mortgage loan, and provided that the person does not hold itself out to the public as being primarily in the mortgage loan business;
 - (e) The United States of America; the Commonwealth of Kentucky; any other state, district, territory, commonwealth, or possession of the United States of America; any city, county, or other political subdivision; and any agency, division, or corporate instrumentality of any of the foregoing;
 - (f) The Federal National Mortgage Association (FNMA), the Federal Home Loan Mortgage Corporation (FHLMC), and the Government National Mortgage Association (GNMA);
 - (g) Any mortgage loan company or mortgage loan broker making or brokering a mortgage loan involving housing initially transferred by certificate of title under KRS Chapter 186A;
 - (h) A consumer loan~~[-or finance]~~ company~~[-or an industrial loan company]~~ licensed under Subtitle 4~~[-or 7]~~ of this chapter whose primary business is originating consumer~~[-or industrial]~~ loans as provided under Subtitle 4~~[-or 7]~~ of this chapter or any wholly owned subsidiary of such a consumer loan~~[-or finance]~~ company~~[-or an industrial loan company]~~, except that they shall be subject to the prohibited acts of KRS 286.8-220(2)(e) and (f) and 286.8-110(4); and
 - (i) A nonprofit organization that is recognized as tax-exempt under 26 U.S.C. sec. 501(c)(3) and authorized to do business in this Commonwealth, and that has affordable housing as a primary purpose in its operations.
- (2) The following shall be exempt from the licensing provisions of this subtitle and the examination provisions of KRS 286.8-170 and 286.8-180, unless it appears on grounds satisfactory to the commissioner that an examination is necessary, but shall otherwise be subject to all other provisions of this subtitle:
- (a) A mortgage loan company or mortgage loan broker approved and regulated by the United States Department of Housing and Urban Development to perform business in this Commonwealth; and
 - (b) Any branch of a mortgage loan company or mortgage loan broker listed in paragraph (a) of this subsection, provided the branch is approved and regulated by the United States Department of Housing and Urban Development to perform business in this Commonwealth.
- (3) Any nonprofit organization, mortgage loan company, mortgage loan broker, or branch thereof relying upon an exemption under subsection (1)(i) or (2)(a) or (b) of this section shall file with the commissioner a written application for a claim of exemption. The commissioner shall approve an application for an exemption that is timely filed and meets the requirements of this subtitle. The period of exemption shall be from January 1 through December 31, and the exemption shall expire on December 31 of the same calendar year. Every person granted an exemption under this section shall file a written application for a new exemption on an annual basis. The application shall be received by the commissioner on or before December 31 of the same calendar year. A written application for a partial-year exemption shall also expire on December 31 of the same calendar year that the written application for an exemption is granted.

- (4) Any mortgage loan company, mortgage loan broker, or branch thereof relying upon an exemption under subsection (2)(a) or (b) of this section shall fund or broker a minimum of twelve (12) Federal Housing Administration-insured loans on Kentucky residential real properties each year in order to maintain its exemption.
- (5) Any mortgage loan company, mortgage loan broker, or branch thereof relying upon an exemption under subsection (2)(a) or (b) of this section who ceases to be approved or regulated by the *United States* Department of Housing and Urban Development shall notify the commissioner, in writing, within ten (10) days after it ceases to be *approved or* regulated ~~by the United States Department of Housing and Urban Development~~.
- (6) Any person listed in subsection (1)(a), (b), (c), (d), (e), (f), (g), or (h) of this section shall not be required to file with the commissioner a claim of exemption.
- (7) (a) Any natural person making a loan under subsection (10) of this section shall make the following disclosure, on a separate sheet of paper in minimum eighteen (18) point type, to the borrower:
- DISCLOSURE
- (Name and address of lender) is not licensed or regulated by the Kentucky Department of Financial Institutions.
- (Name of lender) is making this mortgage loan with his or her own funds, for the person's own investment, without intent to resell the mortgage loan.
- (The phone number and address of the Kentucky Department of Financial Institutions.)
- (b) A copy of the disclosure, signed by the borrower, shall be maintained by the natural person for a period not to exceed three (3) years after the date the mortgage loan is paid in full.
- (8) Any mortgage loan company, mortgage loan broker, or branch thereof relying upon an exemption under subsection (2)(a) or (b) of this section shall provide a list of funded or brokered Federal Housing Administration-insured loans from December 1 of the previous calendar year to November 30 of the current calendar year to the commissioner by December 31 of each year on a form prescribed by the commissioner.
- (9) Any mortgage loan company, mortgage loan broker, or branch thereof applying for an exemption under subsection (2)(a) or (b) of this section shall not be approved for an exemption under subsection (2)(a) or (b) of this section unless the mortgage loan company, mortgage loan broker, or branch thereof has:
- (a) Held a mortgage loan company or mortgage loan broker license or registration for five (5) consecutive years prior to the filing of the application for an exemption under this section with the commissioner; or
- (b) Been approved and regulated by the United States Housing and Urban Development to conduct business in the mortgage lending process for five (5) consecutive years prior to the filing of the application for an exemption under this section with the commissioner.
- (10) Any natural person not exempted in subsection (1)(b) or (c) of this section who makes a mortgage loan with his or her own funds for the person's investment without the intent to resell the mortgage loan shall be exempt from the provisions of this subtitle except for the following:
- (a) Examination provisions of KRS 286.8-170 and 286.8-180 when it appears on grounds satisfactory to the commissioner that an examination is necessary;
- (b) Disclosure requirements of subsection (7) of this section;
- (c) Any investigation and enforcement provisions of this subtitle including KRS 286.8-170(7), and KRS 286.8-046, 286.8-090, 286.8-190, and 286.8-990;
- (d) Prohibited acts under KRS 286.8-125 and 286.8-220; and
- (e) Registration and regulatory requirements of KRS 286.8-255.
- (11) No person shall hold both a claim of exemption and a license granted under this subtitle.
- (12) Notwithstanding any provisions to the contrary set forth in this subtitle, every mortgage loan company and mortgage loan broker shall make available and grant access to the commissioner or an examiner of the commissioner the records in its possession or control that are subject to the provisions of this subtitle.

- (13) Notwithstanding any provisions to the contrary set forth in this subtitle, no mortgage loan company or mortgage loan broker shall impede the commissioner or an examiner of the commissioner from interviewing any person regarding any potential violations of this subtitle.
- (14) Notwithstanding any provisions to the contrary set forth in this subtitle, every mortgage loan company and mortgage loan broker that employs or utilizes the direct services of a mortgage loan originator subject to the registration and regulatory requirements of KRS 286.8-255 shall complete and timely submit to the Nationwide Multistate Licensing System and Registry an annual report of condition, which shall be in such form and contain such information as the Nationwide Multistate Licensing System and Registry may require, along with any other information which may be required by the commissioner.

➔Section 40. KRS 367.380 is amended to read as follows:

As used in KRS 367.380 to 367.389~~[-, unless the context requires otherwise]:~~

- (1) "Advance fee" means any consideration which is assessed or collected, prior to the closing of a loan, by a loan broker;~~[-]~~
- (2) "Affiliate" means any person who directly or indirectly, through one (1) or more intermediaries, controls, is controlled by, or is under common control with another person;~~[-]~~
- (3) "Borrower" means a person obtaining or desiring to obtain a loan of money, a credit card, or a line of credit;
- (4) (a) "Loan broker" means any person, not exempt under paragraph (b), who:
1. For or in expectation of consideration arranges, attempts to arrange, or offers to fund a loan of money, a credit card, or a line of credit;
 2. For or in expectation of consideration assists, or advises a borrower in obtaining or attempting to obtain a loan of money, a credit card, a line of credit, or related guarantee, enhancement, or collateral of any kind or nature;
 3. Acts for or on behalf of a loan broker for the purpose of soliciting borrowers; or
 4. Holds himself out as a loan broker.
- (b) The following persons shall not be considered loan brokers under paragraph (a):
1. A bank; savings and loan association; trust company; credit union; consumer loan company; investment company;~~[- industrial loan company;]~~ securities broker-dealer, agent, or investment adviser; real estate broker or sales associate; attorney; Federal Housing Administration or United States Department of Veterans Affairs approved lender; credit card company; mortgage loan company; mortgage loan broker; public utility; insurance company; or insurance agent, solicitor, consultant, motor vehicle manufacturer, or motor vehicle dealer, if it is licensed by and subject to regulation or supervision of an agency, commission, or department of the United States or the Commonwealth, and if it is acting within the scope of its license, permit, or registration or with express written authority from the regulatory or supervising agency. Subsidiaries of licensed or chartered consumer loan companies, banks, or savings and loan associations are not loan brokers;~~[-]~~
 2. A person extending or arranging credit, or offering to extend or arrange credit, to a partnership or corporation exclusively for commercial or business purposes;
 3. A depository financial institution chartered or licensed by an agency, commission, or department of another state, if the funds on deposit with the institution are insured by the Federal Deposit Insurance Corporation;
 4. An affiliate of a person listed in subparagraph 2; or
 5. A bona fide seller or lessor of goods, services, or interests in real estate in a transaction in which the seller or lessor extends, arranges, or offers to extend or arrange credit that is to be used exclusively for financing the purchase or lease or for services performed by an independent third party directly related to the purchase or lease. A transaction shall not be exempt under this subparagraph if the purchaser or lessee receives, or is to receive, a cash advance or consolidation loan in addition to the financing; **and**
- (5) "Principal" means any officer, director, partner, joint venturer, branch manager, or other person with similar managerial or supervisory responsibilities for a loan broker.

➔Section 41. KRS 395.005 is amended to read as follows:

The following persons may be appointed as fiduciary:

- (1) Any resident of the state of Kentucky, over eighteen (18) years of age, except as set out in KRS 395.080; ~~and~~
- (2) Any national bank located in Kentucky having fiduciary powers; ~~and~~
- (3) Any state bank or trust company incorporated under the laws of *this*~~the~~ state~~of Kentucky~~ and authorized by law to act as fiduciary;
- ~~(4)(2)~~ To the extent permitted pursuant to KRS 286.3-146 and 286.3-920~~(5)(6)~~, any bank or trust company organized under the laws of a state other than Kentucky; and
- ~~(5)(3)~~ Any nonresident of legal age who is as to the decedent, ward, or incompetent, related by consanguinity, marriage, adoption or the spouse of such person so related.

➔Section 42. KRS 286.8-034 is amended to read as follows:

- (1) (a) ***In addition to any fee required under subsection (8) of this section***, an applicant for a license under this subtitle shall provide the commissioner with a check payable to the Kentucky State Treasurer ***in the following amount***:
 1. ***For a mortgage loan company license applicant, two thousand five hundred dollars (\$2,500); or***
 2. ***For a mortgage loan broker license applicant, one thousand dollars (\$1,000)***~~for five thousand dollars (\$5,000)~~.
- (b) The fee required under paragraph (a) of this subsection shall cover the application fee and the licensing fee for all licensed locations, including any changes of address.
- (2) (a) A license issued between January 1 and September 30 of the same calendar year shall expire on December 31 of the same calendar year.
- (b) A license issued between October 1 and December 31 of the same calendar year shall expire on December 31 of the following calendar year.
- (3) A license may be renewed by submitting the following:
 - (a) ~~1. An annual assessment fee as set forth in subsection (4) of this section;~~
 - ~~2. Subject to subparagraph 3. of this paragraph, the annual assessment fee required under subparagraph 1. of this paragraph shall:~~
 - ~~a. Be based on the volume of loans originated and the volume of loans serviced for residential real property located in Kentucky during the twelve (12) month period ending on September 30;~~
 - ~~b. Be determined by applying a factor of one hundred twenty five ten thousandths percent (0.0125%) to the volume of loans originated and the volume of loans serviced in Kentucky; and~~
 - ~~c. Cover:~~
 - ~~i. The renewal fee for the principal office and any branches; and~~
 - ~~ii. Any examination related costs incurred by the department.~~
 - ~~3. The annual assessment fee shall not be:~~
 - ~~a. Less than one thousand five hundred dollars (\$1,500); or~~
 - ~~b. More than fifteen thousand dollars (\$15,000);~~
 - (b) An annual report of condition to the Nationwide Multistate Licensing System and Registry, which shall be in such form and contain such information as the Nationwide Multistate Licensing System and Registry may require; and
 - (c) Any other information required by the commissioner.

- (4) (a) 1. *Subject to subparagraph 2. of this paragraph, the annual assessment fee for a mortgage loan company shall be:*
- a. *Based on the volume of loans funded and the volume of loans serviced for residential real property located in Kentucky during the twelve (12) month period ending on September 30; and*
 - b. *Determined by applying a factor of one hundredths percent (0.01%) to the volume of loans funded and the volume of loans serviced in Kentucky.*
2. *The annual assessment fee for a mortgage loan company shall not be:*
- a. *Less than one thousand dollars (\$1,000); or*
 - b. *More than fifteen thousand dollars (\$15,000).*
- (b) *The annual assessment fee for a mortgage loan broker shall be one thousand dollars (\$1,000).*
- (c) *The annual assessment fee paid by a mortgage loan company or mortgage loan broker under this subsection shall cover:*
1. *The renewal fee for the principal office and any branches; and*
 2. *Any examination-related costs incurred by the department.*
- (5) (a) The commissioner shall, by administrative regulation or order, adjust the fees in subsections (1) and ~~(4)(3)(a)~~ of this section every two (2) years.
- (b) An adjustment under paragraph (a) of this subsection shall be calculated based on the percent change in the nonseasonally adjusted annual average Consumer Price Index for all Urban Consumers (CPI-U), U.S. City Average, All Items, as published by the United States Bureau of Labor Statistics.
- ~~(6)(5)~~ The commissioner shall not approve the renewal of a mortgage loan broker's license if the commissioner has not received the information on physical location as required in KRS 286.8-032(8).
- ~~(7)(6)~~ (a) The renewal application, fees, and any required information shall be received by the commissioner on or before November 30 prior to the December 31 expiration date.
- (b) The commissioner may reinstate a license within thirty-one (31) days of the expiration of the license if the licensee pays:
1. The *annual* assessment fee; and
 2. A reinstatement fee of five hundred dollars (\$500).
- (c) A license shall not be reinstated when the renewal application, fees, or any required information is received on or after February 1 of the following year that the renewal application was due.
- (8) *Except as provided in subsection (7)(b) of this section, if an applicant for a license under this subtitle has surrendered a license or allowed a license to expire within ninety (90) days before submitting the application, the applicant shall, in addition to any other fee required under this section, pay any annual assessment fees that remained unpaid at the time the license was surrendered or expired.*

➔Section 43. The following KRS sections are repealed:

- 286.1-012 Appointment of commissioner -- Qualifications.
- 286.1-025 Deputy commissioner -- Appointment -- Service as commissioner.
- 286.2-030 Prohibition against improperly influencing a mortgage loan real estate appraisal.
- 286.2-100 Definitions for KRS 286.2-100 to 286.2-680.
- 286.2-680 Foreign financial institutions, when not required to qualify as doing business -- Nexus requirement.
- 286.3-030 Limitation on right to engage in business -- Authorization for Kentucky chartered banks and subsidiaries to sell insurance -- Names to be used by branch offices.
- 286.3-065 Officers and directors to act in good faith and with necessary and reasonable care and diligence.
- 286.3-080 Minimum capital and surplus required to begin business.

- 286.3-090 Reduction of capital stock of bank or trust company to be approved by commissioner -- \$2,500,000 in capital stock to be maintained.
- 286.3-150 Consolidation of trust companies -- Method and effect.
- 286.3-160 State bank may reorganize as national bank.
- 286.3-170 National bank may reorganize as state bank.
- 286.3-174 Provisions of KRS 286.3-172 and 286.3-173 to constitute alternative method -- Legislative purpose declared.
- 286.3-183 Transfer of branches between commonly controlled banks.
- 286.3-185 Change of location -- Approval by commissioner.
- 286.3-200 Certain banks may continue to act as fiduciaries.
- 286.3-215 Authority to charge interest in advance -- Installment loans with interest in advance -- Exceptions -- Restrictions on installment loans.
- 286.3-340 Preferred stock.
- 286.3-385 Educational loans to minors -- Validity.
- 286.3-710 Definitions for KRS 286.3-720 to 286.3-770.
- 286.3-720 Form and provisions of credit plan -- Disclosures.
- 286.3-730 Billing cycle -- Payment of balance -- Payment of credit card charges.
- 286.3-740 Finance charges -- Rate.
- 286.3-750 Additional fees, charges and costs.
- 286.3-760 Limitation on amount charged.
- 286.3-765 "Credit card guaranty" defined -- Requirement to insure validity.
- 286.3-770 Credit plans not invalidated.
- 286.5-005 Title of law.
- 286.5-011 Definitions.
- 286.5-021 Who may incorporate -- Procedure.
- 286.5-022 Former corporations deemed incorporated under this law -- Effect on rights -- Severability.
- 286.5-024 Proof by existing association of federal insurance or private insurance meeting minimum standard -- Effect of noncompliance.
- 286.5-025 Insurance requirement for certificate of incorporation.
- 286.5-031 Commissioner to investigate -- Objections -- Approval -- Certificate issued -- Filing.
- 286.5-041 Name of association -- Use of terms in name prohibited -- Injunction.
- 286.5-051 Office -- Located where -- Change of name or location.
- 286.5-061 Branch offices -- Limits on establishment.
- 286.5-071 Corporate existence begins -- When.
- 286.5-081 General powers of association.
- 286.5-091 Books and records of association -- Reproductions.
- 286.5-101 Right to manage property to avoid loss.
- 286.5-111 Associations exempt from security sale regulations.
- 286.5-121 Publication of financial statement.
- 286.5-131 Annual report of association.

- 286.5-141 Bond of incorporators -- Conditions.
- 286.5-151 Minimum number of shares of capital stock -- Issuance.
- 286.5-161 Expense fund created -- Amount -- Repayment.
- 286.5-171 Reserve fund -- Creation -- Charges -- Credits.
- 286.5-181 Organization meeting held when.
- 286.5-191 Forfeiture of charter on failure to commence business.
- 286.5-201 Annual meetings -- Who may vote -- Quorum.
- 286.5-211 Board of directors -- Qualifications -- Election -- Vacancies, filled, how.
- 286.5-221 Bond of officers or employees handling money.
- 286.5-225 Loan to director, officer, employee, or attorney prohibited -- Exceptions.
- 286.5-231 Liability of officer or agent for fraud or neglect.
- 286.5-241 Association interest does not disqualify officer taking acknowledgment.
- 286.5-251 Acceptance of gratuity for action, a misdemeanor.
- 286.5-261 Liability of association to members -- Members not liable for losses.
- 286.5-271 Inspection of books -- Records confidential -- Exception.
- 286.5-281 Membership, withdrawal, fees -- Fines.
- 286.5-291 Savings accounts, how held -- Transfers.
- 286.5-301 Issue of stock on installment basis -- Issuance for loan purposes -- Maximum holding.
- 286.5-311 Lost or destroyed books, duplicates.
- 286.5-321 Redemption of savings accounts -- Limitation on claims.
- 286.5-331 Withdrawal of shares -- Payment for, when made -- Withdrawals by borrowing members.
- 286.5-341 Enforced withdrawal.
- 286.5-351 Matured shares.
- 286.5-361 Payment of withdrawals and accounts.
- 286.5-371 Dividends paid, when.
- 286.5-381 Savings accounts of minors.
- 286.5-391 Joint savings accounts.
- 286.5-401 Accounts of fiduciaries -- Voting powers -- Payments to beneficiaries.
- 286.5-411 Payments of account, foreign fiduciary.
- 286.5-421 Recognition of attorney-in-fact.
- 286.5-431 Investments by fiduciaries, charitable and financial institutions authorized.
- 286.5-435 Association as trustee -- Compensation -- Records.
- 286.5-441 Real estate loans, requirements -- Purposes for which made -- Additional payments.
- 286.5-451 Loans on direct reduction plan -- Pledge of stock on loan -- Interest rate -- Property improvement loans -- Participation with other lenders -- Condition for making uninsured loans.
- 286.5-461 Compliance with federal law or regulations required for property improvement loans or mobile home loans.
- 286.5-471 Loans under Servicemen's Readjustment Act.
- 286.5-481 Repayment of loans -- Credit value of borrower's shares -- Retention of shares.
- 286.5-491 Default in payment of dues -- Fine -- Forfeiture of shares -- Payments in advance.

- 286.5-501 Payment of expenses of loan -- Payments in lieu.
- 286.5-511 Priority of members for loans -- Investments -- Compensation for loans prohibited -- Loan statement.
- 286.5-521 Limits on power to borrow money.
- 286.5-531 Acquisition and ownership of real estate.
- 286.5-541 Acting as fiscal agent of U. S.
- 286.5-551 Consolidation of associations.
- 286.5-561 Federal savings and loan association, consolidation with or conversion into.
- 286.5-571 Resolution of consolidation or conversion to be filed with commissioner.
- 286.5-581 Consolidation or merger with federal association procedure -- Continuation with state association.
- 286.5-591 Transfer of property to federal association -- Rights of creditors.
- 286.5-601 Federal charter to be recorded -- Evidence.
- 286.5-611 Conversion of federal association to state association -- Procedure.
- 286.5-621 Reorganization or voluntary liquidation.
- 286.5-631 Meeting of members -- How called -- Notice.
- 286.5-641 Exhibit of affairs to be printed and filed.
- 286.5-651 Voting -- Adoption of resolution to reorganize or liquidate.
- 286.5-680 Status of federal savings and loan associations -- Powers.
- 286.5-690 Commissioner and examiners to have no interest in association.
- 286.5-700 Powers of commissioner -- Form of orders.
- 286.5-702 Commissioner's power to make administrative regulations and orders.
- 286.5-705 Commissioner may authorize state associations to be competitive with federal associations.
- 286.5-710 Examination of associations -- Report -- Information confidential.
- 286.5-720 Federal examinations may be accepted -- Extra examination -- Powers of examiners.
- 286.5-730 Filing fee for reports -- Examination fees.
- 286.5-740 Violations of law or regulation -- Ordered discontinued -- Enforcement.
- 286.5-750 Conservator appointed -- When -- Procedure.
- 286.5-760 Receiver appointed when -- Federal agency as receiver -- Procedure.
- 286.5-770 No receiver or conservator for solvent association.
- 286.5-780 Declaratory judgment action as to rights.
- 286.5-790 Annual report of commissioner.
- 286.5-800 Advertising as insured institution restricted -- Penalty -- Injunction.
- 286.5-805 Passbook notice required of federally uninsured association.
- 286.5-810 Injurious statements about associations -- Penalty.
- 286.5-850 "Credit card guaranty" defined -- Requirement to insure validity.
- 286.5-900 Definitions.
- 286.5-905 Acquisition of one or more associations wherever located -- Limitations -- Acquisition by out-of-state associations -- Merger or consolidation.
- 286.5-910 Filing of application to acquire association or holding company -- Examination of applicant -- Cooperative agreements for examination of out-of-state associations or exchange of confidential information.
- 286.5-991 Penalties.

- 286.7-410 Definitions for KRS 286.7-410 to 286.7-600.
- 286.7-420 Organization of industrial loan corporation -- Name.
- 286.7-430 Capital stock requirements -- Statement of assets and liabilities -- Fees.
- 286.7-440 Investigation of applicant -- Approval of articles of incorporation and application.
- 286.7-450 Certificate of approval -- Denial -- Hearing -- Appeal.
- 286.7-460 Powers of industrial loan company.
- 286.7-480 Additional charges prohibited -- Allowed collateral.
- 286.7-490 Operation of insurance agency in same office.
- 286.7-500 Delinquency charges.
- 286.7-510 Restrictions on security -- Contents of notes -- Advertising.
- 286.7-520 Certain requirements not applicable -- Certificates of investment -- Designation of depository banks -- Petty loan associations prohibited.
- 286.7-530 Authority of department -- Regulations.
- 286.7-535 Commonwealth or its employees not liable for failure to disclose financial condition of industrial loan company.
- 286.7-540 When certificate required.
- 286.7-550 Revocation or suspension of certificate -- Hearing -- Reinstatement -- Surrender -- Appeal.
- 286.7-580 Certification of foreign corporations.
- 286.7-590 Denial of privilege to advertise certification.
- 286.7-600 Certification of corporations qualifying on June 14, 1962.
- 286.7-990 Penalties.
- 286.10-200 Definitions for KRS 286.10-200 to 286.10-285 and KRS 286.10-991.
- 286.10-205 Licensed title pledge lender -- Limitation of action on title pledge agreement.
- 286.10-210 Prohibition against engaging in business without license.
- 286.10-215 Qualifications for license.
- 286.10-220 Application for title pledge lending license.
- 286.10-225 Verification -- Granting of license -- Renewal.
- 286.10-230 Inspection by commissioner -- Presence of officer.
- 286.10-235 Nonliability of examiner to pledgor.
- 286.10-240 Confidentiality of examination -- Exceptions.
- 286.10-245 Fee for examination.
- 286.10-250 Record of agreement -- Contents -- Signature requirement -- Location of records.
- 286.10-255 Lender's security interest.
- 286.10-260 Applicability of KRS 286.4-530 -- Compliance with Federal Truth in Lending Act -- Rollover period -- Renewals of agreements.
- 286.10-265 Release of security interest and lien.
- 286.10-270 Expiration of title pledge agreement -- Taking possession of titled personal property upon default.
- 286.10-275 Repossession -- Sale of repossessed property.
- 286.10-280 Change in title of repossessed property.
- 286.10-285 Prohibited conduct by title pledge lenders.

286.10-991 Penalties for KRS 286.10-200 to 286.10-285 and KRS 286.10-991 -- Revocation or suspension of license of title pledge lender.

365.205 Definitions -- Printing requirements for personal checks.

➔Section 44. (1) The Governor shall make the initial appointment under subsection (2)(e) of Section 2 of this Act within ninety days of the effective date of this Act.

(2) Notwithstanding subsection (1) of Section 2 of this Act, appointments under subsection (2) of Section 2 of this Act shall be staggered so that, of the 12 total voting board member appointments, not more than 4 appointments expire at any one time.

Signed by Governor April 9, 2024.

END OF VOLUME I

VOLUME II BEGINS ON PAGE 1149 WITH CHAPTER 153

CHAPTER 153**(HB 266)**

AN ACT relating to road projects and declaring an emergency.

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

➔Section 1. Notwithstanding KRS 48.100, 48.110, 48.300, and 176.430, the projects authorized by the General Assembly in this Act constitute the official 2024-2026 Biennial Highway Construction Plan.

➔Section 2. The General Assembly acknowledges that the project authorizations contained within this Act are based on the Transportation Cabinet's estimates. The Transportation Cabinet shall have the authority to expend funds necessary to complete the projects as authorized in this Act, amended only by variations dictated by bid or unforeseen circumstances.

➔Section 3. The Secretary of the Transportation Cabinet shall produce a single document that shall detail the enacted fiscal biennium 2024-2026 Biennial Highway Construction Program, County Priority Projects Program, and the 2026-2030 Highway Preconstruction Plan.

➔Section 4. Notwithstanding KRS 48.300, this Act in conjunction with 2024 Regular Session HJR 91 and 2024 Regular Session HJR 92 shall constitute the Six-Year Road Plan.

➔Section 5. Whereas the funding for these projects is provided by the Transportation Cabinet Budget Bill, which takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law, an emergency is declared to exist and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

➔Section 6. The 2024-2026 Biennial Highway Construction Plan is as follows:

Signed by Governor April 9, 2024.

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Adair	4325	KY-1702	INSTALL GUARDRAIL ON KY-1702 IN ADAIR COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			58,000
				Project Cost:		0	0	58,000
Adair	80003	KY-55	KY 55 NEW TURNING LANE AT BETTY'S OK COUNTRY COOKING. (18CCN)(2020CCR) (2022CCR)	PL				
				DN	SAF	260,000		
				RW	SAF		120,000	
				UT	SAF		120,000	
				CN	SAF			440,000
				Project Cost:		260,000	240,000	440,000
Adair	80200	KY-55	IMPROVE SAFETY AND MOBILITY ALONG KY 55 NEAR DOC'S MARKET. (2022CCN)	PL				
				DN	SAF	249,600		
				RW	SAF		210,000	
				UT	SAF			810,000
				CN	SAF			1,350,000
				Project Cost:		249,600	210,000	2,160,000
Adair	80351	KY-55	Provide access into Green River Commerce Park along KY 55 to promote economic growth in Adair County. (MP 16.6-16.75)	PL				
				DN	SPP		200,000	
				RW				
				UT	SPP		150,000	
				CN	SPP			350,000
				Project Cost:		0	350,000	350,000
Total for Adair county				PL				
				DN		509,600	200,000	
				RW			330,000	
				UT			270,000	810,000
				CN				2,198,000
				Total Amounts:		509,600	800,000	3,008,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1151

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Allen	320	KY-100	IMPROVEMENTS TO KY 100: CURVE, BRIDGE, AND INTERSECTION IMPROVEMENTS FROM NEAR THE STONY POINT ROAD INTERSECTION TO EAST OF THE ALONZO LONG HOLLOW ROAD INTERSECTION (12CCR)(18CCN) (2020CCR)	PL DN RW UT CN	SPP SPP SPP	1,940,000	1,410,000	3,000,000
Project Cost:						<u>1,940,000</u>	<u>1,410,000</u>	<u>3,000,000</u>
Allen	8802	KY-100	WIDENING OF KY 100 (FRANKLIN ROAD) TO 3 LANES WITH URBAN SECTION FROM OLIVER STREET TO US 31E TO INCREASE CAPACITY/SAFETY. MP 11.800-12.700 (14CCN)(18CCN) (2020CCR)	PL DN RW UT CN	SPP		580,000	
Project Cost:						<u>0</u>	<u>580,000</u>	<u>0</u>
Allen	8902	KY-98	RECONSTRUCT 1.0 MILE EAST OF BRIDGE OVER BARREN RIVER LAKE TO CORRECT VERTICAL AND HORIZONTAL DEFICIENCIES. (2020CCN)	PL DN RW UT CN	SPP	1,540,000		
Project Cost:						<u>1,540,000</u>	<u>0</u>	<u>0</u>
Allen	10028	CR-1220	BRIDGE PROJECT IN ALLEN COUNTY ON (002C00033N) PETROLEUM RD AT LITTLE TRAMMEL CREEK	PL DN RW UT CN	FBP2 FBP2			54,000
Project Cost:						<u>0</u>	<u>0</u>	<u>554,000</u>
Allen	80206	KY-100	RECONSTRUCT KY-100 FROM KY-622 IN SIMPSON COUNTY TO EST OF SULPHUR FORK CREEK IN ALLEN COUNTY (2012CCR) (2022CCN)	PL DN RW UT CN	SPP SPP	2,440,000 2,250,000		
Project Cost:						<u>4,690,000</u>	<u>0</u>	<u>0</u>

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Allen	80207	KY-101	Improve safety on KY 101 from KY 234 to the Warren County Line. (2022CCN)	PL				
				DN				
				RW	STP2		1,040,000	
				UT	STP2			1,860,000
				CN				
				Project Cost:		0	1,040,000	1,860,000
Allen	80312	PF-9999	Improve connectivity within Allen Springs Industrial Park.	PL				
				DN				
				RW				
				UT				
				CN	SPP		350,000	
				Project Cost:		0	350,000	0
Allen	80313	CR-1329	IMPROVE CONNECTIVITY TO THE ALLEN SPRINGS INDUSTRIAL PARK BAGWELL BLVD EXTENSION (INTERNAL STREET). WIDENING OF JOHNSON ROAD (COUNTY ROAD).	PL				
				DN				
				RW				
				UT				
				CN	SPP		605,000	
				Project Cost:		0	605,000	0
Allen	80353	ky-100	Construct roundabout intersection at KY 100 and KY 3500 (Old Gallatin Road/Franklin Road) (MP 13.05-13.15)	PL				
				DN	SPP		500,000	
				RW	SPP			250,000
				UT	SPP			500,000
				CN				
				Project Cost:		0	500,000	750,000
Total for Allen county				PL				
				DN			500,000	54,000
				RW		4,380,000	1,620,000	250,000
				UT		2,250,000	1,410,000	2,360,000
				CN		1,540,000	955,000	3,500,000
				Total Amounts:		8,170,000	4,485,000	6,164,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Anderson	806	KY-151	RECONSTRUCT KY 151 FROM US 127 AT LAWRENCEBURG TO I-64 IN FRANKLIN COUNTY. (2020CCN)	PL DN RW UT CN	SPP SPP	5,000,000	5,000,000	
Project Cost:						5,000,000	5,000,000	0
Anderson	22181	BG-9002	ADDRESS CONDITION OF Martha Layne Collins Bluegrass Parkway FROM MILEPOINT 51.838 TO MILEPOINT 52.315	PL DN RW UT CN	NHPM NHPM		20,000	
Project Cost:						0	200,000	0
Anderson	80001	US-62	IMPROVE US-62 (VERSAILLES RD.) FROM HILLTOP DR. TO WEST END OF BRIDGE OVER KENTUCKY RIVER AT TYRONE(18CCN) (2020CCR) (2022CCR)	PL DN RW UT CN	STP2 STP2	3,830,000	4,500,000	
Project Cost:						3,830,000	4,500,000	0
Total for Anderson county				PL DN RW UT CN			20,000	
Total Amounts:						8,830,000	9,700,000	0
Ballard	115	US-60	PADUCAH-WICKLIFFE RD: IMPROVE US-60 FROM STAFFORD ROAD TO BETHEL CHURCH ROAD (INCLUDES KEVIL BYPASS)(TO BE LET WITH 1-115.10) (06CCR)(12CCR)(14CCR)(18CCR). (2020CCR) (2022CCR)	PL DN RW UT CN	SPP	10,000,000		
Project Cost:						10,000,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Ballard	118	US-60	Improve US-60 from Humphrey Creek bridge to 0.4 mi west of Hester Sullivan Lane. (02CCR) (2020CCR) (2022CCR)	PL DN RW UT CN	NH		10,000,000	
Project Cost:						0	10,000,000	0
Ballard	1140.0100	US-51	PE AND ENVIRONMENTAL FOR REPLACEMENT OF CAIRO BRIDGE AT OR BESIDE EXISTING LOCATION. (004B00021N)(SD)(18CCR)	PL DN RW UT CN	BRX		19,200,000	
Project Cost:						0	19,200,000	0
Ballard	80300	US-60	ADDRESS CONDITION, SAFETY, CONGESTION, AND FUTURE CAPACITY ISSUES ON US-60 THROUGH THE CITY OF LACENTER.	PL DN RW UT CN	NH		1,500,000	
Project Cost:						0	1,500,000	0
Ballard	80301	US-60	ADDRESS CONDITION, SAFETY, CONGESTION, AND FUTURE CAPACITY FROM PROPOSED BARLOW EASTERN BYPASS TO PROPOSED LACENTER SOUTHERN BYPASS.	PL DN RW UT CN	NH		2,000,000	
Project Cost:						0	2,000,000	0
Ballard	80308	US-51	CORRECT ROADWAY GEOMETRICS, INADEQUATE PASSING ZONES, IMPROVE OPERATING SPEEDS AND IMPROVE CONNECTIVITY FROM CARLISLE COUNTY LINE TO RAILROAD OVERPASS IN WICKLIFFE.	PL DN RW UT CN	NH NH		520,000	1,560,000
Project Cost:						0	520,000	1,560,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1155

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Ballard	80320	US-51	THE PURPOSE OF THIS PROJECT IS TO PROVIDE ROADWAY INFRASTRUCTURE TO SUPPORT COMMUNITY GROWTH/DEVELOPMENT AND SAFE ACCESS FOR FREIGHT TRAFFIC TO DEVELOPING RIVERPORT SOUTH OF WICKLIFFE.	PL DN RW UT CN	SPP			300,000
Project Cost:						0	0	300,000
Total for Ballard county				PL DN RW UT CN			520,000 22,700,000 10,000,000	1,860,000
Total Amounts:						10,000,000	33,220,000	1,860,000
Barren	8819	KY-90	MAJOR WIDENING FROM SANDERS STREET IN CAVE CITY TO US 68 (GLASGOW OUTER LOOP) IN GLASGOW. (14CCN) (2020CCN) (2022CCR)	PL DN RW UT CN	HGC			6,600,000
Project Cost:						0	0	6,600,000
Barren	8821	CR-1366, KY-1297	IMPROVE KY-1297 FROM CR-1366 (DONNELLY DRIVE) TO US-31E (ROGER WELLS), AND IMPROVE CR-1366 (DONNELLY DRIVE) FROM KY-1297 TO US-68 IN GLASGOW. (14CCN) (16CCN) (2020CCR)	PL DN RW UT CN	SPP	6,000,000		
Project Cost:						6,000,000	0	0
Barren	20038	US-31	ADDRESS CONDITION OF US-31E FROM MILEPOINT 8.052 TO MILEPOINT 12.117	PL DN RW UT CN	STP4 STP4		93,900 1,784,100	
Project Cost:						0	1,878,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Barren	22300	US-68	ADDRESS CONDITION OF US-68X FROM MILEPOINT 2.75 TO MILEPOINT 4.27	PL				
				DN	STP3	400,000		
				RW				
				UT				
				CN	STP3	7,600,000		
				Project Cost:		8,000,000	0	0
Barren	80002	LN-9008	NEW INTERCHANGE ON THE LOUIE NUNN CUMBERLAND PARKWAY AT KY (CONTINGENT ON ECONOMIC DEVELOPMENT PROJECTS)-249 IN GLASGOW(18CCN) (2022CCR)	PL				
				DN	SPP	1,830,000		
				RW	SPP			2,790,000
				UT				
				CN				
				Project Cost:		1,830,000	0	2,790,000
Barren	80150	LN-9008	UPGRADE THE LOUIE B. NUNN CUMBERLAND EXPRESSWAY TO INTERSTATE STANDARDS IN ORDER TO ESTABLISH THE I 65 SPUR ROUTE BETWEEN I 65 AND SOMERSET (2020CCN)	PL	SPP	500,000		
				DN				
				RW				
				UT				
				CN				
				Project Cost:		500,000	0	0
Barren	80352	KY-3600	Addition of southbound left turn lane and northbound right turn lane at new Southern States facility on KY 3600 (MP 1.95).	PL				
				DN	SPP		25,000	
				RW				
				UT				
				CN	SPP		175,000	
				Project Cost:		0	200,000	0
Total for Barren county				PL		500,000		
				DN		2,230,000	118,900	
				RW				2,790,000
				UT				
				CN		13,600,000	1,959,100	6,600,000
				Total Amounts:		16,330,000	2,078,000	9,390,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1157

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Bath	193	KY-111	RECONSTRUCT KY-111 IN THE VICINITY OF THE "S-CURVE" EAST OF OWINGSVILLE (14CCR) (2022CCN)	PL DN RW UT CN	SPP		350,000	
Project Cost:						0	350,000	0
Bath	4327	US-60	INSTALL GUARDRAIL ON US-60 IN BATH COUNTY	PL DN RW UT CN	GR			46,000
Project Cost:						0	0	46,000
Bath	8404	KY-965	RECONSTRUCT CURVE AT .8 MILE SOUTH OF KY-36 (08CCN)(12CCR) MILEPOINT 7.147 TO 7.247) (2022CCN)	PL DN RW UT CN	SPP SPP SPP		270,000 780,000	1,620,000
Project Cost:						0	1,050,000	1,620,000
Bath	8814	KY-36	CORRECT HORIZONTAL AND WIDTH DEFICIENCIES ON KY 36 FROM "OLD KY 11" MP 1.004 TO KY 1325 (MP 6.97) TO IMPROVE SAFETY AND OPERATIONAL EFFICIENCY OF ROADWAY (14CCN) (2022CCN)	PL DN RW UT CN	SPP			2,300,000
Project Cost:						0	0	2,300,000
Bath	22044	I-64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 115.647 TO MILEPOINT 117.83	PL DN RW UT CN	NHPM NHPM			166,000 1,659,000
Project Cost:						0	0	1,825,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Bath	22046	I-64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 123.6 TO MILEPOINT 128.955	PL				
				DN	NHPM			407,000
				RW				
				UT				
				CN	NHPM			4,564,000
				Project Cost:		0	0	4,971,000
Bath	80101	KY-36	IMPROVE SAFETY ON KY 36 FROM THE INTERSECTION WITH I-64 TO THE INTERSECTION OF KY 965 INCLUDING THE CURVES KNOWN AS CLEAR CREEK FURNACE AND THOMAS HILL (2020CCN) MILEPOINT 13.394 TO MILEPOINT 17.104 (2022CCN)	PL				
				DN				
				RW	SPP		1,000,000	
				UT	SPP		1,000,000	
				CN	SPP			2,000,000
				Project Cost:		0	2,000,000	2,000,000
Bath	80102	KY-36	IMPROVE SAFETY AND OPERATIONAL EFFICIENCY ON KY 36 FROM NORTH OF MARIELLA DR TO THE INTERSECTION OF OLD KY 36 (2020CCN) (2022CCN)	PL				
				DN				
				RW	SPP	425,000		
				UT	SPP		1,320,000	
				CN				
				Project Cost:		425,000	1,320,000	0
Bath	80250	US-60	REALIGN ROADWAY ON US 60 NEAR OWINGSVILLE BEGINNING IN THE VICINITY OF ROSE BUSH LN AND ENDING AT WELLS ROAD NEAR I 64 EXIT 123 (2022CCN)	PL				
				DN				
				RW	SPP			1,500,000
				UT				
				CN				
				Project Cost:		0	0	1,500,000
Total for Bath county				PL				
				DN			350,000	2,873,000
				RW		425,000	1,270,000	1,500,000
				UT			3,100,000	
				CN				9,889,000
				Total Amounts:		425,000	4,720,000	14,262,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Bell	167	KY-74	ENHANCING CUMBERLAND AVENUE FROM US 25E TO 18TH STREET WITH STREET IMPROVEMENTS FOR VEHICLE AND PEDESTRIANS, AS WELL AS STORM WATER MANAGEMENT TO IMPROVE SAFETY, CONGESTION, AND ENVIRONMENTAL IMPACT. (2020CCR)	PL				
				DN				
				RW	SPP		580,000	
				UT	STP1		1,000,000	
				CN				
				Project Cost:		0	1,580,000	0
Bell	4316	KY-987	INSTALL GUARDRAIL ON KY-987 IN BELL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		119,000	
				Project Cost:		0	119,000	0
Bell	4317	KY-987	INSTALL GUARDRAIL ON KY-987 IN BELL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		70,000	
				Project Cost:		0	70,000	0
Bell	4318	KY-987	INSTALL GUARDRAIL ON KY-987 IN BELL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		68,000	
				Project Cost:		0	68,000	0
Bell	4366	KY-987	INSTALL GUARDRAIL ON KY-987 IN BELL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		84,000	
				Project Cost:		0	84,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Bell	4393	KY-1491	INSTALL GUARDRAIL ON KY-1491 IN BELL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		17,000	
				Project Cost:		0	17,000	0
Bell	4394	KY-190	INSTALL GUARDRAIL ON KY-190 IN BELL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		41,000	
				Project Cost:		0	41,000	0
Bell	4395	KY-2011	INSTALL GUARDRAIL ON KY-2011 IN BELL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		68,000	
				Project Cost:		0	68,000	0
Bell	4396	KY-66	INSTALL GUARDRAIL ON KY-66 IN BELL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		84,000	
				Project Cost:		0	84,000	0
Bell	4397	KY-66	INSTALL GUARDRAIL ON KY-66 IN BELL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		98,000	
				Project Cost:		0	98,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Bell	4398	KY-92	INSTALL GUARDRAIL ON KY-92 IN BELL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		86,000	
				Project Cost:		0	86,000	0
Bell	4399	KY-92	INSTALL GUARDRAIL ON KY-92 IN BELL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		53,000	
				Project Cost:		0	53,000	0
Bell	4400	KY-92	INSTALL GUARDRAIL ON KY-92 IN BELL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		53,000	
				Project Cost:		0	53,000	0
Bell	4401	KY-92	INSTALL GUARDRAIL ON KY-92 IN BELL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		80,000	
				Project Cost:		0	80,000	0
Bell	4416	KY-190	INSTALL GUARDRAIL ON KY-190 IN BELL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			33,000
				Project Cost:		0	0	33,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Bell	8702	US-119	PROVIDE PASSING OPPORTUNITIES ON US 119 IN THE VICINITY OF MP 4.5 IN BELL COUNTY. (12CCN)(14CCR) (2020CCN)	PL DN RW UT CN	SPP SPP	990,000	520,000	
Project Cost:						990,000	520,000	0
Bell	22301	KY-2012	ADDRESS CONDITION OF KY-2012 FROM MILEPOINT 0 TO MILEPOINT 1.95	PL DN RW UT CN	STP4 STP4			159,250 1,000,000
Project Cost:						0	0	1,159,250
Bell	22302	US-25	ADDRESS CONDITION OF US-25E FROM MILEPOINT 2.86 TO MILEPOINT 3.5	PL DN RW UT CN	NHPM NHPM		144,958	1,000,000
Project Cost:						0	144,958	1,000,000
Bell	80201	US-25	Fill in existing depressed median to install a two-way left turn lane from the intersection of KY 441 to intersection of Tim Short Automotive. (2022CCN)	PL DN RW UT CN	NH NH	200,000 495,000		
Project Cost:						695,000	0	0
Bell	80300	US-119	Improve mobility by constructing a 2+1 road on US 119 in Bell County by adding a continuous third lane that serves as an alternate passing lane (MP 3.5 - 9.3).	PL DN RW UT CN	NH		2,240,000	
Project Cost:						0	2,240,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Bell	80309	US-25	Construct one left turn lane on US 25 E at Log Mill Road, with 200' storage and 100' taper at MP 10.7	PL DN RW UT CN	FED	0	60,000	0
Project Cost:						0	60,000	0
Total for Bell county				PL DN RW UT CN		200,000	2,384,958	159,250
Total Amounts:						1,685,000	5,465,958	2,192,250
Boone	80	I-75	REDUCE CONGESTION AND IMPROVE TRAFFIC MOBILITY AT THE INTERCHANGE OF I-75 AND KY-14 IN WALTON. (2020CCR) (2022CCR)	PL DN RW UT CN	NH NH		3,000,000	2,000,000
Project Cost:						0	3,000,000	2,000,000
Boone	113	KY-338	CONDUCT PLANNING STUDY TO EVALUATE OPTIONS FOR RECONSTRUCTING KY 338 (RICHWOOD ROAD) FROM TRIPLE CROWL BLVD TO HICKS PIKE.	PL DN RW UT CN	SPP	500,000		
Project Cost:						500,000	0	0
Boone	446	US-42	PROVIDE EAST-WEST CONNECTIVITY AND IMPROVED MOBILITY FROM KY-237 (PLEASANT VALLEY ROAD) THRU KY-842 (HOPEFUL CHURCH ROAD) TO MALL ROAD/I-75 INTERCHANGE. (18CCR) (2020CCR) (2022CCR)	PL DN RW UT CN	NH		5,000,000	
Project Cost:						0	5,000,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Boone	447	US-25	IMPROVE MOBILITY AND REDUCE CONGESTION ON US-25 FROM WINNING COLORS DRIVE TO THE NORFOLK SOUTHERN RAILROAD CROSSING SOUTH OF KY-1829 (INDUSTRIAL ROAD); EXCLUDES GRADE SEPARATION AT KY-536. (2020CCR) (2022CCR)	PL DN RW UT CN	SPP SPP		2,000,000	2,500,000
Project Cost:						0	2,000,000	2,500,000
Boone	966.0800	CO-0	DEDICATED FEDERAL-AID STP FUNDS EARMARKED FOR NKY URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2024 THROUGH FY 2030. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP) (2020CCR)	PL DN RW UT CN	SNK	8,200,000	8,400,000	8,600,000
Project Cost:						8,200,000	8,400,000	8,600,000
Boone	4318	KY-338	INSTALL GUARDRAIL ON KY-338 IN BOONE COUNTY	PL DN RW UT CN	GR			6,000
Project Cost:						0	0	6,000
Boone	10028	I-275	BRIDGE PROJECT IN BOONE COUNTY ON (008B00052N) I-275 AT OHIO RIVER	PL DN RW UT CN	FBP			400,000
Project Cost:						0	0	400,000
Boone	20001	I-71	ADDRESS CONDITION OF I-071 FROM MILEPOINT 69.89 TO MILEPOIN 77.724 (77.424 NON-CARDINAL)	PL DN RW UT CN	NHPM STP5		4,022,321 16,200,889	
Project Cost:						0	20,223,210	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1165

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Boone	20008	KY-18	ADDRESS CONDITION OF KY-18 FROM MILEPOINT 15.26 TO MILEPOINT 16.63	PL				
				DN	STP5	125,000		
				RW				
				UT				
				CN	STP5	2,375,000		
				Project Cost:		2,500,000	0	0
Boone	80000	KY-237	RECONSTRUCT GUNPOWDER RD. FROM US-42 TO KY-536. (18CCN) (2020CCR) (2022CCR)	PL				
				DN				
				RW	SPP		2,000,000	
				UT	SPP			3,380,000
				CN				
				Project Cost:		0	2,000,000	3,380,000
Boone	80001	KY-237	EXPANSION OF ROUNDABOUTS ALONG KY-237 AT CARDINAL COVE AND GRAVES RD(18CCN) (2020CCR) (2022CCR)	PL				
				DN				
				RW	STPF			1,000,000
				UT				
				CN				
				Project Cost:		0	0	1,000,000
Boone	80100	KY-1017, KY-717	CONVERT TURFWAY RD AND THOROUGHbred BLVD FROM 2 WAY TO ONE WAY AND CONSTRUCT NEW I-75 ACCESS (2020CCN) (2022CCR)	PL				
				DN	STPF		2,500,000	
				RW				
				UT				
				CN				
				Project Cost:		0	2,500,000	0
Boone	80101	KY-18	CONVERT KY 18 (BURLINGTON PIKE) TO A SUPER STREET (2020CCN) (2022CCR)	PL				
				DN				
				RW	STP	2,500,000		
				UT	STP		1,500,000	
				CN				
				Project Cost:		2,500,000	1,500,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Boone	80102	KY-3060	Reconstruct KY 3060 (Frogtown Road) from US 42 to US 25. (2022CCR)	PL				
				DN				
				RW	SPP			2,500,000
				UT	SPP			4,200,000
				CN				
				Project Cost:		0	0	6,700,000
Boone	80150	KY-717	Reconstruct Turfway Road (KY 717) from Aero Parkway (MP 0.0) to Donaldson Road (MP 1.67). (2020CCN) (2022CCR)	PL				
				DN				
				RW	STPF		5,000,000	
				UT	STPF			2,000,000
				CN				
				Project Cost:		0	5,000,000	2,000,000
Boone	80202	KY-536, US-42	Improving safety and modernizing existing roadways through central Boone County (KY 536 & US 42).	PL				
				DN	SPP	750,000		
				RW				
				UT				
				CN				
				Project Cost:		750,000	0	0
Boone	80204	KY-536, US-42	Improve existing alignments and new construction between KY 536 (Hathaway Rd) and KY 14 (Verona Mudlick Road).	PL				
				DN	SPP	750,000		
				RW				
				UT				
				CN				
				Project Cost:		750,000	0	0
Boone	80206	KY-18	Improve safety and address geometric deficiencies along KY 18 from Caroline Williams Way to KY 338; include multi-modes. (2022CCN)	PL				
				DN	SPP		998,400	
				RW				
				UT				
				CN				
				Project Cost:		0	998,400	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1167

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Boone	80207	CR-1001	Improve safety & mobility, reduce congestion and address geometric deficiencies along Camp Ernst Road (CR 1001) from KY 237 (Pleasant Valley Rd) to KY 536 (Hathaway Rd). (2022CCN) (Includes Item No. 6-80208)	PL				
				DN	STP2	2,110,000		
				RW	STP2			5,000,000
				UT	STP2			2,500,000
				CN				
Project Cost:						2,110,000	0	7,500,000
Boone	80208	CR-1001	IMPROVE SAFETY & MOBILITY, REDUCE CONGESTION AND ADDRESS GEOMETRIC DEFICIENCIES ALONG CAMP ERNST ROAD (CR 1001) FROM LONG BRANCH RD. TO KY 237 (PLEASANT VALLEY RD.) (2022CCN) (SEE ITEM NO. 6-80207)	PL				
				DN	SPP	2,400,000		
				RW				
				UT				
				CN				
Project Cost:						2,400,000	0	0
Boone	80209	KY-237	Improve access to KY 237 for Litton Lane. (2022CCN)	PL				
				DN				
				RW	SPP		1,000,000	
				UT	SPP			300,000
				CN				
Project Cost:						0	1,000,000	300,000
Boone	80257	I-75	EXPAND NORTHBOUND AND SOUTHBOUND REST AREAS ON I-71/I-75 IN BOONE COUNTY TO ADD MORE TRUCK PARKING. (2022CCN)	PL				
				DN				
				RW	NH		370,000	
				UT	NH		160,000	
				CN	NH			1,720,000
Project Cost:						0	530,000	1,720,000
Boone	80304	CR-1151	IMPROVE SAFETY AND REDUCE CONGESTION ALONG HICKS PIKE (CR 1151) FROM US 42 TO KY 338.	PL				
				DN	STPF		4,960,000	
				RW				
				UT				
				CN				
Project Cost:						0	4,960,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Boone	80317	CR-1042	IMPROVE SAFETY AND REDUCE CONGESTION ON LIMABURG ROAD FROM CONRAD LANE TO KY 18 (BURLINGTON PIKE).	PL				
				DN	STPF		1,620,000	
				RW				
				UT				
				CN				
				Project Cost:		0	1,620,000	0
Boone	80320	KY-237	Transportation improvements adjoining KY 237 Central Parkway in Partnership with Boone County (TID).	PL				
				DN				
				RW				
				UT				
				CN	SPP		10,000,000	
				Project Cost:		0	10,000,000	0
Boone	80351	HWY-14	Safety improvements and congestion relief on Hwy 14 for New Walton-Verona Middle School (Walt Ryan Way).	PL				
				DN	SPP	400,000		
				RW	SPP		250,000	
				UT	SPP		200,000	
				CN	SPP		750,000	
				Project Cost:		400,000	1,200,000	0
Boone	80352	i-75	Add additional exit lane on I-75 Southbound (MP 171 South) ramp and align lights to provide 2 left turn lanes and 1 right turn lane on HWY 14/16 Nart Grubbs HWY. Ramp only work.	PL				
				DN				
				RW				
				UT				
				CN	SAF		1,500,000	
				Project Cost:		0	1,500,000	0
Boone	80356	CR-1042	Reconstruct Limaburg Road from KY 18 to Gateway Blvd (CR 1086)	PL				
				DN	SPP			1,500,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	1,500,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Boone	80357	KY-20	Reconstruct KY 20 from the new KY 495 (Graves Road) Interchange to KY 18 (MP14.6-16.7)	PL				
				DN	SPP			1,500,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	1,500,000
Boone	80358	KY-536	Reconstruct KY 536 from Camp Ernst Road to Old Union Road (MP 8.0-10.8)	PL				
				DN	SPP			1,750,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	1,750,000
Boone	80359	US-25	Improve safety & mobility and address geometric deficiencies along US 25 (Dixie Hwy) between KY 16 and KY 338 (Richwood Rd) (MP 2.2-4.7)	PL				
				DN	SPP			2,000,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	2,000,000
Boone	80360	KY-1292	CONSTRUCT A NEW CONNECTION BETWEEN KY 1292, BEAVER ROAD, TO KY 2951, CHAMBERS ROAD, AND KY 16.	PL				
				DN	SPP			2,000,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	2,000,000
Total for Boone county				PL		500,000		
				DN		6,535,000	17,100,721	9,150,000
				RW		2,500,000	15,620,000	10,500,000
				UT			1,860,000	14,880,000
				CN		10,575,000	36,850,889	10,326,000
				Total Amounts:		20,110,000	71,431,610	44,856,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Bourbon	80104	US-460	IMPROVE US 460 FROM RUSSELL CAVE RD TO I 75 (2ND PART OF 7-8705) (2020CCN)(SEE 7-8705.10) (2022CCR)	PL DN RW UT CN	STP2		7,500,000	
Project Cost:						0	7,500,000	0
Bourbon	80155	KY-537	IMPROVE SAFETY OF CANE RIDGE ROAD (KY 537) FROM THE INTERSECTION WITH 460 TO THE ENTRANCE PAST COLOR POINT (2020CCN) (2022CCR)	PL DN RW UT CN	SPP		1,800,000	
Project Cost:						0	1,800,000	0
Bourbon	80203	KY-1939	MODERNIZE ROADWAY, IMPROVE CONGESTION, SAFETY AND PEDESTRIAN ACCESS FROM US 27 ALONG Y 1939 FOR .212 MILES INCLUDING IMPROVEMENTS TO THE INTERSECTION OF MATLACK ST AND THE BOURBON COUNTY SCHOOL BUS BARN (2022CCN) (INCLUDES ITEM NO. 7-916)	PL DN RW UT CN	STPF STPF STPF	325,000 400,000	2,200,000	
Project Cost:						725,000	2,200,000	0
Bourbon	80360	US-68	Construct turning lanes on Millersburg Road (US 68) at MP 3.90 - 4.25 into Bourbon County Recreational Complex	PL DN RW UT CN	SAF		475,000	
Project Cost:						0	475,000	0
Bourbon	80361	KY-1893	Replace bridge on KY 1893 (Shawhan Rd) over Stoner Creek. (009B00041N)	PL DN RW UT CN	FBP FBP	300,000	1,750,000	
Project Cost:						300,000	1,750,000	0
Total for Bourbon county				PL DN RW UT CN		300,000 325,000 400,000	11,925,000	
Total Amounts:						1,025,000	13,725,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1171

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Boyd	180	KY-716	IMPROVE SAFETY AND DECREASE CONGESTION ON KY 716 FROM MP 0.0 (US 60) TO MP 0.56 (KY 3293) (2020CCR)	PL DN RW UT CN	STP1		1,200,000	
Project Cost:						0	1,200,000	0
Boyd	208.0600	CO-0	FEDERAL 'STP' FUNDS DEDICATED TO HUNTINGTON-ASHLAND MPO FOR FY 2024-2030. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP) (2020CCR) (2022CCR)	PL DN RW UT CN	SAH	1,800,000	1,800,000	1,800,000
Project Cost:						1,800,000	1,800,000	1,800,000
Boyd	4310	KY-5	INSTALL GUARDRAIL ON KY-5 IN BOYD COUNTY	PL DN RW UT CN	GR		31,000	
Project Cost:						0	31,000	0
Boyd	4328	KY-3294	INSTALL GUARDRAIL ON KY-3294 IN BOYD COUNTY	PL DN RW UT CN	GR			52,000
Project Cost:						0	0	52,000
Boyd	20032	KY-180	ADDRESS CONDITION OF KY-180 FROM MILEPOINT 0 TO MILEPOINT 2.514	PL DN RW UT CN	STP3 STP3		150,000	
Project Cost:						0	3,000,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Boyd	22308	US-23	ADDRESS CONDITION OF US-23 FROM MILEPOINT 0 TO MILEPOINT 2.92	PL				
				DN	NHPM		143,129	
				RW				
				UT				
				CN	NHPM			1,000,000
				Project Cost:		0	143,129	1,000,000
Boyd	80300	US-60	Improve operational efficiency of the US 60 (13th Street) and KY 168 (Blackburn Ave) intersection.	PL				
				DN	NH		750,000	
				RW				
				UT				
				CN				
				Project Cost:		0	750,000	0
Boyd	80301	US-23	Improve the operational efficiency of Greenup Avenue (US-23) from the southern split with Winchester Avenue (US-23X) (MP 17.065) to the intersection of 20th Street (MP 18.055).	PL				
				DN	NH		200,000	
				RW				
				UT	NH			50,000
				CN	NH			1,250,000
				Project Cost:		0	200,000	1,300,000
Boyd	80302	KY-3398	Improve/widen KY-3398 from KY-3 @ Fallsburg to US-23 @ Fullers to improve safety and to accommodate residential growth and recreational vehicles in this area.	PL				
				DN	SPP		800,000	
				RW				
				UT				
				CN				
				Project Cost:		0	800,000	0
Boyd	80353	PF-9999	Construct a new bridge from south side of Camp Landing across the Little Sandy River. Near US 60/KY 180 (Memorandum of Agreement with Boyd County, state funds provided for design only)	PL				
				DN	SPP	450,000		
				RW				
				UT				
				CN				
				Project Cost:		450,000	0	0
Total for Boyd county				PL				
				DN		450,000	3,243,129	
				RW				
				UT				50,000
				CN		1,800,000	4,681,000	4,102,000
				Total Amounts:		2,250,000	7,924,129	4,152,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1173

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Boyle	4309	KY-37	INSTALL GUARDRAIL ON KY-37 IN BOYLE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		15,000	
Project Cost:						0	15,000	0
Boyle	8702	US-127	CORRECT VERTICAL ALIGNMENT ON US 127 AND KY 1552 NEAR INTERSECTION.(12CCN)	PL				
				DN	NH	780,000		
				RW				
				UT				
				CN				
Project Cost:						780,000	0	0
Boyle	80204	KY-52	RECONSTRUCT KY 52 FROM KY 1805 (Goggin Ln) TO KY 590 (2022CCN)	PL				
				DN				
				RW	STP2		3,000,000	
				UT	STP2		3,850,000	
				CN				
Project Cost:						0	6,850,000	0
Boyle	80211	KY-2168	IMPROVE SAFETY BY DEMOLISHING AND REBUILDING THE BUSTER PIKE BRIDGE IN THE SAME LOCATION (BY MOA, NORFOLK-SOUTHERN WILL PROVIDE \$200,000)	PL				
				DN	FBP2			184,527
				RW				
				UT				
				CN	FBP2			1,230,178
Project Cost:						0	0	1,414,705
Boyle	80250	KY-34	IMPROVE THE SAFETY AND MOBILITY OF KY 34 FROM ALUM SPRINGS CROSSPIKE (MP 10.391) TO APPROX. 1,000 FEET WEST OF CORPORATE DRIVE (MP 10.800) (2022CCN)	PL				
				DN				
				RW	SPP	450,000		
				UT	SPP	800,000		
				CN	SPP		2,250,000	
Project Cost:						1,250,000	2,250,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Boyle	80300	HWY-1805	Widen the Goggin Ln from MP 0 to MP 2.712 to create a road shoulder that would improve safety	PL DN RW UT CN	SPP	2,250,000		
Project Cost:						2,250,000	0	0
Boyle	80301	KY-52	PLANNING STUDY TO EVALUATE OPTIONS FOR IMPROVING SAFETY ON KY 52 BETWEEN DANVILLE AND LANCASTER.	PL DN RW UT CN	SPP		1,500,000	
Project Cost:						0	1,500,000	0
Boyle	80302	KY-34	Improve roadway geometry to promote safety on KY 34 from Lexington Avenue to Old Bridge Road in Boyle County.	PL DN RW UT CN	SPP			1,500,000
Project Cost:						0	0	1,500,000
Boyle	80354	US-68	Improve the existing geometry and typical section of US 68 from approx. MP 5.2 to MP 6.39 at the intersection of 2nd Street in Perryville	PL DN RW UT CN	SPP		750,000	
Project Cost:						0	750,000	0
Total for Boyle county				PL DN RW UT CN		3,030,000 450,000 800,000	2,250,000 3,000,000 3,850,000 2,265,000	1,684,527 1,230,178
Total Amounts:						4,280,000	11,365,000	2,914,705

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Bracken	355.2200	KY-8	OPERATION OF AUGUSTA FERRY FOR FY 2025 THROUGH FY 2030. (12CCR)(14CCR) (2020CCR)	PL DN RW UT CN	SPP		283,920	283,920
Project Cost:						0	283,920	283,920
Bracken	10031	KY-539	BRIDGE PROJECT IN BRACKEN COUNTY ON (012B00023N) KY-539 AT WILLOW CREEK	PL DN RW UT CN	FBP2 FBP2		198,000	
Project Cost:						0	2,230,000	0
Bracken	80103	KY-8	RECONSTRUCT KY 8 FROM WRANGLING RUN RD TO OLD KY 19. (2020CCN) (2022CCR)	PL DN RW UT CN	SPP			1,000,000
Project Cost:						0	0	1,000,000
Bracken	80250	KY-9	IMPROVE SAFETY AND MOBILITY AT THE INTERSECTION OF KY 9 (AA HIGHWAY) AND KY 1019 (LENNOXBURG FOSTER ROAD). (2022CCN)	PL DN RW UT CN	SPP SPP SPP SPP	140,000	20,000 120,000	750,000
Project Cost:						140,000	140,000	750,000
Total for Bracken county				PL DN RW UT CN		140,000	198,000 20,000 120,000	1,000,000
Total Amounts:						140,000	2,513,920	1,033,920
Total Amounts:						140,000	2,851,920	2,033,920

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Breathitt	4313	KY-30	INSTALL GUARDRAIL ON KY-30 IN BREATHITT COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		51,000	
				Project Cost:		0	51,000	0
Breathitt	4314	KY-30	INSTALL GUARDRAIL ON KY-30 IN BREATHITT COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		13,000	
				Project Cost:		0	13,000	0
Breathitt	5014	KY-15	ROCKFALL MITIGATION ON KY 15 FROM 0.593 MILE NORTH OF BEAVERLY ROAD (MP 13.750) TO KY 1098/KY 1813 (MP 14.644). (2018BOP)	PL				
				DN				
				RW	PROT	250,000		
				UT	PROT	50,000		
				CN	PROT		10,000,000	
				Project Cost:		300,000	10,000,000	0
Breathitt	80107	CR-1125	REPLACE BRIDGE OVER PUNCHEON CREEK ON MAX ROARK RD (2020CCN)	PL				
				DN	SPP	125,000		
				RW	SPP		5,000	
				UT	SPP		5,000	
				CN	SPP			150,000
				Project Cost:		125,000	10,000	150,000
Breathitt	80353	CR-1007	Replace bridge and approaches on Round Bottom Rd to reduce flooding issues (013C00054N)	PL				
				DN	STP2	260,000		
				RW	STP2		160,000	
				UT	STP2		110,000	
				CN	STP2			1,350,000
				Project Cost:		260,000	270,000	1,350,000
Total for Breathitt county				PL				
				DN		385,000		
				RW		250,000	165,000	
				UT		50,000	115,000	
				CN			10,064,000	1,500,000
				Total Amounts:		685,000	10,344,000	1,500,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1177

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Breckinridge	159	KY-86	REALIGN KY 86 FROM JESSIE PRIEST ROAD TO EAST OF ROSETTA CORNERS. (2020CCR)	PL				
				DN				
				RW	SPP	2,000,000		
				UT	SPP		1,500,000	
				CN	SPP		1,000,000	1,000,000
				Project Cost:				
Breckinridge	8702	KY-79	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ON KY 79 FROM KY 477 TO KY 144 (12CCN)(14CCR)(18CCN)(2020 CCR) (COMBINED W/ 4-8703) (2022CCR)	PL				
				DN				
				RW	SPP	4,000,000		
				UT	SPP			1,250,000
				CN				
				Project Cost:				
Breckinridge	8902	KY-261	REPLACE LOW WATER STRUCTURE ON KY 261 AT MP 15.74. (18CCN)	PL				
				DN	BRX	100,000		
				RW	BRX	25,000		
				UT	BRX	25,000		
				CN	BRX		400,000	
				Project Cost:				
Breckinridge	8904	KY-992	MINOR WIDENING OF KY 992 BETWEEN ROCK QUARRY AND US 60. (16CCN) (18CCN)	PL				
				DN	STP2			250,000
				RW				
				UT				
				CN				
				Project Cost:				
Breckinridge	80300	KY-79	ADDRESS SAFETY, GEOMETRIC DEFICIENCIES AND MAINTENANCE ISSUES ALONG KY 79 FROM MCCOY-ROFF ROAD TO 600' N OF SAND ROCK PASS ROAD.	PL				
				DN	SPP		810,000	
				RW	SPP			1,570,000
				UT				
				CN				
				Project Cost:				

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Breckinridge	80306	KY-261	ADDRESS GEOMETRIC DEFICIENCIES ALONG KY 261 AT THE S-CURVES JUST NORTH OF FIRST STREET. SEE 4-8903.00.	PL				
				DN	SPP	170,000		
				RW	SPP		120,000	
				UT	SPP		90,000	
				CN	SPP			1,240,000
				Project Cost:				
Total for Breckinridge county				PL				
				DN		270,000	810,000	250,000
				RW		6,025,000	120,000	1,570,000
				UT		25,000	1,590,000	1,250,000
				CN			1,400,000	2,240,000
Total Amounts:						6,320,000	3,920,000	5,310,000
Bullitt	43	KY-44	RECONSTRUCT KY 44 FROM KY 1319 KINGS CHURCH HIGHWAY TO SPENCER COUNTY LINE (2020CCN)	PL				
				DN	SPP	1,200,000		
				RW	SPP			1,000,000
				UT				
				CN				
				Project Cost:				
Bullitt	150.0200	KY-44	RECONSTRUCT KY 44 FROM I 65 TO CHIMNEY ROCK DRIVE (MILEPOINT 13.1 TO MILEPOINT 15.1). (2022CCN)	PL				
				DN	SPP		2,080,000	
				RW				
				UT				
				CN				
				Project Cost:				
Bullitt	150.5000	KY-44	SECTION 5 FROM US 31EX TO US 31E BYPASS (2008BOPC) (2022CCN)	PL				
				DN				
				RW	SPP	1,630,000		
				UT	SPP		580,000	
				CN	SPP			883,000
				Project Cost:				

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1179

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Bullitt	347.5000	KY-44	MT. WASHINGTON-TAYLORSVILLE RD; RECONSTRUCT KY 44 FROM US31E BYPASS TO KY 1319 KINGS CHURCH HIGHWAY (2020CCN) (2022CCR)	PL DN RW UT CN	SPP SPP		4,500,000	1,700,000
Project Cost:						0	4,500,000	1,700,000
Bullitt	391.3000	I-65, KY-480	IMPROVE OPERATIONAL PERFORMANCE OF THE I-65/KY-480 INTERCHANGE INCLUDING RAMP IMPROVEMENTS AND TURNING LANES. (12CCR)(14CCR)(2014BOP)(16CCR)(2020CCR) (2022CCR)	PL DN RW UT CN	NH	13,246,778		
Project Cost:						13,246,778	0	0
Bullitt	575	I-65	IMPROVE SAFETY, REDUCE CONGESTION AND ADDRESS CONDITION OF PCC PAVEMENT ON I-65 FROM EXIT 121/KY 1526 TO EXIT 125/I-265 (MP 120.88 TO 124.00).	PL DN RW UT CN	NHPM	3,500,000		
Project Cost:						3,500,000	0	0
Bullitt	578	I-65	EXPAND TRUCK PARKING AT I-65 SB WELCOME CENTER.	PL DN RW UT CN	NH	1,080,000		
Project Cost:						1,080,000	0	0
Bullitt	4309	KY-1319	INSTALL GUARDRAIL ON KY-1319 IN BULLITT COUNTY	PL DN RW UT CN	GR		27,000	
Project Cost:						0	27,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Bullitt	8307.2000	KY-245	WIDEN KY-245 FROM FLALET HOSPITAL (MP 7.722) THROUGH COUNTY LINE (MP12.261 NELSON/MP0.000 BULLITT) TO HAPPY HOLLOW RD (MP 4.425). (2022CCN)	PL DN RW UT CN	SPP SPP		5,000,000	2,000,000
Project Cost:						0	5,000,000	2,000,000
Bullitt	8509	KY-245	WIDEN KY-245 FROM BERNHEIM FOREST TO THE COMMUNITY COLLEGE. (08CCN)(10CCR)(14CCR)(16CCR) (2020CCR)	PL DN RW UT CN	HGC		13,140,000	
Project Cost:						0	13,140,000	0
Bullitt	10035	KY-1526	BRIDGE PROJECT IN BULLITT COUNTY ON (015B00057N) KY 1526 AT FLOYDS FORK	PL DN RW UT CN	FBP FBP	366,397 2,442,648		
Project Cost:						2,809,045	0	0
Bullitt	80100	KY-61	ACCESS, SAFETY AND ECONOMIC DEVELOPMENT IMPROVEMENT STUDY ALONG KY 61 IN LEBANON JUNCTION FROM LEBANON JUNCTION MIDDLE SCHOOL TO NELSON COUNTY LINE 9 (MP 0.0 TO 3.7) (2020CCN)	PL DN RW UT CN	SPP	250,000		
Project Cost:						250,000	0	0
Bullitt	80101	KY-1450	IMPROVE SAFETY AND REDUCE CONGESTION ON KY 1450 (BLUE LICK RD.) BETWEEN THE INTERSECTIONS WITH KY 1526 (JOHN HARPER HIGHWAY) AND CR 1512A (JEFFIE LANE) (2020CCN) (2022CCR)	PL DN RW UT CN	SPP SPP	1,130,000		1,240,000
Project Cost:						1,130,000	0	1,240,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1181

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Bullitt	80103	KY-44	RECONSTRUCT KY 44 FROM BOGARD LANE TO ARMSTRONG LANE (2020CCN) (2022CCR)	PL DN RW UT CN	SPP		2,300,000	
Project Cost:						0	2,300,000	0
Bullitt	80320	KY-44	WIDEN KY-44E FOR SAFETY IMPROVEMENTS, CONGESTION RELIEF AND ECONOMIC GROWTH WITH ADDITIONAL LANES BETWEEN MP 23.14 TO MP 25.44.	PL DN RW UT CN	SPP SPP SPP	1,300,000	4,500,000	700,000
Project Cost:						1,300,000	4,500,000	700,000
Bullitt	80338	KY-44	RAISE THE ROADWAY BY 4 FEET, WIDEN IT FROM 2 TO 3 LANES (ADDING A TWO-WAY LEFT TURN), AND REPLACING BRIDGE ID #015B00020N	PL DN RW UT CN	SPP	1,053,000		
Project Cost:						1,053,000	0	0
Bullitt	80339	KY-1526	REDUCE CONGESTION, IMPROVE SAFETY, AND ENHANCE MOBILITY ON JOHN HARPER HWY (KY 1526) FROM I-65 (MP 11.4) TO KY 61 (MP 12.9)	PL DN RW UT CN	SPP		250,000	
Project Cost:						0	250,000	0
Bullitt	80354	US-31	Improve traffic operations and improve safety along US 31E (Louisville-Bardstown Rd) from the Bullitt/Nelson Count Line to KY 44. Consider a 2+1 configuration and/or innovative intersections (MP 0.0 - 3.53 Bullitt; MP 0.0 - 1.882 Spencer).	PL DN RW UT CN	NH		1,600,000	
Project Cost:						0	1,600,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Bullitt	80357	KY-61	Improve safety and reduce congestion on KY 61 from KY 245 to Plaza Park Blvd in Lebanon Junction. Project will evaluate widening from 2 to 4 travel lanes and consider other lower impact alternatives. (MP 1.97-9.42)	PL	SPP		250,000	
				DN				
				RW				
				UT				
				CN				
				Project Cost:		0	250,000	0
Total for Bullitt county				PL		250,000	500,000	
				DN		8,549,397	5,980,000	
				RW		1,630,000	14,000,000	2,240,000
				UT			580,000	4,400,000
				CN		16,769,426	13,167,000	883,000
				Total Amounts:		27,198,823	34,227,000	7,523,000
Butler	125.1500	KY-269	OPERATION OF REED'S FERRY AT LOGANSPORT FOR FY 2025 THROUGH FY 2030.(12CCR) (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	SPP		165,633	165,633
				Project Cost:		0	165,633	165,633
Butler	8504.1000	KY-369	OPERATION OF THE ROCHESTER FERRY BY THE BUTLER AND OHIO COUNTY FERRY AUTHORITY FOR FY 2025-2030.(12CCR) (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	SPP		165,633	165,633
				Project Cost:		0	165,633	165,633
Butler	10037	I-165	BRIDGE PROJECT IN BUTLER COUNTY ON (016B00061N) I-165 AT GREEN RIVER	PL				
				DN	BRO	1,588,000		
				RW				
				UT				
				CN	FBP	15,880,000		
				Project Cost:		17,468,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Butler	22311	US-231	ADDRESS CONDITION OF US-231 FROM MILEPOINT 10.68 TO MILEPOINT 10.94	PL				
				DN	STP4			50,000
				RW				
				UT				
				CN	STP4			950,000
				Project Cost:		0	0	1,000,000
Butler	80329	CR-1401	Bridge replacement over Panther Creek	PL				
				DN	SPP	150,000		
				RW	SPP		15,000	
				UT	SPP		15,000	
				CN	SPP		400,000	
				Project Cost:		150,000	430,000	0
Total for Butler county				PL				
				DN		1,738,000		50,000
				RW			15,000	
				UT			15,000	
				CN		15,880,000	731,266	1,281,266
				Total Amounts:		17,618,000	761,266	1,331,266
Caldwell	11	I-24	STUDY THE I-24 CORRIDOR FROM THE I-69 INTERCHANGE IN LYON COUNTY TO THE TENNESSEEE STATE LINE.	PL	NH		750,000	
				DN				
				RW				
				UT				
				CN				
				Project Cost:		0	750,000	0
Caldwell	187.6000	US-641	RELOCATE US-641 FROM SOUTH OF THE LYON/CALDWELL COUNTY LINE TO FREDONIA, 4.5 MILES. (2020CCN) (2022CCR)	PL				
				DN				
				RW	STPF	3,500,000		
				UT	STPF		2,080,000	
				CN	SPP			2,000,000
				Project Cost:		3,500,000	2,080,000	2,000,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Caldwell	4314	KY-139	INSTALL GUARDRAIL ON KY-139 IN CALDWELL COUNTY	PL DN RW UT CN	GR		50,000	
Project Cost:						0	50,000	0
Caldwell	10065	KY-1592	BRIDGE PROJECT IN CALDWELL COUNTY ON (017B00076N) KY-1592 AT TOWERY BRANCH	PL DN RW UT CN	BRX BRX BRX			50,000 1,500 923,687
Project Cost:						0	0	975,187
Caldwell	20062	I-24	ADDRESS CONDITION OF I-024 NON-CARDINAL DIRECTION FROM MILEPOINT 54.842 TO MILEPOINT 55.537	PL DN RW UT CN	NHPM NHPM			139,000 251,000
Project Cost:						0	0	390,000
Caldwell	80304	CS-1006	RECONSTRUCT CS 1006 (JEFF WATSON RD) FROM KY 91 TO KY 2617.	PL DN RW UT CN	SPP		700,000	
Project Cost:						0	700,000	0
Caldwell	80307	US-62	ADDRESS TRAFFIC CONTROL AT THE INTERSECTION OF KY2617 AND US62 WEST TO IMPROVE TURN MOVEMENTS FROM KY 2617.	PL DN RW UT CN	NH		750,000	
Project Cost:						0	750,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Caldwell	80308	KY-91	EXTEND 3 LANE SECTION OF KY 91 (MARION ROAD) FROM MP 12.9 TO BECKNER LANE (MP 13.4)	PL				
				DN	SPP		500,000	
				RW	SPP			600,000
				UT	SPP			300,000
				CN				
				Project Cost:		0	500,000	900,000
Total for Caldwell county				PL			750,000	
				DN			1,950,000	189,000
				RW		3,500,000		601,500
				UT			2,080,000	300,000
				CN			50,000	3,174,687
				Total Amounts:		3,500,000	4,830,000	4,265,187
Calloway	8502	KY-2594, KY-94, PF-9999, US-641	CITY OF MURRAY BUSINESS LOOP FROM GLENDALE TO INDUSTRIAL ROAD. (SEE 1-120 FOR D, R, U FUNDING) (08CCN)(10CCR)(LET BY CITY) (2022CCN)	PL				
				DN				
				RW				
				UT				
				CN	HGC			7,500,000
				Project Cost:		0	0	7,500,000
Calloway	8952	CS-1047, KY-748	IMPROVE N 16TH STREET FROM KY 1327 (5 POINTS) TO KY 121 (2020CCN)	PL				
				DN				
				RW	SPP		4,650,000	
				UT	SPP			2,260,000
				CN				
				Project Cost:		0	4,650,000	2,260,000
Calloway	10099	KY-121	BRIDGE PROJECT IN CALLOWAY COUNTY ON (018B00018N) KY-121 AT CLAYTON CREEK	PL				
				DN	FBP	240,000		
				RW				
				UT				
				CN	FBP	2,400,000		
				Project Cost:		2,640,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Calloway	10100	KY-121	BRIDGE PROJECT IN CALLOWAY COUNTY ON (018B00023N) KY-121 AT BLOOD RIVER	PL				
				DN	FBP	659,073		
				RW				
				UT				
				CN	FBP	4,393,818		
Project Cost:						5,052,891	0	0
Calloway	10101	KY-783	BRIDGE PROJECT IN CALLOWAY COUNTY ON (018B00045N) KY-783 AT MIDDLE FORK CLARKS RIVER	PL				
				DN	FBP	200,000		
				RW				
				UT				
				CN	FBP	2,000,000		
Project Cost:						2,200,000	0	0
Calloway	22312	US-641	ADDRESS CONDITION OF US-641X FROM MILEPOINT 0 TO MILEPOINT 2.87	PL				
				DN	STP4	100,000		
				RW				
				UT				
				CN	STP4	1,900,000		
Project Cost:						2,000,000	0	0
Calloway	80100	PF-9999	PLANNING STUDY FOR SCENIC BYWAY ALONG KENTUCKY LAKE (2020CCN)	PL	SPP	250,000		
				DN				
				RW				
				UT				
				CN				
Project Cost:						250,000	0	0
Calloway	80200	CS-1047	Address congestion, geometric deficiencies, and access issues from KY121 to Utterback Road in Murray. (2022CCN)	PL				
				DN				
				RW	STP		3,000,000	
				UT	STP		3,000,000	
				CN				
Project Cost:						0	6,000,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Calloway	80316	KY-94	CORRECT ROADWAY GEOMETRICS AND ADDRESS CONGESTION AND SAFETY ISSUES AT KY 94 AND KY 1660 (JOHNNY ROBERTSON ROAD) NEAR MURRAY.	PL				
				DN	SPP	250,000		
				RW	SPP		300,000	
				UT	SPP		200,000	
				CN	SPP			750,000
Project Cost:						250,000	500,000	750,000
Total for Calloway county				PL		250,000		
				DN		1,449,073		
				RW			7,950,000	
				UT			3,200,000	2,260,000
				CN		10,693,818		8,250,000
Total Amounts:						12,392,891	11,150,000	10,510,000
Campbell	23	I-471	ADD LANE ON RAMP FROM EASTBOUND I-275 TO NORTHBOUND I-471.	PL	NH		500,000	
				DN				
				RW				
				UT				
				CN				
Project Cost:						0	500,000	0
Campbell	81	I-471	REDUCE CONGESTION ALONG THE I-471 CORRIDOR FROM US-27 TO OHIO STATE LINE.	PL	NH		500,000	
				DN				
				RW				
				UT				
				CN				
Project Cost:						0	500,000	0
Campbell	352	PF-9999	EXTEND PROPOSED POND CREEK ROAD FROM US-27 TO AA HIGHWAY VIA PORTION OF KY 10/KY 1997 CORRIDOR (NEW KY-536)(04CCN)(12CCR)(14CCR) (2020CCN) (2022CCR)	PL				
				DN				
				RW	SPP		2,500,000	2,500,000
				UT				
				CN				
Project Cost:						0	2,500,000	2,500,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Campbell	1086	KY-8	REPLACE 4TH STREET BRIDGE OVER THE LICKING RIVER BETWEEN COVINGTON AND NEWPORT; (PROJECT COSTS ARE STILL BEING REFINED) BRIDGE NUMBER 059B00037N	PL DN RW UT CN	BRO FBP BRO		2,690,000 1,270,000	30,000,000
Project Cost:						0	3,960,000	30,000,000
Campbell	8104	I-471, KY-8	CONSTRUCT NEW I-471 SOUTHBOUND OFF-RAMP AT KY-8 (SEE ALSO 6-183.00). (02CCN)(06CCN) (2020CCN)	PL DN RW UT CN	SPP		3,500,000	
Project Cost:						0	3,500,000	0
Campbell	8105.0700	PF-9999	TRANSPORTATION IMPROVEMENTS TO AA I 275; CONSTRUCT A NEW CONNECTOR RD FROM THE KY 9 TO THE END OF NEW CONSTRUCTION JUST SOUTH OF JOHN'S HILL RD. (2020CCN) (2022CCR)	PL DN RW UT CN	HGC HGC		1,760,000 2,000,000	10,410,000
Project Cost:						0	3,760,000	10,410,000
Campbell	10035	I-471	BRIDGE PROJECT IN CAMPBELL COUNTY ON (019B00039L) I-471 NC AT OHIO RIVER	PL DN RW UT CN	BRO	1,250,000		
Project Cost:						1,250,000	0	0
Campbell	10036	I-471	BRIDGE PROJECT IN CAMPBELL COUNTY ON (019B00039R) I-471 AT OHIO RIVER	PL DN RW UT CN	BRO	1,250,000		
Project Cost:						1,250,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Campbell	10051	I -275	ADDRESS DEFICIENCIES OF BRIDGE ON I 275 OVER OHIO RIVER @ BRENT (019B00040L)	PL				
				DN				
				RW				
				UT				
				CN	BRO	2,500,000		
				Project Cost:		2,500,000	0	0
Campbell	10053	I -275	ADDRESS DEFICIENCIES OF BRIDGE ON I 275 OVER OHIO RIVER @ BRENT (019B00040R)	PL				
				DN				
				RW				
				UT				
				CN	BRO	2,500,000		
				Project Cost:		2,500,000	0	0
Campbell	20014	KY-1892	ADDRESS CONDITION OF KY-1892 FROM MILEPOINT 1.47 TO MILEPOINT 2.1	PL				
				DN	STP5			137,500
				RW				
				UT				
				CN	STP5			2,612,500
				Project Cost:		0	0	2,750,000
Campbell	20049	KY-8	ADDRESS CONDITION OF KY-8 FROM MILEPOINT 15.97 TO MILEPOINT 19.36	PL				
				DN	STP5			276,850
				RW				
				UT				
				CN	STP5			5,260,150
				Project Cost:		0	0	5,537,000
Campbell	80220	KY-709	ADD RIGHT TURN LANES FROM AA HIGHWAY ONTO KY 709, AND FROM KY 709 ONTO AA HIGHWAY (2022CCN)	PL				
				DN				
				RW				
				UT	SPP	110,000		
				CN	SPP		890,000	
				Project Cost:		110,000	890,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Campbell	80313	PF-9999	Construct a roundabout at the intersection of KY 1892 (Grand Ave) and Highland Ave	PL				
				DN	SPP		750,000	
				RW				
				UT				
				CN				
				Project Cost:		0	750,000	0
Campbell	80314	US-27	IMPROVE CONDITIONS BY CONSTRUCTING A SOUTHBOUND TRUCK CLIMBING LANE NORTH OF KY 709, AND RECONSTRUCT THE INTERSECTION OF KY 709 AND US 27 TO ALLOW FOR ADEQUATE TURN LANES THAT ACCOMMODATE ALL MOVEMENTS.	PL				
				DN	STPF		750,000	
				RW				
				UT				
				CN				
				Project Cost:		0	750,000	0
Total for Campbell county				PL			1,000,000	
				DN			5,000,000	414,350
				RW			5,190,000	2,500,000
				UT		110,000	3,030,000	
				CN		7,500,000	2,890,000	48,282,650
				Total Amounts:		7,610,000	17,110,000	51,197,000
Carlisle	333	US-51, US-62	CORRECT GEOMETRIC DEFICIENCIES AT INTERSECTION OF US-51/US-62/Front St/Elm St in Bardwell to address flow, safety, and access issues.(12CCR)(18CCN)	PL				
				DN				
				RW				
				UT				
				CN	SPP	340,000		
				Project Cost:		340,000	0	0
Carlisle	10104	US-51	BRIDGE PROJECT IN CARLISLE COUNTY ON (020B00002N) US-51 AT GADDIE CREEK	PL				
				DN	FBP	122,019		
				RW				
				UT				
				CN	FBP	1,220,182		
				Project Cost:		1,342,201	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Carlisle	10105	US-51	BRIDGE PROJECT IN CARLISLE COUNTY ON (020B00004N) US-51 AT LITTLE MAYFIELD CREEK	PL				
				DN	FBP	140,000		
				RW				
				UT				
				CN	FBP	1,400,000		
				Project Cost:		1,540,000	0	0
Carlisle	80302	US-62	CORRECT SUBSTANDARD ROADWAY GEOMETRICS ON US-62 FROM KY 1181 TO KY 408 TO ADDRESS ACCESS ISSUES, SAFETY CONCERNS, FLOOD PRONE AREA, AND REGIONAL CONNECTIVITY.	PL				
				DN	NH		750,000	
				RW	NH			500,000
				UT				
				CN				
				Project Cost:		0	750,000	500,000
Carlisle	80303	US-62	IMPROVE SAFETY, MOBILITY, CONNECTIVITY, AND ADDRESS GEOMETRIC DEFICIENCIES ALONG US-62 BETWEEN HOBBS ROAD/BOSWELL ROAD TO KY 307.	PL				
				DN	NH		750,000	
				RW				
				UT				
				CN				
				Project Cost:		0	750,000	0
Carlisle	80309	US-51	CORRECT ROADWAY GEOMETRICS AND IMPROVE SAFETY, ACCESS AND REGIONAL CONNECTIVITY FROM HICKMAN COUNTY LINE TO KY 1377 SOUTH OF BARDWELL.	PL				
				DN	NH		2,080,000	
				RW				
				UT				
				CN				
				Project Cost:		0	2,080,000	0
Total for Carlisle county				PL				
				DN		262,019	3,580,000	
				RW				500,000
				UT				
				CN		2,960,182		
				Total Amounts:		3,222,201	3,580,000	500,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Carroll	1084	US-42	BRIDGE PROJECT IN CARROLL COUNTY ON (021B00043N) US-42 AT KENTUCKY RIVER & CITY ST	PL				
				DN	BRX	2,262,000		
				RW	BRX			750,000
				UT	BRX			2,500,000
				CN	BRX			1,000,000
Project Cost:						2,262,000	0	4,250,000
Carroll	10037	KY-36	BRIDGE PROJECT IN CARROLL COUNTY ON (021B00009N) KY-36 AT LICK CREEK	PL				
				DN	FBP2		259,000	
				RW				
				UT				
				CN	FBP2		2,590,000	
Project Cost:						0	2,849,000	0
Carroll	20020	I-71	ADDRESS CONDITION OF I-071 FROM MILEPOINT 46.1205 TO MILEPOINT 53.433	PL				
				DN	NHPM		2,000,000	
				RW				
				UT				
				CN				
Project Cost:						0	2,000,000	0
Carroll	22101	I-71	ADDRESS CONDITION OF I-071 FROM MILEPOINT 38.808 TO MILEPOINT 46.1205	PL				
				DN	NHPM		2,360,000	
				RW				
				UT				
				CN				
Project Cost:						0	2,360,000	0
Carroll	80219	KY-36	Improve safety and mobility and address geometric deficiencies at the intersection of KY 36 & KY 1492 (Locust Road). (2022CCN)	PL				
				DN	SPP		658,000	
				RW				
				UT				
				CN				
Project Cost:						0	658,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Carroll	80302	KY-55	IMPROVE SAFETY AND MOBILITY AND ADDRESS GEOMETRIC DEFICIENCIES ALONG KY 55 FROM KY 389 TO US 42.	PL				
				DN	SPP			1,000,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	1,000,000
Total for Carroll county				PL				
				DN		2,262,000	5,277,000	1,000,000
				RW				750,000
				UT				2,500,000
				CN			2,590,000	1,000,000
				Total Amounts:		2,262,000	7,867,000	5,250,000
Carter	4313	KY-1947	INSTALL GUARDRAIL ON KY-1947 IN CARTER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		28,000	
				Project Cost:		0	28,000	0
Carter	4323	KY-182	INSTALL GUARDRAIL ON KY-182 IN CARTER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		54,000	
				Project Cost:		0	54,000	0
Carter	8311	KY-1	IMPROVE SAFETY AT THE EAST CARTER HIGH SCHOOL. (06CCN) (08CCR)(12CCR) (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	STP1	3,000,000		
				Project Cost:		3,000,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Carter	8401	US-60	RECONSTRUCT US-60 FROM WEST OF GLENWOOD HOLLOW ROAD TO EAST OF KY-3296. THE PROJECT SHALL INCLUDE 12' LANES, WIDE PAVED SHOULDERS, UNOBSTRUCTED CLEAR ZONES, FLATTER VERTICAL GRADES, AND GENTLY HORIZONTAL CURVES. (08CCN)(12CCR)(14CCR)(18CCN) (2020CCR)	PL DN RW UT CN	SPP			1,000,000
Project Cost:						0	0	1,000,000
Carter	9021	US-60	CONSTRUCT TURN LANES AND SAFETY FEATURES AT PROPOSED NEW HIGH SCHOOL AND CAREER TECHNOLOGY CENTER.	PL DN RW UT CN	SPP SPP SPP SPP		500,000 150,000 350,000	500,000
Project Cost:						0	1,000,000	500,000
Carter	10077	KY-1	BRIDGE PROJECT IN CARTER COUNTY ON (022B00012N) KY-1 AT LIT.FK.LITTLE SANDY RIVE	PL DN RW UT CN	BRX BRX	300,000 3,000,000		
Project Cost:						3,300,000	0	0
Carter	10080	CR-1197	BRIDGE PROJECT IN CARTER COUNTY ON (022C00030N) GOLLIHUE RD AT LITTLE FORK CREEK	PL DN RW UT CN	BRZ BRZ	145,000 1,450,000		
Project Cost:						1,595,000	0	0
Carter	22051	I-64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 148.665 TO MILEPOINT 150.16	PL DN RW UT CN	NHPM			463,301
Project Cost:						0	0	463,301

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1195

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Carter	22052	I-64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 150.16 TO MILEPOINT 154.26	PL DN RW UT CN	NHPM			469,338
Project Cost:						0	0	469,338
Carter	80050	US-60	IMPROVE US-60 GEOMETRY BEGINNING TERMINI AT NEW CONSTRUCTION AT OLIVE HILL MP 12.4 EXTENDING 1.1 MILES TO I-6- EXIT 161.(18CCN) (2022CCR)	PL DN RW UT CN	STP2 SPP		2,000,000	1,000,000
Project Cost:						0	2,000,000	1,000,000
Carter	80200	KY-1025	Geometric improvements on KY 1025 from US 60 (MP 0.0),East of Olive Hill extending North 0.30 miles providing access to West Carter Middle and High Schools and facilities. Project will include bike/ped facilities. (2022CCN)	PL DN RW UT CN	STP2 SPP			830,000 840,000
Project Cost:						0	0	1,670,000
Carter	80201	KY-3297	Improve safety and operational efficiency of KY 3297 near East Carter Middle School and the new sports complex. (2022CCN)	PL DN RW UT CN	SPP SPP SPP		250,000 200,000	650,000
Project Cost:						0	450,000	650,000
Carter	80304	KY-1	Improve connectivity in Grayson between KY 1 (Carol Malone Blvd) and KY 3297 (Midland Trail).	PL DN RW UT CN	SPP		620,000	
Project Cost:						0	620,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Carter	80305	KY-174	Curve correction on KY 174 to improve horizontal alignment which will include a bridge replacement.	PL				
				DN	SPP	1,000,000		
				RW				
				UT				
				CN				
				Project Cost:		1,000,000	0	0
Total for Carter county				PL				
				DN		1,445,000	1,120,000	932,639
				RW			2,400,000	1,830,000
				UT			550,000	1,840,000
				CN		7,450,000	82,000	1,150,000
				Total Amounts:		8,895,000	4,152,000	5,752,639
Casey	164	PF-9999, US-127	IMPROVE SAFETY AND GEOMETRIC DEFICIENCIES ALONG US 127 A1 DUNNVILLE (2022CCN)	PL				
				DN				
				RW	SPP		1,980,000	
				UT	SPP			1,070,000
				CN				
				Project Cost:		0	1,980,000	1,070,000
Casey	8701	KY-70	NEW ALIGNMENT ON KY-70 FROM MP 16.8 TO 19 (12CCN) (2022CCN)	PL				
				DN				
				RW	SPP		2,310,000	
				UT	SPP			1,430,000
				CN				
				Project Cost:		0	2,310,000	1,430,000
Casey	8703	KY-70	RECONSTRUCT BELL HILL FROM MP 10.4 TO MP 11.9.(12CCN) (16CCR)(18CCN) (2020CCR)	PL				
				DN				
				RW	SPP		3,420,000	
				UT	SPP			540,000
				CN				
				Project Cost:		0	3,420,000	540,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1197

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Casey	8704	KY-49	RECONSTRUCT BRUSH CREEK HILL FROM MP 1.8 TO MP 2.8.(12CCN) (16CCR)(18CCN) (2020CCR) (2022CCR)	PL				
				DN				
				RW	SPP		600,000	
				UT	SPP			500,000
				CN				
				Project Cost:		0	600,000	500,000
Casey	8705	KY-501	REALIGN KY 501 TO INTERSECT KY 70 EAST OF EXISTING LOCATION AND CORRECT VERTICAL ALIGNMENT OF KY 70 NEAR EXISTING INTERSECTION.(12CCN) (2020CCN)	PL				
				DN				
				RW				
				UT				
				CN	SPP	1,010,000		
				Project Cost:		1,010,000	0	0
Casey	8706	KY-70	CONSTRUCT A NEW STORM DRAINING SYSTEM, CURB AND GUTTER FROM BELDON AVENUE EASTWARD AND CONSTRUCT A NEW LEFT TURN ONTO COLLEGE STREET.(12CCN)	PL				
				DN	STP2	200,000		
				RW	STP2		500,000	
				UT	STP2		400,000	
				CN	STP2			1,500,000
				Project Cost:		200,000	900,000	1,500,000
Casey	80150	US-127	ADD LANES (TWO PLUS ONE) TO US 127 FROM LIBERTY TO THE LINCOLN CO LINE (2020CCN)	PL				
				DN				
				RW	NH		7,940,000	
				UT	NH			2,210,000
				CN				
				Project Cost:		0	7,940,000	2,210,000
Total for Casey county				PL				
				DN		200,000		
				RW			16,750,000	
				UT			400,000	5,750,000
				CN		1,010,000		1,500,000
				Total Amounts:		1,210,000	17,150,000	7,250,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Christian	10	I-24	Reconstruct the I-24/KY 115 interchange (Exit 89) near Oak Grove (2022BOP).	PL				
				DN	NH	1,500,000		
				RW	NH		1,500,000	
				UT	NH			2,000,000
				CN	NH			2,000,000
				Project Cost:		<u>1,500,000</u>	<u>1,500,000</u>	<u>4,000,000</u>
Christian	180.2000	KY-911	WIDEN KY 911 TO A 3 LANE FROM THE DEPARTMENT OF DEFENSE RAILROAD TO KY 115.(SECTION 2)(D,R,U UNDER 2-180)(2018BOP)	PL				
				DN				
				RW				
				UT				
				CN	SPP		2,000,000	2,000,000
				Project Cost:		<u>0</u>	<u>2,000,000</u>	<u>2,000,000</u>
Christian	227	KY-1007, PF-9999	RECONSTRUCT KY 1007 FROM US 68 TO KY 1682 IN HOPKINSVILLE. (INCLUDES 2-227.10)(2020CCR) (2022CCR)	PL				
				DN				
				RW	SPP		6,900,000	
				UT	SPP			3,400,000
				CN				
				Project Cost:		<u>0</u>	<u>6,900,000</u>	<u>3,400,000</u>
Christian	381.2000	PF-9999	CONSTRUCT NEW CONNECTOR FROM JUST SOUTH OF THE CSX RAILROAD WEST OF PEMBROKE TO US 41 NEAR THE INDUSTRIAL PARK. (D,R,U UNDER 2-381)	PL				
				DN				
				RW				
				UT				
				CN	STP2	9,915,000		
				Project Cost:		<u>9,915,000</u>	<u>0</u>	<u>0</u>
Christian	898	EB-9004	RECONSTRUCT THE BREATHITT PARKWAY INTERCHANGE AT KY 1682 NORTH OF HOPKINSVILLE USING DESIGN BUILD. (BREATHITT PARKWAY/FUTURE INTERSTATE SPUR PROJECT)(16CCR)(18CCN) (2020CCR)	PL				
				DN				
				RW	NH	1,000,000		
				UT	NH	1,200,000		
				CN	NH			2,550,000
				Project Cost:		<u>2,200,000</u>	<u>0</u>	<u>2,550,000</u>

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1199

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Christian	899	US-68	ADDRESS CONGESTION AND MOBILITY OF US 68 FROM KY 91 TO KY 1007 IN HOPKINSVILLE. (18CCN) (2020CCR)	PL DN RW UT CN	NH	7,200,000		
Project Cost:						7,200,000	0	0
Christian	8703	KY-107	IMPROVE KY-107 FROM THE BYPASS TO KY-380.(12CCN)(14CCR) (2020CCR)	PL DN RW UT CN	SPP SPP		1,600,000	1,000,000
Project Cost:						0	1,600,000	1,000,000
Christian	8953	KY-115	IMPROVE AND WIDEN KY 115 FROM ANDERSON ROAD (MP 6.87) TO JUST SOUTH OF PEMBROKE (MP 9.625)(16CCN)(18CCN) (2022CCR)	PL DN RW UT CN	STP2 STP2		3,000,000	2,000,000
Project Cost:						0	3,000,000	2,000,000
Christian	8954	KY-115	IMPROVE AND WIDEN KY 115 FROM I-24 (MP 2.901) TO ANDERSON ROAD (MP 687). (16CCN) (2022CCR)	PL DN RW UT CN	SPP SPP			1,590,000 1,000,000
Project Cost:						0	0	2,590,000
Christian	20061	US-41	ADDRESS CONDITION OF US-41A FROM MILEPOINT 4 TO MILEPOINT 12.56	PL DN RW UT CN	STP3 STP3			400,000 2,600,000
Project Cost:						0	0	3,000,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Christian	20063	I-24	ADDRESS CONDITION OF I-024 NON-CARDINAL DIRECTION FROM MILEPOINT 85.563 TO MILEPOINT 91.978	PL				
				DN	NHPM			1,600,000
				RW				
				UT				
				CN	NHPM			7,000,000
				Project Cost:		0	0	8,600,000
Christian	80001	US-41	US 41A NEW TURNING LANE NORTHBOUND AT EXISTING MEDIAN CROSSOVER NEAR MILEPOST 11.4. CITY TO CONSTRUCT AND BE REIMBURSED. (18CCN) (2020CCR)	PL				
				DN	SPP	30,000		
				RW				
				UT				
				CN	SPP	110,000		
				Project Cost:		140,000	0	0
Christian	80103	I-24	ADDRESS SAFETY ISSUES BY INSTALLING INTERCHANGE LIGHTING (2020CCN)	PL				
				DN				
				RW				
				UT				
				CN	SPP	700,000		
				Project Cost:		700,000	0	0
Christian	80250	KY-107	IMPROVE SAFETY AND MOBILITY BY WIDENING AND CORRECTING GEOMETRIC DEFICIENCIES ON KY 107 FROM MILEPOINT 14.6 TO MILEPOINT 15.6 AND PROVIDE LEFT AND RIGHT TURN LANES AND IMPROVE SIGHT DISTANCE ON KY 107 AT THE INTERSECTION OF KY 107 AND LOVERS LANE (2022CCN).	PL				
				DN				
				RW	SPP	1,800,000		
				UT	SPP		1,200,000	
				CN	SPP			1,000,000
				Project Cost:		1,800,000	1,200,000	1,000,000
Total for Christian county				PL				
				DN		1,530,000		2,000,000
				RW		2,800,000	8,400,000	1,590,000
				UT		1,200,000	5,800,000	6,400,000
				CN		17,925,000	2,000,000	20,150,000
				Total Amounts:		23,455,000	16,200,000	30,140,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Clark	27	I-64	REPAIR, RENOATE, AND PRESERVE THE HISTORICAL I-64 EB REST AREA FACILITY IN CLARK COUNTY.	PL DN RW UT CN	SPP		3,000,000	
Project Cost:						0	3,000,000	0
Clark	4310	KY-2888	INSTALL GUARDRAIL ON KY-2888 IN CLARK COUNTY	PL DN RW UT CN	GR			32,000
Project Cost:						0	0	32,000
Clark	8401	KY-1958	New Construction extending the East Winchester Bypass to KY 627 south of KY 1958.	PL DN RW UT CN	NH NH			5,000,000 4,000,000
Project Cost:						0	0	9,000,000
Clark	8952	US-60	RECONSTRUCT US 60 FOR SAFETY IMPROVEMENTS FROM I-64 IN CLARK COUNTY (MP 14.210)) TO 500 FEET WEST OF SEWELL SHOP ROAD (MP 17.032).(16CCN)(18CCN) (2022CCR)	PL DN RW UT CN	SPP SPP		1,600,000	2,000,000
Project Cost:						0	1,600,000	2,000,000
Clark	22041	I-64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 101.7 TO MILEPOIN 104.26	PL DN RW UT CN	NHPM NHPM			488,730 2,398,570
Project Cost:						0	0	2,887,300

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Clark	80151	US-60	MODERNIZE AND IMPROVE CAPACITY ON US 60 FROM KY 859 (HALEY RD) TO KY 1958 (BYPASS RD) IN CLARK COUNTY. (2020CCN) (2022CCR)	PL				
				DN	NH	3,786,000		
				RW	NH			2,000,000
				UT				
				CN				
				Project Cost:		3,786,000	0	2,000,000
Clark	80350	KY-1923	New construction of KY 1923 (Waterworks Road) between MP 4.2 and 5.0. This includes a new crossing over the West Fork of Lower Howard Creek	PL				
				DN	SPP		900,000	
				RW				
				UT				
				CN				
				Project Cost:		0	900,000	0
Clark	80358	CR-1137	Bridge Rehab/Replacement on Red River Road (CR 1137) at MP 0.19-0.2 over the CSX Railroad approx. 0.20 miles west of KY 89 (025R00614N)	PL				
				DN	FBP	250,000		
				RW				
				UT				
				CN	FBP		1,750,000	
				Project Cost:		250,000	1,750,000	0
Total for Clark county				PL				
				DN		4,036,000	2,500,000	488,730
				RW				9,000,000
				UT				4,000,000
				CN			4,750,000	2,430,570
				Total Amounts:		4,036,000	7,250,000	15,919,300
Clay	4417	KY-11	INSTALL GUARDRAIL ON KY-11 IN CLAY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			29,000
				Project Cost:		0	0	29,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Clay	8003.1000	US-421	IMPROVE US 421 FROM GOOSE CREEK BRIDGE (MP 15.4) TO CHOP BOTTOM RD (MP 14.3) INCLUDING RECONSTRUCTION OF HIGHWAY/RAIL GRADE CROSSING ON KY-1999 AT THE INTERSECTION WITH US-421 AND KY-80 (2022CCN)	PL DN RW UT CN	NH	13,500,000		
Project Cost:						13,500,000	0	0
Clay	8861	KY-638	IMPROVE SAFETY AND SIGHT DISTANCE ALONG KY 638 (MP 6.7 TO MP 7.1) AND ITS INTERSECTION WITH KY 3476. (14CCN)(18CCN) (2020CCR)	PL DN RW UT CN	SPP	2,000,000		
Project Cost:						2,000,000	0	0
Clay	8864	CR-1286	IMPROVE GEOMETRICS ALONG URBAN CREEK ROAD (CR 1286) AND, INCLUDING INTERSECTIONS AT HAL ROGERS PARKWAY AND KY 687. (14CCN)(18CCN) (2020CCR)	PL DN RW UT CN	SPP		9,910,000	
Project Cost:						0	9,910,000	0
Clay	8910	HR-9006	UPGRADE ROUTE FROM SOMERSET TO HAZARD: 4 LANE FROM CLAY/LAUREL LINE TO MANCHESTER (JUST PAST EXIT 20 AT BRIDGE OVER KY 80/US 421), MP 10.593 TO MP 21.498 (SEGMENT 7). (16CCN)(18CCN) (2020CCR)	PL DN RW UT CN	NH			1,500,000
Project Cost:						0	0	1,500,000
Clay	8911	HR-9006	UPGRADE ROUTE FROM SOMERSET TO HAZARD: 4 LANE FROM MANCHESTER TO CLAY/LESLIE LINE; MP 21.498 TO MP 35.929 (SEGMENT 8) (16CCN)(18CCN)	PL DN RW UT CN	NH			1,500,000
Project Cost:						0	0	1,500,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Clay	22199	HR-9006	ADDRESS CONDITION OF Hal Rogers Daniel Boone Parkway FROM MILEPOINT 22.88 TO MILEPOINT 23.305	PL				
				DN	NHPM		33,000	
				RW				
				UT				
				CN	NHPM		297,000	
				Project Cost:		0	330,000	0
Clay	22200	HR-9006	ADDRESS CONDITION OF Hal Rogers Daniel Boone Parkway FROM MILEPOINT 27.068 TO MILEPOINT 27.785	PL				
				DN	NHPM		44,000	
				RW				
				UT				
				CN	NHPM		396,000	
				Project Cost:		0	440,000	0
Clay	80251	US-421	CONSTRUCT NEW CONNECTOR ROAD BETWEEN US 421 AT MP 17.51 TO RAILROAD AVE. AT MP 0.1. THIS WILL REQUIRE APPROXIMATELY 300' OF NEW ROADWAY ALONG THE CONNECTOR, A 450' 3-LANE BRIDGE, NEW RIGHT TURN LANE ON US 421 AND NEW TRAFFIC SIGNALS AT PROPOSED INTERSECTION. THIS IS CONTINGENT ON	PL				
				DN	SPP	354,000		
				RW	SPP		354,000	
				UT	SPP		354,000	
				CN	SPP			1,540,000
				Project Cost:		354,000	708,000	1,540,000
Clay	80253	KY-3472	IMPROVE GEOMETRIC ALIGNMENT FROM KY 3472 AT MP 1.7 CONTINUING PAST THE BERT. T. COMBS PARK TO THE INTERSECTIC OF BEECH CREEK ROAD AND WHITE OAK ROAD. (APPROXIMATELY 1.5 MILES OF ROADWAY TO IMPROVE) (2022CCN)	PL				
				DN				
				RW	SPP		2,000,000	
				UT	SPP		1,900,000	
				CN				
				Project Cost:		0	3,900,000	0
Clay	80254	CR-1004	IMPROVE GEOMETRIC ALIGNMENT FROM THE INTERSECTION OF BEECH CREEK ROAD AND WHITE OAK ROAD TO KY-11 AT MP 14.24. (APPROXIMATELY 4.0 MILES OF ROAD WAY TO IMPROVE) (2022CCN)	PL				
				DN				
				RW	SPP	2,000,000		
				UT	SPP		1,200,000	
				CN				
				Project Cost:		2,000,000	1,200,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1205

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Clay	80350	CS-1002	Widen Add Hollow Road (CS 1002) from KY 80 to Morning Glory Road. Replace (026C0037) with 50'x24' Box Beam Bridge. Realign Add Hollow Road and KY 80 intersection. (MP 0.0 - 0.1)	PL				
				DN	SPP	100,000		
				RW				
				UT	SPP		150,000	
				CN	SPP		350,000	
Project Cost:						100,000	500,000	0
Clay	80352	HR-9006	Preliminary Engineering and Environmental for Hal Rogers Parkway Improvement (HRPI) corridor from London to Hazard (BMP 3.887 to EMP 55.201) (IF-Potential RAISE GRANT)	PL				
				DN	IF		24,000,000	
					SPP		6,000,000	
				RW				
				UT				
Project Cost:						0	30,000,000	0
Clay	80356	KY-1524	Install Guardrail on KY 1524 in Clay County (MP 9.45-12.3)	PL				
				DN				
				RW				
				UT				
				CN	GR		80,000	
Project Cost:						0	80,000	0
Clay	80366	CO-0	Improve Bridge Street/River Street including grade work, streetscape and utilities. Project in Partnership with the City of Manchester (MOA with the city). Replaces project 11-80252.	PL				
				DN				
				RW				
				UT				
				CN	SPP		950,000	
Project Cost:						0	950,000	0
Total for Clay county				PL				
				DN		454,000	30,077,000	3,000,000
				RW		2,000,000	2,354,000	
				UT			3,604,000	
				CN		15,500,000	11,983,000	1,569,000
Total Amounts:						17,954,000	48,018,000	4,569,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Clinton	8600	US-127	RELOCATION OF US 127 FROM KY 90 INTERSECTION TO AARON RIDGE ROAD (MP 11.7 TO MP 16.315) (2022CCN)	PL				
				DN	NH	3,120,000		
				RW	NH			5,520,000
				UT				
				CN				
				Project Cost:		3,120,000	0	5,520,000
Clinton	8601.3000	US-127	RELOCATION OF US-127 FROM EAST OF THE AARON RIDGE RD AND OLD US-127 INTERSECTION, EXTENDING NORTHERLY TO NORTH OF THE KY-3063 AND OLD US-127 INTERSECTION. (SEE 8-108 AND 8-115 FOR PE&ENV)(12CCR) (2020CCR) (2022CCR)	PL				
				DN	NH	1,600,000		
				RW	NH		1,680,000	
				UT	NH		580,000	
				CN				
				Project Cost:		1,600,000	2,260,000	0
Clinton	10051	KY-1576	BRIDGE PROJECT IN CLINTON COUNTY ON (027B00026N) KY-1576 AT SPRING CREEK	PL				
				DN	FBP2		160,000	
				RW				
				UT				
				CN	FBP2		1,600,000	
				Project Cost:		0	1,760,000	0
Clinton	80313	KY-558	Improve safety and mobility of KY 558 from KY 90 to Russell/Clinton Co line	PL				
				DN	SPP		100,000	
				RW				
				UT				
				CN	SPP			1,500,000
				Project Cost:		0	100,000	1,500,000
Total for Clinton county				PL				
				DN		4,720,000	260,000	
				RW			1,680,000	5,520,000
				UT			580,000	
				CN			1,600,000	1,500,000
				Total Amounts:		4,720,000	4,120,000	7,020,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Crittenden	326.1700	KY-91	OPERATION OF CAVE-IN-ROCK FERRY AT OHIO RIVER FOR FY 2025 THROUGH FY 2030 USING AUDITED COSTS AS THE BASIS.(12CCR) (2020CCR) (2022CCR)	PL DN RW UT CN	SPP		831,000	831,000
Project Cost:						0	831,000	831,000
Crittenden	10109	KY-135	Bridge Project in Crittenden County on (028B00024N) KY-135 at Hurricane Creek.	PL DN RW UT CN	FBP	108,000		
Project Cost:						108,000	1,080,000	0
Crittenden	10110	KY-506	BRIDGE PROJECT IN CRITTENDEN COUNTY ON (028B00030N) KY-506 AT PINEY CREEK	PL DN RW UT CN	FBP2	68,000		
Project Cost:						748,000	0	0
Crittenden	10112	KY-387	BRIDGE PROJECT IN CRITTENDEN COUNTY ON (028B00051N) KY-387 AT CROOKED CREEK	PL DN RW UT CN	FBP	180,000		
Project Cost:						1,980,000	0	0
Crittenden	80201	KY-295	Reconstruct and elevate a 0.12 mile section of KY 295 above the floodplain from M.P. 1.038 to M.P. 1.605 just south of Dycusburg (2022CCN)	PL DN RW UT CN	SPP	150,000		
Project Cost:						250,000	500,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Crittenden	80334	CS-1094	UPGRADE STREET TO ACCOMODATE TRUCK TRAFFIC, ADDRESS SAFETY CONCERNS, ADDRESS GEOMETRIC DEFICIENCIES, POSSIBL BIKE AND PED PATH. THIS PROJECT WILL EXTEND FROM US 60 TO US 641.	PL				
				DN	SPP		750,000	
				RW	SPP			500,000
				UT	SPP			750,000
				CN				
				Project Cost:		0	750,000	1,250,000
Crittenden	80335	KY-120	On KY 120 reconstruct substandard curve between Herman Travis Rd Intersection and Piney Creek	PL				
				DN	SPP		250,000	
				RW	SPP			300,000
				UT	SPP			100,000
				CN	SPP			1,500,000
				Project Cost:		0	250,000	1,900,000
Total for Crittenden county				PL				
				DN		356,000	1,000,000	
				RW		150,000		800,000
				UT		100,000		850,000
				CN		2,480,000	2,411,000	2,331,000
				Total Amounts:		3,086,000	3,411,000	3,981,000
Cumberland	10052	KY-90	BRIDGE PROJECT IN CUMBERLAND COUNTY ON (029B00019N) KY-90 AT ALLEN CREEK	PL				
				DN	FBP			160,000
				RW				
				UT				
				CN	FBP			1,600,000
				Project Cost:		0	0	1,760,000
Cumberland	10053	KY-90	BRIDGE PROJECT IN CUMBERLAND COUNTY ON (029B00020N) KY-90 AT DUTCH CREEK	PL				
				DN	FBP			200,000
				RW				
				UT				
				CN	FBP			2,000,000
				Project Cost:		0	0	2,200,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Total for Cumberland county				PL				
				DN				360,000
				RW				
				UT				
				CN				3,600,000
				Total Amounts:		0	0	3,960,000
Daviess	229	KY-298	RECONSTRUCT INTERSECTION AT FAIRVIEW DRIVE (KY 3143) AND KY 298. (12CCR) (16CCR)(18CCN) (2020CCR) (2022CCR)	PL				
				DN				
				RW				
				UT				
				CN	STP1		2,000,000	
				Project Cost:		0	2,000,000	0
Daviess	8300.2000	KY-54	IMPROVE KY-54 FROM BOLD FORBES WAY TO KY 1456 (THRUSTON-DERMONT RD). DESIGN UNDER PARENT 2-8300.00. (2018BOP) (2022CCN)	PL				
				DN				
				RW	SPP	3,000,000		
				UT	SPP	4,600,000		
				CN				
				Project Cost:		7,600,000	0	0
Daviess	8300.3000	KY-54	IMPROVE KY-54 FROM KY 1456 (THRUSTON-DERMONT RD) TO COUNTRYSIDE DRIVE; DESIGN UNDER PARENT 2-8300.00. (2018BOP) (2022CCR)	PL				
				DN				
				RW	NH	3,000,000		
				UT	NH	4,400,000		
				CN	NH			4,200,000
				Project Cost:		7,400,000	0	4,200,000
Daviess	8300.4000	KY-54	IMPROVE KY-54 FROM COUNTRYSIDE DRIVE TO JACK HINTON RD. DESIGN UNDER PARENT 2-8300.00. (2018BOP) (2022CCR)	PL				
				DN				
				RW	SPP		5,000,000	
				UT	SPP		6,400,000	
				CN				
				Project Cost:		0	11,400,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Daviess	8801	KY-1456	ADDRESS SUBSTANDARD ROADWAY GEOMETRICS AND SAFETY CONCERNS ON KY 1456 FROM KY 54 TO HAYDEN ROAD. MP 2.778 TO 4.714 (SEE 2-8709.00)(14CCN)(16CCR) (2022CCN)	PL DN RW UT CN	STP1		2,500,000	
Project Cost:						0	2,500,000	0
Daviess	8854	KY-3143	IMPROVE KY-3143 FROM KY-3335 TO KY 54. (14CCN) (2020CCR) (2022CCR)	PL DN RW UT CN	STP1		4,000,000	
Project Cost:						0	4,000,000	0
Daviess	10004	CR-1257	ADDRESS DEFICIENCIES OF LYDANNE BRIDGE S BRIDGE OVER FLA1 LICK CREEK. (030C00069N)	PL DN RW UT CN	BRZ BRZ	35,615		
Project Cost:						485,615	0	0
Daviess	10020	KY-2262	ADDRESS DEFICIENCIES WITH GLOVER CARY BRIDGE OVER OHIO RIVER. JOINT PROJECT WITH INDIANA. (030B00118N)(BSBP)	PL DN RW UT CN	BRO	8,900,000		
Project Cost:						8,900,000	0	0
Daviess	10021	US-231	ADDRESS DEFICIENCIES WITH NATCHER BRIDGE OVER OHIO RIVER JOINT PROJECT WITH INDIANA. (030B00164N)(BSBP)	PL DN RW UT CN	BRO	7,500,000		
Project Cost:						7,500,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1211

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Daviess	10079	US-431	BRIDGE PROJECT IN DAVIESS COUNTY ON (030B00049N) US-431 AT PANTHER CREEK	PL				
				DN	FBP	550,000		
				RW				
				UT				
				CN	FBP	5,500,000		
				Project Cost:		6,050,000	0	0
Daviess	10081	US-60	BRIDGE PROJECT IN DAVIESS COUNTY ON (030B00096N) US-60 AT KATIE MEADOW SLOUGH	PL				
				DN	FBP	200,000		
				RW				
				UT				
				CN	FBP	2,000,000		
				Project Cost:		2,200,000	0	0
Daviess	80301	KY-298	OLD HARTFORD RD - WIDEN TO IMPROVE TRAFFIC FLOW AND SAFETY. PROJECT BEGINS AT HARRIET LN (CR 1120H) AND ENDS AT BURLEW BLVD (KY 1432).	PL				
				DN	SPP		1,240,000	
				RW				
				UT				
				CN				
				Project Cost:		0	1,240,000	0
Daviess	80302	KY-2699	RECONSTRUCT GOETZ DR FROM SOUTHTOWN BLVD (KY 2121) TO FREDERICA ST (US 431). INSTALL TURN LANES AS NEEDED.	PL				
				DN	SPP		470,000	
				RW				
				UT				
				CN				
				Project Cost:		0	470,000	0
Daviess	80305	KY-2127	WIDEN KY 2127 FROM KELLER ROAD (CR 1301) TO KY 2121, INCLUDING 10' MULTIUSE PATH.	PL				
				DN	SPP		1,080,000	
				RW				
				UT				
				CN				
				Project Cost:		0	1,080,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Daviess	80312	I-165	CONDUCT A FEASIBILITY STUDY TO UTILIZE EXISTING ROADWAYS TO CONSIDER AN ADDITIONAL INTERCHANGE ON I-165 SOUTH OF OWENSBORO.	PL	STP1		300,000	
				DN				
				RW				
				UT				
				CN				
				Project Cost:		0	300,000	0
Total for Daviess county				PL			300,000	
				DN		785,615	2,790,000	
				RW		6,000,000	7,500,000	
				UT		9,000,000	10,400,000	
				CN		24,350,000	2,000,000	4,200,000
				Total Amounts:		40,135,615	22,990,000	4,200,000
Edmonson	7030.1000	KY-259, KY-70	RECONSTRUCT KY-70/KY-259 FROM 0.36 MILE NORTH GREEN RIVER BRIDGE AT BROWNSVILLE TO 0.42 MILE NORTH OF THE KY-70/KY-259 INTERSECTION.(06CCR)(2004BOPC)(12CCR)(14CCR)(18CCN) (2020CCR) (2022CCR)	PL				
				DN				
				RW	STP2	2,170,000		
				UT	STP2		1,930,000	
				CN				
				Project Cost:		2,170,000	1,930,000	0
Edmonson	7030.5000	KY-259	RECONSTRUCT KY-259 FROM 0.42 MILE NORTH OF THE KY-70 INTERSECTION TO NORTH OF THE KYROCK ELEMENTARY SCHOOL (PRIORITY SECTION)(2004BOPC) (2022CCN)	PL				
				DN				
				RW	SPP		5,390,000	
				UT	SPP			1,000,000
				CN				
				Project Cost:		0	5,390,000	1,000,000
Edmonson	80107	KY-259	IMPROVE SAFETY AND MOBILITY ON KY 259 FROM NORTH OF KYROCK ROAD TO THE GRAYSON COUNTY LINE. (2020CCN)	PL				
				DN				
				RW	SPP	320,000		
				UT	SPP	310,000		
				CN	SPP		2,050,000	
				Project Cost:		630,000	2,050,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Edmonson	80317	KY-259	RECONSTRUCTION AND REALIGNMENT OF KY 259 FROM MP 12.096 TO 15.633/	PL				
				DN	SPP		1,250,000	
				RW				
				UT				
				CN				
				Project Cost:		0	1,250,000	0
Edmonson	80323	KY-2326	RECONSTRUCT KY 2326 (OTTER GAP ROAD) FROM US 31W IN WARREN CO. TO NOAH BLEDSOE ROAD IN EDMONSON CO.	PL				
				DN	SPP		1,250,000	
				RW				
				UT				
				CN				
				Project Cost:		0	1,250,000	0
Edmonson	80350	CR-1137	Reconstruction/Widening from KY 2326 to KY 101 (MP 0.0 - 2.455).	PL				
				DN	SPP		1,600,000	
				RW				
				UT				
				CN				
				Project Cost:		0	1,600,000	0
Edmonson	80351	CR-1139	Reconstruction/Widening from KY 743 to Noah Bledsoe Road (MP 0.0 - 1.254).	PL				
				DN	SPP		850,000	
				RW				
				UT				
				CN				
				Project Cost:		0	850,000	0
Total for Edmonson county				PL				
				DN			4,950,000	
				RW		2,490,000	5,390,000	
				UT		310,000	1,930,000	1,000,000
				CN			2,050,000	
				Total Amounts:		2,800,000	14,320,000	1,000,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Elliott	192.0100	KY-32	IMPROVE KY-32 FROM WEST OF STEGALL COLD SPRING ROAD TO KY-7 NEAR NEWFOUNDLAND. (PRIORITY SECTION I)(06CCR) (08CCR) (10CCR)(12CCR)(14CCR)(16CCR)(18CCR) (2020CCR)	PL DN RW UT CN	STP2			8,500,000
Project Cost:						0	0	8,500,000
Elliott	192.0300	KY-32	RECONSTRUCT KY-32 FROM 0.408 MILES WEST OF STEGALL COLD SPRING ROAD TO KY-7 NEAR NEWFOUNDLAND.(PRIORITY SECTION I). (10CCR)(16CCN)(18CCN)	PL DN RW UT CN	STP2		3,250,000	
Project Cost:						0	3,250,000	0
Elliott	228.3000	KY-7	3-LANE CURB AND GUTTER IN THE VICINITY OF ELLIOT COUNTY SCHOOLS IN SANDY HOOK. (2020CCR) (2022CCR)	PL DN RW UT CN	SPP	3,120,000		
Project Cost:						3,120,000	0	0
Elliott	8802	KY-32	KY-32 FROM 9.2 MILE MARKER TO 10.2 MILE MARKER WIDENING. (14CCN)(16CCR)(18CCN)(2020CCR) (2022CCR)	PL DN RW UT CN	STP2			3,070,000
Project Cost:						0	0	3,070,000
Total for Elliott county				PL DN RW UT CN			3,250,000	
Total Amounts:						3,120,000	3,250,000	11,570,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1215

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Estill	205	KY-82	IMPROVE LEVEL OF SERVICE, SAFETY, AND CONNECTIVITY ON KY-82 FROM KY-89 IN ESTILL CO. TO NEW CONSTRUCTION LOCATED NORTH OF HUDSON MILL ROAD IN ESTILL COUNTY. (2022CCR)	PL DN RW UT CN	STP2		5,250,000	
Project Cost:						0	5,250,000	0
Estill	206	KY-2459	IMPROVE SAFETY ON KY-2459 (CARHARTT AVE.) FROM KY-89 TO THE RAILROAD BRIDGE. (2020CCR)	PL DN RW UT CN	SPP	520,000		330,000
Project Cost:						520,000	0	330,000
Estill	207	KY-89	IMPROVE GEOMETRICS ON KY-89 IN ESTILL COUNTY FROM KY-1886 TO THE ESTILL/CLARK COUNTY LINE. (2020CCR)	PL DN RW UT CN	SPP		1,980,000	
Project Cost:						0	1,980,000	0
Estill	4315	KY-499	INSTALL GUARDRAIL ON KY-499 IN ESTILL COUNTY	PL DN RW UT CN	GR		18,000	
Project Cost:						0	18,000	0
Estill	10050	KY-52	BRIDGE PROJECT IN ESTILL COUNTY ON (033B00017N) KY-52 AT DROWNING CREEK	PL DN RW UT CN	FBP		350,000	
Project Cost:						0	3,500,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Estill	80300	KY-52	Construct a walkway across the Kentucky River along KY 52 in Irvine.	PL				
				DN	SPP		400,000	
				RW	SPP			100,000
				UT	SPP			100,000
				CN	SPP			900,000
Project Cost:						0	400,000	1,100,000
Total for Estill county				PL				
				DN		520,000	2,730,000	
				RW			5,250,000	430,000
				UT				100,000
				CN			3,518,000	900,000
Total Amounts:						520,000	11,498,000	1,430,000
Fayette	122.2000	US-25	Lexington-Georgetown; Reconstruct/Widen US 25 from Spurr Road to Kearney Road. (Section 1)	PL				
				DN				
				RW	SPP		2,064,000	
				UT	SPP			1,000,000
				CN				
Project Cost:						0	2,064,000	1,000,000
Fayette	122.3000	US-25	Lexington-Georgetown; Reconstruct/Widen US 25 from Kearney Road to Ironworks Road. (Section 2) (2022CCR)	PL				
				DN				
				RW				
				UT				
				CN	HGC		10,000,000	11,750,000
Project Cost:						0	10,000,000	11,750,000
Fayette	227.1400	CO-0	DEDICATED FEDERAL-AID STP FUNDS EARMARKED FOR LEXINGTON URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2024 THROUGH FY 2030. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP) (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	SLX	7,700,000	7,800,000	7,800,000
Project Cost:						7,700,000	7,800,000	7,800,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Fayette	265	CO-0	CONSTRUCT CITATION BOULEVARD FROM RUSSELL CAVE ROAD TO NEWTOWN PIKE.	PL DN RW UT CN	STPF	3,500,000		
Project Cost:						3,500,000	0	0
Fayette	357.1700	KY-169, PF-9999	OPERATION OF VALLEY VIEW FERRY AT KY RIVER FOR FY 2025 THROUGH FY 2030. (12CCR)(18CCR) (2020CCR)	PL DN RW UT CN	SPP		519,792	519,792
Project Cost:						0	519,792	519,792
Fayette	412	US-27	REPLACE RJ CORMAN RAILROAD BRIDGE OVERPASS (MP 8.378), IMPROVE DRAINAGE AND TYPICAL SECTION ON US 27 (NORTH BROADWAY)(12CCR)(14CCR)(16CCR)(18CCN) (2020CCR) (2022CCR)	PL DN RW UT CN	NH NH		1,810,000	3,492,000
Project Cost:						0	1,810,000	3,492,000
Fayette	412.1000	US-27	REPLACE RJ CORMAN RAILROAD BRIDGE OVERPASS (MP 8.378), IMPROVE DRAINAGE AND TYPICAL SECTION ON US 27 (NORTH BROADWAY)(12CCR)(14CCR)(16CCR)(18CCN) (2020CCR) (2022CCR)(FEDERAL RAISE GRANT FUNDING COMPONENT)	PL DN RW UT CN	KYD			8,120,000
Project Cost:						0	0	8,120,000
Fayette	438	KY-4	REDUCE CONGESTION ON KY-4 (NEW CIRCLE RD) FROM TRADE CENTER DR TO WOODHILL DR.	PL DN RW UT CN	NH NH			2,200,000 3,000,000
Project Cost:						0	0	5,200,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Fayette	462	KY-4	SAFETY IMPROVEMENTS TO NEW CIRCLE ROAD BETWEEN BOARDWALK AND BRYAN STATION ROAD. - STATE FUNDED COMPONENT OF FEDERAL GRANT RECEIVED IN LATE 2023.	PL DN RW UT CN	HGC		3,980,000	
Project Cost:						0	3,980,000	0
Fayette	8801	KY-4	EVALUATE SOUND BARRIER LOCATIONS AND PRIORITY SECTIONS ALONG NEW CIRCLE ROAD (KY 4) BETWEEN TATES CREEK ROAD AND NICHOLASVILLE ROAD. (14CCN)(18CCN) (2022CCR)	PL DN RW UT CN	SPP		1,000,000	
Project Cost:						0	1,000,000	0
Fayette	8902	KY-1927	IMPROVE LIBERTY ROAD FROM GRAFTONS MILL LANE TO NEW CIRCLE ROAD AND IMPROVE INTERSECTION WITH NEW CIRCLE ROAD. (16CCN)(18CCR) (2020CCR) (2022CCR)	PL DN RW UT CN	STPF		5,000,000	
Project Cost:						0	5,000,000	0
Fayette	8909.1000	I-75	REDUCE CONGESTION ON I-64/I-75 FROM NORTHERN SPLIT TO NEWTOWN PIKE (MP 115.200 – 117.665). SECTION 1	PL DN RW UT CN	NH NH	25,000	5,000,000	
Project Cost:						25,000	5,000,000	0
Fayette	8909.3000	I-75	REDUCE CONGESTION ON I-64/I-75 FROM PARIS PIKE TO THE SOUTHERN SPLIT (MP 111.000 – 112.900). SECTION 3 (2022CCR)	PL DN RW UT CN	NH	10,000,000		
Project Cost:						10,000,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1219

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Fayette	10045	I-75	BRIDGE PROJECT IN FAYETTE COUNTY ON (034B00150R) I-75 AT DAVID FK-ELKHORN CREEK	PL				
				DN	FBP		130,000	
				RW				
				UT				
				CN	FBP		1,300,000	
				Project Cost:		0	1,430,000	0
Fayette	20008	I-64	ADDRESS CONDITION OF I-064 CARDINAL DIRECTION FROM MILEPOINT 71 TO MILEPOINT 74.3	PL				
				DN	NHPM		161,700	
				RW				
				UT				
				CN	NHPM		455,300	
				Project Cost:		0	617,000	0
Fayette	80112	US-27	CONSTRUCT A RIGHT TURN LANE HEADED WESTBOUND ON VIRGINIA AVE FROM US 27 AND CONSTRUCT A BUS TURNOUT SOUTH OF VIRGINIA AVE (2020CCN)	PL				
				DN				
				RW				
				UT				
				CN	SPP	163,000		
				Project Cost:		163,000	0	0
Fayette	80150	US-60	ADDRESS CONGESTION AND IMPROVE SAFETY ON US 60 FROM MILEPOINT 12.41 TO MILEPOINT 16.37 BY WIDENING AND MODERNIZING US 60 FROM THE END OF THE FOUR-LANE SECTION NEAR POLO CLUB BLVD TO KY 859 (HALEY RD). (2022CCR) (2022CCR)	PL				
				DN				
				RW	STPF	1,400,000		
				UT	STPF		1,410,000	
				CN	STPF			4,230,000
				Project Cost:		1,400,000	1,410,000	4,230,000
Fayette	80205	US-27	ACCESS MANAGEMENT IMPROVEMENT ON US 27 (NICHOLASVILLE RD) AT KY 4 (NEW CIRCLE) INTERCHANGE. (2022CCN)	PL				
				DN	NH	1,000,000		
				RW	NH			2,500,000
				UT				
				CN				
				Project Cost:		1,000,000	0	2,500,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Fayette	80206	CO-0	Address congestion and improve safety on US 60 (Winchester Rd) and Man O' War Blvd (KY 1425 & CS 4524) creating an alternative route between Sir Barton Way (CS 2636) and Polo Club Blvd (CS 2548) (2022CCN)	PL DN RW UT CN	SPP		1,880,000	
Project Cost:						0	1,880,000	0
Fayette	80207	KY-1425, PF-9999, US-60	Provide a safe and efficient connection with access to I-64 from US 60 near the Hamburg area. (2022CCN)	PL DN RW UT CN	SPP	310,000		
Project Cost:						310,000	0	0
Fayette	80304	ky-4	Regional Corridor Feasibility Study to evaluate east-west connectivity between US 127 and I-75. Study region includes the following counties: Anderson, Fayette, Franklin, Jessamine, Mercer, Scott & Woodford.	PL DN RW UT CN	SPP	500,000		
Project Cost:						500,000	0	0
Fayette	80306	US-60	Modernize roadway, improve multi-mobility, and include safety and capacity improvements at intersections on US 60 (Versailles Road) from Viley Road to west end of Norfolk Southern railroad bridge. Breakout Section of US 60 from Viley Road to Oxford Circle	PL DN RW UT CN	NH		500,000	
Project Cost:						0	500,000	0
Fayette	80307	ky-1425	Provide additional capacity and improve multi-modal access on KY 1425 (Man o' War Blvd) from I-75 to US 60 (Winchester Road).	PL DN RW UT CN	SPP		750,000	
Project Cost:						0	750,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1221

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Fayette	80308	ky-4	Improve safety and access management measures on New Circle Rd. (KY 4); from Boardwalk to North Limestone Street.	PL				
				DN	SPP		1,500,000	
				RW				
				UT				
				CN				
				Project Cost:		0	1,500,000	0
Fayette	80309	US-60	Operational & multimodal improvements on US 60 (Winchester Rd) from Midland to New Circle Rd.	PL				
				DN	NH		350,000	
				RW				
				UT				
				CN				
				Project Cost:		0	350,000	0
Fayette	80311	US-60	Modernize roadway, improve multi-mobility, and include safety and capacity improvements at intersections on US 60 (Versailles Road) from Viley Road to west end of Norfolk Southern railroad bridge. Breakout section of US 60 from Red Mile/S Forbes Road to Porter Place	PL				
				DN	NH			390,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	390,000
Fayette	80312	US-60	Modernize roadway, improve multi-mobility, and include safety and capacity improvements at intersections on US 60 (Versailles Road) from Viley Road to west end of Norfolk Southern railroad bridge. Breakout section of US 60 from Oxford Circle to Red Mile.	PL				
				DN	NH			610,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	610,000
Total for Fayette county				PL		810,000		
				DN		1,000,000	6,271,700	1,000,000
				RW		1,400,000	2,064,000	4,700,000
				UT		25,000	3,220,000	4,000,000
				CN		21,363,000	34,055,092	35,911,792
				Total Amounts:		24,598,000	45,610,792	45,611,792

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Fleming	8815	KY-165	UPGRADE, WIDEN, AND PROVIDE SPOT IMPROVEMENTS ON KY-165 TO IMPROVE SAFETY FROM KY-32 TO US-68. (14CCN)	PL				
				DN	SPP		1,500,000	
				RW				
				UT				
				CN				
				Project Cost:		0	1,500,000	0
Fleming	8901	KY-11	CONSTRUCT LEFT TURN LANES ON KY 11 AT ROSS DRIVE, TAYLOR MILL AND THE INDUSTRIAL PARK ROAD. (16CCN)	PL				
				DN	SPP		750,000	
				RW	SPP			1,000,000
				UT				
				CN				
				Project Cost:		0	750,000	1,000,000
Fleming	8903	KY-32	SAFETY IMPROVEMENTS AND PAVEMENT REHAB EAST OF FLEMINGSBURG BYPASS TO KY 156. (2020CCN) (2022CCR)	PL				
				DN				
				RW				
				UT				
				CN	SPP			2,000,000
				Project Cost:		0	0	2,000,000
Fleming	8915	KY-801	WIDEN KY 801 FROM NEAR MMRC REGIONAL PARK TO KY 158 IN FLEMING CO. (16CCN)(18CCN) (2020CCR) (2022CCR) (INCLUDES 9-80104)	PL				
				DN				
				RW				
				UT	STP2	6,630,000		
				CN	STP2			5,000,000
				Project Cost:		6,630,000	0	5,000,000
Fleming	9020	KY-11	CONSTRUCT TURN LANES AT PROPOSED NEW SCHOOL, LAVEC CENTER, CENTRAL OFFICE , AND BUS GARAGE.	PL				
				DN	SPP		350,000	
				RW	SPP		25,000	
				UT	SPP			350,000
				CN	SPP			1,000,000
				Project Cost:		0	375,000	1,350,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Fleming	80051	KY-32	IMPROVE SAFETY AND SIGHT DISTANCE ON KY-32 BEGINNING AT 0.4 MILES WEST OF FLEMING/ROWAN CO LINE AND ENDING 0.3 MILES EAST OF THE LINE.(18CCN) (2020CCR) (2022CCR)	PL				
				DN				
				RW	SPP		1,580,000	
				UT	SPP		1,880,000	
				CN				
				Project Cost:		0	3,460,000	0
Fleming	80103	KY-57	RECONSTRUCT KY 57 TO PROVIDE BETTER HORIZONTAL AND VERTICAL ALIGNMENT, WIDER SHOULDERS, AND EXTEND CLEAR ZONES (2020CCN) (2022CCR)	PL				
				DN	SPP		1,500,000	
				RW				
				UT				
				CN				
				Project Cost:		0	1,500,000	0
Fleming	80104	KY-801	RECONSTRUCT KY 801 TO IMPROVE ALIGNMENT AND WIDEN IT TO A 2 LANE HIGHWAY WITH PASSING LANES (2020CCN) (2022CCR)	PL				
				DN	SPP	2,500,000		
				RW				
				UT				
				CN				
				Project Cost:		2,500,000	0	0
Total for Fleming county				PL				
				DN		2,500,000	4,100,000	
				RW			1,605,000	1,000,000
				UT		6,630,000	1,880,000	350,000
				CN				8,000,000
				Total Amounts:		9,130,000	7,585,000	9,350,000
Floyd	169	KY-114	MOUNTAIN PARKWAY CORRIDOR: EXTEND THE FOUR LANE MOUNTAIN PARKWAY FROM US 460 AT SALYERSVILLE EAST TO PRESTONSBURG. - NH FUND COMPONENT (2022CCR)	PL				
				DN				
				RW				
				UT	NH	3,400,000		
				CN	NH			10,000,000
				Project Cost:		3,400,000	0	10,000,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Floyd	191	US-23	IMPROVE SAFETY AND ACCESS ON US-23 BETWEEN KY-80 AND KY-3384.(12CCR)	PL DN RW UT CN	NH			2,900,000
Project Cost:						0	0	2,900,000
Floyd	195	KY-979	SPOT IMPROVEMENTS FROM BRANHAM'S CREEK TO JOHN M. STUMBO SCHOOL.(12CCR)(16CCR) (2020CCR) (2022CCR)	PL DN RW UT CN	HGC		9,005,000	
Project Cost:						0	9,005,000	0
Floyd	4336	KY-1929	INSTALL GUARDRAIL ON KY-1929 IN FLOYD COUNTY	PL DN RW UT CN	GR		18,000	
Project Cost:						0	18,000	0
Floyd	4355	KY-404	INSTALL GUARDRAIL ON KY-404 IN FLOYD COUNTY	PL DN RW UT CN	GR		115,000	
Project Cost:						0	115,000	0
Floyd	4356	KY-404	INSTALL GUARDRAIL ON KY-404 IN FLOYD COUNTY	PL DN RW UT CN	GR		55,000	
Project Cost:						0	55,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1225

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Floyd	4387	KY-3385	INSTALL GUARDRAIL ON KY-3385 IN FLOYD COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		64,000	
				Project Cost:		0	64,000	0
Floyd	4390	KY-680	INSTALL GUARDRAIL ON KY-680 IN FLOYD COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		55,000	
				Project Cost:		0	55,000	0
Floyd	4423	KY-1100	INSTALL GUARDRAIL ON KY-1100 IN FLOYD COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		70,000	
				Project Cost:		0	70,000	0
Floyd	4424	KY-1100	INSTALL GUARDRAIL ON KY-1100 IN FLOYD COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		94,000	
				Project Cost:		0	94,000	0
Floyd	4425	KY-1428	INSTALL GUARDRAIL ON KY-1428 IN FLOYD COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		24,000	
				Project Cost:		0	24,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Floyd	4426	KY-1428	INSTALL GUARDRAIL ON KY-1428 IN FLOYD COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			9,000
				Project Cost:		0	0	9,000
Floyd	4429	KY-3384	INSTALL GUARDRAIL ON KY-3384 IN FLOYD COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			6,000
				Project Cost:		0	0	6,000
Floyd	4430	KY-550	INSTALL GUARDRAIL ON KY-550 IN FLOYD COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			88,000
				Project Cost:		0	0	88,000
Floyd	4431	KY-777	INSTALL GUARDRAIL ON KY-777 IN FLOYD COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			99,000
				Project Cost:		0	0	99,000
Floyd	4432	KY-850	INSTALL GUARDRAIL ON KY-850 IN FLOYD COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			49,000
				Project Cost:		0	0	49,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Floyd	4472	KY-1498	INSTALL GUARDRAIL ON KY-1498 IN FLOYD COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		12,000	
				Project Cost:		0	12,000	0
Floyd	5019	ky-80	ADDRESS ROCKFALL ISSUES ON KY 80 AT MP 8 TO MP 10 IN FLOYD COUNTY.	PL				
				DN	SPP		900,000	
				RW	SPP			620,000
				UT	SPP			600,000
				CN				
				Project Cost:		0	900,000	1,220,000
Floyd	10096	KY-3	BRIDGE PROJECT IN FLOYD COUNTY ON (036B00135N) KY-3 AT CSX RR & LEVISA FORK	PL				
				DN	FBP		615,000	
				RW				
				UT				
				CN	FBP		5,535,000	
				Project Cost:		0	6,150,000	0
Floyd	10098	CR-1655	BRIDGE PROJECT IN FLOYD COUNTY ON (036C00074N) MARTHA'S VINEYARD AT BULL CREEK	PL				
				DN	FBP2			81,497
				RW				
				UT				
				CN	FBP2			543,312
				Project Cost:		0	0	624,809
Floyd	80353	PF-9999	Construct a new bridge and approaches off of KY 1428 near MP 14.1. Provide a new access route from KY 1428 across Levisa Fork of the Big Sandy River near Ball Alley Curve in Prestonsburg (Previously 12-8806)	PL				
				DN	SPP	150,000		
				RW	SPP		75,000	
				UT	SPP			150,000
				CN				
				Project Cost:		150,000	75,000	150,000
Total for Floyd county				PL				
				DN		150,000	1,515,000	81,497
				RW			75,000	620,000
				UT		3,400,000		750,000
				CN			15,047,000	13,694,312
				Total Amounts:		3,550,000	16,637,000	15,145,809

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Franklin	551	I-64	IMPROVE SAFETY, TRUCK MOBILITY, AND REDUCE CONGESTION ALONG I-64 FROM DIRECTLY EAST OF US-127 TO US-60 SOUTH OF FRANKFORT, INCLUDING KY RIVER BRIDGES.	PL				
				DN	NH	1,500,000		
				RW	NH			750,000
				UT	NH			300,000
				CN				
Project Cost:						1,500,000	0	1,050,000
Franklin	586	PS-1212, PS-1213	EXTENSION OF VANDALAY DRIVE BACKAGE ROAD FROM WESTRIDGE DRIVE TO THE EAST-WEST CONNECTOR ROAD (KY 676) IN PARTNERSHIP WITH THE CITY OF FRANKFORT, KENTUCKY (Memorandum of Agreement with City of Frankfort). (2022BOP)	PL				
				DN				
				RW				
				UT				
				CN	SPP			1,000,000
Project Cost:						0	0	1,000,000
Franklin	2035.4000	I-64	WIDEN I-64 TO 6 LANES FROM KY-395 TO KY-151.	PL				
				DN	NH			1,040,000
				RW				
				UT				
				CN				
Project Cost:						0	0	1,040,000
Franklin	2035.7000	I-64	WIDEN I-64 TO 6 LANES FROM KY-151 TO WEST OF THE KY-420 BRIDGE. (2004BOPC)(DESIGN FUNDED UNDER 5-2035.40)(16CCN) (SEE ITEM NO. 5-2035.80 FOR BRIDGES)	PL				
				DN				
				RW	NH		120,000	
				UT	NH		120,000	
				CN	NH			5,000,000
Project Cost:						0	240,000	5,000,000
Franklin	10041	KY-1665	BRIDGE PROJECT IN FRANKLIN COUNTY ON (037B00038N) KY 1665 AT S BENSON CREEK	PL				
				DN	FBP	140,000		
				RW				
				UT				
				CN	FBP	1,400,000		
Project Cost:						1,540,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1229

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Franklin	10045	KY-676	BRIDGE PROJECT IN FRANKLIN COUNTY ON (037B00074N) KY 676 (E-W CONN) AT KENTUCKY RIVER & KY 1263	PL				
				DN	FBP		1,000,000	
				RW				
				UT				
				CN	FBP			15,000,000
Project Cost:						0	1,000,000	15,000,000
Franklin	10046	KY-12	BRIDGE PROJECT IN FRANKLIN COUNTY ON (037B00080N) KY 12 AT FLAT CREEK	PL				
				DN	BRX	460,000		
				RW				
				UT				
				CN	BRX	4,600,000		
Project Cost:						5,060,000	0	0
Franklin	22031	I-64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 53.118 TO MILEPOINT 57.811	PL				
				DN	NHPM		1,683,047	
				RW				
				UT				
				CN	NHPM			2,147,419
Project Cost:						0	1,683,047	2,147,419
Franklin	80105	US-60	ADD A TURN LANE AT THE INTERSECTION OF KY 676 AND US 60 (2020CCN)	PL				
				DN	SAF	160,000		
				RW	SAF		150,000	
				UT	SAF		100,000	
				CN	SAF			600,000
Project Cost:						160,000	250,000	600,000
Franklin	80201	US-127	Improve safety and reduce congestion on US 127 in Frankfort from I-64 to US 60 (2022CCN)	PL	NH	470,000		
				DN	NH		2,000,000	
				RW				
				UT				
				CN				
Project Cost:						470,000	2,000,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Franklin	80212	KY-676, PF-9999, US-127	Provide a new roadway from the I-64 WB off-ramp at US 127 to the East-West Connector (KY 676) to reduce congestion, improve safety and enhance mobility. (2022CCN)	PL				
				DN				
				RW				
				UT				
				CN	STPF		1,000,000	1,100,000
				Project Cost:				
Franklin	80301	US-60	IMPROVE SAFETY AND TRAFFIC FLOW ON US 60 (VERSAILLES ROAD) FROM US 460 TO I-64 IN FRANKFORT.	PL				
				DN	NH		700,000	
				RW				
				UT				
				CN				
				Project Cost:				
Total for Franklin county				PL		470,000		
				DN		2,260,000	5,383,047	1,040,000
				RW			270,000	750,000
				UT			220,000	300,000
				CN		6,000,000	1,000,000	24,847,419
Total Amounts:						8,730,000	6,873,047	26,937,419
Fulton	25	JC-9003	IMPROVE THE PURCHASE PARKWAY AT THE KENTUCKY/TENNESSEE LINE TO SOUTHWEST OF THE US-51 INTERCHANGE.(I-69 CORRIDOR IMPROVEMENT) (2022CCR)	PL				
				DN				
				RW	NH	2,500,000		
				UT	NH	1,000,000		
				CN	NH		12,000,000	
				Project Cost:				
Fulton	320.1700	KY-1354	OPERATION OF HICKMAN FERRY AT MISSISSIPPI RIVER FOR FY 2025 THROUGH FY 2030. (12CCR) (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	SPP		144,000	144,000
				Project Cost:				

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Fulton	8853	KY-1099	SAFETY IMPROVEMENT AT INTERSECTION OF KY-1099 AND KY-125. (14CCN)(18CCN) (2022CCR)	PL DN RW UT CN	STP2	2,500,000		
Project Cost:						2,500,000	0	0
Fulton	10115	KY-166	BRIDGE PROJECT IN FULTON COUNTY ON (038B00022N) KY-166 AT BAYOU DE CHIEN	PL DN RW UT CN	FBP2 FBP2	160,000 1,600,000		
Project Cost:						1,760,000	0	0
Fulton	20002	JC-9003	ADDRESS CONDITION OF Julian M. Carroll Purchase Parkway FROM MILEPOINT 0 TO MILEPOINT 1.78	PL DN RW UT CN	NHPM NHPM	220,000 1,980,000		
Project Cost:						2,200,000	0	0
Fulton	22186	JC-9003	ADDRESS CONDITION OF Julian M. Carroll Purchase Parkway FROM MILEPOINT 1.78 TO MILEPOINT 3.434	PL DN RW UT CN	NHPM NHPM			60,000 540,000
Project Cost:						0	0	600,000
Fulton	80304	KY-307	ADDRESS ECONOMIC DEVELOPMENT, AND TRUCK ACCESS ISSUES TO THE FULTON INDUSTRIAL PARK FROM THE PURCHASE PARKWAY TO HOLLAND LANE IN FULTON.	PL DN RW UT CN	SPP		750,000	
Project Cost:						0	750,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Fulton	80310	KY-125	CORRECT GEOMETRIC DEFICIENCIES AND ADDRESS SAFETY AND FREIGHT ACCESS ISSUES FROM KY 166 TO KY 1099 IN HICKMAN.	PL				
				DN	SPP		1,560,000	
				RW				
				UT				
				CN				
				Project Cost:		0	1,560,000	0
Fulton	80319	KY-94	CORRECT GEOMETRIC DEFICIENCIES AND ADDRESS SAFETY ISSUE AND FREIGHT ACCESS AT INTERSECTION WITH KY 94 SOUTHWEST.	PL				
				DN	SPP			300,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	300,000
Fulton	80324	KY-1099	CORRECT SUBSTANDARD INTERSECTION GEOMETRICS AND ADDRESS ACCESS ISSUES AT KY 309 & KY 1099 IN HICKMAN TO IMPROVE THE LESS THAN ADEQUATE TRUCK TURNING RADIUS.	PL				
				DN	SPP		750,000	
				RW	SPP			400,000
				UT	SPP			1,000,000
				CN				
				Project Cost:		0	750,000	1,400,000
Total for Fulton county				PL				
				DN		380,000	3,060,000	360,000
				RW		2,500,000		400,000
				UT		1,000,000		1,000,000
				CN		6,080,000	12,144,000	684,000
				Total Amounts:		9,960,000	15,204,000	2,444,000
Gallatin	8910	I-71	IMPROVE GEOMETRICS ON I-71 FROM US-127 TO MP 64. (16CCN) (18CCR)	PL				
				DN				
				RW	NH			740,000
				UT	NH			570,000
				CN				
				Project Cost:		0	0	1,310,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1233

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Gallatin	22104	I-71	ADDRESS CONDITION OF I-071 FROM MILEPOINT 56.673 TO MILEPOINT 59.94	PL				
				DN	STP4		393,000	
				RW				
				UT				
				CN	STP4			3,537,000
				Project Cost:		0	393,000	3,537,000
Gallatin	80355	US-42	Relocate US 42 from MP 0.6 to MP 2.0 (Memorandum of Agreement with Nucor Steel Gallatin to provide ROW).	PL				
				DN	NH		3,500,000	
				RW				
				UT				
				CN				
				Project Cost:		0	3,500,000	0
Total for Gallatin county				PL				
				DN			3,893,000	
				RW				740,000
				UT				570,000
				CN				3,537,000
				Total Amounts:		0	3,893,000	4,847,000
Garrard	196.3000	US-27	IMPROVE US-27 FROM WEST LANCASTER BYPASS TO KY-34. (2006BOPC) (16CCN)(18CCR) (2020CCR)	PL				
				DN				
				RW	NH	4,560,000		
				UT	NH	4,080,000		
				CN	NH			9,000,000
				Project Cost:		8,640,000	0	9,000,000
Garrard	196.5000	CO-0	West Lancaster Bypass from North of Lancaster to Bell Street at Stanford, KY.	PL				
				DN	NH	4,750,000		
				RW	NH		11,575,000	
				UT				
				CN				
				Project Cost:		4,750,000	11,575,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Garrard	80313	KY-52	PLANNING STUDY TO EVALUATE OPTIONS FOR IMPROVING SAFETY ON KY 52 BETWEEN DANVILLE AND LANCASTER.	PL				
				DN	SPP	1,800,000		
				RW	SPP		1,900,000	
				UT	SPP			4,100,000
				CN				
Project Cost:						<u>1,800,000</u>	<u>1,900,000</u>	<u>4,100,000</u>
Garrard	80326	KY-34	Safety improvements to address right turn movements out of Chenault Bridge onto Lexington Road	PL				
				DN	SPP		100,000	
				RW				
				UT	SPP			50,000
				CN	SPP			325,000
Project Cost:						<u>0</u>	<u>100,000</u>	<u>375,000</u>
Total for Garrard county				PL				
				DN		6,550,000	100,000	
				RW		4,560,000	13,475,000	
				UT		4,080,000		4,150,000
				CN				9,325,000
				Total Amounts:		<u>15,190,000</u>	<u>13,575,000</u>	<u>13,475,000</u>
Grant	10038	KY-491	BRIDGE PROJECT IN GRANT COUNTY ON (041B00017N) KY-491 AT BULLOCK CREEK	PL				
				DN	FBP2		92,000	
				RW				
				UT				
				CN	FBP2		600,000	
Project Cost:						<u>0</u>	<u>692,000</u>	<u>0</u>
Grant	20026	I-75	ADDRESS CONDITION OF I-075 FROM MILEPOINT 157.75 TO MILEPOINT 162.6	PL				
				DN	NHPM		1,402,380	
				RW				
				UT				
				CN	NHPM		12,621,420	
Project Cost:						<u>0</u>	<u>14,023,800</u>	<u>0</u>

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Grant	20029	KY-22	ADDRESS CONDITION OF KY-22 FROM MILEPOINT 10.75 TO MILEPOINT 11.54	PL				
				DN	STP3			27,500
				RW				
				UT				
				CN	STP3			522,500
Project Cost:						0	0	550,000
Grant	80216	US-25	Updating US-25 from KY 1994 to KY 491 north junction. (2022CCN)	PL				
				DN				
				RW	SPP		1,400,000	
				UT	SPP			1,000,000
				CN				
Project Cost:						0	1,400,000	1,000,000
Total for Grant county				PL				
				DN			1,494,380	27,500
				RW			1,400,000	
				UT				1,000,000
				CN			13,221,420	522,500
Total Amounts:						0	16,115,800	1,550,000
Graves	10128	US-45	BRIDGE PROJECT IN GRAVES COUNTY ON (042B00090N) US-45 AT JACKSON CREEK	PL				
				DN	FBP	140,000		
				RW				
				UT				
				CN	FBP	1,400,000		
Project Cost:						1,540,000	0	0
Graves	22072	I-69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 25.002 TO MILEPOINT 34.487	PL				
				DN	NHPM		2,340,000	
				RW				
				UT				
				CN	NHPM			5,000,000
Project Cost:						0	2,340,000	5,000,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Graves	22188	JC-9003	ADDRESS CONDITION OF Julian M. Carroll Purchase Parkway FROM MILEPOINT 8.352 TO MILEPOINT 20	PL				
				DN	NHPM			380,000
				RW				
				UT				
				CN	NHPM			1,420,000
				Project Cost:		0	0	1,800,000
Graves	80103	KY-303	WIDEN KY 303 FROM MP 16.034 (EAST FARTHING ST) TO MP 16.807 (CHARLES DR) (2020CCN) (2022CCR)	PL				
				DN				
				RW	SPP		4,000,000	
				UT	SPP		2,500,000	
				CN				
				Project Cost:		0	6,500,000	0
Graves	80104	KY-131	WIDEN KY 131 FROM MP 0 (KY 58) TO MP 4.555 (KY 483) (2020CCN) (2022CCR)	PL				
				DN				
				RW	SPP		4,000,000	
				UT	SPP			2,500,000
				CN				
				Project Cost:		0	4,000,000	2,500,000
Graves	80202	KY-121	Upgrade/Widen KY 121 bypass in Mayfield to four lanes. (2022CCN)	PL				
				DN				
				RW	SPP		250,000	
				UT	SPP		500,000	
				CN	SPP			3,000,000
				Project Cost:		0	750,000	3,000,000
Total for Graves county				PL				
				DN		140,000	2,340,000	380,000
				RW			8,250,000	
				UT			3,000,000	2,500,000
				CN		1,400,000		9,420,000
				Total Amounts:		1,540,000	13,590,000	12,300,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Grayson	8502.2000	US-62	IMPROVE US 62 FROM JUST EAST OF BEEHIVE CURVE TO KY224. CONSTRUCTION SEGMENT 2.	PL DN RW UT CN	SPP			3,000,000
Project Cost:						0	0	3,000,000
Grayson	8954	PF-9999	EXTEND THE WILLIAM THOMASON BYWAY (KY 3155) FROM THE SOUTHERN INTERSECTION AT KY 259 WESTERLY TO KY 54. (16CCN)(18CCN)(2020CCR) (2022CCR)	PL DN RW UT CN	HGC		15,000,000	
Project Cost:						0	15,000,000	0
Grayson	10047	KY-259	BRIDGE PROJECT IN GRAYSON COUNTY ON (043B00001N) KY-259 AT ROUGH RIVER	PL DN RW UT CN	FBP FBP	410,000 4,100,000		
Project Cost:						4,510,000	0	0
Grayson	10048	KY-79	BRIDGE PROJECT IN GRAYSON COUNTY ON (043B00053N) KY-79 AT ROUGH RIVER LAKE	PL DN RW UT CN	FBP FBP		80,000 800,000	
Project Cost:						0	880,000	0
Grayson	80100	PF-9999	ADDRESS CONNECTIVITY, MOBILITY, AND SAFETY CONCERNS ON THE WEST SIDE OF LEITCHFIELD FROM KY 54 TO THE NORTHERN INTERSECTION OF KY 259 AND KY 3155 (2020CCN) (2022CCR)	PL DN RW UT CN	SPP		2,000,000	
Project Cost:						0	2,000,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Grayson	80101	KY-259	ADDRESS SAFETY, GOMETRIC DEFICIENCIES, AND MAINTENANCE ISSUES ALONG KY 259 FROM BEAR CREEK ROAD (MP 9.217) TO THE NORTHERN INTERSECTION OF BLOOMINGTON ROAD (MP 11.761) SOUTH OF LEITCHFIELD (2020CCN) (2022CCR)	PL DN RW UT CN	SPP		1,560,000	
Project Cost:						0	1,560,000	0
Grayson	80150	CS-1136	ADDRESS SAFETY AND TURN MOVEMENTS ALONG WALLACE AVENUE (CS 1136) IN LEITCHFIELD FROM THE INTERSECTION WITH EAST CARROLL GIBSON BLVD TO THE WILLIAM THOMASON BYWAY (2020CCN)	PL DN RW UT CN	SPP SPP SPP		560,000	750,000 560,000
Project Cost:						0	560,000	1,310,000
Grayson	80307	US-62	IMPROVE SAFETY, GEOMETRIC DEFICIENCIES AND DRAINAGE ALONG US 62 FROM SCHOOLHOUSE ROAD TO THE PROPOSED LEITCHFIELD WESTERN BYPASS.	PL DN RW UT CN	NH		1,300,000	
Project Cost:						0	1,300,000	0
Grayson	80311	KY-3155	IMRPOVE INTERSECTIONS ALONG THE LEITCHFIELD BYPASS AT KY 1214, US 62, AND KY 920.	PL DN RW UT CN	SPP SPP SPP		500,000	100,000 200,000
Project Cost:						0	500,000	300,000
Total for Grayson county				PL DN RW UT CN		410,000	6,000,000	850,000 760,000 3,000,000
Total Amounts:						4,510,000	21,800,000	4,610,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1239

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Green	397.1100	US-68	ADDRESS SAFETY, GEOMETRIC DEFICIENCIES AND MAINTENANCE ISSUES ALONG US 68 FROM THE METCALFE COUNTY LINE (MP 0.000) TO 1600 FEET WEST OF SOUTH THURLOW ROAD (MP 9.682) (2020CCN) (2022CCR)	PL DN RW UT CN	STP2 STP2		1,040,000	2,880,000
Project Cost:						0	1,040,000	2,880,000
Green	398	PF-9999	CONSTRUCT NEW CONNECTOR ON THE EAST SIDE OF GREENSBUR BEGINNING NEAR THE US-61 AND US-68 INTERSECTION SOUTH OF TOWN AND EXTENDING TO KY 3535 ON THE NORTH SIDE OF GREENSBURG. (2020CCR) (2022CCR)	PL DN RW UT CN	STP STP		3,850,000	2,700,000
Project Cost:						0	3,850,000	2,700,000
Green	4316	KY-61	INSTALL GUARDRAIL ON KY-61 IN GREEN COUNTY	PL DN RW UT CN	GR		78,000	
Project Cost:						0	78,000	0
Green	8706.2000	US-68	Horizontal and vertical alignment spot improvement on US 68 in Metcalfe and Green Counties, north of Edmonton, between the intersections of US 68/745 and US 68/KY 729. (2020BOP)	PL DN RW UT CN	STPF		2,000,000	2,000,000
Project Cost:						0	2,000,000	2,000,000
Green	8712	KY-61	IMPROVE SAFETY AND MOBILITY ON KY-61 FROM PITMAN CREEK BRIDGE TO JUST NORTH OF KY323. (12CCN)(14CCR)(16CCR) (2020CCR) (2022CCR)	PL DN RW UT CN	STPF			4,520,000
Project Cost:						0	0	4,520,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Green	8853	KY-88	SPOT IMPROVEMENTS & IMPROVE EXISTING ALIGNMENT ON KY 88 FROM 0.20 MILES WEST OF AKIN NARROWS OF PITMAN RD (MP 8.996) TO KY 61 (MP 11.232). (14CCN)(16CCR)(18CCN) (2020CCR) (2022CCR)	PL DN RW UT CN	SPP		1,080,000	
Project Cost:						0	1,080,000	0
Green	80102	US-68	IMPROVE SAFETY AND PASSING OPPORTUNITIES ALONG US 68 FROM KY 61 IN GREEN COUNTY TO KY 323 IN TAYLOR COUNTY. (2020CCN) (2022CCR)	PL DN RW UT CN	SPP SPP SPP	50,000	500,000	5,000,000
Project Cost:						50,000	500,000	5,000,000
Green	80358	KY-61	Improve safety by reconstruction and widening bridge ID 044B00008N on KY 61 over Clover Lick Creek at MP 6.03, approximately 2.2 miles south of intersection with US 68.	PL DN RW UT CN	FBP FBP FBP FBP	200,000	25,000 200,000 1,000,000	
Project Cost:						200,000	1,225,000	0
Total for Green county				PL DN RW UT CN		200,000 50,000	2,120,000 3,875,000 700,000 3,078,000	2,880,000 2,700,000 11,520,000
Total Amounts:						250,000	9,773,000	17,100,000
Greenup	132	KY-2	RECONSTRUCT KY-2 FROM MP 13.2 TO US-23 (MP 17.2)(08CCN) (14CCR)(16CCR)(18CCN)	PL DN RW UT CN	SPP			1,600,000
Project Cost:						0	0	1,600,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Greenup	4314	KY-827	INSTALL GUARDRAIL ON KY-827 IN GREENUP COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		19,000	
				Project Cost:		0	19,000	0
Greenup	4316	KY-7	INSTALL GUARDRAIL ON KY-7 IN GREENUP COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		53,000	
				Project Cost:		0	53,000	0
Greenup	4317	KY-7	INSTALL GUARDRAIL ON KY-7 IN GREENUP COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		32,000	
				Project Cost:		0	32,000	0
Greenup	8509	KY-207	IMPROVE KY-207 FROM THE INDUSTRIAL PARKWAY TO THE KY-693 INTERSECTION IN FLATWOODS.(08CCN)(16CCR) (2020CCR) (2022CCR)	PL				
				DN				
				RW	NH		15,000,000	
				UT	NH			2,000,000
				CN				
				Project Cost:		0	15,000,000	2,000,000
Greenup	80352	KY-61	Improve congestion, access and mobility at the KY 693/KY 1488 intersection by constructing a traffic signal (MP 3.384 KY 693)	PL				
				DN	SPP		50,000	
				RW				
				UT				
				CN	SPP		300,000	
				Project Cost:		0	350,000	0
Total for Greenup county				PL				
				DN			50,000	
				RW			15,000,000	1,600,000
				UT				2,000,000
				CN			404,000	
				Total Amounts:		0	15,454,000	3,600,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Hancock	197	KY-69	IMPROVE CONNECTION BETWEEN US-60 AND CANNELTON BRIDGE APPROACH AT HAWESVILLE.	PL				
				DN				
				RW				
				UT	SPP		2,100,000	
				CN				
Project Cost:						0	2,100,000	0
Hancock	4305	KY-261	INSTALL GUARDRAIL ON KY-261 IN HANCOCK COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		24,000	
Project Cost:						0	24,000	0
Hancock	20022	US-60	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT ON US-60 BETWEEN MP 1.933 AND MP 9.4	PL				
				DN	STP5	525,000		
				RW				
				UT				
				CN	STP5		5,250,000	
Project Cost:						525,000	5,250,000	0
Hancock	80306	US-60	WIDEN US-60 FROM MILE 2.2 IN LEWISPORT TO KY-1957.	PL				
				DN	NH		900,000	
				RW	NH			250,000
				UT	NH			1,000,000
				CN				
Project Cost:						0	900,000	1,250,000
Total for Hancock county				PL				
				DN		525,000	900,000	
				RW				250,000
				UT			2,100,000	1,000,000
				CN			5,274,000	
Total Amounts:						525,000	8,274,000	1,250,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Hardin	29	I-65	NEW INTERCHANGE AT I-65/KY 1136 (GILEAD CHURCH ROAD) AT MP 84 IN HARDIN COUNTY. (2022BOP)	PL				
				DN	NH	1,500,000		
				RW	NH			3,000,000
				UT	NH			2,000,000
				CN				
				Project Cost:		1,500,000	0	5,000,000
Hardin	153.0100	KY-251	KY251 IMPROVEMENTS FROM KY-3005 TO 800' SOUTH OF KY-434 (MP 2.681 to 6.137) (2022CCR)	PL				
				DN				
				RW				
				UT				
				CN	HGC		3,000,000	8,000,000
				Project Cost:		0	3,000,000	8,000,000
Hardin	154.3000	US-31	ADDRESS CONGESTION, SAFETY, AND MOBILITY ALONG US 31W FROM VETERANS WAY IN ELIZABETHTOWN TO THE NORTH WILSON ROAD OVERPASS IN RADCLIFF. (2018BOP) (2022CCR)	PL				
				DN				
				RW	SPP		3,700,000	
				UT	SPP			2,000,000
				CN				
				Project Cost:		0	3,700,000	2,000,000
Hardin	171	KY-1136	Reconstruction of KY 1136 from KY 1868 to US 31W in Hardin County.	PL				
				DN				
				RW				
				UT				
				CN	STP2			4,800,000
				Project Cost:		0	0	4,800,000
Hardin	198	PF-9999	EXTEND RING ROAD FROM THE WESTERN KENTUCKY PARKWAY TO I-65. (REQUIRES RELOCATION OF I-65 SOUTHBOUND COMMERCIAL VEHICLE MONITORING STATION, PROJECT 4-286.10) (12CCR)(14CCR) (2020CCN) (2022CCR)	PL				
				DN				
				RW	STP2	9,100,000		
				UT	STP2	2,000,000		
				CN				
				Project Cost:		11,100,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Hardin	201	US-31	Removal of two at-grade CSX Railroad Crossings on Quarry Road (CS-1518) near US31W, and the construction of a single separated grade crossing, in the City of Upton in Hardin County.	PL				
				DN	RRS	250,000		
				RW	RRS		400,000	
				UT	RRS		750,000	
				CN	RRS			3,000,000
			Project Cost:			250,000	1,150,000	3,000,000
Hardin	202	PF-9999	CONSTRUCT A BYPASS OF GLENDALE. (2022BOP)	PL				
				DN	SPP		500,000	
				RW	SPP		1,500,000	
				UT	SPP		1,000,000	
				CN	SPP			1,000,000
			Project Cost:			0	3,000,000	1,000,000
Hardin	286.1000	I-65	I-65 SOUTHBOUND PORT OF ENTRY FOR A COMMERCIAL VEHICLE MONITORING STATION. (2022CCR)	PL				
				DN	NH		2,080,000	
				RW	NH			550,000
				UT				
				CN				
			Project Cost:			0	2,080,000	550,000
Hardin	442	US-62	IMPROVE SAFETY, MOBILITY AND GEOMETRICS ON US-62 FROM I-65 TO UPPER COLESBURG ROAD (CR-1038)	PL				
				DN	SPP		1,500,000	
				RW				
				UT				
				CN				
			Project Cost:			0	1,500,000	0
Hardin	10052	US-62	BRIDGE PROJECT IN HARDIN COUNTY ON (047B00022N) US-62 AT SLOUGH OFF ROLLING FORK	PL				
				DN	BRX	402,000		
				RW				
				UT				
				CN	BRX	4,020,000		
			Project Cost:			4,422,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1245

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Hardin	20013	US-31	ADDRESS CONDITION OF US-31W FROM MILEPOINT 27.75 TO MILEPOINT 30.26	PL				
				DN	NHPM			412,500
				RW				
				UT				
				CN	NHPM			7,837,500
Project Cost:						0	0	8,250,000
Hardin	20046	I -65	ADDRESS CONDITION OF I-065 FROM MILEPOINT 78.661 TO MILEPOINT 82.2	PL				
				DN	NHPM			200,000
				RW				
				UT				
				CN	NHPM			800,000
Project Cost:						0	0	1,000,000
Hardin	80200	US-62	Address safety, mobility, and access management, along with potentially reconfiguring the interchange to I 65. (2022CCN)	PL				
				DN				
				RW	SPP		4,000,000	
				UT	SPP			400,000
				CN				
Project Cost:						0	4,000,000	400,000
Hardin	80250	KY-3005	EXTEND RING ROAD FROM US 31W TO KY 61 (LINCOLN PARKWAY) (2022CCN)	PL				
				DN	STPF		1,000,000	
				RW	SPP			1,000,000
				UT	SPP			2,000,000
				CN				
Project Cost:						0	1,000,000	3,000,000
Hardin	80301	KY-1600	ADDRESS GEOMETRIC DEFICIENCIES ALONG KY 1600 FROM KY 361 TO THE ROUNDABOUT AT KY 220 IN RINEYVILLE.	PL				
				DN	SPP			650,000
				RW				
				UT				
				CN				
Project Cost:						0	0	650,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Hardin	80303	US-62	EXTEND COMMERCE DRIVE FROM SPRINGFIELD ROAD TO US 31W A KY 1136 ON THE SOUTH SIDE OF ELIZABETHTOWN.	PL				
				DN	NH		320,000	
				RW	NH			2,420,000
				UT				
				CN				
Project Cost:						0	320,000	2,420,000
Hardin	80310	US-62	IMPROVE THE INTERSECTION OF US 62 AND THE US 31W BYPASS RAMP AT NICHOLAS STREET IN ELIZABETHTOWN.	PL				
				DN	NH	520,000		
				RW	NH		2,000,000	
				UT	NH		2,000,000	
				CN				
Project Cost:						520,000	4,000,000	0
Hardin	80351	CR-1292	Replace Meeting Creek Bridge (047C00063N) over P&L Railway (MP 4.050 -4.070).	PL				
				DN	FBP	120,000		
				RW	FBP		10,000	
				UT	FBP		300,000	
				CN	FBP			920,000
Project Cost:						120,000	310,000	920,000
Hardin	80364	US-31	Address safety along US 31W from the end of the center barrier wall on Muldraugh hill to KY 44 in Jefferson County (MP 34.626 - MP 19.856).	PL				
				DN	SPP		1,000,000	
				RW				
				UT				
				CN				
Project Cost:						0	1,000,000	0
Total for Hardin county				PL				
				DN		2,792,000	6,400,000	1,262,500
				RW		9,100,000	11,610,000	6,970,000
				UT		2,000,000	4,050,000	6,400,000
				CN		4,020,000	3,000,000	26,357,500
				Total Amounts:		17,912,000	25,060,000	40,990,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Harlan	269.1100	US-421	IMPROVE MOBILITY ON US 421 NEAR THE STATE LINE BY ELIMINATING A SWITCHBACK CURVE. (Funding for Phases of PDB Contract Yet to be Authorized)	PL DN RW UT CN	HGC		26,400,000	
Project Cost:						0	26,400,000	0
Harlan	1101	US-119	ADDRESS DEFICIENCIES OF BRIDGE ON US 119 OVER KY 160/MAIN ST IN HARLAN COUNTY, KY. 048B00126N (2020CCR)	PL DN RW UT CN	BRO BRX	800,000 7,500,000		
Project Cost:						8,300,000	0	0
Harlan	4323	KY-3449	INSTALL GUARDRAIL ON KY-3449 IN HARLAN COUNTY	PL DN RW UT CN	GR		318,000	
Project Cost:						0	318,000	0
Harlan	4332	KY-1601	INSTALL GUARDRAIL ON KY-1601 IN HARLAN COUNTY	PL DN RW UT CN	GR		69,000	
Project Cost:						0	69,000	0
Harlan	4343	KY-522	INSTALL GUARDRAIL ON KY-522 IN HARLAN COUNTY	PL DN RW UT CN	GR		634,000	
Project Cost:						0	634,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Harlan	4344	KY-522	INSTALL GUARDRAIL ON KY-522 IN HARLAN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		634,000	
				Project Cost:		0	634,000	0
Harlan	4353	KY-2007	INSTALL GUARDRAIL ON KY-2007 IN HARLAN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		239,000	
				Project Cost:		0	239,000	0
Harlan	4354	KY-840	INSTALL GUARDRAIL ON KY-840 IN HARLAN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		37,000	
				Project Cost:		0	37,000	0
Harlan	4370	KY-987	INSTALL GUARDRAIL ON KY-987 IN HARLAN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	85,000		
				Project Cost:		85,000	0	0
Harlan	4371	KY-987	INSTALL GUARDRAIL ON KY-987 IN HARLAN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	20,000		
				Project Cost:		20,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Harlan	4402	KY-72	INSTALL GUARDRAIL ON KY-72 IN HARLAN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			24,000
				Project Cost:		0	0	24,000
Harlan	4403	KY-840	INSTALL GUARDRAIL ON KY-840 IN HARLAN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			49,000
				Project Cost:		0	0	49,000
Harlan	10015	KY-2007	BRIDGE PROJECT IN HARLAN COUNTY ON (048B00179N) KY-2007 AT WALLINS CREEK	PL				
				DN	BRX	38,938		
				RW				
				UT				
				CN	BRX	259,584		
				Project Cost:		298,522	0	0
Harlan	10018	CS-1041	BRIDGE PROJECT IN HARLAN COUNTY ON (048C00067N) KENTUCKY AV AT MARTINS FK CUMBERLAND RV	PL				
				DN	BRZ	140,000		
				RW				
				UT				
				CN	BRZ	1,400,000		
				Project Cost:		1,540,000	0	0
Harlan	10190	KY-2007	BRIDGE PROJECT IN HARLAN COUNTY ON (048B00075N) KY-2007 AT CUMBERLAND RIVER	PL				
				DN	FBP	500,713		
				RW				
				UT				
				CN	FBP	3,338,088		
				Project Cost:		3,838,801	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Harlan	10191	KY-1254	BRIDGE PROJECT IN HARLAN COUNTY ON (048B00091N) KY-1254 AT POOR FK CUMBERLAND RVR	PL DN RW UT CN	FBP	331,000		
				Project Cost:		3,641,000	0	0
Harlan	10194	US-119	BRIDGE PROJECT IN HARLAN COUNTY ON (048B00107N) US-119 AT POOR FK CUMBERLAND RVR	PL DN RW UT CN	FBP		5,500,000	
				Project Cost:		0	5,500,000	0
Harlan	10195	US-119	BRIDGE PROJECT IN HARLAN COUNTY ON (048B00117N) US-119 AT POOR FK CUMBERLAND RVR	PL DN RW UT CN	FBP	4,400,000		
				Project Cost:		4,400,000	0	0
Harlan	10196	KY-72	BRIDGE PROJECT IN HARLAN COUNTY ON (048B00138N) KY-72 AT POOR FK CUMBERLAND RVR	PL DN RW UT CN	FBP	200,000		
				Project Cost:		2,200,000	0	0
Harlan	22332	US-421	ADDRESS CONDITION OF US-421 FROM MILEPOINT 14.2 TO MILEPOINT 15.75	PL DN RW UT CN	STP4			255,412
				Project Cost:		0	0	4,852,838
								5,108,250

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Harlan	80257	KY-72	EXTEND KY 72 FROM ALVA/BLACK STAR NEAR HARLAN /BELL COUNTY LINE TO LIGGETT WEST OF HARLAN CITY. APPROXIMATELY 5 MILES OF RECONSTRUCTION (2022CCN)	PL DN RW UT CN	SPP			750,000
Project Cost:						0	0	750,000
Harlan	80259	US-421	SPOT IMPROVEMENTS TO IMPROVE GEOMETRICS AT PARTICULAR LOCATIONS OF US 421 CROSSING OVER PINE MOUNTAIN BETWEEN US 119 AND KY 221 IN HARLAN COUNTY TO ADDRESS SAFETY CONCERNS. MILEPOINT 17.2 TO MILEPOINT 23.0 (2022CCN)	PL DN RW UT CN	SPP SPP		750,000	750,000
Project Cost:						0	750,000	750,000
Harlan	80358	KY-2010	Spot improvements to widen at particular locations along KY 2010 to improve mobility and safety	PL DN RW UT CN	SAF SAF SAF		500,000 100,000	2,000,000
Project Cost:						0	600,000	2,000,000
Harlan	80359	KY-221	Spot improvements to improve geometrics at particular locations of KY 221 to address safety concerns (MP 10 - 17.5)	PL DN RW UT CN	SPP SPP SPP		500,000	200,000 200,000
Project Cost:						0	500,000	400,000
Harlan	80363	US-119	Construct various turn lanes along US 119 at the following highways - Camp O. Cumberlands, Billy G Hollow Road, KY 3467, Shewmaker Hollow, KY 3452 ad Tremont Lane	PL DN RW UT CN	SAF		1,000,000	
Project Cost:						0	1,000,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Harlan	80365		Improve safety along KY 38, KY 221, KY 987, US 421, and KY 522 by removing trees	PL				
				DN				
				RW				
				UT				
				CN	SPP			1,000,000
				Project Cost:		0	0	1,000,000
Total for Harlan county				PL				
				DN		2,010,651	1,000,000	1,005,412
				RW			850,000	200,000
				UT				950,000
				CN		22,312,672	34,831,000	7,925,838
				Total Amounts:		24,323,323	36,681,000	10,081,250
Harrison	4307	KY-32	INSTALL GUARDRAIL ON KY-32 IN HARRISON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		43,000	
				Project Cost:		0	43,000	0
Harrison	4309	US-27	INSTALL GUARDRAIL ON US-27 IN HARRISON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		11,000	
				Project Cost:		0	11,000	0
Harrison	4310	US-27	INSTALL GUARDRAIL ON US-27 IN HARRISON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		11,000	
				Project Cost:		0	11,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1253

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Harrison	4311	US-27	INSTALL GUARDRAIL ON US-27 IN HARRISON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		11,000	
				Project Cost:		0	11,000	0
Harrison	4312	US-27	INSTALL GUARDRAIL ON US-27 IN HARRISON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		11,000	
				Project Cost:		0	11,000	0
Harrison	8300	US-62	CONSTRUCT WEST US-27 CYNTHIANA BYPASS: SECTION 3 FROM US 27 NORTH TO US 62 EAST (06CCN) MP 9.06-10.25	PL				
				DN	SPP			1,000,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	1,000,000
Harrison	8708	US-27	RECONSTRUCT US 27 FROM MP 11.9 TO MP 12.4. (12CCN)(14CCR) (18CCN) (2022CCR)	PL				
				DN				
				RW	SPP	840,000		
				UT				
				CN	SPP		2,000,000	2,000,000
				Project Cost:		840,000	2,000,000	2,000,000
Harrison	80251	CR-1124, KY-982, PF-9999, US-27	CONSTRUCT A CONNECTOR ROAD BETWEEN OLD LAIR ROAD AND KY 982 (NEW LAIR ROAD) NEAR THE HARRISON COUNTY HIGH SCHOOL. (2022CCN)	PL				
				DN				
				RW	SPP	1,500,000		
				UT	SPP		200,000	
				CN	SPP			2,000,000
				Project Cost:		1,500,000	200,000	2,000,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Harrison	80252	CS-1159	CONSTRUCT A ROUNDABOUT AT THE INTERSECTION OF WEBSTER AVENUE (CS-1071) AND EDUCATION DRIVE. (2022CCN)	PL				
				DN				
				RW	SPP	500,000		
				UT	SPP		100,000	
				CN	SPP		650,000	
				Project Cost:		500,000	750,000	0
Harrison	80353	ky-982	Provide a two way left turn lane on KY 982 (New Lair Road) (MP 4.4 - 5.1)	PL				
				DN	SPP		750,000	
				RW				
				UT				
				CN				
				Project Cost:		0	750,000	0
Total for Harrison county				PL				
				DN			750,000	1,000,000
				RW		2,840,000		
				UT			300,000	
				CN			2,737,000	4,000,000
				Total Amounts:		2,840,000	3,787,000	5,000,000
Hart	441	KY-335	IMPROVE MOBILITY, CONNECTIVITY AND SAFETY BY ADDRESSING COMMERCIAL AND INDUSTRIAL TRAFFIC MOVEMENT FROM US-31W SOUTH OF KY-218 TO I-65. (16CCR)(18CCR)	PL				
				DN				
				RW				
				UT				
				CN	STP2	6,240,000		
				Project Cost:		6,240,000	0	0
Hart	4317	KY-1140	INSTALL GUARDRAIL ON KY-1140 IN HART COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		22,000	
				Project Cost:		0	22,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Hart	20044	I-65	ADDRESS CONDITION OF I-065 FROM MILEPOINT 65.15 TO MILEPOINT 74.622	PL				
				DN	NHPM			480,000
				RW				
				UT				
				CN	NHPM			2,320,000
				Project Cost:		0	0	2,800,000
Hart	80304	US-31	IMPROVE CONNECTION BETWEEN KY 88 AND US 31W NEAR I-65 IN MUNFORDVILLE.	PL				
				DN	NH		1,040,000	
				RW				
				UT				
				CN				
				Project Cost:		0	1,040,000	0
Total for Hart county				PL				
				DN			1,040,000	480,000
				RW				
				UT				
				CN		6,240,000	22,000	2,320,000
				Total Amounts:		6,240,000	1,062,000	2,800,000
Henderson	383.1000	CS-1372	Improve Watson Lane (CS-1372) from Sunset Lane to Stonegate Drive. (2022CCR)	PL				
				DN				
				RW				
				UT				
				CN	STP1	4,300,000		
				Project Cost:		4,300,000	0	0
Henderson	383.2000	CS-1372	Improve Watson Lane (CS-1372) from Stonegate Drive to Green River Road.	PL				
				DN				
				RW				
				UT				
				CN	STP1	2,300,000		
				Project Cost:		2,300,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Henderson	700.1500	CO-0	FEDERAL 'STP' FUNDS DEDICATED TO HENDERSON FOR FY 2024. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP). (2020CCR)	PL DN RW UT CN	SHN	885,000		
Project Cost:						885,000	0	0
Henderson	1088.5000	PF-9999	I-69 Ohio River Crossing (ORX) at Henderson/Evansville (KY Share) - NH Fund Component	PL DN RW UT CN	NH			15,000,000
Project Cost:						0	0	15,000,000
Henderson	1088.5200	PF-9999	I-69 Ohio River Crossing (ORX) at Henderson/Evansville (KY Share) - Federal MPDG Grant Request	PL DN RW UT CN	IF			38,000,000
Project Cost:						0	0	38,000,000
Henderson	2091.1000	US-41	BRIDGE PROJECT IN HENDERSON COUNTY ON (051B00002R/051B00007L) US-41 AT OHIO RIVER	PL DN RW UT CN	FBP		3,000,000	
Project Cost:						0	3,000,000	0
Henderson	10092	KY-812	BRIDGE PROJECT IN HENDERSON COUNTY ON (051B00128N) KY-812 AT NORTH FORK CANOE CREEK	PL DN RW UT CN	FBP2	170,000		
Project Cost:						1,700,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Henderson	80309	IC-8029	CONSTRUCT A NEW ROUTE INTO THE PARK FROM WATSON LANE.	PL				
				DN	SPP		675,000	
				RW	SPP			300,000
				UT	SPP			50,000
				CN				
				Project Cost:		0	675,000	350,000
Henderson	80350	KY-812	Improve congestion and mobility on KY 812 in the vicinity of sports complex (MP 5.7-6.11).	PL				
				DN	SPP		350,000	
				RW	SPP			100,000
				UT	SPP			250,000
				CN	SPP			1,000,000
				Project Cost:		0	350,000	1,350,000
Total for Henderson county				PL				
				DN		170,000	1,025,000	
				RW				400,000
				UT				300,000
				CN		9,185,000	3,000,000	54,000,000
				Total Amounts:		9,355,000	4,025,000	54,700,000
Henry	8822	KY-389	SCOPING/PLANNING STUDY FOR KY-389 IN HENRY COUNTY FROM KY-202 (DRENNON ROAD) NORTH TO HENRY COUNTY/CARROLL COUNTY LINE. (14CCN)	PL				
				DN	SPP		500,000	
				RW	SPP			500,000
				UT	SPP			250,000
				CN				
				Project Cost:		0	500,000	750,000
Total for Henry county				PL				
				DN			500,000	
				RW				500,000
				UT				250,000
				CN				
				Total Amounts:		0	500,000	750,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Hickman	10144	US-51	BRIDGE PROJECT IN HICKMAN COUNTY ON (053B00002N) US-51 AT BRUSH CREEK	PL				
				DN	FBP	200,000		
				RW				
				UT				
				CN	FBP	2,000,000		
				Project Cost:		2,200,000	0	0
Hickman	10146	US-51	BRIDGE PROJECT IN HICKMAN COUNTY ON (053B00029N) US-51 AT CANE CREEK	PL				
				DN	FBP	230,000		
				RW				
				UT				
				CN	FBP	2,300,000		
				Project Cost:		2,530,000	0	0
Hickman	22187	JC-9003	ADDRESS CONDITION OF Julian M. Carroll Purchase Parkway FROM MILEPOINT 3.434 TO MILEPOINT 8.352	PL				
				DN	NHPM		170,000	
				RW				
				UT				
				CN	NHPM		1,530,000	
				Project Cost:		0	1,700,000	0
Hickman	80203	US-51	Correct geometric deficiencies and improve safety, access, and regional connectivity from Clayton Street to KY-703 in Clinton. (2022CCN)	PL				
				DN				
				RW	STP		1,500,000	
				UT	STP		2,500,000	
				CN				
				Project Cost:		0	4,000,000	0
Hickman	80325	US-51	CORRECT GEOMETRIC DEFICIENCIES AND IMPROVE SAFETY, ACCESS, AND REGIONAL CONNECTIVITY FROM KY-703 IN CLINTON TO .160 MILES SOUTH OF OBION CREEK BRIDGE.	PL				
				DN	NH		1,700,000	
				RW	NH			5,500,000
				UT				
				CN				
				Project Cost:		0	1,700,000	5,500,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Hickman	80327	US-51	IMPROVE SAFETY, ACCESS, AND REGIONAL CONNECTIVITY, AND ADDRESS GEOMETRIC DEFICIENCIES FROM HICKMAN C/L TO CANE CREEK BRIDGE.	PL				
				DN	NH		1,000,000	
				RW	NH			1,000,000
				UT				
				CN				
				Project Cost:		0	1,000,000	1,000,000
Hickman	80328	US-51	CORRECT GEOMETRIC DEFICIENCIES, AND IMPROVE SAFETY, ACCESS AND REGIONAL CONNECTIVITY FROM BAYOU DE CHEIN BRIDGE TO MARTIN ROAD.	PL				
				DN	NH			1,000,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	1,000,000
Hickman	80330	US-51	IMPROVE INTERSECTION GEMETRICS AND ADDRESS SIGHT DISTANCE ISSUES WITH ACCESS TO US 51 FROM KY 1301 AND THE ENTRANCE OF HARPERS COUNTRY HAMS NEAR CLINTON.	PL				
				DN	NH		500,000	
				RW	NH			150,000
				UT	NH			350,000
				CN				
				Project Cost:		0	500,000	500,000
Total for Hickman county				PL				
				DN		430,000	3,370,000	1,000,000
				RW			1,500,000	6,650,000
				UT			2,500,000	350,000
				CN		4,300,000	1,530,000	
				Total Amounts:		4,730,000	8,900,000	8,000,000
Hopkins	384	KY-281	IMPROVE KY-281 FROM ISLAND PARK DRIVE TO 0.25 MI NORTH OF CARRIAGE LANE (KY-2281).	PL				
				DN				
				RW	SPP		2,000,000	
				UT	SPP		1,850,000	
				CN				
				Project Cost:		0	3,850,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>	
Hopkins	804.3000	PF-9999	Extend Midtown Blvd from CSX Railroad to Whittington Drive, 500' south of Commerce Drive. (2022CCR)	PL					
				DN					
				RW	SPP			500,000	
				UT	SPP			1,200,000	
				CN	SPP				1,300,000
				Project Cost:			0	1,700,000	1,300,000
Hopkins	804.4000	CS-1287	Reconstruct Whittington Drive beginning 500' south of Commerce Drive and ending at the intersection of Whittington Drive and Island Ford Road (KY 281), including the reconstruction of the KY 281 intersection. (2022CCR)	PL					
				DN					
				RW	SPP			2,000,000	
				UT	SPP				1,500,000
				CN					
				Project Cost:			0	2,000,000	1,500,000
Hopkins	8305	US-41	IMPROVE NORTH MAIN STREET FROM HOSPITAL DRIVE TO KY-281. (06CCN)(12CCR)(18CCR)	PL					
				DN					
				RW					
				UT					
				CN	HGC				8,190,000
				Project Cost:			0	0	8,190,000
Hopkins	10024	KY-138	BRIDGE PROJECT IN HOPKINS COUNTY ON (054B00009N) KY-138 AT POND RIVER	PL					
				DN	FBP2	770,000			
				RW					
				UT					
				CN	FBP2	7,700,000			
				Project Cost:			8,470,000	0	0
Hopkins	10099	KY-70	BRIDGE PROJECT IN HOPKINS COUNTY ON (054B00089N) KY-70 AT RICHLAND CREEK	PL					
				DN	FBP	200,000			
				RW					
				UT					
				CN	FBP	2,000,000			
				Project Cost:			2,200,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Hopkins	10100	KY-1033	BRIDGE PROJECT IN HOPKINS COUNTY ON (054B00118N) KY-1033 AT BR OF OTTER CREEK	PL				
				DN	FBP	82,764		
				RW				
				UT				
				CN	FBP	551,760		
Project Cost:						634,524	0	0
Hopkins	10101	KY-1033	BRIDGE PROJECT IN HOPKINS COUNTY ON (054B00119N) KY-1033 AT OTTER CREEK	PL				
				DN	FBP	208,937		
				RW				
				UT				
				CN	FBP	1,392,912		
Project Cost:						1,601,849	0	0
Hopkins	20029	I-69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 113.81 (114.246 CARDINAL) TO MILEPOINT 118.15	PL				
				DN	NHPM	1,045,000		
				RW				
				UT				
				CN	NHPM	9,405,000		
Project Cost:						10,450,000	0	0
Hopkins	22087	I-69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 108.994 TO MILEPOINT 114.246 (113.81 NON-CARDINAL)	PL				
				DN	NHPM			1,156,743
				RW				
				UT				
				CN	NHPM			2,000,000
Project Cost:						0	0	3,156,743
Hopkins	22160	WK-9001	ADDRESS CONDITION OF Wendell H. Ford Western KY Parkway FROM MILEPOINT 38.326 TO MILEPOINT 42.807	PL				
				DN	NHPM		160,000	
				RW				
				UT				
				CN	NHPM			440,000
Project Cost:						0	160,000	440,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Hopkins	80102	PF-9999	CONSTRUCT A 3 LANE CURB, GUTTER AND ROADWAY FROM THE END OF MIDTOWN BLVD. TO THE INTERSECTION OF COMMERCE DR. AND WHITTINGTON DR. (2020CCN) (2022CCR)	PL DN RW UT CN	SPP SPP SPP	400,000	600,000	150,000
Project Cost:						400,000	600,000	150,000
Hopkins	80105	US-41	IMPROVE US 41A BEGINNING AT INDUSTRIAL DR AT HOPKINS CO ENDING AT PROVIDENCE (2022CCR)	PL DN RW UT CN	NH		2,600,000	
Project Cost:						0	2,600,000	0
Hopkins	80105.1000	US-41	IMPROVE US41A BEGINNING NEAR NEBO AT MP 8.7 AND ENDING AT MP 11.2 IN HOPKINS COUNTY. (2022BOP)	PL DN RW UT CN	SPP SPP		2,500,000	500,000
Project Cost:						0	2,500,000	500,000
Hopkins	80300	KY-260	IMPROVE SAFETY AND MOBILITY OF KY 260 FROM THE APPROACHES AT THE RAILROAD CROSSING IN HANSON TO THE SOUTHBOUND ON AND OFF RAMPS OF I69.	PL DN RW UT CN	SPP SPP		590,000	1,000,000
Project Cost:						0	590,000	1,000,000
Total for Hopkins county				PL DN RW UT CN		2,706,701	3,350,000	1,156,743
Total Amounts:						23,756,373	14,000,000	16,236,743

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1263

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Jackson	4404	KY-89	INSTALL GUARDRAIL ON KY-89 IN JACKSON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			40,000
				Project Cost:		0	0	40,000
Jackson	8953	CR-1340, CR-1414	REPLACE BRIDGE (063C00044N) ON MT ZION CHURCH ROAD (CR 1414). (16CCN) (2020CCR)	PL				
				DN				
				RW	FBP2			100,000
				UT	FBP2			100,000
				CN	FBP2			1,300,000
				Project Cost:		0	0	1,500,000
Jackson	10198	US-421	BRIDGE PROJECT IN JACKSON COUNTY ON (055B00001N) US-421 AT INDIAN CREEK	PL				
				DN	FBP	70,902		
				RW				
				UT				
				CN	FBP	472,680		
				Project Cost:		543,582	0	0
Jackson	80104	US-421	ADDRESS SUBSTARNDARD HORIZONTAL AND VERTICAL ALIGNMENT OF US 421 IN THE CLOVER BOTTOM AREA NEAR THE STONE QUARRY. (2020CCN)	PL				
				DN				
				RW	SPP		1,540,000	
				UT	SPP		220,000	
				CN				
				Project Cost:		0	1,760,000	0
Jackson	80105	US-421	ADDRESS SAFETY ISSUES WITH VERTICAL AND HORIZONTAL ALIGNMENT ON US 421 FROM MP 11.6 EAST OF PILGRIMS REST RD TO MP 12.6 (2020CCN)	PL				
				DN				
				RW	SPP	1,690,000		
				UT	SPP		600,000	
				CN	SPP			2,000,000
				Project Cost:		1,690,000	600,000	2,000,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Jackson	80106	US-421	ADDRESS SAFETY AND HORIZONTAL ALIGNMENT OF THE CURVE ON US 421 WITH ITS INTERSECTION AT KY 3443 (2020CCN) (2022CCR)	PL				
				DN				
				RW	SPP	270,000		
				UT	SPP		1,300,000	
				CN	SPP			1,100,000
				Project Cost:		270,000	1,300,000	1,100,000
Jackson	80261	KY-578	MOVE KY 578 OVER 10FT FOR IMPROVED SIGHT DISTANCE AND CREATE A BETTER APPROACH FOR MOORE CREEK GREEN HILL ROAD (2022CCN)	PL				
				DN				
				RW	SPP	40,000		
				UT	SPP	110,000		
				CN	SPP		1,080,000	
				Project Cost:		150,000	1,080,000	0
Jackson	80313	KY-290	Improve the existing geometric alignments at two spot locations (MP 4.7-6.3 and 8.0-8.5) by realigning curves in high crash cluster areas and widening. Improve design speed to 45 mph along these two sections.	PL				
				DN	SPP		1,000,000	
				RW				
				UT				
				CN				
				Project Cost:		0	1,000,000	0
Total for Jackson county				PL				
				DN		70,902	1,000,000	
				RW		2,000,000	1,540,000	100,000
				UT		110,000	2,120,000	100,000
				CN		472,680	1,080,000	4,440,000
				Total Amounts:		2,653,582	5,740,000	4,640,000
Jefferson	48.1000	I-71	ADDITION OF NB AND SB AUXILIARY LANES ON I-71 NEAR KENNEDY, INCLUDING OPERATIONAL IMPROVEMENTS TO THE ZORN INTERCHANGE. (2004BOPC)	PL				
				DN				
				RW				
				UT				
				CN	NH			5,000,000
				Project Cost:		0	0	5,000,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Jefferson	64	I-64	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00279N) I-64 SHERMAN MINTON BRIDGE OVER OHIO RIVER. (JOINT PROJECT WITH INDIANA)	PL DN RW UT CN	BRO	16,000,000		
Project Cost:						16,000,000	0	0
Jefferson	122	CR-1005, KY-1065, KY-864	MAJOR REVISION OF THE INTERSECTION LOCATED AT THE OUTER LOOP, FEGENBUSH LANE, AND BEULAH CHURCH ROAD. TURN LANE TO BE COMPLETED BY TRANSPORTATION CABINET PER AGREEMENT. (04CCN)(08CCR)(10CCR)(12CCR) (2020CCN) (2022CCR)	PL DN RW UT CN	HGC		7,077,340	
Project Cost:						0	7,077,340	0
Jefferson	136	I-265, KY-841	CLEAN AND PAINT ALL (86) STEEL BRIDGES AND STEEL BEARINGS ON THE GENE SNYDER FREEWAY(10CCR)(SD)	PL DN RW UT CN	BRO	6,000,000		
Project Cost:						6,000,000	0	0
Jefferson	193	CO-0	TRAFFIC CALMING MEASURES FOR SHELBY PARK AND SMOKETOWN NEIGHBORHOODS IN LOUISVILLE. (2020CCR)	PL DN RW UT CN	SPP	3,000,000		
Project Cost:						3,000,000	0	0
Jefferson	323.0100	KY-1931	WIDEN GREENWOOD ROAD FROM GREENBELT HWY TO DIXIE HWY (US-31W) (3-LANE IMPROVEMENT) FROM MP 0.54 TO MP 3.148. (98CCR)(R-04DEOB)(04CCR)(BOP2006P)(10CCR)(12CCR) (2020CCR) (2022CCR)	PL DN RW UT CN	HGC		7,000,000	7,680,000
Project Cost:						0	7,000,000	7,680,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Jefferson	373.2000	KY-1819	RECONSTRUCT AND WIDEN KY 1819 (WATTERSON TRAIL) - PLANTSIDE DRIVE TO BLUEGRASS PARKWAY. (98CCR)	PL				
				DN	SPP	200,000		
				RW				
				UT	SPP		1,795,000	
				CN				
Project Cost:						200,000	1,795,000	0
Jefferson	478.3000	US-31	IMPROVE DIXIE HIGHWAY BETWEEN GREENWOOD ROAD (KY 1931) AND STONESTREET ROAD (CR 1003) (14CCN) (MP9.749-11.650)	PL				
				DN				
				RW	SPP		525,000	
				UT				
				CN				
Project Cost:						0	525,000	0
Jefferson	554	I-265	IMPROVE SAFETY AND REDUCE CONGESTION ON I-265 FROM I-65 TO US-31E.	PL				
				DN	NH		3,250,000	
				RW				
				UT				
				CN				
Project Cost:						0	3,250,000	0
Jefferson	555	KY-1747	REDUCE CONGESTION AND IMPROVE SAFETY ALONG KY-1747 (HURSTBOURNE PARKWAY) FROM STONY BROOK DRIVE TO I-64.	PL				
				DN	FED	6,600,000		
				RW				
				UT				
				CN				
Project Cost:						6,600,000	0	0
Jefferson	557	I-71	Improve safety and reduce congestion on I-71 from I-264 to I-265, including the following sound barrier walls. A sound barrier wall on the north side of I-71 from MP. 7.5 to MP 8.7 for approx. 6400 feet. A sound barrier wall on I-71 N from near Glenview Ave to just north of Lime Kiln overpass for approx. 2,700 ft.	PL				
				DN	NH	4,000,000		
				RW				
				UT				
				CN				
Project Cost:						4,000,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1267

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Jefferson	558	I -265	IMPROVE SAFETY AND REDUCE CONGESTION ON I-265 FROM US-31E (BARDSTOWN RD) TO KY-155 (TAYLORSVILLE RD).	PL DN RW UT CN	NH			3,500,000
Project Cost:						0	0	3,500,000
Jefferson	559	I -65	I-65/I-264 Interchange Short Term Operational Improvements for Safety and Congestion Mitigation Improvements.	PL DN RW UT CN	NH			1,000,000
Project Cost:						0	0	1,000,000
Jefferson	560	I -65	IMPROVE SAFETY AND REDUCE CONGESTION AT THE I-65/I-265 (GENE SNYDER FREEWAY) INTERCHANGE.	PL DN RW UT CN	NH			400,000
Project Cost:						0	0	400,000
Jefferson	591	CO-0	Replace signs along the Gene Snyder Freeway to denote official conversion of the new East End Ohio River Crossing as I-265.	PL DN RW UT CN	NH		80,000	
Project Cost:						0	1,180,000	0
Jefferson	592	CO-0	Conversion of 2nd and 3rd Streets from one-way to two-way in Downtown Louisville – State funded component of federal grant received in late 2023.	PL DN RW UT CN	SPP		2,500,000	
Project Cost:						0	2,500,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Jefferson	804	I -264	RECONSTRUCT/WIDEN I-264 (WATERSON EXPRESSWAY) FROM WESTPORT ROAD (KY-1447) TO I-71, INCLUDING THE US-42 INTERCHANGE AS A SPUI.(PROJECT INCLUDES 5-594)	PL DN RW UT CN	NH		10,000,000	
Project Cost:						0	10,000,000	0
Jefferson	965.1900	CO-0	DEDICATED FEDERAL AID STP FUNDS EARMARKED FOR LOUISVILLE URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2024-2030. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP). (2020CCR) (2022CCR)	PL DN RW UT CN	SLO	25,800,000	26,800,000	26,800,000
Project Cost:						25,800,000	26,800,000	26,800,000
Jefferson	1070	CS-1017	ADDRESS DEFICIENCIES OF BRIDGE ON E KENTUCKY ST (CS 1017G) OVER SOUTH FORK BEARGRASS CREEK 0.01 MILE E OF SCHILLER AVE (CS 1138G) 056C00083N (2020CCR)	PL DN RW UT CN	FBP2		360,000	
Project Cost:						0	3,960,000	0
Jefferson	8001	CR-1007	WIDEN BUECHEL BANK ROAD TO 3 LANES FROM GE APPLIANCE PARK TO BUECHEL BY-PASS (00CCN) (FUNDING MOVED FROM 5-8105 IN 2010 ENACTED HIGHWAY PLAN FOR R, U, AND C PHASES.)(12CCR) (2022CCN)	PL DN RW UT CN	HGC		800,000	
Project Cost:						0	800,000	4,500,000
Jefferson	8203	KY-1819	RECONSTRUCT BILLTOWN ROAD FROM NORTH OF COLONNADES PLACE TO SOUTH OF EASUM ROAD. (04CCN)(06CCN)(08CCR) (10CCR)(12CCR) (2020CCR)	PL DN RW UT CN	HGC		3,550,498	
Project Cost:						0	3,550,498	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1269

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Jefferson	8205.1000	KY-2053	IMPROVE AND WIDEN MT WASHINGTON ROAD FROM PRESTON HIGHWAY TO PENN RUN CREEK BRIDGE. (10CCN)(SAME AS5-8611.00)	PL DN RW UT CN	SPP			1,000,000
Project Cost:						0	0	1,000,000
Jefferson	8810	KY-1931	THREE LANE WIDENING ALONG KY-1931 FROM THE DOSS HIGH SCHOOL ENTRANCE TO PALATKA ROAD, INCLUDING INTERSECTION IMPROVEMENTS WITH PALATKA ROAD AND TURN LANES. (14CCN) (2020CCR)	PL DN RW UT CN	HGC HGC		4,680,000	5,415,000
Project Cost:						0	4,680,000	5,415,000
Jefferson	8905	KY-1747	EXTEND THE LEFT TURN LANE ON HURSTBOURNE LANE AT INTERSECTION WITH SIX MILE LANE. (16CCN)	PL DN RW UT CN	SPP SPP		90,000	270,000
Project Cost:						0	360,000	0
Jefferson	8908	KY-155	WIDEN TAYLORSVILLE ROAD FROM I-265 TO KY-148. (18CCN)	PL DN RW UT CN	STPF STPF STPF		2,500,000 500,000	5,000,000
Project Cost:						0	3,000,000	5,000,000
Jefferson	8952	US-60	WIDEN US 60 INCLUDING REALIGNMENT OF GILLILAND ROAD AND EASTWOOD CUTOFF (MP 14.7) TO ROCKCREST WAY (MP 15.1). LOCALS WILL DO DESIGN FOR \$330,000. (16CCN)(18CCR)(2020CCR) (2022CCR)	PL DN RW UT CN	NH		1,050,000	
Project Cost:						0	1,050,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Jefferson	8954.1000	KY-155	Improve safety and traffic operations on KY 155 from MP 2.0 in Spencer County to Floyds Fork In Jefferson County (total length 6.247 miles) (Portion of 5-8954.0).	PL DN RW UT CN	STPF		2,000,000	
Project Cost:						0	2,000,000	0
Jefferson	9026	KY-1934	SAFETY IMPROVEMENTS AT CR 1013F AT CRUMS LANE ELEMENTARY. (2020BOP)(2021SCHSAF)	PL DN RW UT CN	SPP	350,000		
Project Cost:						350,000	0	0
Jefferson	10007	CR-1004	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056C00091N) CLARK STATION RD AT S LONG RUN	PL DN RW UT CN	BRZ BRZ	94,500 945,000		
Project Cost:						1,039,500	0	0
Jefferson	10008	CS-1079	ADDRESS DEFICIENCIES OF OLD WESTPORT RD BRIDGE OVER GOOSE CREEK. (056C00113N) (2020CCR)	PL DN RW UT CN	BRX BRX			121,716 811,440
Project Cost:						0	0	933,156
Jefferson	10016	I-64	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00142N) I-64 AT KY 3077 (RIVER RD). (BRIDGE PAINTING OF 23 I-64 RIVERSIDE EXPRESSWAY BRIDGES)	PL DN RW UT CN	BRX			8,500,000
Project Cost:						0	0	8,500,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Jefferson	10022	CS-1004	ADDRESS DEFICIENCIES OF OLD CLARK STATION BRIDGE OVER BRUSH RUN. (056C00167N) (2020CCR)	PL DN RW UT CN	BRZ	357,000		
Project Cost:						357,000	0	0
Jefferson	10057	I-64	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00039L) I-64 WB AT TUCKER STATION RD	PL DN RW UT CN	BRO			831,736
Project Cost:						0	0	5,544,905
Jefferson	10058	I-64	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00052L) I-64 WB AT MID FK BEARGRASS CREEK	PL DN RW UT CN	FBP		340,000	
Project Cost:						0	3,400,000	0
Jefferson	10059	I-64	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00052R) I-64 EB AT MID FK BEARGRASS CREEK	PL DN RW UT CN	FBP		340,000	
Project Cost:						0	3,400,000	0
Jefferson	10064	I-65	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00179N) I-65 AT HILL, CSX RR & BURNETT (POTENTIAL CMGC DELIVERY PROJECT)	PL DN RW UT CN	FBP BRO FBP		2,404,216	2,404,216
Project Cost:						0	2,404,216	24,042,155
							24,042,155	50,488,526

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Jefferson	10066	I-65	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00183N) I-65 AT E KENTUCKY & S BROOK ST (POTENTIAL CMGC DELIVERY PROJECT	PL				
				DN	BRO		3,578,064	
					FBP		3,578,064	
				RW				
				UT				
				CN	BRO		35,780,634	
					FBP			35,780,634
				Project Cost:		0	42,936,762	35,780,634
Jefferson	10067	I-65	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00184N) I-65 AT ST CATHERINE ST	PL				
				DN	BRO		1,369,000	
				RW				
				UT				
				CN				
				Project Cost:		0	1,369,000	0
Jefferson	10074	I-65	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00214L) I-65 SB AT OHIO RIVER	PL				
				DN				
				RW				
				UT				
				CN	BRO		2,650,000	
				Project Cost:		0	2,650,000	0
Jefferson	10075	I-264	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00250N) I-264 AT P&L RAILWAY	PL				
				DN	BRX			3,888,717
				RW				
				UT				
				CN	FBP			25,924,778
				Project Cost:		0	0	29,813,495
Jefferson	10123	I-65	ADDRESS DEFICIENCIES OF BRIDGE ON IC 8402 OVER BRADLEY AVE (056B00212N)	PL				
				DN	BRZ			1,377,208
				RW				
				UT				
				CN	FBP2			9,181,384
				Project Cost:		0	0	10,558,592

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1273

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Jefferson	20016	I -264	ADDRESS CONDITION OF I-264 FROM MILEPOINT 12.7 TO MILEPOINT 18.41	PL				
				DN	NHPM			2,392,069
				RW				
				UT				
				CN	NHPM			2,000,000
Project Cost:						0	0	4,392,069
Jefferson	20064	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 0.65 TO MILEPOINT 0.828 (0.795 NON-CARDINAL)	PL				
				DN	NHPM			200,000
				RW				
				UT				
				CN	NHPM			800,000
Project Cost:						0	0	1,000,000
Jefferson	20069	I -265	ADDRESS CONDITION OF I-265 FROM MILEPOINT 18.8 TO MILEPOINT 23.364	PL				
				DN	NHPM			845,074
				RW				
				UT				
				CN	NHPM			2,000,000
Project Cost:						0	0	2,845,074
Jefferson	22069	I -65	ADDRESS CONDITION OF I-065 FROM MILEPOINT 123.18 TO MILEPOINT 127.57	PL				
				DN	NHPM			8,000,000
				RW				
				UT				
				CN	NHPM			20,000,000
Project Cost:						0	0	28,000,000
Jefferson	22070	I -65	ADDRESS CONDITION OF I-065 FROM MILEPOINT 131.24 TO MILEPOINT 136.338	PL				
				DN	NHPM			758,688
				RW				
				UT				
				CN	NHPM			2,000,000
Project Cost:						0	0	2,758,688

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Jefferson	80000	KY-1531	EASTWOOD FISHERSVILLE CONNECTOR TO I-64 (18CCN) (2020CCR) (2022CCR)	PL				
				DN	NH		5,000,000	
				RW				
				UT				
				CN				
				Project Cost:		0	5,000,000	0
Jefferson	80001	US-60	WIDEN US-60 TO 6 LANES FROM OLD SHELBYVILLE RD. TO NORTH ENGLISH STATION RD.(18CCN) (2020CCR)	PL				
				DN				
				RW	FED			560,000
				UT	FED			617,325
				CN				
				Project Cost:		0	0	1,177,325
Jefferson	80002	PF-9999	NEW INTERCHANGE ON I-64E EAST OF THE GENE SNYDER FREEWAY(18CCN) (2020CCR)	PL	NH			650,000
				DN				
				RW				
				UT				
				CN				
				Project Cost:		0	0	650,000
Jefferson	80003	PF-9999	EXTEND PLANTSIDE DRIVE FROM REHL ROAD TO TAYLORSVILLE ROAD. (18CCN)(2020CCR) (2022CCR)	PL				
				DN				
				RW	SPP		200,000	
				UT	SPP		800,000	
				CN	SPP			10,000,000
				Project Cost:		0	1,000,000	10,000,000
Jefferson	80006	I-65	CONSTRUCT NEW INTERCHANGE ON KY-841 AT THE RENAISSANCE SOUTH BUSINESS PARK(18CCN) (FUNDED WITH LOCAL FUNDS) (LOOKING TO APPLY FOR USDOT INFRAGRANT AND PURSUING PRIVATE PARTNERSHIP)	PL				
				DN				
				RW				
				UT				
				CN	FED			1,000,000
				Project Cost:		0	0	1,000,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1275

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Jefferson	80053	CS-1596, US-31	RECONSTRUCT EAST MARKET (US 31E) FROM FIRST ST TO JOHNSON ST TO IMPROVE PEDESTRIAN SAFETY AND ENHANCE ECONOMIC DEVELOPMENT. (2020CCR) (2022CCN)	PL DN RW UT CN	SPP	2,500,000		
Project Cost:						2,500,000	0	0
Jefferson	80108	CR-1015	WIDEN AND IMPROVE RANGELAND RD FROM POLAR LEVEL RDS TO SHEPHERDSVILLE RD (2020CCN) (2022CCR)	PL DN RW UT CN	SPP SPP		1,250,000	1,100,000
Project Cost:						0	1,250,000	1,100,000
Jefferson	80110	KY-2055	CONSTRUCT A SIDEWALK ALONG MT HOLLY RD FROM CHARLENE DR TO FOX AVE FOR CORAL RIDGE ELEMENTARY (2020CCN)	PL DN RW UT CN	SPP SPP SPP SPP	150,000	30,000 30,000	280,000
Project Cost:						150,000	60,000	280,000
Jefferson	80151	US-31	RECONSTRUCT THE INTERSECTION OF BARDSTOWN ROAD (US 31E) AND BAXTER AVENUE (KY 1703) FOR PEDESTRIAN SAFETY	PL DN RW UT CN	SPP	150,000		
Project Cost:						150,000	0	0
Jefferson	80200	KY-2050	Reduce congestion, improve safety, and enhance mobility on KY 2050 (Herr Lane) from Prince Valiant Drive/Westmar Terrace to Bedford Lane. (2022CCN)	PL DN RW UT CN	SPP SPP SPP	350,000	55,000	160,000
Project Cost:						350,000	55,000	160,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>	
Jefferson	80203	KY-1065	Improve safety and reduce congestion on KY 1065 (Outer Loop) from I-65 to KY 2052 (Shepherdsville Road). Project will evaluate the addition of one travel lane in each direction and consider accommodations for bicyclists and pedestrians (2022CCN)	PL					
				DN	STPF				2,180,000
				RW					
				UT					
				CN					
			Project Cost:			0	0	2,180,000	
Jefferson	80204	KY-1931	Improve safety and reduce congestion on KY 1931 (Manslick Road) from KY 1931 (St. Andrews Church Road) to I-264 (Henry Watterson Expressway). Project will evaluate 3-lane widening.	PL					
				DN	SPP				1,557,500
				RW					
				UT					
				CN					
			Project Cost:			0	0	1,557,500	
Jefferson	80205	KY-61	Improve safety, reduce congestion, and improve multi-modal transportation options along KY 61 from Commerce Crossings Dr (BMP 1.395) to Briden Avenue (EMP 8.400) including the I-264 (Watterson Expressway) and I-265 (Gene Snyder Freeway) interchanges. (2022CCN)	PL					
				DN	NH				1,500,000
				RW					
				UT					
				CN					
			Project Cost:			0	0	1,500,000	
Jefferson	80250	CR-1006	DESIGN AND CONSTRUCTION OF A REALIGNED OLD BARDSTOWN ROAD TO ALIGN WITH THE ENTRANCE TO WALGREENS AT HILLOCK. (MILEPOINT 0.0 TO MILEPOINT 0.01) WITH A MEMORANDUM OF AGREEMENT WITH THE LOUISVILLE METRO GOVERNMENT. (2022CCN)	PL					
				DN	SPP	70,000			
				RW					
				UT	SPP	40,000			
				CN	SPP			400,000	
			Project Cost:			110,000	400,000	0	
Jefferson	80251	I-65	IMPROVE ALIGNMENT OF THE I 65 SOUTHBOUND RAMP TO BROOK/JEFFERSON THROUGH THE ADDITION OF LANES AND IMPROVED GEOMETRY. (2022CCN)	PL					
				DN	NH	520,000			
				RW	NH			30,000	
				UT	NH			920,000	
				CN	NH				1,460,000
			Project Cost:			520,000	950,000	1,460,000	

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Jefferson	80253	US-31	RESURFACING, SAFETY IMPROVEMENTS, AND PEDESTRIAN ACCESS IMPROVEMENTS ON US 31E FROM MP 14.625 (EASTERN PARKWAY) TO MILEPOINT 13.125 (TAYLORSVILLE ROAD). (2022CCN)	PL				
				DN	SPP		50,000	
				RW				
				UT				
				CN	SPP			450,000
Project Cost:						0	50,000	450,000
Jefferson	80258	KY-1819	REDUCE CONGESTION, IMPROVE SAFETY, AND ENHANCE MOBILITY ON KY 1819 (WATTERSON TRAIL) FROM BLUEGRASS PARKWAY TO BLANKENBAKER PARKWAY (KY 913) (2022CCN)	PL				
				DN	SPP		200,000	
				RW				
				UT	SPP			535,000
				CN				
Project Cost:						0	200,000	535,000
Jefferson	80259	US-31	RIGHT SIZING AND PEDESTRIAN ACCESS IMPROVEMENTS ON US 31 FROM MILEPOINT 14.625 TO MILEPOINT 13.125 (2022CCN)	PL				
				DN	SPP		50,000	
				RW				
				UT				
				CN	SPP			1,450,000
Project Cost:						0	50,000	1,450,000
Jefferson	80261	US-31	Reduce congestion, improve safety and enhance mobility along the US 31E (Bardstown Road) corridor from the Bullitt/Jefferson County line to KY 1065 (Beulah Church/Seatonville Road). (MP 0.0 – MP 5.6) (2022CCN)	PL				
				DN	NH			750,000
				RW				
				UT				
				CN				
Project Cost:						0	0	750,000
Jefferson	80300	US-31	TRANSPORTATION SYSTEM MANAGEMENT & TRANSPORTATION DEMAND MANAGEMENT ACTIVITIES ON US 31E (BARDSTOWN ROAD) BETWEEN DOUGLASS BOULEVARD & HIKES LANE. TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROJECTS ARE INTENDED TO IMPROVE THE OPERATION CAPACITY OF EXISTING.	PL	SPP			200,000
				DN				
				RW				
				UT				
				CN				
Project Cost:						0	0	200,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Jefferson	80302	US-31	TRANSPORTATION SYSTEM MANAGEMENT IMPROVEMENTS ON US 31W FROM KY 841 TO KY 44 IN SOUTHERN JEFFERSON COUNTY; TO INCLUDE THE CONSIDERATION OF ACCESS MANAGEMENT AND SAFETY IMPROVEMENTS.	PL DN RW UT CN	SPP		200,000	
Project Cost:						0	200,000	0
Jefferson	80303	CS-1011	IMPROVE SAFETY AND REDUCE CONGESTION AT THE KY 1065 AND KY 61 INTERSECTION. PROJECT WILL CONSIDER ADDING A RIGHT TURN LANE ON WESTBOUND KY 1065 (OUTER LOOP) AT KY 61 (PRESTON HIGHWAY).	PL DN RW UT CN	SPP			200,000
Project Cost:						0	0	200,000
Jefferson	80304	KY-1531	RELOCATE & RECONSTRUCT KY 1531 (JOHNSON ROAD) WITH IMPROVED GEOMETRY FROM US 60 (SHELBYVILLE ROAD) TO AIKEN ROAD. PROJECT WILL CONSIDER A 2 LANE ROAD (NO ADDITIONAL LANES) AND A 4 TO 6 FOOT SHOULDER.	PL DN RW UT CN	SPP		930,000	
Project Cost:						0	930,000	0
Jefferson	80306	CR-1001	IMPROVE SAFETY AND REDUCE CONGESTION ON GRADE LANE FROM KY 1065 (OUTER LOOP) TO KY 1631 (FERN VALLEY ROAD). PROJECT DESIGN WILL EVALUATE 3-LANE WIDENING WITH TWO-WAY CENTER TURN LANE AND CONSIDER BICYCLE AND PEDESTRIAN FACILITIES.	PL DN RW UT CN	SPP			185,000
Project Cost:						0	0	185,000
Jefferson	80310	KY-22	IMPROVE TRAFFIC OPERATIONS ON KY 22 FROM JUST EAST OF MURPHY LANE TO HAUNZ LANE. PROJECT DESIGN WILL EVALUATE 3-LANE WIDENING WITH TWOWAY CENTER TURN LANE AND CONSIDER BICYCLE AND PEDESTRIAN FACILITIES.	PL DN RW UT CN	SPP SPP SPP	600,000	400,000 600,000	
Project Cost:						600,000	1,000,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1279

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Jefferson	80311	CS-1005	WEST KENTUCKY STREET (CS 1005) MASTER PLAN PROJECT FROM 18TH STREET TO 4TH STREET. PROJECT WILL CONSIDER SIDEWALK IMPROVEMENTS, BICYCLE FACILITIES, IMPROVEMENTS TO THE RAIL CROSSING AT 15TH STREET, AND THE ADDITION OF STREET TREES.	PL DN RW UT CN	SPP		500,000	
Project Cost:						0	500,000	0
Jefferson	80322	CS-1011	RECONSTRUCT THE INTERSECTION OF HILL STREET AND 7TH STREET TO PROVIDE LEFT TURN LANES.	PL DN RW UT CN	SPP		480,000	
Project Cost:						0	480,000	0
Jefferson	80323	KY-1865	"WEST KENTUCKY STREET (CS 1005) MASTER PLAN PROJECT FROM 18TH STREET TO 4TH STREET. PROJECT WILL CONSIDER SIDEWALK IMPROVEMENTS, BICYCLE FACILITIES, IMPROVEMENTS TO THE RAIL CROSSING AT 15TH STREET, AND THE ADDITION OF STREET TREES.	PL DN RW UT CN	SPP		500,000	
Project Cost:						0	500,000	0
Jefferson	80328	I-65	OPERATIONAL AND ACCESS STUDY FOR I-65 CORRIDOR FROM I-264 (HENRY WATTERSON EXPRESSWAY) TO BROADWAY (US 150) IN DOWNTOWN LOUISVILLE (MP 131 TO MP 136) (2018BOP).	PL DN RW UT CN	NH NH		10,000	1,000,000
Project Cost:						0	10,000	1,000,000
Jefferson	80329	KY-44	WIDEN HWY 44 E FOR SAFETY IMPROVEMENTS, CONGESTION RELIEF AND ECONOMIC GROWTH WITH ADDITIONAL LANES.	PL DN RW UT CN	SPP SPP	1,200,000		1,000,000
Project Cost:						1,200,000	0	1,000,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Jefferson	80330	KY-3222	SAFETY ANALYSIS OF THE KY 3222 (ROSE ISLAND ROAD) BEGINNING IN JEFFERSON COUNTY MILE POINT 0.0-1.0 AND OLDHAN COUNTY FROM 0.0 TO 3.1 (INTERSECTION OF KY 1793).	PL DN RW UT CN	SPP	200,000		
Project Cost:						200,000	0	0
Jefferson	80332	I-264	IMPROVE SAFETY AND REDUCE CONGESTION AT THE I-65/I-264 (WATTERSON EXPRESSWAY) INTERCHANGE.	PL DN RW UT CN	NH			1,000,000
Project Cost:						0	0	1,000,000
Jefferson	80340	KY-1819	ENHANCE MOBILITY AND PROVIDE SAFE ACCESS TO COMMUNITY FACILITIES ALONG KY 1819 (WATTERSON TRAIL) FROM SKYVIEW PARK (MP 10.43) TO PLANTSIDE DRIVE (MP 10.79).	PL DN RW UT CN	SPP SPP SPP SPP	430,000 30,000 40,000		
Project Cost:						500,000	800,000	0
Jefferson	80341	KY-1934	IMPROVE SAFETY, REDUCE CONGESTION AND ENHANCE MOBILITY ALONG THE KY 1934 (GREENBELT HWY/ CANE RUN RD) CORRIDOR FROM THE KY 841/KY 1934 INTERCHANGE TO RALPH AVE (MP 0.0-MP 10.081).	PL DN RW UT CN	SPP		400,000	
Project Cost:						0	400,000	0
Jefferson	80350	I-264	Improve traffic operations and improve safety by addressing weaving movements between the US42 and I-71 interchanges on EB 1-264.	PL DN RW UT CN	NH			800,000
Project Cost:						0	0	800,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Jefferson	80352	KY-1865	Safety improvements on KY 1865 (New Cut Road)/Taylor Boulevard from MP 0.5 (just south of Old New Cut Road) to MP 5.766 (just north of the I-264 ramp).	PL DN RW UT CN	NH			2,000,000
Project Cost:						0	0	2,000,000
Jefferson	80353	KY-3082	Planning Study for improvements to KY 3082 (Bank Street) (MP 0.0-1.538).	PL DN RW UT CN	SPP	300,000		
Project Cost:						300,000	0	0
Jefferson	80355	US-60	Improvements from Eastern Parkway Transportation Study between Bardstown Road to Cherokee Park entrance (MP 6.82 -0.322) with a Memorandum of Agreement with the Louisville Metro Government.	PL DN RW UT CN	SPP SPP		1,080,000	450,000
Project Cost:						0	1,080,000	450,000
Total for Jefferson county				PL DN RW UT CN		500,000 14,564,500 30,000 80,000 54,752,000	600,000 26,189,344 4,990,000 10,125,000 109,378,472	1,435,000 35,306,924 2,560,000 2,862,325 230,662,451
Total Amounts:						69,926,500	151,282,816	272,826,700
Jessamine	87.3000	KY-169, PF-9999, US-27	EAST NICHOLASVILLE BYPASS SECTION 1B FROM 125 FEET NORTH OF KY 169 TO END OF PROJECT AT TIE-IN TO WEST BYPASS. THIS INCLUDES THE INTERCHANGE AT US 27 NORTH OF NICHOLASVILLE (14CCR) (2022CCN)	PL DN RW UT CN	SPP	1,000,000	2,000,000	2,000,000
Project Cost:						1,000,000	2,000,000	2,000,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Jessamine	414	KY-1980	IMPROVE ROADWAY GEOMETRICS, TYPICAL SECTION, AND ROADWAY HAZARDS ON KY 1980 (BRANNON RD) FROM US 68 (HARRODSBURG RD) TO US 27 (NICHOLASVILLE RD)(12CCR) (18CCN) (2022CCR)	PL DN RW UT CN	HGC		3,725,000	14,000,000
Project Cost:						0	3,725,000	14,000,000
Jessamine	430	US-27	ACCESS MANAGEMENT ON NICHOLASVILLE ROAD BETWEEN NICHOLASVILLE AND MAN-O-WAR BLVD. (14CCR)	PL DN RW UT CN	SPP	1,700,000		
Project Cost:						1,700,000	0	0
Jessamine	8851	KY-169	ADDRESS DEFICIENCIES OF RAILROAD BRIDGE ON KY 169 (NORTH 3RD STREET) BETWEEN MEADOWLARK LANE & ILHARDT AVENUE. (057R00603N)(14CCN)(16CCR)(SD)	PL DN RW UT CN	BRX		1,060,000	
Project Cost:						0	1,060,000	0
Jessamine	8906	KY-169	RECONSTRUCT KY 169 FROM US 68 TO 0.54 MILES NORTH OF CLEAR CREEK RD (MP 14.448 TO MP 19.00). (16CCN)	PL DN RW UT CN	NH	3,100,000		
Project Cost:						3,100,000	0	0
Jessamine	80108	KY-169	IMPROVE KY-169 FROM NORTH OF CLEAR CREEK RD IN JESSAMINE COUNTY TO NORTH OF KY-1967 IN WOODFORD COUNTY. (2020CCN)	PL DN RW UT CN	SPP		5,150,000	
Project Cost:						0	5,150,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>	
Jessamine	80251	US-68	SAFETY IMPROVEMENTS: FEASIBILITY STUDY TO IMPROVE THE SAFETY AND DRIVER EXPECTATION ON US 68 IN MERCER AND JESSAMINE COUNTIES NEAR THE KY RIVER. (MP 14.45 IN MERCER COUNTY TO MP 1.38 IN JESSAMINE COUNTY) (2022CCN)	PL	SPP	250,000			
				DN					
				RW					
				UT					
				CN					
				Project Cost:		250,000	0	0	
Total for Jessamine county				PL		250,000			
				DN		4,800,000			
				RW			5,150,000		
				UT					
				CN		1,000,000	6,785,000	16,000,000	
				Total Amounts:		6,050,000	11,935,000	16,000,000	
Johnson	149	KY-40	IMPROVE ROADWAY GEOMETRICS AND CAPACITY FROM GARBAGE HOLLOW TO EAST OF MILL STREET. (2020CCR) (2022CCR)	PL					
				DN					
				RW	SPP			3,000,000	
				UT	SPP				1,000,000
				CN					
				Project Cost:		0	3,000,000	1,000,000	
Johnson	171	KY-172	Perform a design study to examine potential spot improvements on KY 172 to match Magoffin Co. improvements.	PL	SPP		450,000		
				DN					
				RW					
				UT					
				CN					
				Project Cost:		0	450,000	0	
Johnson	194	KY-40	ADDRESS GEOMETRIC AND SAFETY ISSUES AND FUTURE CONGESTION MITIGATION ON KY 40 FROM 0.10 MILE WEST OF TEAYS BR. ROAD TO 0.10 MILE EAST OF TEAYS BR. ROAD.(12CCR) (2020CCN) (2022CCR)	PL					
				DN					
				RW	SPP		500,000		
				UT	SPP		500,000		
				CN					
				Project Cost:		1,000,000	0	0	

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Johnson	4391	KY-1092	INSTALL GUARDRAIL ON KY-1092 IN JOHNSON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		106,000	
				Project Cost:		0	106,000	0
Johnson	4392	KY-201	INSTALL GUARDRAIL ON KY-201 IN JOHNSON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		89,000	
				Project Cost:		0	89,000	0
Johnson	4393	KY-40	INSTALL GUARDRAIL ON KY-40 IN JOHNSON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		105,000	
				Project Cost:		0	105,000	0
Johnson	4394	KY-580	INSTALL GUARDRAIL ON KY-580 IN JOHNSON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		106,000	
				Project Cost:		0	106,000	0
Johnson	4433	KY-3387	INSTALL GUARDRAIL ON KY-3387 IN JOHNSON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			64,000
				Project Cost:		0	0	64,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1285

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Johnson	80100	KY-40	IMPROVE ROADWAY GEOMETRICS AND CAPACITY ON KY 40 FROM KY 321 TO GARBAGE HOLLOW (2020CCN) (2022CCR)	PL DN RW UT CN	SPP	811,000		
Project Cost:						811,000	0	0
Johnson	80101	US-460	Reconstruct US 460 from KY 114 in Magoffin County to just west of the US 23 interchange near Paintsville in Johnson County. Use a template of 2 + 1 lanes and a 3 foot median. (Funds to be expended when federal grant funds received).	PL DN RW UT CN	SPP		3,750,000	
Project Cost:						0	3,750,000	0
Johnson	80116	KY-321	ADDRESS CONGESTION AND SAFETY ISSUES ON KY 321 FROM THE 6TH STREET TO THE JUNCTION OF KY 321 AND KY 40 (2020CCN) (SAME AS 12-8102 IN 2020 HIGHWAY PLAN) (2022CCR)	PL DN RW UT CN	SPP		1,770,000	
Project Cost:						0	1,770,000	0
Johnson	80250	KY-40, PF-9999	CONSTRUCT ACCESS ROAD TO PROPOSED JOHNSON COUNTY HIGH SCHOOL AND MIDDLE SCHOOL CAMPUS. TO INTERSECT WITH KY 40 AT MILEPOINT 8.85 (2022CCN)	PL DN RW UT CN	SPP SPP SPP	750,000	350,000	2,000,000
Project Cost:						750,000	350,000	2,000,000
Total for Johnson county				PL DN RW UT CN			450,000 5,520,000 3,000,000 350,000 406,000	1,000,000 2,064,000
Total Amounts:						2,561,000	9,726,000	3,064,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>	
Kenton	17.3000	CO-0	CONSTRUCT A COMPANION BRIDGE TO THE EXISTING I-71/75 BRENT SPENCE BRIDGE OVER THE OHIO RIVER BETWEEN COVINGTON, KY AND CINCINNATI, OH. (KY SHARE)(FEDERAL BRIDGE IMPROVEMENT PROGRAM GRANT FUNDING)	PL					
				DN					
				RW					
				UT					
				CN	KYD		20,000,000	108,000,000	230,400,000
			Project Cost:			20,000,000	108,000,000	230,400,000	
Kenton	17.3100	CO-0	CONSTRUCT A COMPANION BRIDGE TO THE EXISTING I-71/75 BRENT SPENCE BRIDGE OVER THE OHIO RIVER BETWEEN COVINGTON, KY AND CINCINNATI, OH. (KY SHARE)(DEDICATED STATE GENERAL FUNDS)	PL					
				DN					
				RW					
				UT					
				CN	SGF		18,000,000	54,000,000	74,600,000
			Project Cost:			18,000,000	54,000,000	74,600,000	
Kenton	17.3200	CO-0	CONSTRUCT A COMPANION BRIDGE TO THE EXISTING I-71/75 BRENT SPENCE BRIDGE OVER THE OHIO RIVER BETWEEN COVINGTON, KY AND CINCINNATI, OH. (GARVEE BOND COMPONENT)	PL					
				DN					
				RW					
				UT					
				CN	IF				150,000,000
			Project Cost:			0	0	150,000,000	
Kenton	162.1000	KY-1303	IMPROVE SAFETY AND REDUCE CONGESTION ON KY-1303 FROM KY-536 TO BEECHGROVE ELEMENTARY (PRIORITY SECTION 4). DESIGN PHASE UNDER PARENT NO. 6-162.01. (2012BOP)(16CCR) (18CCR) (2022CCR)	PL					
				DN					
				RW					
				UT					
				CN	HGC			2,000,000	7,000,000
			Project Cost:			0	2,000,000	7,000,000	
Kenton	162.3000	KY-536	IMPROVE SAFETY AND REDUCE CONGESTION ON KY-536 FROM KY 1303 TO WILLIAMSWOOD ROAD/CALVARY DRIVE (PRIORITY SECTION 2). DESIGN PHASE UNDER PARENT NO. 6-162.01. (2012BOP)(18CCN) (2020CCR)	PL					
				DN					
				RW					
				UT					
				CN	STPF			10,000,000	
			Project Cost:			0	10,000,000	0	

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1287

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Kenton	162.4000	KY-536	IMPROVE SAFETY AND REDUCE CONGESTION ON KY-536 FROM WILLIAMSWOOD ROAD/CALVARY DRIVE TO KY-17 (PRIORITY SECTION 3). DESIGN PHASE UNDER PARENT NO. 6-162.01. (2012BOP)(18CCR) (2020CCR)	PL				
				DN				
				RW				
				UT	HGC		1,760,000	
				CN	HGC		2,000,000	32,000,000
				Project Cost:		0	3,760,000	32,000,000
Kenton	359	KY-17	Convert Scott Street/Greenup Street (KY 17) one-way couplet to two-way streets and upgrade Madison Pike in Covington.	PL				
				DN				
				RW				
				UT				
				CN	STPF	2,500,000		
				Project Cost:		2,500,000	0	0
Kenton	449	KY-17	IMPROVE SAFETY AND REDUCE CONGESTION ON KY-17 AT THE I-275 INTERCHANGE. (18CCR) (2020CCR)	PL				
				DN				
				RW	STPF	10,500,000		
				UT	STPF		2,000,000	
				CN				
				Project Cost:		10,500,000	2,000,000	0
Kenton	450	KY-1303	IMPROVE SAFETY AND REDUCE CONGESTION ALONG KY-1303 (TURKEYFOOT RD) FROM DUDLEY RD TO US-25 (DIXIE HWY). (18CCR) (2020CCR)	PL				
				DN	STPF	3,500,000		
				RW				
				UT				
				CN				
				Project Cost:		3,500,000	0	0
Kenton	1070	CS-2097	WEST 15TH STREET; ADDRESS DEFICIENCIES OF BRIDGE AND APPROACHES OVER CSX RR IN COVINGTON (FUNDS TO BE PROVIDED BY THE CITY AS PER MEMORANDUM OF AGREEMENT). (059C00029N)(12CCR)(SD)	PL				
				DN	FBP2	489,397		
				RW				
				UT				
				CN	FBP2	3,262,646		
				Project Cost:		3,752,043	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Kenton	4316	KY-8	INSTALL GUARDRAIL ON KY-8 IN KENTON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			51,000
				Project Cost:		0	0	51,000
Kenton	8951	US-25	IMPROVE EXISTING ALIGNMENT WITH BUTTERMILK PIKE, ORPHANAGE ROAD, AND US 25. FT. MITCHELL WILL PAY \$50,000 TOWARD DESIGN. (16CCN)(18CCN) (2020CCR) (2022CCR)	PL				
				DN				
				RW	STPF			8,000,000
				UT				
				CN				
				Project Cost:		0	0	8,000,000
Kenton	10006	US-25	JOINT REPLACEMENT AND PREVENTIVE MAINTENANCE ON CLAY WADE BAILEY BRIDGE OVER THE OHIO RIVER. JOINT PROJECT WITH OHIO. (059B00049N)	PL				
				DN				
				RW				
				UT				
				CN	BRX	3,000,000		
				Project Cost:		3,000,000	0	0
Kenton	10044	KY-17	BRIDGE PROJECT IN KENTON COUNTY ON (059B00048N) KY 17 AT OHIO RIVER	PL				
				DN	FBP		1,600,000	
				RW				
				UT				
				CN	FBP		10,600,000	
				Project Cost:		0	12,200,000	0
Kenton	10046	CR-1021	BRIDGE PROJECT IN KENTON COUNTY ON (059C00048N) ERNEST BRIDGE DR AT CSX RAILROAD	PL				
				DN	FBP	223,000		
				RW				
				UT				
				CN	FBP	2,230,000		
				Project Cost:		2,453,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1289

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Kenton	80002	KY-236	RECONSTRUCT KY 236 (STEVENSON ROAD) FROM ALICE STREET TO JACQUELINE DRIVE.(18CCN) (2020CCR) Kenton Co. government will allocate \$250,000 to sanitary sewer and waterline relocation. The City of Erlanger up to \$350,000. The City of Erlanger is es eligible to apply to SD1 for up to 50% of the total cost of storm water	PL				
				DN				
				RW	HGC		7,000,000	
				UT	HGC		1,630,000	
				CN	HGC			22,000,000
Project Cost:						0	8,630,000	22,000,000
Kenton	80104	KY-17	RESURFACE AND REPAIR MEDIAN ON KY 17 FROM PIONEER PARK TO KYLES LANE (2020CCN)	PL				
				DN	SPP		50,000	
				RW				
				UT				
				CN	SPP		2,010,000	
Project Cost:						0	2,060,000	0
Kenton	80105	KY-2373	WIDEN KENTON LANDS ROAD FROM US 25 TO RIGGS ROAD (2020CCN) (2022CCR)	PL				
				DN	NH		3,000,000	
				RW				
				UT				
				CN				
Project Cost:						0	3,000,000	0
Kenton	80106	I-75	IMPROVE NORTHBOUND ENTRANCE RAMP ONTO I 75 FROM KYLES LANE (KY 1072) (2020CCN) (2022CCR)	PL				
				DN	SPP		500,000	
				RW	SPP			1,275,000
				UT				
				CN				
Project Cost:						0	500,000	1,275,000
Kenton	80217	KY-536	Provide connectivity, improve mobility, and reduce congestion along KY 536 from KY 17 to KY 16; include multi-modes. (2022CCN)	PL				
				DN				
				RW	SPP		5,865,000	
				UT				
				CN				
Project Cost:						0	5,865,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Kenton	80254	US-25	REHABILITATE/RECONSTRUCT US 25 FROM BUTTERMILK PIKE (KY371) TO I-75 (MP 8.58 TO MP 9.86) (2022CCN)	PL DN RW UT CN	SPP SPP		840,000	1,350,000
Project Cost:						0	840,000	1,350,000
Kenton	80255	CS-8086	CONSTRUCT PAVEMENT, SLOPE STABILITY, DRAINAGE, AND SIGHT DISTANCE IMPROVEMENTS ALONG THE ROUTE BETWEEN HOLLYHOCK ROAD AND DECOURSEY PIKE (KY 177). KENTON COUNTY FISCAL COURT WILL SERVE AS PROJECT MANAGER (2022CCN)	PL DN RW UT CN	SPP	600,000		
Project Cost:						600,000	0	0
Kenton	80305	KY-2373	ADDRESS SAFETY AND MOBILITY ALONG KY 2373 (BROMLEY CRESCENT SPRINGS RD) FROM WEST INTERSECTION WITH AMSTERDAM RD/ST JOHNS RD TO HIGHWATER RD.	PL DN RW UT CN	SPP		1,560,000	
Project Cost:						0	1,560,000	0
Kenton	80307	KY-1501	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ALONG KY 1501 (HANDS PIKE) FROM EDWIN DRIVE TO KY 16.	PL DN RW UT CN	SPP		930,000	
Project Cost:						0	930,000	0
Kenton	80308	KY-1501	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ALONG KY 1501 (HANDS PIKE) FROM OTTER TO EDWIN DRIVES.	PL DN RW UT CN	SPP		1,320,000	
Project Cost:						0	1,320,000	0
Total for Kenton county				PL DN RW UT CN		4,212,397 10,500,000 49,592,646	8,960,000 13,705,000 188,610,000	9,275,000 1,350,000 516,051,000
Total Amounts:						64,305,043	216,665,000	526,676,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1291

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Knott	158	KY-80	Eliminate rockfall hazards from KY 2029 to Rock Fork Road.	PL				
				DN				
				RW	PROT	221,000		
				UT	PROT	649,000		
				CN	PROT		5,849,000	
				Project Cost:		870,000	5,849,000	0
Knott	4323	KY-1088	INSTALL GUARDRAIL ON KY-1088 IN KNOTT COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	73,000		
				Project Cost:		73,000	0	0
Knott	4324	KY-1088	INSTALL GUARDRAIL ON KY-1088 IN KNOTT COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	55,000		
				Project Cost:		55,000	0	0
Knott	4357	KY-160	INSTALL GUARDRAIL ON KY-160 IN KNOTT COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		5,000	
				Project Cost:		0	5,000	0
Knott	4375	KY-1088	INSTALL GUARDRAIL ON KY-1088 IN KNOTT COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		63,000	
				Project Cost:		0	63,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Knott	4376	KY-3391	INSTALL GUARDRAIL ON KY-3391 IN KNOTT COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		82,000	
				Project Cost:		0	82,000	0
Knott	4377	KY-550	INSTALL GUARDRAIL ON KY-550 IN KNOTT COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		32,000	
				Project Cost:		0	32,000	0
Knott	4378	KY-582	INSTALL GUARDRAIL ON KY-582 IN KNOTT COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		82,000	
				Project Cost:		0	82,000	0
Knott	4395	KY-2102	INSTALL GUARDRAIL ON KY-2102 IN KNOTT COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		186,000	
				Project Cost:		0	186,000	0
Knott	4396	KY-2102	INSTALL GUARDRAIL ON KY-2102 IN KNOTT COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		131,000	
				Project Cost:		0	131,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Knott	4397	KY-7	INSTALL GUARDRAIL ON KY-7 IN KNOTT COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		99,000	
				Project Cost:		0	99,000	0
Knott	4398	KY-7	INSTALL GUARDRAIL ON KY-7 IN KNOTT COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		92,000	
				Project Cost:		0	92,000	0
Knott	4434	KY-3391	INSTALL GUARDRAIL ON KY-3391 IN KNOTT COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			52,000
				Project Cost:		0	0	52,000
Knott	4435	KY-582	INSTALL GUARDRAIL ON KY-582 IN KNOTT COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			22,000
				Project Cost:		0	0	22,000
Knott	8200	KY-1231	NEW CONSTRUCTION OF ONE MILE STRETCH OF KY-1231 BEGINNING AT BRIDGE AFTER LEAVING KY-550. (04CCN)(06CCR)(08CCR)(10CCR)(12CCR) (2020CCN)	PL				
				DN				
				RW				
				UT				
				CN	SPP		4,920,000	
				Project Cost:		0	4,920,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Knott	10105	KY-550	BRIDGE PROJECT IN KNOTT COUNTY ON (060B00026N) KY-550 AT OGDEN CREEK	PL				
				DN	FBP	24,617		
				RW				
				UT				
				CN	FBP	164,112		
Project Cost:						188,729	0	0
Knott	10107	KY-1102	BRIDGE PROJECT IN KNOTT COUNTY ON (060B00059N) KY-1102 AT MONTGOMERY CREEK	PL				
				DN	FBP		110,000	
				RW				
				UT				
				CN	FBP		1,100,000	
Project Cost:						0	1,210,000	0
Knott	10110	CS-1016	BRIDGE PROJECT IN KNOTT COUNTY ON (060C00088N) Fieldwood Dr AT R Frk Troublesome Crk	PL				
				DN	BRZ	22,000		
				RW				
				UT				
				CN	BRZ	220,000		
Project Cost:						242,000	0	0
Knott	80301	ky-80	Eliminate rockfall hazards 0.2 mile west of Intersection of KY 1087 & KY 80.	PL				
				DN	SPP	216,000		
				RW	SPP		110,000	
				UT	SPP			108,000
				CN	SPP			844,000
Project Cost:						216,000	110,000	952,000
Knott	80302	KY-899	Improve roadway geometrics along KY 899 from end of prior construction near Pippa Passes to the bottom of the hill at Short Branch.	PL				
				DN	SPP	541,000		
				RW	SPP		331,000	
				UT	SPP		357,000	
				CN				
Project Cost:						541,000	688,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1295

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Knott	80303	KY-15	Improvements to the visibility at the intersection of KY 15 and KY 1231 (Big Branch Rd.) around Carr Fork Lake.	PL				
				DN	SPP	30,000		
				RW				
				UT	SPP	90,000		
				CN	SPP	90,000		
Project Cost:						210,000	0	0
Knott	80304	KY-160	Address safety, congestion, and geometrics from KY 899 to KY 3391.	PL				
				DN	SPP	1,100,000		
				RW				
				UT				
				CN				
Project Cost:						1,100,000	0	0
Knott	80305	KY-1087	Curve revision 3.654 miles east of intersection of KY 3209 & KY 1087.	PL				
				DN	SPP	216,000		
				RW	SPP		221,000	
				UT	SPP		108,000	
				CN				
Project Cost:						216,000	329,000	0
Knott	80350	KY-1098	Improve horizontal and vertical roadway geometry to eliminate the substandard curve and increase sight distance on KY 1098 (MP 10.5-11.0)	PL				
				DN	SPP		400,000	
				RW	SPP			100,000
				UT	SPP			100,000
				CN				
Project Cost:						0	400,000	200,000
Knott	80354	KY-7	Eliminate rockfall hazards along KY 80 from MP 11.23 to 11.55.	PL				
				DN	SPP			500,000
				RW				
				UT				
				CN				
Project Cost:						0	0	500,000
Total for Knott county				PL				
				DN		2,149,617	510,000	500,000
				RW		221,000	662,000	100,000
				UT		739,000	465,000	208,000
				CN		602,112	12,641,000	918,000
				Total Amounts:		3,711,729	14,278,000	1,726,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Knox	182	KY-312	Drainage Improvements along KY 312 (Master Street) from MP 0 to MP 0.90 in Knox County at Corbin, Kentucky. (2022BOP)	PL				
				DN	STP1		500,000	
				RW	STP1			750,000
				UT	STP1			1,000,000
				CN	STP1			4,000,000
Project Cost:				0	500,000	5,750,000		
Knox	4309	KY-229	INSTALL GUARDRAIL ON KY-229 IN KNOX COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		58,000	
Project Cost:				0	58,000	0		
Knox	4310	KY-3441	INSTALL GUARDRAIL ON KY-3441 IN KNOX COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	55,000		
Project Cost:				55,000	0	0		
Knox	4333	KY-11	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	39,000		
Project Cost:				39,000	0	0		
Knox	4345	KY-2418	INSTALL GUARDRAIL ON KY-2418 IN KNOX COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	22,000		
Project Cost:				22,000	0	0		

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1297

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Knox	4355	KY-11	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		17,000	
				Project Cost:		0	17,000	0
Knox	4356	KY-11	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	33,000		
				Project Cost:		33,000	0	0
Knox	4357	KY-3438	INSTALL GUARDRAIL ON KY-3438 IN KNOX COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		13,000	
				Project Cost:		0	13,000	0
Knox	4373	KY-11	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		28,000	
				Project Cost:		0	28,000	0
Knox	4374	KY-11	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		3,000	
				Project Cost:		0	3,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Knox	4376	KY-11	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		5,000	
				Project Cost:		0	5,000	0
Knox	4377	KY-11	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		7,000	
				Project Cost:		0	7,000	0
Knox	4378	KY-229	INSTALL GUARDRAIL ON KY-229 IN KNOX COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		7,000	
				Project Cost:		0	7,000	0
Knox	4379	KY-3438	INSTALL GUARDRAIL ON KY-3438 IN KNOX COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		11,000	
				Project Cost:		0	11,000	0
Knox	4405	KY-11	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			29,000
				Project Cost:		0	0	29,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1299

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Knox	4406	KY-11	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			44,000
				Project Cost:		0	0	44,000
Knox	8857	KY-3439	IMPROVE SAFETY OF INTERSECTION AT US 25E AND KY 3439 AND PROVIDE SIDEWALKS TO AN AREA FREQUENTED BY PEDESTRIANS (MP 0.0 - MP 0.9) (2022CCR)	PL				
				DN	SPP	300,000		
				RW	SPP		1,300,000	
				UT	SPP		1,000,000	
				CN				
				Project Cost:		300,000	2,300,000	0
Knox	10200	KY-225	BRIDGE PROJECT IN KNOX COUNTY ON (061B00035N) KY-225 AT BRUSH CREEK	PL				
				DN	FBP	71,500		
				RW				
				UT				
				CN	FBP	715,000		
				Project Cost:		786,500	0	0
Knox	80009	US-25	CONDUCT A TRAFFIC SAFETY STUDY ON US 25E AT HEIDRICK, KY IN KNOX COUNTY.(18CCN) (2020CCR)	PL	SPP	50,000		
				DN				
				RW				
				UT				
				CN				
				Project Cost:		50,000	0	0
Knox	80155	KY-1487	IMPROVE SAFETY, ADDRESS GEOMETRIC DEFICIENCIES AND PROVIDE FLOOD MITIGATION ON KY 1487 (MANCHESTER STREET) FROM JUDGE STREET TO US 25E (2020CCN) (2022CCR)	PL				
				DN				
				RW	SPP	850,000		
				UT	SPP	1,150,000		
				CN	SPP			2,000,000
				Project Cost:		2,000,000	0	2,000,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Knox	80156	KY-830	IMPROVE SAFETY AND ADDRESS GEOMETRIC DEFICIENCIES ALONG N KY 830 FROM US 25E TO KY 1629 INCLUDING WIDENING AND NEW TURNING LANES (2020CCN)	PL				
				DN				
				RW	SPP		390,000	
				UT	SPP			1,350,000
				CN				
Project Cost:						0	390,000	1,350,000
Knox	80203	KY-11	Improve safety and access along KY 11 by raising roadway above Flood X elevation. (2022CCN)	PL				
				DN				
				RW	STP2		57,000	
				UT	STP2		249,600	
				CN	STP2			2,300,000
Project Cost:						0	306,600	2,300,000
Knox	80263	KY-3041	PROVIDE LEFT AND RIGHT TURN AT NEWLY CONSTRUCTED WINNER'S WAY AND OPPORTUNITY DRIVE. RECONSTRUCTION OF WINNER'S WAY AND OPPORTUNITY DRIVE TO IMPROVE ACCESS TO KY 3041 (MILEPOINT 2.1 TO MILEPOINT 2.5) (2022CCN)	PL				
				DN	SPP	550,000		
				RW	SPP		1,000,000	
				UT				
				CN	SPP		2,675,000	
Project Cost:						550,000	3,675,000	0
Knox	80301	US-25	Construct a left turn lane with 350' storage and 100' taper at MP 18.62	PL				
				DN				
				RW				
				UT				
				CN	NH		60,000	
Project Cost:						0	60,000	0
Knox	80302	US-25	Construct one left turn lane with 350' storage and 100' taper at MP 19.85	PL				
				DN				
				RW				
				UT				
				CN	NH		60,000	
Project Cost:						0	60,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Knox	80303	US-25	Construct two right turn lanes with 150' storage and 100' taper at MP 13.9 and 200' storage and 100' taper at KY 3438	PL DN RW UT CN	NH	0	90,000	0
Project Cost:						0	90,000	0
Knox	80304	US-25	Construct one left turn lane with 350' storage and 100' taper at MP 18.41 and 350' storage and 100' taper at US 25 E	PL DN RW UT CN	NH	0	75,000	0
Project Cost:						0	75,000	0
Knox	80311	CR-1311	Widen Richland Creek Road from US 25E a distance of 0.70 miles	PL DN RW UT CN	SPP	0	750,000	0
Project Cost:						0	750,000	0
Knox	80361		Construct a new route north off of CS 2054 (Opportunity Drive) along the former RR track bed approximately 0.7 miles to KY 830	PL DN RW UT CN	SPP SPP	0	350,000	1,400,000
Project Cost:						0	350,000	1,400,000
Total for Knox county				PL DN RW UT CN		50,000 921,500 850,000 1,150,000 864,000	1,250,000 2,747,000 1,599,600 3,109,000	750,000 2,350,000 9,773,000
Total Amounts:						3,835,500	8,705,600	12,873,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Larue	8909	KY-84	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ALONG KY 84 FROM KY 357 TO KY 61 (LINCOLN PARKWAY) NEAR HODGINSVILLE (2020CCR) (2022CCR)	PL				
				DN				
				RW	SPP		1,250,000	
				UT	SPP		1,000,000	
				CN				
				Project Cost:		0	2,250,000	0
Larue	10058	KY-210	BRIDGE PROJECT IN LARUE COUNTY ON (062B00034R) KY-210 AT NORTH FORK NOLIN RIVER	PL				
				DN	BRX			160,000
				RW				
				UT				
				CN	BRX			1,600,000
				Project Cost:		0	0	1,760,000
Larue	20045	I-65	ADDRESS CONDITION OF I-065 FROM MILEPOINT 74.622 TO MILEPOINT 78.661	PL				
				DN	NHPM			200,000
				RW				
				UT				
				CN	NHPM			1,800,000
				Project Cost:		0	0	2,000,000
Larue	80154.1000	KY-210	ADDRESS SAFETY ON KY 210 FROM KY 1618 (6.994) TO MORNINGSTAR ROAD (MP14.230) IN LARUE COUNTY.	PL				
				DN	STP2		1,500,000	
				RW	STP2			1,000,000
				UT	STP2			2,000,000
				CN				
				Project Cost:		0	1,500,000	3,000,000
Larue	80154.2000	KY-210	ADDRESS SAFETY ON KY 210 FROM MORNINGSTAR ROAD (LARUE MP14.23) TO JUST EAST OF CORINTH CHURCH (TAYLOR MP0.60)	PL				
				DN				
				RW	STPF		300,000	
				UT	STPF		3,000,000	
				CN	STPF			5,000,000
				Project Cost:		0	3,300,000	5,000,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Larue	80258	KY-61	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ALONG KY 61 FROM NEAR SOUTH L AND N TPKE (KY 470)(MP 5.152) TO THE INTERSECTION OF LINCOLN FARM RD (US 31E)(MP 8.031) (2022CCN)	PL DN RW UT CN	SPP		1,000,000	
Project Cost:						0	1,000,000	0
Larue	80365	CR-1237	Address geometric deficiencies and pavement structure along Weldon Loop Rd (CR 1237) from KY 224 to Johnson Rd. Enter into a Memorandum of Agreement with Laure County Fiscal Court, the Fiscal Court will be responsible for design, right of way and utilities costs).	PL DN RW UT CN	SPP		1,300,000	
Project Cost:						0	1,300,000	0
Total for Larue county				PL DN RW UT CN			2,500,000	360,000
Total Amounts:						0	9,350,000	11,760,000
Laurel	14.8000	I-75	TENN. STATE LINE-LEXINGTON; WIDEN I-75 FROM MP 24 IN WHITLEY COUNTY TO MP 28.85, US-25E NORTH OF CORBIN. (C-COST=\$110,000,000)(18CCR) (2020CCR)	PL DN RW UT CN	NH	500,000		
Project Cost:						1,000,000	0	25,500,000
Laurel	147	US-25	REDUCE CONGESTION ON US-25 FROM KY-1006 TO KY-2069; IMPROVE CONNECTIVITY FROM US-25 NEAR KY-2069 TO KY-229; IMPROVE KY-229 FROM THE NEW CONNECTOR NORTH TO KY-192; AND IMPROVE ACCESS TO THE SCHOOL FROM KY-192 BYPASS. (06CCR)(10CCR)(12CCR)(14CCR) (2020CCR) (2022CCR)	PL DN RW UT CN	HGC			46,640,000
Project Cost:						0	0	46,640,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Laurel	169	CO-0	Improve Rudy Bear Road and KY 3007 from KY 80 South to KY 3432 West of I-75. (2022CCR)	PL				
				DN				
				RW	SPP	2,500,000		
				UT	SPP	1,500,000		
				CN				
				Project Cost:		4,000,000	0	0
Laurel	179	I-75	EXPAND TRUCK PARKING AT I-75 NB TRUCK REST HAVEN.	PL				
				DN				
				RW				
				UT				
				CN	NH	1,080,000		
				Project Cost:		1,080,000	0	0
Laurel	180	I-75	EXPAND TRUCK PARKING AT I-75 SB TRUCK REST HAVEN.	PL				
				DN				
				RW				
				UT				
				CN	NH	1,080,000		
				Project Cost:		1,080,000	0	0
Laurel	365	HR-9006	REDUCE CONGESTION ON THE HAL ROGERS PARKWAY FROM RELOCATED KY-30 TO KY-192.	PL				
				DN				
				RW				
				UT				
				CN	NH		14,900,000	
				Project Cost:		0	14,900,000	0
Laurel	4380	KY-2041	INSTALL GUARDRAIL ON KY-2041 IN LAUREL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		22,000	
				Project Cost:		0	22,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Laurel	4381	KY-312	INSTALL GUARDRAIL ON KY-312 IN LAUREL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		13,000	
				Project Cost:		0	13,000	0
Laurel	4382	KY-312	INSTALL GUARDRAIL ON KY-312 IN LAUREL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		17,000	
				Project Cost:		0	17,000	0
Laurel	4383	KY-312	INSTALL GUARDRAIL ON KY-312 IN LAUREL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		8,000	
				Project Cost:		0	8,000	0
Laurel	4407	KY-363	INSTALL GUARDRAIL ON KY-363 IN LAUREL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			142,000
				Project Cost:		0	0	142,000
Laurel	8515	US-25	Reconstruct/widen US-25 existing route, on alignment, from MP (0-9.03)	PL				
				DN	STP1		7,810,000	
				RW	STP1			2,000,000
				UT				
				CN				
				Project Cost:		0	7,810,000	2,000,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>	
Laurel	8811	CR-1221	REPLACE BRIDGE LOCATED ON LILY ROAD (CR 1221) (MP 1.045) (AREA ADJACENT TO FARISTON INDUSTRIAL PARK WITH NEW ROADWAY ALIGNMENT). (14CCN)(18CCN)	PL DN RW UT CN	STP1	1,520,000			
Project Cost:						1,520,000	0	0	
Laurel	8909	HR-9006	IMPROVE THE HAL ROGERS PARKWAY FROM 4.0 MI EAST OF KY 192 TO LAUREL/CLAY CO. LINE. (I-75 TO HAZARD) (16CCN)(18CCR)	PL DN RW UT CN	NH	1,500,000			
Project Cost:						1,500,000	0	5,000,000	
Laurel	20038	KY-192	ADDRESS CONDITION OF KY-192 FROM MILEPOINT 20.2 TO MILEPOINT 22.041	PL DN RW UT CN	NHPM			275,000	
Project Cost:						0	0	5,225,000	
Laurel	22197	HR-9006	ADDRESS CONDITION OF Hal Rogers Daniel Boone Parkway FROM MILEPOINT 8.8 TO MILEPOINT 10.593	PL DN RW UT CN	NHPM		56,000		
Project Cost:						0	560,000	0	
Laurel	80154	HR-9006	ADDRESS ACCESS AND SAFETY ISSUES AT THE INTERSECTION OF KY 80 AND PAYNE TRAIL AND BUSH ELEMENTARY SCHOOL BY CONSTRUCTING A CONNECTOR ROAD FROM HAL ROGERS PARKWAY (HR 9006) TO KY 6264 (PAYNE TRAIL). (2020CCN) (2022CCN)	PL DN RW UT CN	SPP	100,000			
Project Cost:						100,000	710,000	28,000	562,000
Project Cost:						100,000	738,000	562,000	

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1307

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Laurel	80200	US-25	Improve safety and alleviate congestion along US 25 and KY 1006 by adding extended turning lanes. (2022CCN)	PL				
				DN	SPP		300,000	
				RW	SPP			500,000
				UT	SPP			600,000
				CN	SPP			1,100,000
			Project Cost:			0	300,000	2,200,000
Laurel	80205	US-25	Construct 3 new left turn lanes between milepoints 7.615 and 7.994. (2022CCN)	PL				
				DN				
				RW				
				UT				
				CN	STP1		325,000	
			Project Cost:			325,000	0	0
Laurel	80312	KY-638	Improve the geometrics of a curve, widen a drainage structure, and provide turn lanes to Johnson Elementary School on KY 638	PL				
				DN	SPP	400,000		
				RW	SPP		500,000	
				UT	SPP			300,000
				CN				
			Project Cost:			400,000	500,000	300,000
Laurel	80357	KY-192	Widen KY 192 from Mallard Drive to Esquire Lane, address horizontal and vertical alignment as needed (MP 16.61 - 18.08)	PL				
				DN	SPP		1,250,000	
				RW	SPP			2,000,000
				UT	SPP			1,750,000
				CN	SPP			2,000,000
			Project Cost:			0	1,250,000	5,750,000
Total for Laurel county				PL				
				DN		2,000,000	9,416,000	275,000
				RW		3,000,000	1,210,000	7,500,000
				UT		2,000,000	28,000	4,650,000
				CN		4,005,000	15,464,000	81,169,000
				Total Amounts:		11,005,000	26,118,000	93,594,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Lawrence	151	US-23	Lighting at the intersection of US 23 and KY 3 for roadway safety.	PL DN RW UT CN	SPP			350,000
Project Cost:						0	0	350,000
Lawrence	156	ky-32	Improve KY-32 from Elliott C/L to Yatesville Lake reconstruction section for better access to Yatesville Lake and to improve safety. See Elliott County listing for continuation of project to KY-7 @ Sandy Hook.	PL DN RW UT CN	SPP		1,622,000	
Project Cost:						0	1,622,000	0
Lawrence	4399	KY-644	INSTALL GUARDRAIL ON KY-644 IN LAWRENCE COUNTY	PL DN RW UT CN	GR		74,000	
Project Cost:						0	74,000	0
Lawrence	4400	KY-644	INSTALL GUARDRAIL ON KY-644 IN LAWRENCE COUNTY	PL DN RW UT CN	GR		89,000	
Project Cost:						0	89,000	0
Lawrence	4436	KY-1690	INSTALL GUARDRAIL ON KY-1690 IN LAWRENCE COUNTY	PL DN RW UT CN	GR			74,000
Project Cost:						0	0	74,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1309

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Lawrence	8701	KY-581	Replace the Georges Creek Bridge. (12CCN) (2020CCN) (2022CCR)	PL DN RW UT CN	BRX	1,950,000		
Project Cost:						1,950,000	0	0
Lawrence	10016	KY-644	BRIDGE PROJECT IN LAWRENCE COUNTY ON (064B00038N) KY-644 AT LEVISA FORK	PL DN RW UT CN	BRX	2,028,060		
Project Cost:						2,800,000	0	0
Lawrence	80103	KY-201	REPAVE KY 201 FROM MP 5.0 TO 10.9 (2020CCN)	PL DN RW UT CN	STP4			675,000
Project Cost:						0	0	675,000
Lawrence	80104	KY-32	REPAVE KY 32 FROM MP 21.0 TO 23.0 (2020CCN)	PL DN RW UT CN	STP4	300,000		
Project Cost:						300,000	0	0
Lawrence	80105	KY-3	REPAVE ROUTE 3 SOUTH FROM MP 12.58 TO MP 0 AND PLACE GUARD RAILS ON FALLS HILL (2020CCN) (2022CCR)	PL DN RW UT CN	SPP	1,700,000		
Project Cost:						1,700,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Lawrence	80107	KY-1690	REPAVE KY 1690 FROM MP 4.3 TO MP 6.3 AND PLACE GUARD RAILS ON RICHARDSON HILL (2020CCN)	PL DN RW UT CN	SPP			200,000
Project Cost:						0	0	200,000
Lawrence	80108	KY-644	PLACE LIGHTING AT INTERSECTION OF KY 644 AND KY 2565 (2020CCN)	PL DN RW UT CN	SPP SPP SPP	20,000	10,000 200,000	
Project Cost:						20,000	210,000	0
Lawrence	80307	ky-201	Correct substandard roadway geometrics and address safety issues on KY-201/KY-32 from Johnson C/L to KY-1 for safety.	PL DN RW UT CN	NH		2,000,000	2,000,000
Project Cost:						0	2,000,000	2,000,000
Total for Lawrence county				PL DN RW UT CN		2,048,060 4,721,940	3,622,000 10,000 363,000	2,000,000 1,299,000
Total Amounts:						6,770,000	3,995,000	3,299,000
Lee	175	KY-52	Replace or Repair multiple culverts along KY 52 in Lee County.	PL DN RW UT CN	PROT		6,760,000	
Project Cost:						0	6,760,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Lee	292.1200	KY-587	Upgrade geometrics on KY 587 from MP 11.65 to the intersection with KY 11. (SEE 10-292.10 FOR D,R,U PHASES)	PL DN RW UT CN	STP2	0	2,240,000	0
Project Cost:						0	2,240,000	0
Lee	80102	KY-11	EXTEND TWO WAY LEFT TURNING LANE FROM .047 MILES NORTH OF LEE COUNTY SENIOR CITIZENS CENTER TO .103 MILES SOUTH OF GRAND AVE (2020CCN) (2022CCR)	PL DN RW UT CN	SPP SPP SPP	25,000 100,000	500,000	0
Project Cost:						125,000	500,000	0
Lee	80103	KY-11	ADD TURN LANE AT THE INTERSECTION OF KY 11 AND KY 498 (2022CCR)	PL DN RW UT CN	SPP SPP SPP	25,000 50,000	250,000	0
Project Cost:						75,000	250,000	0
Lee	80104	KY-399	RECONSTRUCT ALONG KY 399 BETWEEN MP 5.75 AND 6.2 (2020CCN) (2022CCR)	PL DN RW UT CN	SPP SPP SPP	200,000 100,000	1,000,000	0
Project Cost:						300,000	0	1,000,000
Lee	80351	KY-11	Reconstruct KY 11 from 0.5 miles south of KY 587 to 0.65 miles north of KY 52 in Beattyville (MP 1.082 - 4.798)	PL DN RW UT CN	STPF	2,500,000	0	0
Project Cost:						2,500,000	0	0
Total for Lee county				PL DN RW UT CN		2,500,000 250,000 250,000	9,750,000	1,000,000
Total Amounts:						3,000,000	9,750,000	1,000,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Leslie	1095	US-421	ADDRESS DEFICIENCIES OF BRIDGE OVER MUNCY CREEK ON US 42 0.5 MILE SOUTH OF TAYLOR MORGAN ROAD (CR 1090). (066B00006N)	PL				
				DN	STP2	109,500		
				RW				
				UT				
				CN	BRZ		730,000	
Project Cost:						109,500	730,000	0
Leslie	4320	US-421	INSTALL GUARDRAIL ON US-421 IN LESLIE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		36,000	
Project Cost:						0	36,000	0
Leslie	4408	US-421	INSTALL GUARDRAIL ON US-421 IN LESLIE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			99,000
Project Cost:						0	0	99,000
Leslie	8516	KY-1482	CONSTRUCT A NEW APPROACH FROM KY-1482 ONTO THE HAL ROGERS PARKWAY AT MP 39. (08CCN)(10CCR)(2011BOPP)(18CCN) (2020CCR) (2022CCR)	PL				
				DN	SPP	260,000		
				RW	SPP		1,020,000	
				UT	SPP		460,000	
				CN				
Project Cost:						260,000	1,480,000	0
Leslie	8912	HR-9006	UPGRADE ROUTE FROM SOMERSET TO HAZARD: 4 LANE FROM CLAY/LESLIE LINE TO HYDEN SPUR, MP 35.929 TO MP 44.188 (SEGMENT 9). (16CCN)(18CCN)	PL				
				DN	NH	1,500,000		
				RW				
				UT				
				CN				
Project Cost:						1,500,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Leslie	8913	HR-9006	UPGRADE ROUTE FROM SOMERSET TO HAZARD: 4 LANE FROM HYDEN SPUR TO LESLIE/PERRY LINE (SEGMENT 10). (16CCN)(18CCN	PL DN RW UT CN	NH			1,000,000
Project Cost:						0	0	1,000,000
Leslie	8951	US-421	CONSTRUCT RIGHT TURN LANE ON US 421 AT INTERSECTION WITH KY 80. (16CCN)(18CCN) (2022CCR)	PL DN RW UT CN	SPP	120,000		
Project Cost:						400,000	1,300,000	0
Leslie	10214	KY-2057	BRIDGE PROJECT IN LESLIE COUNTY ON (066B00055N) KY-2057 AT CUTSHIN CREEK	PL DN RW UT CN	FBP2		151,582	
Project Cost:						0	1,162,126	0
Leslie	80002	KY-3424	SAFETY IMPROVEMENTS ON KY 3424 FROM MP 1.1 TO MP 1.5. (18CCN)	PL DN RW UT CN	SPP		1,300,000	
Project Cost:						0	1,300,000	0
Leslie	80003	KY-2009	INSTALL NEW GUARDRAIL ON KY 2009 FROM MP 13.418 TO MP 14.767.(18CCN)	PL DN RW UT CN	SPP	500,000		
Project Cost:						500,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Leslie	80004	KY-1482	INSTALL NEW GUARDRAIL ON KY 1482 FROM MP 0 TO MP 1.9. (18CCN)	PL DN RW UT CN	SPP	110,000		
Project Cost:						110,000	0	0
Leslie	80005	KY-257	INSTALL NEW GUARDRAIL ON KY 257 FROM MP 5.723 TO MP 5.853. (18CCN)	PL DN RW UT CN	SPP	30,000		
Project Cost:						30,000	0	0
Leslie	80006	KY-1807	INSTALL NEW GUARDRAIL ON KY 1807 FROM MP 0.914 TO MP 1.256. (18CCN)	PL DN RW UT CN	SPP	50,000		
Project Cost:						50,000	0	0
Leslie	80007	KY-118	CONSTRUCT A SECONDARY RUNAWAY TRUCK RAMP ON KY 118 (HYDEN SPUR) JUST BEFORE THE INTERSECTION WITH KY 80/US 42 TO INCLUDE A NEW BOX CULVERT OR BRIDGE AT THE INTERSECTION(18CCN) (2020CCR) (2022CCR)	PL DN RW UT CN	SPP SPP SPP	550,000		
Project Cost:						550,000	0	500,000
Leslie	80108	KY-1482	GUARDRAIL INSTALLATION ON BULL SKIN RD MP 1.582-2 (2020CCN)	PL DN RW UT CN	GR		50,000	
Project Cost:						0	50,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Leslie	80109	KY-1807	GUARDRAIL INSTALLATION ON WOOTEN RD MP 0.089-MP 3.567(2020CCN)	PL DN RW UT CN	GR	0	150,000	0
Project Cost:						0	150,000	0
Leslie	80305	KY-257	Study to provide additional access to residents along KY257 during flooding events	PL DN RW UT CN	SPP		380,000	
Project Cost:						0	380,000	0
Total for Leslie county				PL DN RW UT CN			380,000	
Total Amounts:						3,509,500	6,588,126	1,599,000
Letcher	199.1000	US-119	IMPROVE US-119 FROM NORTH OF KY-15 TO BRASS DRIVE (SOUTH).(16CCN)(18CCR) (2020CCR) (2022CCR)	PL DN RW UT CN	NH		1,300,000	
Project Cost:						0	1,300,000	2,750,000
Letcher	199.1500	US-119	IMPROVE US-119 FROM KY-2034/COUGAR DRIVE TO BRASS DRIVE (MP 16.731 TO 17.740). THROUGH MAYKING (MP 19.925 TO 20.6) AND AUXILIARY LANE (MP 22.0 TO 22.75) (16CCN)(SEE 12-199.10 FOR D, R, U) (18CCR) (2022CCR)	PL DN RW UT CN	NH		6,000,000	
Project Cost:						0	6,000,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Letcher	199.5000	US-119	RECONSTRUCT US-119 BY WIDENING TO 4-LANES ALONG A NEW ALIGNMENT (ORANGE) THROUGH THE GATEWAY INDUSTRIAL PARK TO US-23, INCLUDING US-23 FLYOVER RAMP.(16CCN)	PL				
				DN				
				RW	NH		2,750,000	
				UT	NH		2,500,000	
				CN				
				Project Cost:		0	5,250,000	0
Letcher	311.8000	US-119	Reconstruction of US 119 from 0.15 mile west of KY 806 to KY 932 (2012BOP)(MP 8.6 -10.2)	PL				
				DN	SPP			1,000,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	1,000,000
Letcher	311.9000	US-119	Improve safety along US 119 from bottom (North side) of Pine Mountain to intersection with KY 15 at Whitesburg (MP 14.1-15.8)	PL				
				DN	APD		1,500,000	
				RW	APD			1,500,000
				UT	APD			2,000,000
				CN				
				Project Cost:		0	1,500,000	3,500,000
Letcher	4327	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		75,000	
				Project Cost:		0	75,000	0
Letcher	4344	KY-588	INSTALL GUARDRAIL ON KY-588 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		92,000	
				Project Cost:		0	92,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Letcher	4345	KY-7	INSTALL GUARDRAIL ON KY-7 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		44,000	
				Project Cost:		0	44,000	0
Letcher	4346	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		13,000	
				Project Cost:		0	13,000	0
Letcher	4358	KY-1103	INSTALL GUARDRAIL ON KY-1103 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		102,000	
				Project Cost:		0	102,000	0
Letcher	4359	KY-1103	INSTALL GUARDRAIL ON KY-1103 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		102,000	
				Project Cost:		0	102,000	0
Letcher	4360	KY-7	INSTALL GUARDRAIL ON KY-7 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		152,000	
				Project Cost:		0	152,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Letcher	4361	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		55,000	
				Project Cost:		0	55,000	0
Letcher	4362	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		11,000	
				Project Cost:		0	11,000	0
Letcher	4380	KY-588	INSTALL GUARDRAIL ON KY-588 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		86,000	
				Project Cost:		0	86,000	0
Letcher	4402	KY-1103	INSTALL GUARDRAIL ON KY-1103 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		82,000	
				Project Cost:		0	82,000	0
Letcher	4403	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		82,000	
				Project Cost:		0	82,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1319

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Letcher	4404	KY-932	INSTALL GUARDRAIL ON KY-932 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		26,000	
				Project Cost:		0	26,000	0
Letcher	4437	KY-317	INSTALL GUARDRAIL ON KY-317 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			107,000
				Project Cost:		0	0	107,000
Letcher	4438	KY-317	INSTALL GUARDRAIL ON KY-317 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			88,000
				Project Cost:		0	0	88,000
Letcher	4439	KY-317	INSTALL GUARDRAIL ON KY-317 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			57,000
				Project Cost:		0	0	57,000
Letcher	4440	KY-7	INSTALL GUARDRAIL ON KY-7 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			94,000
				Project Cost:		0	0	94,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Letcher	4441	KY-7	INSTALL GUARDRAIL ON KY-7 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			67,000
				Project Cost:		0	0	67,000
Letcher	4442	KY-7	INSTALL GUARDRAIL ON KY-7 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			53,000
				Project Cost:		0	0	53,000
Letcher	4443	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			59,000
				Project Cost:		0	0	59,000
Letcher	4444	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			66,000
				Project Cost:		0	0	66,000
Letcher	4445	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			41,000
				Project Cost:		0	0	41,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Letcher	4446	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			75,000
				Project Cost:		0	0	75,000
Letcher	4447	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			54,000
				Project Cost:		0	0	54,000
Letcher	4448	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			25,000
				Project Cost:		0	0	25,000
Letcher	8702.1000	ky-805	IMPROVE THE EXISTING ROADWAY TO MEET CURRENT STANDARDS AND IMPROVE CONGESTION INTO AND OUT OF JENKINS BETWEEN MP 8.554 AND MP 9.176.	PL				
				DN	STP2		215,000	
				RW				
				UT				
				CN				
				Project Cost:		0	215,000	0
Letcher	10017	KY-7	BRIDGE PROJECT IN LETCHER COUNTY ON (067B00038N) KY-7 AT CSX RR & N FRK KY RIVER	PL				
				DN	BRX	841,892		
				RW				
				UT				
				CN	BRX	5,612,616		
				Project Cost:		6,454,508	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Letcher	10117	KY-805	BRIDGE PROJECT IN LETCHER COUNTY ON (067B00023N) KY-805 AT POTTER FORK	PL				
				DN	FBP	44,133		
				RW				
				UT				
				CN	FBP	294,216		
				Project Cost:		338,349	0	0
Letcher	10123	KY-1862	BRIDGE PROJECT IN LETCHER COUNTY ON (067B00113N) KY-1862 AT NORTH FORK KY RIVER	PL				
				DN	FBP	96,000		
				RW				
				UT				
				CN	FBP	960,000		
				Project Cost:		1,056,000	0	0
Letcher	10124	KY-1862	BRIDGE PROJECT IN LETCHER COUNTY ON (067B00118N) KY-1862 AT PINE CREEK	PL				
				DN	FBP	45,000		
				RW				
				UT				
				CN	FBP	450,000		
				Project Cost:		495,000	0	0
Letcher	10145	CR-1339	Replace 067C00038N	PL				
				DN	BRX			155,000
				RW				
				UT				
				CN	BRX			1,450,000
				Project Cost:		0	0	1,605,000
Letcher	80114	KY-3401	INSTALL A LEFT TURN AT INTERSECTION OF KY 15 AND KY 3401 (2020CCN) (2022CCR)	PL				
				DN				
				RW	SPP	30,000		
				UT	SPP	20,000		
				CN	SPP			750,000
				Project Cost:		50,000	0	750,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Letcher	80115	KY-463	INSTALL A GUARD RAIL ON KY 463 NEAR GORDON PARK (2020CCN)	PL				
				DN				
				RW				
				UT				
				CN	GR			11,000
				Project Cost:		0	0	11,000
Letcher	80200	KY-113	Spot improvements along KY 113 from KY 2545 to Landfill Rd where the Letcher County Transfer Station is located. (2022CCN)	PL				
				DN	STP2	30,000		
				RW	STP2		25,000	
				UT	STP2		130,000	
				CN	SPP			604,800
				Project Cost:		30,000	155,000	604,800
Total for Letcher county				PL				
				DN		1,057,025	1,715,000	1,155,000
				RW		30,000	4,075,000	1,500,000
				UT		20,000	2,630,000	3,750,000
				CN		7,316,832	6,922,000	4,601,800
				Total Amounts:		8,423,857	15,342,000	11,006,800
Lewis	231	KY-59	NEW ROUTE FROM VANCEBURG TO KY-59 FROM POLLITT LANE IN VANCEBURG (ALT. 5B1-2 PER PLANNING STUDY). (2020CCR)	PL				
				DN				
				RW	STP2		2,500,000	
				UT	STP2		1,500,000	
				CN				
				Project Cost:		0	4,000,000	0
Lewis	4324	KY-8	INSTALL GUARDRAIL ON KY-8 IN LEWIS COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			64,000
				Project Cost:		0	0	64,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Lewis	8806.1000	KY-8	RECONSTRUCT KY-8 FROM KY-8C IN GARRISON TO SCAFFOLD LICK ROAD.(16CCN)(18CCN)	PL				
				DN	SPP		2,080,000	
				RW				
				UT				
				CN				
				Project Cost:		0	2,080,000	0
Lewis	8807	KY-57	RECONSTRUCT KY-57 FROM KY-9 TO FLEMING/LEWIS COUNTY LINE (14CCN) (16CCR) (18CCN) (2020CCR) (2022CCR)	PL				
				DN				
				RW	SPP			2,000,000
				UT				
				CN				
				Project Cost:		0	0	2,000,000
Lewis	80251	KY-9	CONSTRUCT RIGHT AND LEFT TURN LANES AT THE INTERSECTION OF KY 989 (MP18.553) TO IMPROVE SAFETY AND DECREASE COLLISIONS. (2022CCN)	PL				
				DN	SPP		260,000	
				RW	SPP			280,000
				UT	SPP			380,000
				CN				
				Project Cost:		0	260,000	660,000
Total for Lewis county				PL				
				DN			2,340,000	
				RW			2,500,000	2,280,000
				UT			1,500,000	380,000
				CN				64,000
				Total Amounts:		0	6,340,000	2,724,000
Lincoln	10054	KY-78	BRIDGE PROJECT IN LINCOLN COUNTY ON (069B00023N) KY-78 AT HANGING FORK	PL				
				DN	FBP		330,000	
				RW				
				UT				
				CN	FBP		3,300,000	
				Project Cost:		0	3,630,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Lincoln	80000	US-127	NEW TURNING LANE AT ARCADIA VIEW DRIVE(18CCN) (2020CCR)	PL				
				DN				
				RW	SPP	60,000		
				UT	SPP	60,000		
				CN	SPP		840,000	
				Project Cost:		120,000	840,000	0
Lincoln	80001	US-150	US 150 NEW TURNING LANE NEAR HUBBLE ROAD AND CRAWFORD LANE(18CCN) (2020CCR)	PL	NH	30,000		
				DN	NH	150,000		
				RW	NH		360,000	
				UT	NH		300,000	
				CN	NH		1,200,000	
				Project Cost:		180,000	1,860,000	0
Lincoln	80009	US-27	Reconstruct US 27 From Bell Street (End of 8-196.00) in Stanford to Lincoln-Garrard County Line. (18CCN) (2020CCR) (2022CCR)	PL				
				DN	NH	3,080,200		
				RW	NH		5,239,400	
				UT	NH		3,698,400	
				CN	NH			16,000,000
				Project Cost:		3,080,200	8,937,800	16,000,000
Lincoln	80110	CR-1043	INSTALL GUARD RAIL ON GOSHEN RD AT DIX RIVER BRIDGE (2020CCN)	PL				
				DN				
				RW				
				UT				
				CN	GR		25,000	
				Project Cost:		0	25,000	0
Lincoln	80111	US-150	INSTALL TURN LANE AT DOLLAR GENERAL STORE ON US 150 (2020CCN) (2022CCR)	PL				
				DN	NH	100,000		
				RW				
				UT				
				CN	NH	900,000		
				Project Cost:		1,000,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Lincoln	80201	US-27	Continue ongoing improvements to US 27 Corridor from Somerset to Lexington. Improve Level of Service and safety on US 27 from KY 328 to KY 501 in Lincoln County. (2022CCN)	PL DN RW UT CN	NH		2,455,800	
Project Cost:						0	2,455,800	0
Lincoln	80202	KY-300	CONDUCT A PLANNING STUDY TO ASSES HOW TO FURTHER MITIGATE ROCKSLIDE DAMAGE ON KY 300 (2022CCN)	PL DN RW UT CN	SPP	1,000,000		
Project Cost:						1,000,000	0	0
Lincoln	80203	KY-78, PF-9999, US-27	CONDUCT A PLANNING STUDY FOR NEW ROADWAY FROM THE END OF KY 1194 TO US 27 (2022CCN)	PL DN RW UT CN	SPP		500,000	
Project Cost:						0	500,000	0
Lincoln	80300	US-150	Improve Safety and Access Control along US 150 from Danville to Stanford.	PL DN RW UT CN	NH NH	250,000		1,368,000
Project Cost:						250,000	0	1,368,000
Total for Lincoln county				PL		1,280,000	500,000	
				DN		3,330,200	2,785,800	1,368,000
				RW		60,000	5,599,400	
				UT		60,000	3,998,400	
				CN		900,000	5,365,000	16,000,000
Total Amounts:						5,630,200	18,248,600	17,368,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Livingston	330	US-60	PADUCAH-HENDERSON; RELOCATE US-60 FROM EAST OF THE TENNESSEE RIVER BRIDGE TO EAST OF RUDD-SPEES ROAD (00CCR (12CCR)(14CCR) (2020CCR)	PL DN RW UT CN	SPP SPP		2,000,000	1,000,000
Project Cost:						0	2,000,000	1,000,000
Livingston	20007	I -24	ADDRESS CONDITION OF I-024 FROM MILEPOINT 29.543 TO MILEPOINT 33.88	PL DN RW UT CN	NHPM NHPM	1,382,500 12,442,500		
Project Cost:						13,825,000	0	0
Total for Livingston county				PL DN RW UT CN		1,382,500 2,000,000 12,442,500		1,000,000
Total Amounts:						13,825,000	2,000,000	1,000,000
Logan	8908	KY-2349	IMPROVE SAFETY BY IMPROVING SIGHT LINES CROSSING RAILROAD BETWEEN STOCKYARDS AND INDUSTRIAL PARK. (16CCN)(18CCN) (2020CCR)	PL DN RW UT CN	SPP SPP SPP	120,000 170,000	1,000,000	
Project Cost:						290,000	1,000,000	0
Logan	80050	US-79	WIDEN US-79 TO 4 LANES FROM TODD COUNTY LINE TO INTERSECTION WITH RUSSELLVILLE BYPASS.(18CCN) (2020CCR) (2022CCR)	PL DN RW UT CN	NH NH	11,230,000		2,740,000
Project Cost:						11,230,000	0	2,740,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Logan	80101	US-79	REPLACE AND WIDEN TO 4 LANES BRIDGE ON US-79 AT MP 5.950 (BRIDGE OVER DRY FORK) (2020CCN)	PL				
				DN				
				RW	SPP	150,000		
				UT	SPP	250,000		
				CN				
				Project Cost:		400,000	0	0
Logan	80216	US-68	INTERSECTION IMPROVEMENTS AT US-68X AND KY-103. (2022CCN)	PL				
				DN				
				RW				
				UT	SPP	50,000		
				CN	SPP	150,000		
				Project Cost:		200,000	0	0
Logan	80314	US-431	IMPROVE SAFETY AT THE INTERSECTION OF US 431 AND KY 663.	PL				
				DN	NH		380,000	
				RW	NH			200,000
				UT	NH			250,000
				CN				
				Project Cost:		0	380,000	450,000
Total for Logan county				PL				
				DN		11,230,000	380,000	
				RW		270,000		2,940,000
				UT		470,000		250,000
				CN		150,000	1,000,000	
				Total Amounts:		12,120,000	1,380,000	3,190,000
Lyon	7	I-24	ADD RESTROOM FACILITY TO I-24 EASTBOUND & WESTBOUND WEIGH STATIONS IN LYON COUNTY (DESIGN FUNDS AUTHORIZED UNDER ITEM NO. 99-44.00)	PL				
				DN				
				RW				
				UT				
				CN	NH	1,900,000		
				Project Cost:		1,900,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Lyon	187.5000	US-62, US-641	RELOCATE US-641 FROM US-62 NEAR EDDYVILLE TO SOUTH OF THE LYON/CALDWELL COUNTY LINE (2020CCR) (2022CCR)	PL DN RW UT CN	STPF STPF STPF	3,500,000	1,000,000	1,000,000
Project Cost:						3,500,000	1,000,000	1,000,000
Lyon	20008	I-24	ADDRESS CONDITION OF I-024 FROM MILEPOINT 33.994 TO MILEPOINT 45	PL DN RW UT CN	NHPM NHPM		360,000	
Project Cost:						0	3,600,000	0
Lyon	20010	I-24	ADDRESS CONDITION OF I-024 NON-CARDINAL DIRECTION FROM MILEPOINT 45 TO MILEPOINT 54.842	PL DN RW UT CN	NHPM NHPM			2,000,000
Project Cost:						0	0	5,000,000
Lyon	22078	I-69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 71.786 (71.818 NON-CARDINAL) TO MILEPOINT 73.694	PL DN RW UT CN	NHPM NHPM			623,280
Project Cost:						0	0	5,609,520
Lyon	80312	US-62	ON US 62 WHERE THE P&L RAIL OVERPASS MEETS THE TWO (2) KY 810 INTERSECTIONS, RECONSTRUCT US 62/KY 810 (NORTH AND SOUTH) INTERSECTIONS WITH TURN LANES OR OTHER MEASURE TO IMPROVE LINE OF SIGHT AND SAFETY ISSUES.	PL DN RW UT CN	NH NH NH NH		250,000	250,000
Project Cost:						0	250,000	2,000,000
Total for Lyon county				PL DN RW UT CN		3,500,000	610,000	2,623,280
Total Amounts:						5,400,000	4,850,000	14,982,800

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Madison	3	I-75	CONSTRUCT NEW I-75 INTERCHANGE BETWEEN BEREA & RICHMONI TO ACCOMODATE NEW INDUSTRIAL SITE BACK ENTRANCE. (**THIS PROJECT ONLY PROCEEDS AFTER PROSPECTIVE INDUSTRIAL COMMITMENT HAS BEEN FINALIZED**)	PL				
				DN	NH		2,000,000	
				RW	NH		3,000,000	
				UT	NH			2,500,000
				CN	NH			5,000,000
Project Cost:						0	5,000,000	7,500,000
Madison	8853	CR-1236, KY-2877, KY-2881	PROPOSED ROADWAY IMPROVEMENTS FROM DUNCANNON RD TO THE MADISON CO AIRPORT TO INCLUDE CALEAST RD (KY 2881 MP.783-MP 2.780), JOHN BALLARD RD (KY 2877 MP0-MP.806 & CR 1236 MP0-MP.429) FROM MENELAUS TO AIRPORT RD, & A NEW BRIDGE OVER SILVER CR.(14CCN)(16CCR) (2020CCR) (2022CCR)	PL				
				DN				
				RW	HGC		1,550,000	
				UT	HGC		127,000	
				CN	HGC			14,500,000
Project Cost:						0	1,677,000	14,500,000
Madison	22115	I-75	ADDRESS CONDITION OF I-075 FROM MILEPOINT 86.25 TO MILEPOIN 97.703	PL				
				DN	NHPM		1,436,206	
				RW				
				UT				
				CN	NHPM			2,925,856
Project Cost:						0	1,436,206	2,925,856
Madison	80110	CR-1200, CS-1526	EXTEND BOGGS LN TO CONNECT TO PAVILION WAY (2020CCN) (2022CCR)	PL				
				DN	SPP	270,000		
				RW	SPP	830,000		
				UT	SPP	270,000		
				CN	SPP		1,060,000	
Project Cost:						1,370,000	1,060,000	0
Madison	80111	KY-374	WIDEN KY 374 (SPEEDWELL RD) FROM KY 25 TO US 421 (2020CCN) (2022CCR)	PL				
				DN	SPP			1,160,000
				RW				
				UT				
				CN				
Project Cost:						0	0	1,160,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Madison	80201	KY-1983, PF-9999	New road that extends from Menelaus Road (KY 1983) at existing MP 2.851 to Mayde Road in Berea. (2022CCN)	PL				
				DN				
				RW	SPP	750,000		
				UT	SPP	750,000		
				CN	SPP			1,640,000
Project Cost:						1,500,000	0	1,640,000
Madison	80210	KY-876	Small urban area study to evaluate potential improvements and land access opportunities on Goggins Lane, Tates Creek, Crutcher Pike, and Barnes Mill Road, with improvements on Barnes Mill Road including the length from Crutcher Pike to the interstate. (2022CCN)	PL				
				DN	SPP	150,000		
				RW				
				UT				
				CN				
Project Cost:						150,000	0	0
Madison	80314	KY-21	Reconstruct KY 21 from KY 1617 to US 421.	PL				
				DN	SPP		1,500,000	
				RW				
				UT				
				CN				
Project Cost:						0	1,500,000	0
Madison	80315	KY-876	Improve capacity on Barnes Mill Road between Goggins Lane and the I-75 interchange. Improvements to also include the intersection with Goggins Lane	PL				
				DN	SPP		1,750,000	
				RW				
				UT				
				CN				
Project Cost:						0	1,750,000	0
Madison	80316	I-75	New construction/modification of the I-75 exit 87 interchange as referenced in the West Richmond Small Urban Area Study	PL				
				DN	NH		2,297,000	
				RW				
				UT				
				CN				
Project Cost:						0	2,297,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Madison	80356	KY-21	SCOPING STUDY TO EVALUATE THE FEASIBILITY OF EXTENDING THE BEREA BYPASS FROM KY 21 IN EASTERN BEREA TO US 25 SOUTH OF BEREA IN MADISON COUNTY.	PL	SPP		300,000	
				DN				
				RW				
				UT				
				CN				
				Project Cost:		0	300,000	0
Madison	80362	CR-1303	Relieve congestion and safety improvements on CR 1303 (Goggins Lane) between KY 169 and US 25 at Victory Drive (MP 0.979 to 0.363).	PL	SPP		460,000	
				DN	SPP			
				RW	SPP			350,000
				UT				
				CN				
				Project Cost:		0	460,000	350,000
Total for Madison county				PL			300,000	
				DN		420,000	9,443,206	1,160,000
				RW		1,580,000	4,550,000	350,000
				UT		1,020,000	127,000	2,500,000
				CN			1,060,000	24,065,856
				Total Amounts:		3,020,000	15,480,206	28,075,856
Magoffin	169.1000	KY-114	MOUNTAIN PARKWAY CORRIDOR: EXTEND THE FOUR LANE MOUNTAIN PARKWAY FROM US 460 AT SALYERSVILLE EAST TO PRESTONSBURG. - FEDERAL MPDG GRANT REQUEST (2022CCR)	PL				
				DN				
				RW				
				UT				
				CN	IF	36,380,000		
				Project Cost:		36,380,000	0	0
Magoffin	213	KY-40	ROADWAY IMPROVEMENTS ALONG KY 40 (MP 0.145-0.660) TO BETTER FACILITATE ALTERNATIVE TRANSPORTATION METHODS (2018BOP). (2020CCR)	PL				
				DN				
				RW				
				UT	STPF		1,500,000	
				CN				
				Project Cost:		0	1,500,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Magoffin	4316	KY-1081	INSTALL GUARDRAIL ON KY-1081 IN MAGOFFIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			26,000
				Project Cost:		0	0	26,000
Magoffin	80302	KY-7	RECONSTRUCT KY 7 FROM WILL BAILEY BRANCH ROAD TO KY 1090.	PL				
				DN	SPP	1,120,000		
				RW				
				UT				
				CN				
				Project Cost:		1,120,000	0	0
Magoffin	80303	CR-1265	Reconstruct CR 1265 from the intersection with KY 3337 (MP 0.0) to KY 3050 (MP 0.547)	PL				
				DN	SPP	650,000		
				RW	SPP		580,000	
				UT	SPP			410,000
				CN				
				Project Cost:		650,000	580,000	410,000
Total for Magoffin county				PL				
				DN		1,770,000		
				RW			580,000	
				UT			1,500,000	410,000
				CN		36,380,000		26,000
				Total Amounts:		38,150,000	2,080,000	436,000
Marion	3025	KY-52	Matching funds for TAP Project, City of Loretto with provide \$271,414.80 in matching funds). Construct Phase 1 of the Loretto Sidewalk Project.	PL				
				DN				
				RW				
				UT				
				CN	SPP	177,000		
				Project Cost:		177,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Marion	8715	KY-49	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ALONG KY 49 FROM RIVERSIDE BRIDGE TO NARROWS RD, APPROXIMATELY 1.3 MILES SOUTHWEST OF KY 337 (12CCN)(2020CCN) MP 6.692 TO 10.5 (2022CCR)	PL				
				DN	NH	2,200,000		
				RW	NH			4,000,000
				UT	NH			1,920,000
				CN				
				Project Cost:		2,200,000	0	5,920,000
Marion	8805	PF-9999	EXTEND MARTIN LUTHER KING AVENUE FROM DOWNTOWN LEBANON BYPASS (VETERANS MEMORIAL HIGHWAY). ESTIMATED DISTANCE IS 1.5 MILES (14CCN) (2022CCN)	PL				
				DN	SPP		850,000	
				RW				
				UT				
				CN				
				Project Cost:		0	850,000	0
Marion	10059	KY-152	BRIDGE PROJECT IN MARION COUNTY ON (078B00037N) KY-152 AT COLEMANS RUN CREEK	PL				
				DN	BRX			172,066
				RW				
				UT				
				CN	BRX			1,147,104
				Project Cost:		0	0	1,319,170
Marion	10077	KY-289	ADDRESS DEFICIENCIES OF BRIDGE ON KY 289 OVER ROLLING FOR (078B00023N)	PL				
				DN	BRX	562,500		
				RW				
				UT				
				CN	BRX	3,750,000		
				Project Cost:		4,312,500	0	0
Marion	80152	KY-2154, US-68	REDUCE CONGESTION AT MAJOR INTERSECTION IN FRONT OF NEW SCHOOL MP 12.2 TO 12.8 (2020CCN) (2022CCR)	PL				
				DN				
				RW	STPF	1,200,000		
				UT	STPF	1,800,000		
				CN	STPF	5,200,000		
				Project Cost:		8,200,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Marion	80153	KY-2154	Extend KY2154 Bypass from KY208 to KY49. (2022CCR)	PL				
				DN				
				RW	STP2	5,500,000		
				UT	STP2		2,320,000	
				CN				
				Project Cost:		5,500,000	2,320,000	0
Marion	80251	KY-49	IMPROVE THE INTERSECTION OF KY 49 AT KY 52 IN LORETTO AT MP 27.374 (2022CCN)	PL				
				DN	SPP	160,000		
				RW	SPP		60,000	
				UT	SPP		340,000	
				CN	SPP		680,000	
				Project Cost:		160,000	1,080,000	0
Marion	80252	CR-1119	REPLACE LOW WATER STRUCTURE ON SILOAM ROAD (CR 1119) OVER NORTH ROLLING FORK NEAR KY 337 INTERSECTION MP 0.089 TO MP 0.122 (078C00154N)	PL				
				DN				
				RW				
				UT				
				CN	FBP	3,110,000		
				Project Cost:		3,110,000	0	0
Marion	80259	KY-2154, KY-55, PF-9999, US-68	IMPROVE CONNECTIVITY AND CONGESTION BETWEEN US 68 AND KY 55 ON THE EAST SIDE OF LEBANON (APPROXIMATELY 2 MILES) (2022CCN)	PL				
				DN	NH	1,000,000		
				RW	NH		3,680,000	
				UT	NH			1,080,000
				CN	NH			1,000,000
				Project Cost:		1,000,000	3,680,000	2,080,000
Marion	80353	KY-2154	Improvements to the intersections of KY 2154 at KY 429 and KY 2154 at KY 49 in Lebanon (MP 2.199 and MP 3.366) (Design previously authorized).	PL				
				DN				
				RW	SAF	50,000		
				UT	SAF	100,000		
				CN	SAF	1,700,000		
				Project Cost:		1,850,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Marion	80355	KY-55	Construct a right turn lane on KY 55 at Horan Lane (MP 3.635).	PL				
				DN	SAF		50,000	
				RW	SAF		25,000	
				UT	SAF		50,000	
				CN	SAF			150,000
				Project Cost:		0	125,000	150,000
Marion	80359	KY-84	Widen bridge (078B00027N) on KY 84 over Prather Creek just west of Raywick (MP 4.31-4.36).	PL				
				DN	FBP	401,500		
				RW	FBP		5,000	
				UT	FBP		75,000	
				CN	FBP			4,312,500
				Project Cost:		401,500	80,000	4,312,500
Marion	80362	PF-9999	Construct new Industrial Park access road between KY 2154 and KY 49 in Lebanon.	PL				
				DN				
				RW				
				UT				
				CN	SPP		250,000	
				Project Cost:		0	250,000	0
Total for Marion county				PL				
				DN		4,324,000	900,000	172,066
				RW		6,750,000	3,770,000	4,000,000
				UT		1,900,000	2,785,000	3,000,000
				CN		13,937,000	930,000	6,609,604
				Total Amounts:		26,911,000	8,385,000	13,781,670
Marshall	398	US-62	IMPROVE ACCESS AND REDUCE CONGESTION ON US-62 FROM KY-95 TO THE EXISTING FOUR-LANE HIGHWAY AT LONE VALLEY RD NEAR I-24 INTERCHANGE AND FUTURE I-69 CONNECTION. (2020CCR)	PL				
				DN				
				RW	SPP		2,100,000	
				UT	SPP		1,560,000	
				CN				
				Project Cost:		0	3,660,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1337

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Marshall	10176	KY-402	BRIDGE PROJECT IN MARSHALL COUNTY ON (079B00040N) KY-402 AT EAST FORK CLARKS RIVER	PL				
				DN	FBP		1,000,000	
				RW				
				UT				
				CN	FBP		10,000,000	
Project Cost:						0	11,000,000	0
Marshall	10180	KY-2603	BRIDGE PROJECT IN MARSHALL COUNTY ON (079B00138N) KY-2603 AT SOLDIER CREEK	PL				
				DN	FBP	175,000		
				RW				
				UT				
				CN	FBP	1,750,000		
Project Cost:						1,925,000	0	0
Marshall	20034	I-24	ADDRESS CONDITION OF I-024 FROM MILEPOINT 26.558 TO MILEPOINT 29.136	PL				
				DN	NHPM			244,129
				RW				
				UT				
				CN	NHPM			2,197,165
Project Cost:						0	0	2,441,294
Marshall	22073	I-69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 34.487 TO MILEPOINT 40.088	PL				
				DN	NHPM		1,952,072	
				RW				
				UT				
				CN	NHPM			2,568,646
Project Cost:						0	1,952,072	2,568,646
Marshall	80311	US-641	CORRECT GEOMETRIC DEFICIENCIES AND ADDRESS SAFETY, SERVICE, AND CONGESTION ISSUES FROM BENTON BAPTIST TEMPL ROAD / HAPPY HOLLOW RD TO US 68 IN DRAFFENVILLE.	PL				
				DN	NH		1,500,000	
				RW				
				UT				
				CN				
Project Cost:						0	1,500,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Marshall	80314	KY-348	IMPROVE GEOMETRIC ALIGNMENTS AND ADDRESS ACCESS ISSUES AND SAFETY CONCERNS FROM KY 2206 TO THE ENTRANCE OF MARSHALL COUNTY HOSPITAL IN BENTON.	PL DN RW UT CN	SPP		1,000,000	
Project Cost:						0	1,000,000	0
Total for Marshall county				PL DN RW UT CN		175,000	5,452,072	244,129
Total Amounts:						1,750,000	10,000,000	4,765,811
Total Amounts:						1,925,000	19,112,072	5,009,940
Martin	154.1100	KY-40, PF-9999	INEZ TO WARFIELD (CONSTRUCT NEW KY 40 CORRIDOR) (SECTION 2-1): FROM LITTLE BLACKLOG TO BOOTH FORK. [STA. 190+00 TO STA. 298+00 (ENGLISH)] (2002BOP) (12CCR)(AR/W)(16CCR) (2022CCN)	PL DN RW UT CN	SPP	2,000,000		
Project Cost:						2,000,000	0	0
Martin	192	KY-40	IMPROVE ALIGNMENT AND GEOMETRICS OF THE CURVE LOCATED JUST BEFORE THE JUNCTION OF KY-2031 AND KY-40 TO .1 MILES BEFORE GORDON HOLLOW ROAD, AND IMPROVE THE CULVERT/SAFETY DESIGN TO INCREASE MOTORIST AND PEDESTRIAN SAFETY. (12CCR) (2020CCR) (2022CCR)	PL DN RW UT CN	SPP			865,000
Project Cost:						0	0	865,000
Martin	4093	CR-1215	SETSER BRANCH ROAD BRIDGE AND APPROACHES OVER MIDDLE FORK OF ROCKCASTLE CREEK (C43) (OFF NHS) (FD04) (2000BOP): (080C00043N)	PL DN RW UT CN	BRX	480,000		
Project Cost:						480,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1339

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Martin	4332	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY (2022CCR)	PL				
				DN				
				RW				
				UT				
				CN	GR	210,000		
				Project Cost:		210,000	0	0
Martin	4333	KY-3	INSTALL GUARDRAIL ON KY-3 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		38,000	
				Project Cost:		0	38,000	0
Martin	4335	KY-3	INSTALL GUARDRAIL ON KY-3 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		83,000	
				Project Cost:		0	83,000	0
Martin	4347	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		37,000	
				Project Cost:		0	37,000	0
Martin	4348	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		20,000	
				Project Cost:		0	20,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Martin	4349	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		7,000	
				Project Cost:		0	7,000	0
Martin	4405	KY-2031	INSTALL GUARDRAIL ON KY-2031 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		78,000	
				Project Cost:		0	78,000	0
Martin	4406	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		79,000	
				Project Cost:		0	79,000	0
Martin	4407	KY-908	INSTALL GUARDRAIL ON KY-908 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		87,000	
				Project Cost:		0	87,000	0
Martin	4408	KY-908	INSTALL GUARDRAIL ON KY-908 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		83,000	
				Project Cost:		0	83,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1341

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Martin	4449	KY-1439	INSTALL GUARDRAIL ON KY-1439 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			64,000
				Project Cost:		0	0	64,000
Martin	4450	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			32,000
				Project Cost:		0	0	32,000
Martin	4451	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			12,000
				Project Cost:		0	0	12,000
Martin	4452	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			98,000
				Project Cost:		0	0	98,000
Martin	4453	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			3,000
				Project Cost:		0	0	3,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Martin	4454	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			31,000
				Project Cost:		0	0	31,000
Martin	4480	KY-908	INSTALL GUARDRAIL ON KY-908 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		89,000	
				Project Cost:		0	89,000	0
Martin	10129	KY-292	BRIDGE PROJECT IN MARTIN COUNTY ON (080B00014N) KY-292 AT LONG BRANCH	PL				
				DN	BRO	375,000		
				RW				
				UT				
				CN	BRO	3,750,000		
				Project Cost:		4,125,000	0	0
Martin	10130	CR-1317	BRIDGE PROJECT IN MARTIN COUNTY ON (080C00057N) JOHNSON BOTTOM AT ROCKCASTLE CREEK	PL				
				DN	FBP	165,166		
				RW				
				UT				
				CN	FBP	1,101,102		
				Project Cost:		1,266,268	0	0
Total for Martin county				PL				
				DN		540,166		
				RW				
				UT		2,000,000		
				CN		5,541,102	601,000	1,105,000
				Total Amounts:		8,081,268	601,000	1,105,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Mason	1103	KY-3113	DOVER COVERED BRIDGE RESTORATION. 081B00048N	PL				
				DN				
				RW				
				UT				
				CN	SPP			1,000,000
				Project Cost:		0	0	1,000,000
Mason	4318	KY-1448	INSTALL GUARDRAIL ON KY-1448 IN MASON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	90,000		
				Project Cost:		90,000	0	0
Mason	4322	US-62	INSTALL GUARDRAIL ON US-62 IN MASON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		85,000	
				Project Cost:		0	85,000	0
Mason	4325	KY-10	INSTALL GUARDRAIL ON KY-10 IN MASON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			74,000
				Project Cost:		0	0	74,000
Mason	10013.1000US-68		ADDRESS CABLES AND OTHER DEFICIENCIES ON WILLIAM HARSHA BRIDGE OVER THE OHIO RIVER. (JOINT PROJECT WITH OHIO 18%) (081B00069N)(BSBP)(SD)	PL				
				DN				
				RW				
				UT				
				CN	BRO		8,000,000	
				Project Cost:		0	8,000,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Mason	10091	US-62	BRIDGE PROJECT IN MASON COUNTY ON (081B00041N) US-62X AT OHIO RIVER-MYVLE- CSX R	PL				
				DN	BRZ	2,126,000		
				RW				
				UT				
				CN	BRZ		12,200,000	14,326,000
				Project Cost:		2,126,000	12,200,000	14,326,000
Mason	80107	KY-9	IMPROVE SAFETY AND OPERATIONAL EFFICIENCY OF THE INTERSECTION OF KY 9 (AA) AND US 62 LOCATED IN MAYSVILLE. (2020CCN) (2022CCR)	PL				
				DN				
				RW				
				UT				
				CN	HGC		3,330,000	
				Project Cost:		0	3,330,000	0
Total for Mason county				PL				
				DN		2,126,000		
				RW				
				UT				
				CN		90,000	23,615,000	15,400,000
				Total Amounts:		2,216,000	23,615,000	15,400,000
McCracken	115.1000	US-60	PADUCAH-WICKLIFFE RD: IMPROVE US-60 FROM BETHEL CHURCH ROAD TO KY-1154 (MARTIN MARIETTA) (04CCR) (TO BE LET WITH 1-115.00).(10CCR)(12CCR)(18CCR) (2020CCR) (2022CCR)	PL				
				DN				
				RW				
				UT				
				CN	SPP		3,000,000	
				Project Cost:		0	3,000,000	0
McCracken	142	US-62	ADDRESS ISSUES WITH SERVICE, CONGESTION AND SAFETY FROM US 45 TO I-24 IN PADUCAH. SEE MARCH, 2002 PADUCAH-MCCRACKEN COUNTY TRANSPORTATION STUDY.	PL				
				DN	NH	1,500,000		
				RW	NH			5,000,000
				UT				
				CN				
				Project Cost:		1,500,000	0	5,000,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
McCracken	153.2000	KY-1286	Extend KY 1286 from KY 998 (MP 6.916) to US 60. (Priority Section 2) (2022CCR)	PL DN RW UT CN	STP1		4,800,000	
Project Cost:						0	4,800,000	0
McCracken	153.3000	KY-1286	Improve KY 1286 from US 62(MP 5.000) to Perkins Creek Bridge (MP 5.896, B00167N). (Priority Section 3) (2022CCN)	PL DN RW UT CN	STP1 STP1		2,500,000 2,000,000	
Project Cost:						0	4,500,000	0
McCracken	153.4000	KY-1286	Improve KY 1286 from Perkins Creek Bridge (MP 5.896, B00167N) to KY 998 (MP 6.916). (Priority Section 4) (2022CCN)	PL DN RW UT CN	STP1		2,000,000	
Project Cost:						0	2,000,000	0
McCracken	1115.1000	US-60	RELOCATION AND MINOR WIDENING OF US-60 FROM CLARKS RIVER TO US-62 JCT.(10CCR)(14CCR)(LET W/ 1-1115.20)(16CCR)	PL DN RW UT CN	NH NH	500,000		3,500,000
Project Cost:						500,000	0	3,500,000
McCracken	8702	PF-9999	NEW ACCESS ROAD FROM KY-305 NEAR KY-998, EXTENDING WEST TO THE OHIO RIVER MEGAPARK. (2-LANE INITIAL, 4-LANE ULTIMATE) (12CCN)(14CCR)(18CCN) (2022CCR)	PL DN RW UT CN	HGC		16,000,000	
Project Cost:						0	16,000,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
McCracken	10162	KY-3520	BRIDGE PROJECT IN MCCRACKEN COUNTY ON (073B00030N) KY-3520 AT P&L RAILWAY	PL				
				DN	BRZ	400,000		
				RW				
				UT				
				CN	BRZ	4,000,000		
				Project Cost:		4,400,000	0	0
McCracken	10166	I-24	BRIDGE PROJECT IN MCCRACKEN COUNTY ON (073B00100N) I-24 AT OHIO RIVER	PL				
				DN	BRX			2,100,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	2,100,000
McCracken	22001	I-24	ADDRESS CONDITION OF I-024 FROM MILEPOINT 0.97 TO MILEPOINT 2.975	PL				
				DN	NHPM		80,000	
				RW				
				UT				
				CN	NHPM		720,000	
				Project Cost:		0	800,000	0
McCracken	22002	I-24	ADDRESS CONDITION OF I-024 FROM MILEPOINT 2.975 TO MILEPOINT 9.5735	PL				
				DN	STP3		250,000	
				RW				
				UT				
				CN	STP3		2,250,000	
				Project Cost:		0	2,500,000	0
McCracken	22003	I-24	ADDRESS CONDITION OF I-024 FROM MILEPOINT 9.5735 TO MILEPOINT 16.172	PL				
				DN	STP4		250,000	
				RW				
				UT				
				CN	STP4		2,250,000	
				Project Cost:		0	2,500,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1347

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
McCracken	80305	I-24	ADDRESS SAFETY, CONGESTION, AND FUTURE CAPACITY ISSUES FROM US 60 TO US 68 IN PADUCAH. SEE MARCH, 2002 PADUCAH-MCCRACKEN COUNTY TRANSPORTATION STUDY.	PL DN RW UT CN	NH NH		250,000	2,080,000
Project Cost:						0	250,000	2,080,000
McCracken	80315	KY-998	IMPROVE MOBILITY, SAFETY AND ADDRESS GEOMETRIC DEFICIENCIES ON KY 998 (OLIVET CHURCH ROAD) FROM KY 1286 (FRIENDSHIP ROAD) TO US 62.	PL DN RW UT CN	SPP		1,000,000	
Project Cost:						0	1,000,000	0
McCracken	80317	KY-731	BASED ON THE 2019 PADUCAH SUA, ID "Q". RECONFIGURE THE INTERSECTION OF KY 731 AND LABELLE AVE. A ROUNDABOUT SHOULD BE CONSIDERED. THIS IS BASED ON 33 CRASHES IN 3 YEARS AND COMPLAINTS FROM LOCALS ABOUT POOR DRAINAGE RUN OFF GOING INTO THE STREET.	PL DN RW UT CN	SPP SPP	1,300,000		4,200,000
Project Cost:						1,300,000	0	4,200,000
Total for McCracken county				PL DN RW UT CN			250,000 1,580,000 2,500,000 4,000,000 29,020,000	4,180,000 12,700,000
Total Amounts:						7,700,000	37,350,000	16,880,000
McCreary	4321	KY-700	INSTALL GUARDRAIL ON KY-700 IN MCCREARY COUNTY	PL DN RW UT CN	GR			39,000
Project Cost:						0	0	39,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
McCreary	4322	KY-700	INSTALL GUARDRAIL ON KY-700 IN MCCREARY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			122,000
Project Cost:						0	0	122,000
McCreary	4323	KY-700	INSTALL GUARDRAIL ON KY-700 IN MCCREARY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			180,000
Project Cost:						0	0	180,000
McCreary	10062	CR-1190	BRIDGE PROJECT IN MCCREARY COUNTY ON (074C00020N) JELLICO CREEK RD AT JELLICO CREEK	PL				
				DN	BRZ	170,879		
				RW				
				UT				
				CN	BRZ	1,139,190		
Project Cost:						1,310,069	0	0
McCreary	80101	US-27	IMPROVE SAFETY BY CONSTRUCTING TURN LANES INTO COMMUNITY PARK AND WHITLEY CITY ELEMENTARY (2020CCN)	PL				
				DN				
				RW	SPP		650,000	
				UT	SPP		900,000	
				CN	SPP			1,000,000
Project Cost:						0	1,550,000	1,000,000
McCreary	80102	US-27	PROVIDE CONNECTIVITY, IMPROVE MOBILITY AND RESPONSE FROM US 27 TO MCCREARY COUNTY HIGH SCHOOL (CONNECTOR ROAD IS INELIGIBLE FOR ROAD FUNDS). REQUIRES AN MOA WITH MCCREARY COUNTY SCHOOLS AND KYTC. (2020CCN) (2022CCR)	PL				
				DN				
				RW				
				UT	SPP		80,000	
				CN	SPP			300,000
Project Cost:						0	80,000	300,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1349

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>	
McCreary	80103	CR-1199	Improve mobility and safety RR crossing elimination by constructing bridge and realigning KY 1470, approx 0.177 miles west of CR1199A (Dick Wilson Rd) and extending easterly to US 27. (2020CCN) (2022CCR)	PL					
				DN					
				RW	SPP	696,000			
				UT	SPP			580,000	
				CN	SPP				2,000,000
				Project Cost:			696,000	580,000	2,000,000
Total for McCreary county				PL					
			DN		170,879				
			RW		696,000	650,000			
			UT				1,560,000		
			CN		1,139,190			3,641,000	
			Total Amounts:			2,006,069	2,210,000	3,641,000	
McLean	4312	US-431	INSTALL GUARDRAIL ON US-431 IN MCLEAN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			41,000	
				Project Cost:			0	41,000	0
McLean	4313	US-431	INSTALL GUARDRAIL ON US-431 IN MCLEAN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			13,000	
				Project Cost:			0	13,000	0
McLean	8400	US-431	SPOT IMPROVEMENTS AT THE INTERSECTION OF US-431 AND KY-250. (08CCN)(12CCR)(18CCN) (2020CCR) (2022CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP			1,300,000	
				Project Cost:			0	1,300,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
McLean	8812	KY-136	REPLACE, IMPROVE ALIGNMENTS AND APPROACHES, AND ADDRESS SAFETY ISSUES WITH BRIDGES ON KY-136 IN MCLEAN COUNTY FROM KY-56 TO OHIO COUNTY LINE.	PL DN RW UT CN	FED		7,000,000	
Project Cost:						0	7,000,000	0
McLean	8852	KY-56	CORRECT LINE OF SIGHT WITH INTERSECTION OF KY 56 & KY 1233. (14CCN)(18CCN) (2020CCR) (2022CCR)	PL DN RW UT CN	SPP		1,950,000	
Project Cost:						0	1,950,000	0
Total for McLean county				PL DN RW UT CN			10,304,000	
Total Amounts:						0	10,304,000	0
Meade	8705	KY-79	RECONSTRUCT KY 79 FROM KY 144 TO KY 1051. (12CCN)(14CCR) (18CCN) (2020CCR) (2022CCR)	PL DN RW UT CN	SPP SPP		4,500,000	1,000,000
Project Cost:						0	4,500,000	1,000,000
Meade	10078	KY-313	ADDRESS DEFICIENCIES OF BRIDGE ON KY 313 OVER OHIO RIVER & CO ROAD (082B00021N)	PL DN RW UT CN	BRX	475,000		
Project Cost:						475,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Meade	80305	KY-313	ADDRESS TRAVEL TIME RELIABILITY AND IMPROVE INTERSECTIONS ALONG KY 313 FROM HARDIN COUNTY TO KY 1638 IN BRANDENBURG.	PL				
				DN	SPP		1,820,000	
				RW				
				UT				
				CN				
				Project Cost:		0	1,820,000	0
Meade	80309	KY-313	ADDRESS SAFETY AND MOBILITY ALONG KY 313 (BRANDENBURG BYPASS) FROM KY 448 TO KY 228 IN BRANDENBURG.	PL				
				DN	SPP		1,620,000	
				RW				
				UT				
				CN				
				Project Cost:		0	1,620,000	0
Total for Meade county				PL				
				DN			3,440,000	
				RW				
				UT			4,500,000	
				CN		475,000		1,000,000
				Total Amounts:		475,000	7,940,000	1,000,000
Menifee	8805	US-460	WIDEN EXISTING ROADWAY AND IMPROVE VERTICAL AND HORIZONTAL CURVES. NEW CONSTRUCTION. COMPLETES US 460 UPGRADES IN MENIFEE COUNTY FROM MP 14.35 TO 19.39 AND IN MORGAN COUNTY FROM MP 0 TO MP 0.8. (14CCN)(16CCR)	PL				
				DN	SPP	3,380,000		
				RW				
				UT				
				CN				
				Project Cost:		3,380,000	0	0
Menifee	80200	US-460	IMPROVE SAFETY, CORRECT GEOMETRICS, AND ENHANCE REGIONAL CONNECTIVITY ON US 460 FROM THE INTERSECTION OF KY 1240 TO 0.7 MILES EAST OF THE MORGAN COUNTY LINE (2022CCN)	PL				
				DN	SPP	1,000,000		
				RW				
				UT				
				CN				
				Project Cost:		1,000,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Menifee	80201	US-460	Improve safety, correct geometrics, and enhance regional connectivity on US 460 from the bridge over Dog Trot Fork (MP 3.3) to Rothwell (MP 4.8). (2022CCN)	PL				
				DN				
				RW	NH		1,200,000	
				UT	NH			1,200,000
				CN				
Project Cost:						0	1,200,000	1,200,000
Total for Menifee county				PL				
				DN		4,380,000		
				RW			1,200,000	
				UT				1,200,000
				CN				
				Total Amounts:		4,380,000	1,200,000	1,200,000
Mercer	416	US-68	IMPROVE SAFETY ON US 68 AT KY 127 INTERSECTION IN HARRODSBURG. (12CCR)(14CCR)(16CCR)	PL				
				DN	SPP	640,000		
				RW	SPP		1,410,000	
				UT	SPP			1,320,000
				CN	SPP			1,370,000
Project Cost:						640,000	1,410,000	2,690,000
Mercer	417	CS-1237	IMPROVE SYSTEM MOBILITY ALONG MOBERLY ROAD FROM KY 390 TO KY 1989 IN NORTHWEST HARRODSBURG. (12CCR) (2020CCN)	PL				
				DN				
				RW	SPP	280,000		
				UT	SPP	260,000		
				CN	SPP		1,870,000	
Project Cost:						540,000	1,870,000	0
Mercer	22182	BG-9002	ADDRESS CONDITION OF Martha Layne Collins Bluegrass Parkway FROM MILEPOINT 52.315 TO MILEPOINT 56.287	PL				
				DN	NHPM		150,000	
				RW				
				UT				
				CN	NHPM		1,350,000	
Project Cost:						0	1,500,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1353

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Mercer	80355	US-127	Improve level of safety and access at and around the intersection of US 127 and KY 598 (Sparrow Lane). (MP 2.676 - 2.776)	PL				
				DN	SPP	200,000		
				RW	SPP		35,000	
				UT	SPP		160,000	
				CN	SPP			750,000
Project Cost:						200,000	195,000	750,000
Total for Mercer county				PL				
				DN		840,000	150,000	
				RW		280,000	1,445,000	
				UT		260,000	160,000	1,320,000
				CN			3,220,000	2,120,000
Total Amounts:						1,380,000	4,975,000	3,440,000
Metcalfe	112.1000	KY-90	NEW CONSTRUCTION TO REROUTE KY 90 TO THE SOUTH OF SUMMER SHADE ("BYPASS").	PL				
				DN	SPP		2,080,000	
				RW				
				UT				
				CN				
Project Cost:						0	2,080,000	0
Metcalfe	8706.1000	US-68	Horizontal and vertical alignment spot improvement on US 68 in Metcalfe County, north of Edmonton, at the KY 70 intersection. (2020BOP) (2022CCR)	PL				
				DN				
				RW				
				UT				
				CN	SPP		2,270,000	
Project Cost:						0	2,270,000	0
Metcalfe	8859	KY-163	RECONSTRUCT KY 163 AS A NEW ROUTE ON WEST SIDE OF EDMONTON FROM KY 163 AT GARY BELL RD (MP 10.0) S OF EDMONTON CROSSING US 68 (STOCKTON ST) 2000 FT WEST OF THE COURTHOUSE SQ, TO US 68 (GREENSBURG ST) AT I-CHNG WITH NUNN PKWY (MP 9.8).(14CCN)(16CCR)(18CCN) (2020CCR)	PL				
				DN				
				RW	SPP			1,000,000
				UT				
				CN				
Project Cost:						0	0	1,000,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Metcalfe	8955	KY-163	IMPROVE HIGHWAY SAFETY AND SYSTEMS MOBILITY IN THE KY 163 CORRIDOR BETWEEN KY 90 (MP 2.907) AND THE PROPOSED WEST EDMONTON BYPASS (MP 9.777). (16CCN)(18CCN)	PL DN RW UT CN	STP2		3,000,000	
Project Cost:						0	3,000,000	0
Metcalfe	80306	US-68	INTERSECTION IMPROVEMENTS AT US-68 AND KY-80. OPTIONS INCLUDE REALIGNMENT OF NORTH APPROACH, WIDENING FOR TUR LANES, AND A ROUNDABOUT.	PL DN RW UT CN	FED FED		310,000	310,000
Project Cost:						0	310,000	310,000
Metcalfe	80309	LN-9008	IMPROVE SAFETY AND ADDRESS GEOMETRIC DEFICIENCIES ON THI LB NUNN CUMBERLAND EXPRESSWAY AT EXIT 27 INTERCHANGE.	PL DN RW UT CN	SPP		1,860,000	
Project Cost:						0	1,860,000	0
Total for Metcalfe county				PL DN RW UT CN			7,250,000	1,310,000
Total Amounts:						0	2,270,000	1,310,000
Monroe	128.1100	KY-214	OPERATION OF TURKEY NECK BEND FERRY FOR FY 2025-2030. (12CCR) (2020CCR)	PL DN RW UT CN	SPP		1,250,000	1,250,000
Project Cost:						0	1,250,000	1,250,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Monroe	4311	KY-100	INSTALL GUARDRAIL ON KY-100 IN MONROE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			40,000
				Project Cost:		0	0	40,000
Monroe	8954	KY-63	RECONSTRUCT INTERSECTION OF KY 63 AND POPLAR LOG CHURCH ROAD (2020CCN) (2022CCR)	PL				
				DN				
				RW	STP2	440,000		
				UT	STP2	510,000		
				CN	STP2		960,000	
				Project Cost:		950,000	960,000	0
Monroe	80003	KY-100	REPLACE BRIDGE ON KY-100 BETWEEN MP 14.7 AND 14.9. (18CCN)	PL				
				DN				
				RW	BRX			180,000
				UT	BRX			570,000
				CN				
				Project Cost:		0	0	750,000
Total for Monroe county				PL				
				DN				
				RW		440,000		180,000
				UT		510,000		570,000
				CN			2,210,000	1,290,000
				Total Amounts:		950,000	2,210,000	2,040,000
Montgomery	240	KY-1991	WIDEN KY-1991 FROM MAYSVILLE ROAD TO MIDLAND TRAIL INDUSTRIAL PARK, MONTGOMERY COUNTY. (SEE 7-8501.00 FOR "SPB" FUNDS) (2005HPP-KY129) (2022CCR)	PL				
				DN				
				RW				
				UT				
				CN	STP1		3,876,000	
				Project Cost:		0	3,876,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Montgomery	250	US-460	Reconstruction of US 460 from Lucky Stop to KY 713 @ Means.	PL				
				DN	SPP		500,000	
				RW	SPP			1,000,000
				UT				
				CN				
				Project Cost:		0	500,000	1,000,000
Montgomery	411	KY-1991	UPGRADE HINKSTON PIKE IN MT. STERLING FROM NEW MIDLAND TRAIL TO THE NEW INDUSTRIAL PARK ENTRANCE (INCLUDES EXTENSION OF INDUSTRIAL ACCESS ROAD TO HINKSTON PIKE). (12CCR)(18CCN) (2022CCR)	PL				
				DN				
				RW	SPP		530,000	
				UT	SPP			865,000
				CN				
				Project Cost:		0	530,000	865,000
Montgomery	8810	US-60	WIDEN EXISTING PAVEMENT & IMPROVE VERTICAL & HORIZONTAL CURVES FROM EXISTING MT STERLING BYPASS (KY 686) TO 500' W OF BENTBROOK SUBDIVISION. ADD FULL WIDTH SHOULDERS & A CENTER TURNING LANE IN CONGESTION AREAS FROM MP 2.2 TO 4.311.(14CCN)(16CCR)(18CCN) (2020CCR)	PL				
				DN				
				RW				
				UT	STPF		1,200,000	
				CN	STPF			5,200,000
				Project Cost:		0	1,200,000	5,200,000
Montgomery	20018	I-64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 104.26 TO MILEPOINT 112.113	PL				
				DN	NHPM			954,069
				RW				
				UT				
				CN	NHPM			3,586,617
				Project Cost:		0	0	4,540,686
Montgomery	22043	I-64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 112.113 TO MILEPOINT 115.647	PL				
				DN	NHPM		800,000	
				RW				
				UT				
				CN	NHPM		7,200,000	
				Project Cost:		0	8,000,000	0
Total for Montgomery county				PL				
				DN			1,300,000	954,069
				RW			530,000	1,000,000
				UT			1,200,000	865,000
				CN			11,076,000	8,786,617
				Total Amounts:		0	14,106,000	11,605,686

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1357

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Morgan	4312	KY-191	INSTALL GUARDRAIL ON KY-191 IN MORGAN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		76,000	
				Project Cost:		0	76,000	0
Morgan	8004	PF-9999	WEST LIBERTY BYPASS - CONSTRUCT NEW ROUTE FROM US 460 @ KY 2498 TO US 460 @ KY 172. (00CCN)	PL				
				DN	SPP		1,600,000	
				RW				
				UT				
				CN				
				Project Cost:		0	1,600,000	0
Morgan	8804	KY-2498	IMPROVE KY-2498 FROM US-460 TO THE ARH HOSPITAL. (14CCN) (16CCN) (2022CCR)	PL				
				DN				
				RW				
				UT				
				CN	SPP		2,000,000	2,000,000
				Project Cost:		0	2,000,000	2,000,000
Morgan	10055	KY-1950	BRIDGE PROJECT IN MORGAN COUNTY ON (088B00039N) KY-1950 AT BLACKWATER CREEK	PL				
				DN	FBP2	202,000		
				RW				
				UT				
				CN	FBP2	2,020,000		
				Project Cost:		2,222,000	0	0
Morgan	80202	US-460	Improve safety and substandard geometrics on US 460 from the Menifee County Line to approximately milepoint 0.8. (2022CCN)	PL				
				DN	NH	500,000		
				RW				
				UT				
				CN				
				Project Cost:		500,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Total for Morgan county				PL				
				DN		702,000	1,600,000	
				RW				
				UT				
				CN		2,020,000	2,076,000	2,000,000
				Total Amounts:		2,722,000	3,676,000	2,000,000
Muhlenberg	4307	KY-171	INSTALL GUARDRAIL ON KY-171 IN MUHLENBERG COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		27,000	
				Project Cost:		0	27,000	0
Muhlenberg	4308	US-62	INSTALL GUARDRAIL ON US-62 IN MUHLENBERG COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		35,000	
				Project Cost:		0	35,000	0
Muhlenberg	8802	KY-181	WIDEN KY-181 BY FOUR FEET ON EACH SIDE FROM INTERSECTION 601 TO WENDELL FORD CENTER. (14CCN)(18CCN) (2022CCR)	PL				
				DN				
				RW				
				UT				
				CN	STPF	4,700,000		
				Project Cost:		4,700,000	0	0
Muhlenberg	8803	KY-2533	STRAIGHTEN DEAN ROAD INTERSECTION OF 189 BYPASS TO KY 181 NORTH NEAR THE INTERSECTION WITH THE WKY PARKWAY, WENDELL FORD NATIONAL GUARD CENTER, AND JOB CORP. (14CCN)(18CCN) (2020CCR) (2022CCR)	PL				
				DN				
				RW	SPP		1,500,000	
				UT	SPP		1,000,000	
				CN				
				Project Cost:		0	2,500,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Muhlenberg	80100	KY-246	ADDRESS SAFETY AND MOBILITY ISSUES AT KY 246 INTERSECTION WITH KY 176 (2020CCN) (2022CCR)	PL DN RW UT CN	SPP	0	1,500,000	0
Project Cost:						0	1,500,000	0
Muhlenberg	80101	KY-181, KY-81	ADDRESS SAFETY AND MOBILITY ISSUES AT THE INTERSECTION OF KY 81 AND KY 181 (2020CCN)	PL DN RW UT CN	SPP	400,000	0	0
Project Cost:						400,000	0	0
Muhlenberg	80201	wk-9001	WESTERN KENTUCKY PKY - RECONSTRUCT INTERCHANGE AT US 431 AT CENTRAL CITY (2022CCN)	PL DN RW UT CN	SPP	0	1,600,000	0
Project Cost:						0	1,600,000	0
Total for Muhlenberg county				PL DN RW UT CN		5,100,000	1,600,000 1,500,000 1,000,000 1,562,000	0
Total Amounts:						5,100,000	5,662,000	0
Nelson	396.1000	US-150	IMPROVE SAFETY, MOBILITY, AND GEOMETRICS ON US-150 FROM THE BLUEGRASS PARKWAY TO THE NELSON/WASHINGTON COUNTY LINE. (2016BOP)(18CCR)(D-Auth under 4-396) (2022CCR)	PL DN RW UT CN	STPF	2,000,000	1,000,000	5,000,000 5,000,000
Project Cost:						3,000,000	5,000,000	5,000,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Nelson	4319	KY-458	INSTALL GUARDRAIL ON KY-458 IN NELSON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		311,000	
				Project Cost:		0	311,000	0
Nelson	8308.1000	US-150	WIDEN US-150 FROM KY-49 TO NEAR KY-245/WAL-MART WIDENING. (06CCN) (2022CCN)	PL				
				DN				
				RW	STP1	3,500,000		
				UT	STP1		2,080,000	
				CN				
				Project Cost:		3,500,000	2,080,000	0
Nelson	8809	US-31	NEW ROUTE BETWEEN US 62 AND KY 245 WEST OF BARDSTOWN (2020CCN) (2022CCR)	PL				
				DN				
				RW				
				UT				
				CN	STPF	2,500,000	2,500,000	5,000,000
				Project Cost:		2,500,000	2,500,000	5,000,000
Nelson	10062	US-62	BRIDGE PROJECT IN NELSON COUNTY ON (090B00056N) US-62 AT CEDAR CREEK	PL				
				DN	FBP	123,476		
				RW				
				UT				
				CN	FBP	823,170		
				Project Cost:		946,646	0	0
Nelson	10066	CR-1314	BRIDGE PROJECT IN NELSON COUNTY ON (090C00037N) KING RD AT E FK COX CR @SPENCER CL	PL				
				DN	BRZ		80,000	
				RW				
				UT				
				CN	BRZ		800,000	
				Project Cost:		0	880,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1361

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Nelson	22175	BG-9002	ADDRESS CONDITION OF Martha Layne Collins Bluegrass Parkway FROM MILEPOINT 24.095 TO MILEPOINT 35.15	PL				
				DN	NHPM		2,790,000	
				RW				
				UT				
				CN	NHPM		27,900,000	
				Project Cost:		0	30,690,000	0
Nelson	80254	PF-9999, US-31	IMPROVE CONNECTIVITY WEST OF BARDSTOWN BY CONSTRUCTION OF NEW ROUTE FROM THE BLUEGRASS PARKWAY BEGINNING WEST OF EXIT 21 TO KY245 (2022CCN).	PL				
				DN	NH	6,000,000		
				RW				
				UT				
				CN				
				Project Cost:		6,000,000	0	0
Nelson	80255	PF-9999, US-31	IMPROVE MOBILITY AND CONNECTIVITY WEST OF BARDSTOWN FROM KY 245 TO US 31E NEAR COX'S CREEK. (2022CCN)	PL				
				DN	STPF	1,000,000		
				RW	STPF			5,000,000
				UT	STPF			3,000,000
				CN				
				Project Cost:		1,000,000	0	8,000,000
Nelson	80356	KY-55	Address geometric deficiencies along KY 55 near pleasant view road in Bloomfield.	PL				
				DN	SAF	300,000		
				RW	SAF		800,000	
				UT	SAF		200,000	
				CN	SAF			1,500,000
				Project Cost:		300,000	1,000,000	1,500,000
Nelson	80357	KY-605	Install Guardrail in Curve on KY 605 from 0.162 miles north of Early Times Blvd extending northwesterly to 0.169 miles southeast of Freeman Ave. (MP 9.692-9.801)	PL				
				DN				
				RW				
				UT				
				CN	GR	40,000		
				Project Cost:		40,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Nelson	80361	PF-9999	Construct new interchange on BG Parkway at KY 1858 along with a connector to proposed 4-80255.0 Connector.	PL				
				DN	NH			3,000,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	3,000,000
Nelson	80363	US-31	Improve traffic operations, mobility and passing opportunities along US 31 E (Louisville - Bardstown Rd) from KY 509 to Bullitt County Line. Consider a 2+1 configuration and/or innovative intersections. (MP 20.536 - 27.428)	PL				
				DN	NH		2,000,000	
				RW	NH			250,000
				UT	NH			500,000
				CN				
				Project Cost:		0	2,000,000	750,000
Nelson	80366	KY-247	Address condition of KY 247 (Monks Road) between KY 52 and US 31E (Approx. 7.64 miles in length).	PL				
				DN				
				RW				
				UT				
				CN	STP5	1,000,000		
				Project Cost:		1,000,000	0	0
Total for Nelson county				PL				
				DN		9,423,476	4,870,000	3,000,000
				RW		3,500,000	800,000	5,250,000
				UT		1,000,000	2,280,000	3,500,000
				CN		4,363,170	36,511,000	11,500,000
				Total Amounts:		18,286,646	44,461,000	23,250,000
Nicholas	205	KY-36	IMPROVE THE KY-36/KY-32 INTERSECTION NEAR THE NICHOLAS COUNTY SCHOOL PROPERTY (12CCR)(16CCR)(2020CCR) (2022CCR)	PL				
				DN				
				RW	STP	1,500,000		
				UT	STP		1,000,000	
				CN	STP			1,500,000
				Project Cost:		1,500,000	1,000,000	1,500,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Nicholas	8811	KY-36	RECONSTRUCT KY 36/KY 928 INTERSECTION. (14CCN)(16CCR) (18CCN)	PL				
				DN				
				RW	SPP		320,000	
				UT				
				CN	SPP			1,000,000
				Project Cost:		0	320,000	1,000,000
Nicholas	10094	KY-32	BRIDGE PROJECT IN NICHOLAS COUNTY ON (091B00012N) KY-32 AT FLEMING CREEK	PL				
				DN	FBP2		267,000	
				RW				
				UT				
				CN	FBP2		2,670,000	
				Project Cost:		0	2,937,000	0
Nicholas	80306	KY-36	Improve safety, geometric deficiencies, and promote connectivity along KY-36 between US-68 (mile-point 0.864) and KY-13 (mile-point 3.910).	PL				
				DN	SPP		2,000,000	
				RW				
				UT				
				CN				
				Project Cost:		0	2,000,000	0
Total for Nicholas county				PL				
				DN			2,267,000	
				RW		1,500,000	320,000	
				UT			1,000,000	
				CN			2,670,000	2,500,000
				Total Amounts:		1,500,000	6,257,000	2,500,000
Ohio	4302	KY-69	INSTALL GUARDRAIL ON KY-69 IN OHIO COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		32,000	
				Project Cost:		0	32,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Ohio	4303	KY-69	INSTALL GUARDRAIL ON KY-69 IN OHIO COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		43,000	
				Project Cost:		0	43,000	0
Ohio	4315	US-62	INSTALL GUARDRAIL ON US-62 IN OHIO COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		8,000	
				Project Cost:		0	8,000	0
Ohio	8812.2000	KY-136	REPLACE, IMPROVE ALIGNMENTS AND APPROACHES, AND ADDRESS SAFETY ISSUES WITH BRIDGES ON KY-136 IN OHIO COUNTY FROM THE MCLEAN COUNTY LINE TO US-231. (2022CCR)	PL				
				DN				
				RW				
				UT				
				CN	STPF	9,926,000		
				Project Cost:		9,926,000	0	0
Ohio	8951	KY-54	IMPROVE SAFETY ON KY 54 BY UPGRADING MP 7.0 TO MP 8.0 TO THREE LANES INCLUDING CURB AND GUTTER AND ADDRESSING TWO SHARP TURNS. (16CCN)(18CCN) (2020CCR) (2022CCR)	PL				
				DN				
				RW	SPP		1,750,000	
				UT	SPP			1,000,000
				CN				
				Project Cost:		0	1,750,000	1,000,000
Ohio	80303	US-231	ADDRESS LEFT TURN LANE ISSUES ON US-231 AT BOTH PERDUE ENTRANCES.	PL				
				DN	NH	780,000		
				RW	NH		860,000	
				UT	NH			980,000
				CN				
				Project Cost:		780,000	860,000	980,000
Total for Ohio county				PL				
				DN		780,000		
				RW			2,610,000	
				UT				1,980,000
				CN		9,926,000	83,000	
				Total Amounts:		10,706,000	2,693,000	1,980,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1365

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>	
Oldham	234	KY-146, KY-393	KY-393 RECONSTRUCT FROM 140FEET SOUTH OF RAILROAD CROSSING (CSX) EXTENDING NORTHWEST TOWARDS KY 146 ENDING AT STATION 12+00 (DESIGN UNDER 5-230.00). (CONSTRUCTION SEQ.#2) (2020CCN) (2022CCR)	PL					
				DN					
				RW					
				UT					
				CN	STPF		9,000,000		
				Project Cost:			0	9,000,000	0
Oldham	477	KY-329	RAILROAD CROSSING SAFETY PROJECT ON KY 329 IN CRESTWOOD.	PL					
				DN	SPP	90,000			
				RW	SPP		120,000		
				UT	SPP		150,000		
				CN	SPP			870,000	
				Project Cost:			90,000	270,000	870,000
Oldham	483.1000	I-71	WIDEN I-71 FROM FOUR TO SIX LANES FROM KY-329 (MP 14.1) TO KY-393 (MP 18.0). (2022CCR)	PL					
				DN					
				RW	NH		1,900,000		
				UT	NH		1,800,000		
				CN	NH			20,000,000	
				Project Cost:			0	3,700,000	20,000,000
Oldham	483.2000	I-71	WIDEN I-71 FROM FOUR TO SIX LANES FROM KY-393 (MP 18.0) TO KY-53 (MP 22.4). (16CCN)	PL					
				DN	NH		5,500,000		
				RW					
				UT					
				CN					
				Project Cost:			0	5,500,000	0
Oldham	483.4000	I-71	Addition of soundwall on I-71 SB along Darby Pointe Neighborhood (MP 16.7-17.4) (To be let with 5-483.1 I-71 Widening).	PL					
				DN	SPP	200,000			
				RW					
				UT					
				CN	SPP			1,255,000	
				Project Cost:			200,000	0	1,255,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Oldham	4310	KY-1694	INSTALL GUARDRAIL ON KY-1694 IN OLDHAM COUNTY	PL DN RW UT CN	GR			71,000
Project Cost:						0	0	71,000
Oldham	8852	KY-53	IMPROVE KY-53 FROM ZHALE SMITH ROAD TO KY-22 (TOTAL 3.2 MILES). (14CCN)(18CCN) (2022CCR)	PL DN RW UT CN	SPP SPP		1,700,000	700,000
Project Cost:						0	1,700,000	700,000
Oldham	22098	I-71	ADDRESS CONDITION OF I-071 FROM MILEPOINT 17.883 (18.07 CARDINAL) TO MILEPOINT 22.133	PL DN RW UT CN	NHPM NHPM	1,000,000 9,000,000		
Project Cost:						10,000,000	0	0
Oldham	80005	I-71	IMPROVE THE INTERCHANGE OF I 71 AND KY 329. (18CCN) (2020CCR) (DESIGNED UNDER 5-483.10) (2022CCR)	PL DN RW UT CN	NH NH NH NH		370,000	960,000 900,000 4,000,000
Project Cost:						0	370,000	5,860,000
Oldham	80209	KY-53	Improve safety and reduce congestion on KY 53 from I-71 to Zhale Smith Road. Includes consideration of a five lane widening and bike/ped accommodations. (2022CCN)	PL DN RW UT CN	STPF		1,600,000	
Project Cost:						0	1,600,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1367

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Oldham	80210	KY-146	Improve safety and reduce congestion on KY 146 (LaGrange Road) from KY 329B (KY 329 Bypass) to KY 393. Includes consideration of a four lane widening and bike/ped accommodations. (2022CCN)	PL DN RW UT CN	SPP	240,000		
Project Cost:						240,000	0	0
Oldham	80211	KY-524	Landslide repair on Westport Road (KY-524) from JCT. US-42 West, north 1.0 mile. (2002BOPC)(NOT REQUIRED) (2022CCN)	PL DN RW UT CN	SPP SPP SPP	600,000	500,000	500,000
Project Cost:						600,000	500,000	500,000
Oldham	80307	US-42	IMPROVE TRAFFIC FLOW, MINIMIZE CONGESTION, AND ADDRESS SAFETY ISSUES ON US 42 BETWEEN RIDGMOOR DRIVE AND KY 1694 (GUM STREET). INCLUDES CONSIDERATION OF A THREE LANE WIDENING AND BIKE/PED ACCOMODATIONS.	PL DN RW UT CN	FED			3,500,000
Project Cost:						0	0	3,500,000
Oldham	80313	I-71	IMPROVE SAFETY AND REDUCE CONGESTION AT THE I-71/KY 53 (NORTH/SOUTH FIRST AVENUE) INTERCHANGE. INCLUDES CONSIDERATION OF AN ADDITIONAL LEFT-TURN LANE ON NB KY 53 TO THE SB I-71 ON-RAMP. REQUIRES MINOR WIDENING OF KY 53 BRIDGE (093B0002N) AND RAMP.	PL DN RW UT CN	NH		800,000	
Project Cost:						0	800,000	0
Oldham	80314	KY-362	IMPROVE SAFETY, ACCESS, AND ADDRESS GEOMETRIC DEFICIENCIES ALONG KY 362 FROM THE OLDHAM/SHELBY COUNTY LINE TO KY 146 (IN AND SOUTH OF PEWEE VALLEY). INCLUDES CONSIDERATION OF A 3 LANE WIDENING WITH A TWO WAY LEFT TURN LANE AND BIKE/PED ACCOMMODATIONS.	PL DN RW UT CN	SPP SPP		200,000	1,960,000
Project Cost:						0	200,000	1,960,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Oldham	80325	KY-146	REDUCE CONGESTION, IMPROVE SAFETY AND ENHANCE MOBILITY ON KY 146 IN BUCKNER FROM KY 1817 (NEW CUT ROAD) (MP 6.81) TO KY 393 (MP 7.42).	PL	SPP		175,000	
				DN	SPP			510,000
				RW				
				UT				
				CN				
Project Cost:						0	175,000	510,000
Oldham	80344	I-71	ADDITION OF SOUNDWALL ON I 71 NB ALONG SPRING HILL SUBDIVISION. (As a part of the I-MOVE Expansion Project on I 71).	PL				
				DN	SPP		200,000	
				RW				
				UT				
				CN	SPP			3,400,000
Project Cost:						0	200,000	3,400,000
Oldham	80345	KY-22	IMPROVE SAFETY AND REDUCE CONGESTION, ALONG US 22 FROM HAUNZ LANE TO KY 329.	PL				
				DN	SPP	300,000		
				RW	SPP		800,000	
				UT	SPP		1,000,000	
				CN	SPP			2,000,000
Project Cost:						300,000	1,800,000	2,000,000
Total for Oldham county				PL		240,000	375,000	
				DN		2,190,000	8,470,000	5,970,000
				RW			5,020,000	960,000
				UT			2,950,000	2,100,000
				CN		9,000,000	9,000,000	31,596,000
Total Amounts:						11,430,000	25,815,000	40,626,000
Owen	8702	KY-22	WIDEN KY 22 FROM INTERSECTION WITH KY 845 TO THE OWEN/GRANT COUNTY LINE.(12CCN)(14CCR)(16CCR)	PL				
				DN				
				RW	SPP		2,000,000	
				UT	SPP			1,250,000
				CN				
Project Cost:						0	2,000,000	1,250,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Total for Owen county				PL				
				DN				
				RW			2,000,000	
				UT				1,250,000
				CN				
				Total Amounts:		0	2,000,000	1,250,000
Owsley	173	KY-708	Replace bridge over Moores Fork and realign roadway.	PL				
				DN				
				RW	BRX		230,000	
				UT	BRX		165,000	
				CN				
				Project Cost:		0	395,000	0
Owsley	80105	KY-11	RECONSTRUCT THE INTERSECTION OF KY 11 AND KY 846 (2020CCN)	PL				
				DN				
				RW	SPP	220,000		
				UT	SPP		240,000	
				CN	SPP			880,000
				Project Cost:		220,000	240,000	880,000
Owsley	80304	ky-3504	Improvements to the intersection of KY 3504 and Old KY 11 (CR 1346K)	PL				
				DN	SPP	70,000		
				RW	SPP		20,000	
				UT	SPP		80,000	
				CN	SPP		110,000	
				Project Cost:		70,000	210,000	0
Owsley	80350	CR-1049	Address pavement issues on CR 1049 (Puncheon Camp Branch Rd) from the intersection with KY 28 (MP 0.0) to MP 0.689	PL				
				DN				
				RW				
				UT				
				CN	SPP	190,000		
				Project Cost:		190,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Total for Owsley county				PL				
				DN		70,000		
				RW		220,000	250,000	
				UT			485,000	
				CN		190,000	110,000	880,000
				Total Amounts:		480,000	845,000	880,000
Pendleton	4317	KY-159	INSTALL GUARDRAIL ON KY-159 IN PENDLETON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			16,000
				Project Cost:		0	0	16,000
Pendleton	8508.1000	KY-22, PF-9999	RELOCATE KY 22 FROM THE INTERSECTION OF FRYER ROAD AND KY 330 TO US 27 (ALIGNMENT H FROM 1988 STUDY) (2022CCN)	PL				
				DN	NH		2,745,600	
				RW				
				UT				
				CN				
				Project Cost:		0	2,745,600	0
Pendleton	80253	US-27	IMPROVE SAFETY AND MOBILITY ON US 27 AT THE KY INTERSECTION (MILEPOINT 11.6 TO MILEPOINT 12) (2022CCN)	PL				
				DN	NH		350,000	
				RW	NH			300,000
				UT	NH			175,000
				CN				
				Project Cost:		0	350,000	475,000
Pendleton	80258	KY-177	RECONSTRUCTION FROM KY 3185 IN BUTLER TO KY 467 (2022CCN)	PL				
				DN	SPP		1,996,800	
				RW				
				UT				
				CN				
				Project Cost:		0	1,996,800	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1371

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Pendleton	80306	US-27	IMPROVE SAFETY AND MOBILITY ON US 27 AT THE KY 22 INTERSECTION.	PL				
				DN	NH			760,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	760,000
Pendleton	80310	KY-177	RECONSTRUCT KY 177 FROM LICKING RIVER BRIDGE IN BUTLER TO KY 3185.	PL				
				DN	SPP		2,080,000	
				RW				
				UT				
				CN				
				Project Cost:		0	2,080,000	0
Total for Pendleton county				PL				
				DN			7,172,400	760,000
				RW				300,000
				UT				175,000
				CN				16,000
				Total Amounts:		0	7,172,400	1,251,000
Perry	178	KY-7	Address roadway slide on KY 7 from MP 9.8 to MP 10.0.	PL				
				DN				
				RW	PROT	150,000		
				UT	PROT	300,000		
				CN	PROT			2,500,000
				Project Cost:		450,000	0	2,500,000
Perry	269.2000	KY-15	RECONSTRUCTION OF KY 15 FROM BONNYMAN TO NEAR KY 28. (14CCN) (2020CCN) (2022CCR)	PL				
				DN				
				RW	SPP		2,000,000	2,730,000
				UT				
				CN				
				Project Cost:		0	2,000,000	2,730,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Perry	4317	KY-7	INSTALL GUARDRAIL ON KY-7 IN PERRY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			64,000
				Project Cost:		0	0	64,000
Perry	8903	HR-9006	NEW INTERCHANGE OFF OF A NEW EXIT 55 HAL ROGERS PARKWAY TO SERVE THE SKYVIEW REGIONAL HOUSING DEVELOPMENT. (16CCN)(18CCN)	PL				
				DN	NH	500,000		
				RW	NH		1,260,000	
				UT	NH		350,000	
				CN				
				Project Cost:		500,000	1,610,000	0
Perry	80100	CR-1365	NEW IMPROVED ACCESS TO WENDALL FORD AIRPORT (2020CCN) (2022CCR)	PL				
				DN				
				RW				
				UT				
				CN	HGC		15,125,000	
				Project Cost:		0	15,125,000	0
Perry	80305	ky-1440	Reconstruct roadway to eliminate flooding beginning at the intersection with KY 550.	PL				
				DN	SPP		650,000	
				RW	SPP			720,000
				UT	SPP			1,050,000
				CN				
				Project Cost:		0	650,000	1,770,000
Perry	80306	ky-550	Improve drainage issues and construct sidewalk on KY 550 from MP 1.2 to MP 1.7 near the Galen College of Nursing.	PL				
				DN	SPP	520,000		
				RW	SPP		1,380,000	
				UT	SPP		1,080,000	
				CN	SPP			1,680,000
				Project Cost:		520,000	2,460,000	1,680,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Perry	80308		Construct a new access road to East Perry Sports Complex development and a connector to Nautilus Drive	PL				
				DN	SPP	325,000		
				RW	SPP		50,000	
				UT	SPP			100,000
				CN	SPP			1,000,000
				Project Cost:		325,000	50,000	1,100,000
Total for Perry county				PL				
				DN		1,345,000	650,000	
				RW		150,000	4,690,000	3,450,000
				UT		300,000	1,430,000	1,150,000
				CN			15,125,000	5,244,000
				Total Amounts:		1,795,000	21,895,000	9,844,000
Pike	147	KY-1426	MITIGATE OR ELIMINATE ROCKFALL HAZARDS AND IMPROVE ROADWAY FOR BETTER FLOW AND EFFICIENCY IN ORDER TO HANDLE THE EXPECTED CONGESTION ARISING FROM EVENTS AT THE EXPO CENTER. IDENTIFIED IN THE 1999 PIKEVILLE URBAN STUD FROM BILL KING RD. TO US 119. (2020CCR)	PL				
				DN				
				RW	PROT	870,000		
				UT	PROT		2,640,000	
				CN	PROT			9,840,000
				Project Cost:		870,000	2,640,000	9,840,000
Pike	198	KY-194	IMPROVE KY 194 FROM US 119 RAMP NEAR SMITH FARMS BOTTOM (CR 1458) TO NEAR DESKINS BRANCH CULVERT. (18CCR) (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	STPF			4,000,000
				Project Cost:		0	0	4,000,000
Pike	263.7600	KY-80	"US 460, Section 7A3 Reconstruct KY 80 from US 460 Ramp 2/KY 1372 Intersection to the CSX Railroad Bridge"	PL				
				DN	SPP		350,000	
				RW	SPP			150,000
				UT	SPP			300,000
				CN				
				Project Cost:		0	350,000	450,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Pike	346	US-460	IMPROVE SAFETY AND REDUCE CONGESTION AT THE US-460 AND KY-1460 INTERSECTION. (2020CCR) (2022CCR)	PL				
				DN				
				RW	NH	540,000		
				UT	NH	600,000		
				CN				
				Project Cost:		1,140,000	0	0
Pike	4319	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		74,000	
				Project Cost:		0	74,000	0
Pike	4350	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		41,000	
				Project Cost:		0	41,000	0
Pike	4351	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		83,000	
				Project Cost:		0	83,000	0
Pike	4352	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		44,000	
				Project Cost:		0	44,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Pike	4353	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		72,000	
				Project Cost:		0	72,000	0
Pike	4363	KY-122	INSTALL GUARDRAIL ON KY-122 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		34,000	
				Project Cost:		0	34,000	0
Pike	4364	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		45,000	
				Project Cost:		0	45,000	0
Pike	4365	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		43,000	
				Project Cost:		0	43,000	0
Pike	4366	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		36,000	
				Project Cost:		0	36,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Pike	4367	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		70,000	
				Project Cost:		0	70,000	0
Pike	4368	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		68,000	
				Project Cost:		0	68,000	0
Pike	4369	KY-611	INSTALL GUARDRAIL ON KY-611 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		121,000	
				Project Cost:		0	121,000	0
Pike	4370	KY-611	INSTALL GUARDRAIL ON KY-611 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		90,000	
				Project Cost:		0	90,000	0
Pike	4383	KY-122	INSTALL GUARDRAIL ON KY-122 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		24,000	
				Project Cost:		0	24,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Pike	4384	KY-1441	INSTALL GUARDRAIL ON KY-1441 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		131,000	
				Project Cost:		0	131,000	0
Pike	4410	KY-1056	INSTALL GUARDRAIL ON KY-1056 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		62,000	
				Project Cost:		0	62,000	0
Pike	4411	KY-1469	INSTALL GUARDRAIL ON KY-1469 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		48,000	
				Project Cost:		0	48,000	0
Pike	4412	KY-1469	INSTALL GUARDRAIL ON KY-1469 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		58,000	
				Project Cost:		0	58,000	0
Pike	4413	KY-1499	INSTALL GUARDRAIL ON KY-1499 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		144,000	
				Project Cost:		0	144,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Pike	4414	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		106,000	
				Project Cost:		0	106,000	0
Pike	4415	KY-197	INSTALL GUARDRAIL ON KY-197 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		96,000	
				Project Cost:		0	96,000	0
Pike	4416	KY-197	INSTALL GUARDRAIL ON KY-197 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		51,000	
				Project Cost:		0	51,000	0
Pike	4417	KY-197	INSTALL GUARDRAIL ON KY-197 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		53,000	
				Project Cost:		0	53,000	0
Pike	4418	KY-197	INSTALL GUARDRAIL ON KY-197 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		80,000	
				Project Cost:		0	80,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>			
Pike	4419	KY-197	INSTALL GUARDRAIL ON KY-197 IN PIKE COUNTY	PL							
				DN							
				RW							
				UT							
				CN	GR		16,000				
				Project Cost:					0	16,000	0
Pike	4421	KY-197	INSTALL GUARDRAIL ON KY-197 IN PIKE COUNTY	PL							
				DN							
				RW							
				UT							
				CN	GR		38,000				
				Project Cost:					0	38,000	0
Pike	4455	KY-122	INSTALL GUARDRAIL ON KY-122 IN PIKE COUNTY	PL							
				DN							
				RW							
				UT							
				CN	GR			32,000			
				Project Cost:					0	0	32,000
Pike	4456	KY-122	INSTALL GUARDRAIL ON KY-122 IN PIKE COUNTY	PL							
				DN							
				RW							
				UT							
				CN	GR			93,000			
				Project Cost:					0	0	93,000
Pike	4457	KY-1469	INSTALL GUARDRAIL ON KY-1469 IN PIKE COUNTY	PL							
				DN							
				RW							
				UT							
				CN	GR			36,000			
				Project Cost:					0	0	36,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Pike	4458	KY-1469	INSTALL GUARDRAIL ON KY-1469 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			22,000
				Project Cost:		0	0	22,000
Pike	4459	KY-1499	INSTALL GUARDRAIL ON KY-1499 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			45,000
				Project Cost:		0	0	45,000
Pike	4460	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			39,000
				Project Cost:		0	0	39,000
Pike	4461	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			11,000
				Project Cost:		0	0	11,000
Pike	4462	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			17,000
				Project Cost:		0	0	17,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Pike	4463	KY-610	INSTALL GUARDRAIL ON KY-610 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			60,000
				Project Cost:		0	0	60,000
Pike	8705	CS-1215	IMPROVE CONNECTIVITY BETWEEN THOMPSON ROAD AND US-23 AT STONECOAL.(12CCN)(14CCR)(16CCR)	PL				
				DN				
				RW				
				UT	HGC		730,000	
				CN	HGC			7,240,000
				Project Cost:		0	730,000	7,240,000
Pike	10132	KY-1426	BRIDGE PROJECT IN PIKE COUNTY ON (098B00013N) KY-1426 AT BENT BRANCH	PL				
				DN	BRX			151,938
				RW				
				UT				
				CN				
				Project Cost:		0	0	151,938
Pike	10137	KY-1441	BRIDGE PROJECT IN PIKE COUNTY ON (098B00135N) KY-1441 AT RACCOON CREEK	PL				
				DN	FBP		75,000	
				RW				
				UT				
				CN	FBP		750,000	
				Project Cost:		0	825,000	0
Pike	10152	US-119	ADDRESS DEFICIENCIES OF BRIDGE ON US 119 OVER Tug Fork (098B00001N)	PL				
				DN				
				RW				
				UT				
				CN	BRX			320,000
				Project Cost:		0	0	320,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Pike	20003	US-119	ADDRESS CONDITION OF US-119 FROM MILEPOINT 12.23 TO MILEPOINT 16.85	PL				
				DN	STP3		115,500	
				RW				
				UT				
				CN	STP3		2,194,500	
				Project Cost:		0	2,310,000	0
Pike	80308	ky-1469	Improve substandard geometrics in the curve near Marshall Branch.	PL				
				DN	SPP	105,000		
				RW	SPP		198,000	
				UT	SPP		59,000	
				CN	SPP			1,000,000
				Project Cost:		105,000	257,000	1,000,000
Pike	80309	US-23	Make template changes to improve sight distance, drainage, and ingress/egress through this commercial section of US 23	PL				
				DN	NH		650,000	
				RW	NH			230,000
				UT	NH			1,320,000
				CN				
				Project Cost:		0	650,000	1,550,000
Pike	80351	KY-122	Replace bridge (098B00064N) on KY 122 (MP 13.45-13.65)	PL				
				DN	FBP		350,000	
				RW	FBP			385,000
				UT	FBP			200,000
				CN				
				Project Cost:		0	350,000	585,000
Pike	80352		New construction of a two-lane roadway extending from intersection with KY 1384 (Cedar Creek Road) to the proposed UPIKE Bear Mountain Sports Complex	PL				
				DN	HGC		500,000	
				RW				
				UT	HGC		220,000	
				CN	HGC			3,280,000
				Project Cost:		0	720,000	3,280,000
Total for Pike county				PL				
				DN		105,000	2,040,500	151,938
				RW		1,410,000	198,000	765,000
				UT		600,000	3,649,000	1,820,000
				CN			4,672,500	26,035,000
				Total Amounts:		2,115,000	10,560,000	28,771,938

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1383

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Powell	170	ky-11	Improve safety and traffic operations along KY 11/KY 15 in Stanton from east of Halls Lane to west of Stonegate Drive by widening and providing a two-way left-turn lane.	PL				
				DN				
				RW	SPP		750,000	
				UT	SPP		1,750,000	
				CN				
				Project Cost:		0	2,500,000	0
Powell	174	KY-613	Correct flooding issues on KY 613 at Bowen from KY 11 to Bridge over Red River in Powell County.	PL				
				DN				
				RW	PROT	202,000		
				UT	PROT	176,000		
				CN	PROT			1,080,000
				Project Cost:		378,000	0	1,080,000
Powell	210	KY-213	IMPROVE SAFETY AND LEVEL OF SERVICE ON KY-213 IN POWELL COUNTY FROM SONS ROAD TO REED COURT.	PL				
				DN				
				RW	STP		700,000	
				UT	STP		700,000	
				CN	STP			2,500,000
				Project Cost:		0	1,400,000	2,500,000
Powell	4318	KY-82	INSTALL GUARDRAIL ON KY-82 IN POWELL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			32,000
				Project Cost:		0	0	32,000
Powell	20008	KY-9000	ADDRESS CONDITION OF Bert T. Combs Mountain Parkway FROM MILEPOINT 32.787 TO MILEPOINT 36	PL				
				DN	NHPM	310,000		
				RW				
				UT				
				CN	NHPM	2,790,000		
				Project Cost:		3,100,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Powell	80250	KY-11	Construct a bridge on KY 11 (Campton Rd MP 3.4 to 3.85) across the Bert T. Combs Mountain Parkway (2022CCN)	PL				
				DN				
				RW	SPP		5,000,000	
				UT	SPP			5,000,000
				CN				
				Project Cost:		0	5,000,000	5,000,000
Total for Powell county				PL				
				DN		310,000		
				RW		202,000	6,450,000	
				UT		176,000	2,450,000	5,000,000
				CN		2,790,000		3,612,000
				Total Amounts:		3,478,000	8,900,000	8,612,000
Pulaski	59.5000	LN-9008	Provide connectivity of LBN Expressway to KY to reduce congestion and improve safety for East KY 80.	PL				
				DN	NH	5,000,000		
				RW	NH			100,000
				UT				
				CN				
				Project Cost:		5,000,000	0	100,000
Pulaski	59.6000	KY-80	Somerset Northern Bypass (I-66) Section 4; From East of the KY 39 Interchange, to KY 461 / KY 80 Interchange (8-59.25 - BUILD Grant)	PL				
				DN	NH	7,000,000		
				RW	NH			1,000,000
				UT				
				CN				
				Project Cost:		7,000,000	0	1,000,000
Pulaski	121	ky-196	HORIZONTAL AND VERTICAL REALIGNMENT OF KY-196 AT WHITE OAK CREEK FROM 1.0 MILE E OF WARNER ROAD TO 0.3 MILE W OF SIEVERS ROAD.(10CCR)(14CCR)	PL				
				DN	STP2	250,000		
				RW	STP2		500,000	
				UT	STP2		500,000	
				CN	STP2			1,950,000
				Project Cost:		250,000	1,000,000	1,950,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1385

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Pulaski	169	KY-39	IMPROVE SAFETY AND MOBILITY ALONG KY 39 BETWEEN KY 80 AND OAK LEAF LANE TO ENHANCE SCHOOL CAMPUS CONNECTIVITY. (2020CCR)	PL DN RW UT CN	STP1			425,000
Project Cost:						0	0	425,000
Pulaski	174	KY-1247, PF-9999	ACCESS IMPROVEMENTS TO ACCOMMODATE BURNSIDE ELEMENTARY SCHOOL (2022CCR)	PL DN RW UT CN	STPF	1,100,000 470,000	5,200,000	
Project Cost:						1,570,000	5,200,000	0
Pulaski	272	us-27	Reduce congestion and improve safety and mobility along US 27 between General Burnside Island and Cumberland River Bridge.	PL DN RW UT CN	NH NH		5,780,000 2,490,000	
Project Cost:						0	8,270,000	0
Pulaski	4316	KY-1247	INSTALL GUARDRAIL ON KY-1247 IN PULASKI COUNTY	PL DN RW UT CN	GR		15,000	
Project Cost:						0	15,000	0
Pulaski	9010	KY-635	SAFETY PROJECT TO RECONSTRUCT KY 635 TO ELIMINATE AT GRADE RAILROAD CROSSING AND REPLACE WITH RAILROAD SEPARATION CROSSING AT SCIENCE HILL, KENTUCKY IN PULASKI COUNTY. (2016BOP) (2020CCR)	PL DN RW UT CN	RRS			6,600,000
Project Cost:						0	0	6,600,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Pulaski	10064	KY-80	BRIDGE PROJECT IN PULASKI COUNTY ON (100B00029N) KY-80 AT FISHING CREEK	PL				
				DN	BRO	657,000		
				RW				
				UT				
				CN	BRO	8,071,647		
				Project Cost:		8,728,647	0	0
Pulaski	10067	KY-3260	BRIDGE PROJECT IN PULASKI COUNTY ON (100B00093N) KY-3260 AT PITTMAN CREEK	PL				
				DN	FBP	220,000		
				RW				
				UT				
				CN	FBP	2,200,000		
				Project Cost:		2,420,000	0	0
Pulaski	22366	KY-39	ADDRESS CONDITION OF KY-39 FROM MILEPOINT 6.47 TO MILEPOINT 10.673	PL				
				DN	NHPM			87,500
				RW				
				UT				
				CN	NHPM			1,662,500
				Project Cost:		0	0	1,750,000
Pulaski	80104	KY-90	REDUCE CONGESTION AND IMPROVE SAFETY, CAPACITY AND MOBILITY ALONG KY 90 BETWEEN WAYNE COUNTY LINE AND NEW CUMBERLAND RIVER BRIDGE (2020CCN) (2022CCR)	PL				
				DN				
				RW	SPP		6,300,000	
				UT	SPP			2,270,000
				CN	SPP			5,000,000
				Project Cost:		0	6,300,000	7,270,000
Pulaski	80109	LN-9008	UPGRADE THE CUMBERLAND PARKWAY (EXPRESSWAY) FOR ENTRY INTO THE FEDERAL HIGHWAY SYSTEM AS A SPUR OF I 65 (2020CCN)	PL	SPP	500,000		
				DN				
				RW				
				UT				
				CN				
				Project Cost:		500,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Pulaski	80301	KY-1642	Improve safety and reduce congestion along KY 1642 from 0.178 mile west of KY 1577 to KY 914	PL				
				DN	SPP	198,600		
				RW	SPP		560,000	
				UT	SPP		430,000	
				CN				
Project Cost:						198,600	990,000	0
Pulaski	80302	ky-461	Address safety, capacity and access issues along KY-461 from south of Buck Creek extending northerly to Pulaski/Rockcastle Line (as a continuation of 8-59.25).	PL				
				DN	SPP		1,824,800	
				RW				
				UT				
				CN				
Project Cost:						0	1,824,800	0
Pulaski	80310	KY-914	Minor widening along KY-914 by adding turning lanes and relocating an existing entrance into adjacent property.	PL				
				DN	SPP	100,000		
				RW				
				UT	SPP		150,000	
				CN	SPP			658,000
Project Cost:						100,000	150,000	658,000
Pulaski	80312	KY-3262	Improve geometrics and safety along KY 3262 fom Baker Road to approximately 0.5mi northeast of Baker Road	PL				
				DN	SPP		200,000	
				RW	SPP			200,000
				UT	SPP			250,000
				CN				
Project Cost:						0	200,000	450,000
Pulaski	80350	ky-1642	Improve safety and congestion along KY 1642 at KY 1577 (MP 13.4 -13.7)	PL				
				DN	SPP		400,000	
				RW				
				UT				
				CN				
Project Cost:						0	400,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Pulaski	80353	US-27	Improve sight distance at the left turn lanes along US 27 at KY 635 traffic light (MP 22.5 -22.8)	PL				
				DN	SAF		75,000	
				RW				
				UT	SAF		100,000	
				CN	SAF			400,000
				Project Cost:		0	175,000	400,000
Total for Pulaski county				PL		500,000		
				DN		13,425,600	2,499,800	512,500
				RW		1,100,000	13,140,000	1,300,000
				UT		470,000	3,670,000	2,520,000
				CN		10,271,647	5,215,000	16,270,500
				Total Amounts:		25,767,247	24,524,800	20,603,000
Robertson	8711	KY-616	IMPROVE CURVE ON KY 616 AND IMPROVE ROADWAY FROM THE NEW ROBERTSON COUNTY SCHOOL TO MT OLIVET. (12CCN) (14CCR)(18CCN) (2020CCR) (2022CCR)	PL				
				DN				
				RW	SPP	270,000		
				UT	SPP	210,000		
				CN	SPP			1,000,000
				Project Cost:		480,000	0	1,000,000
Robertson	80312	US-62	IMPROVE THE INTERSECTION OF US 62 AND KY 165 IN MOUNT OLIVET.	PL				
				DN	NH		160,000	
				RW	NH		1,650,000	
				UT	NH		60,000	
				CN				
				Project Cost:		0	1,870,000	0
Total for Robertson county				PL				
				DN			160,000	
				RW		270,000	1,650,000	
				UT		210,000	60,000	
				CN				1,000,000
				Total Amounts:		480,000	1,870,000	1,000,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1389

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Rockcastle	8952	KY-461	IMPROVE KY-461 FROM US-150 TO THE EXISTING FOUR LANE APPROACH AT US-25.(16CCN)(18CCR) (2020CCR) (2022CCR)	PL				
				DN				
				RW				
				UT				
				CN	NH			9,000,000
				Project Cost:		0	0	9,000,000
Rockcastle	10070	KY-1787	BRIDGE PROJECT IN ROCKCASTLE COUNTY ON (102B00034N) KY-1787 AT CLEAR CREEK	PL				
				DN	FBP2	160,000		
				RW				
				UT				
				CN	FBP2	1,600,000		
				Project Cost:		1,760,000	0	0
Rockcastle	10071	CR-1086	BRIDGE PROJECT IN ROCKCASTLE COUNTY ON (102C00067N) MARET CEMETERY RD AT ROUND STONE CREEK	PL				
				DN	FBP2			48,000
				RW				
				UT				
				CN	FBP2			480,000
				Project Cost:		0	0	528,000
Rockcastle	22110	I-75	ADDRESS CONDITION OF I-075 FROM MILEPOINT 50.767 TO MILEPOINT 52.05	PL				
				DN	NHPM		220,000	
				RW				
				UT				
				CN	NHPM			980,000
				Project Cost:		0	220,000	980,000
Rockcastle	22370	US-150	ADDRESS CONDITION OF US-150 FROM MILEPOINT 8.4 TO MILEPOINT 10.21	PL				
				DN	STP4			50,274
				RW				
				UT				
				CN	STP4			955,206
				Project Cost:		0	0	1,005,480

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Rockcastle	80106	US-25	ADDRESS SAFETY, MOBILITY, AND CONGESTION WITH ACCESS AMANGEMENT ALONG US-25 (RICHMOND ST) FROM THE US 25/US 461 INTERSECTION TO I 75 (2020CCN)(\$7 MILLION CONGRESSIONAL EARMARK DEMO ID KY194)	PL DN RW UT CN	SPP SPP SPP		1,101,600	1,101,600 1,000,000
Project Cost:						0	1,101,600	2,101,600
Rockcastle	80107	US-25	US 25 FROM I 75 EXIT 62 NORTHERLY TO MP 17.3 - PLANNING STUDY TO ADDRESS ECONOMIC DEVELOPMENT (2020CCN)	PL DN RW UT CN	SPP		300,000	
Project Cost:						0	300,000	0
Rockcastle	80303	ky-461	Address capacity and access issues along KY-461 from Pulaski/Rockcastle County Line to KY 1250.	PL DN RW UT CN	SPP		1,685,200	
Project Cost:						0	1,685,200	0
Rockcastle	80304	KY-461	Address safety, capacity and access issues along KY-461 from KY 1250 to US 150.	PL DN RW UT CN	SPP		1,114,800	
Project Cost:						0	1,114,800	0
Rockcastle	80305	US-25	Planning study on US 25 to address Connectivity for future development in Mt. Vernon on the western side of I-75 between exit 59 and exit 62.	PL DN RW UT CN	SPP		250,000	
Project Cost:						0	250,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1391

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Rockcastle	80306	US-150	Address capacity issues from KY-461 to US-25 in Mt. Vernon to continue corridor improvements to US 150 as identified in the 1998 planning study.	PL				
				DN	NH		1,000,000	
				RW				
				UT				
				CN				
				Project Cost:		0	1,000,000	0
Total for Rockcastle county				PL			550,000	
				DN		160,000	4,020,000	98,274
				RW			1,101,600	
				UT				1,101,600
				CN		1,600,000		12,415,206
				Total Amounts:		1,760,000	5,671,600	13,615,080
Rowan	204	KY-32	IMPROVE KY-32 FROM PARK HILLS DRIVE TO VIKING DRIVE NORTH. (12CCR)(18CCR) (2020CCR) (2022CCR)	PL				
				DN				
				RW				
				UT				
				CN	HGC		20,500,000	
				Project Cost:		0	20,500,000	0
Rowan	234	KY-801	Provide a planning study to determine possible alternates and feasibility of extending KY 801 from its intersection with KY 158 at Sharkey to KY 32 near the Fleming/Rowan county line.	PL	STP		250,000	
				DN				
				RW				
				UT				
				CN				
				Project Cost:		0	250,000	0
Rowan	4312	US-60	INSTALL GUARDRAIL ON US-60 IN ROWAN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		3,000	
				Project Cost:		0	3,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Rowan	4315	US-60	INSTALL GUARDRAIL ON US-60 IN ROWAN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		76,000	
				Project Cost:		0	76,000	0
Rowan	4319	KY-3319	INSTALL GUARDRAIL ON KY-3319 IN ROWAN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		50,000	
				Project Cost:		0	50,000	0
Rowan	4320	US-60	INSTALL GUARDRAIL ON US-60 IN ROWAN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		3,000	
				Project Cost:		0	3,000	0
Rowan	4321	US-60	INSTALL GUARDRAIL ON US-60 IN ROWAN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		32,000	
				Project Cost:		0	32,000	0
Rowan	8406	KY-377	IMPROVE SAFETY AND CONNECTIVITY AND REDUCE CONGESTION ON KY-377 FROM KY-32 TO NORTH OF KY-799. (08CCN)(10CCR) (16CCR)(18CCR) (2020CCR) (2022CCR)	PL				
				DN				
				RW				
				UT	SPP		3,000,000	2,000,000
				CN				
				Project Cost:		0	3,000,000	2,000,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Rowan	8406.2000	KY-377	IMPROVE SAFETY AND CONNECTIVITY AND REDUCE CONGESTION ON KY-377 FROM JUST SOUTH OF CLEARK FORK ROAD TO JUST NORTH OF KY 799 (BIG PERRY ROAD).	PL DN RW UT CN	STP2 STP2		4,500,000	5,000,000
Project Cost:						0	4,500,000	5,000,000
Rowan	80108	CR-1391	WIDEN AND SOFTEN CURVE ON CR 1391 (BRATTON BRANCH RD) AT WALMART (2020CCN)	PL DN RW UT CN	SPP	150,000		
Project Cost:						150,000	0	0
Rowan	80307	ky-32	Improve safety and reduce congestion on KY 32 (Flemingsburg Road) between the intersections of CS 1203 (Trademore Drive) and CS1001 (Fralely Drive) and in the vicinity of the I-64 interchange.	PL DN RW UT CN	SPP		2,250,000	
Project Cost:						0	2,250,000	0
Rowan	80308	KY-32	Reduce congestion and improve mobility on KY 32 (Flemingsburg Road) between the intersections with KY 3531 (Viking Drive) and CS1020 (Mabry Drive).	PL DN RW UT CN	SPP		1,280,000	
Project Cost:						0	1,280,000	0
Rowan	80309	US-60	Improve safety and reduce congestion at the intersection of US 60 (West Wilkinson Blvd.) and KY 32 (Flemingsburg Road).	PL DN RW UT CN	NH NH NH	530,000	370,000	500,000
Project Cost:						530,000	870,000	0
Total for Rowan county				PL			250,000	
				DN		530,000	3,530,000	
				RW			4,870,000	
				UT			3,500,000	7,000,000
				CN		150,000	20,664,000	
Total Amounts:						680,000	32,814,000	7,000,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Russell	156	US-127	Reduce congestion and improve capacity, safety and mobility on US 127 between the west bypass of Jamestown to the Cumberland Parkway. See segment 12 in June 1998 Advance	PL				
				DN	NH	2,000,000		
				RW	NH		2,000,000	
				UT	NH			1,500,000
				CN	NH			2,000,000
Project Cost:						2,000,000	2,000,000	3,500,000
Russell	80250	US-127	IMPROVE CONGESTION AND SAFETY ALONG US 127 AT KY 1381 (VOILS ROAD) AND SK LANE IN RUSSELL SPRINGS (MILEPOINT 17.2 TO MILEPOINT 17.45) (2022CCN)	PL				
				DN	SPP	200,000		
				RW	SPP		50,000	
				UT	SPP		685,000	
				CN	SPP			960,000
Project Cost:						200,000	735,000	960,000
Russell	80316	KY-3278	IMPROVE GEOMETRICS ALONG KY 3278.	PL				
				DN	SPP	225,000		
				RW	SPP		200,000	
				UT	SPP		150,000	
				CN	SPP			850,000
Project Cost:						225,000	350,000	850,000
Total for Russell county				PL				
				DN		2,425,000		
				RW			2,250,000	
				UT			835,000	1,500,000
				CN				3,810,000
Total Amounts:						2,425,000	3,085,000	5,310,000
Scott	10006	CS-1010	BRIDGE PROJECT IN SCOTT COUNTY ON (105C00112N) LEMONS MILL RD AT NS (CNO&TP) SYSTEM	PL				
				DN	BRZ	151,400		
				RW				
				UT				
				CN	BRZ	1,514,000		
Project Cost:						1,665,400	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1395

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Scott	10013	CR-1020	BRIDGE PROJECT IN SCOTT COUNTY ON (105R00605N) HINTON RD AT NS (CNO&TP) SYSTEM	PL				
				DN	BRZ	160,000		
				RW				
				UT				
				CN	BRZ		600,000	
				Project Cost:		160,000	600,000	0
Scott	20049	I-64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 67.106 TO MILEPOINT 71	PL				
				DN	NHPM		856,680	
				RW				
				UT				
				CN	NHPM			2,710,120
				Project Cost:		0	856,680	2,710,120
Scott	80102	KY-2906	IMPROVE CAPACITY AND ACCESS ON KY 2906 FROM US 460 TO US 62 (2020CCN) (2022CCR)	PL				
				DN				
				RW	STP1	5,155,000		
				UT	STP1	1,600,000		
				CN	STP1			2,000,000
				Project Cost:		6,755,000	0	2,000,000
Scott	80317	US-62	Improve safety and driver expectancy at the intersection of US 62 (Paynes Depot Road), US 421 (Leestown Road), and Weisenberger Mill Road.	PL				
				DN	NH		500,000	
				RW	NH			500,000
				UT	NH			700,000
				CN	NH			1,000,000
				Project Cost:		0	500,000	2,200,000
Scott	80351	KY-32	Safety improvements at two entrances for the new Scott County High School on KY 32 (Long Lick Pike) and KY 1143 (Georgetown Bypass). Includes bid amount minus previously encumbered \$350,000 of FD04 funding from School Safety Projects Program. Scott County to be reimbursed per executed MOA	PL				
				DN				
				RW				
				UT				
				CN	SPP	710,000		
				Project Cost:		710,000	0	0
Total for Scott county				PL				
				DN		311,400	1,356,680	
				RW		5,155,000		500,000
				UT		1,600,000		700,000
				CN		2,224,000	600,000	5,710,120
				Total Amounts:		9,290,400	1,956,680	6,910,120

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Shelby	65.4000	I-64	WIDEN I-64 TO 6-LANES FROM 0.458 MILE EAST OF THE KY-55 INTERCHANGE MP 32.30 TO JUST EAST OF KY-53 UNDERPASS AT MP 35.90. (2022CCR)	PL				
				DN				
				RW				
				UT				
				CN	NH			20,000,000
Project Cost:						0	0	20,000,000
Shelby	579	I-64	EXPAND TRUCK PARKING AT I-64 EB WELCOME CENTER.	PL				
				DN				
				RW				
				UT				
				CN	NH	1,080,000		
Project Cost:						1,080,000	0	0
Shelby	8713	US-60	CONSTRUCT A THIRD LANE ON US-60 FROM THE MASONIC HOME TO ROCKET LANE. (12CCN)(14CCR)(2020CCR) (2022CCR)	PL				
				DN				
				RW				
				UT				
				CN	SPP		1,000,000	1,000,000
Project Cost:						0	1,000,000	1,000,000
Shelby	8958	KY-55	WIDEN KY 55X FROM TWO TO FIVE LANES FROM US 60 (MP 0.0) NORTH TO KY 43 (MP 1.354).(16CCN)	PL				
				DN	SPP	1,420,000		
				RW	SPP		180,000	
				UT	SPP		790,000	
				CN				
Project Cost:						1,420,000	970,000	0
Shelby	10086	US-60	BRIDGE PROJECT IN SHELBY COUNTY ON (106B00007R) US 60 EB AT CLEAR CREEK	PL				
				DN	FBP	280,000		
				RW				
				UT				
				CN	FBP	2,800,000		
Project Cost:						3,080,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Shelby	22028	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 27.91 TO MILEPOINT 32.214	PL				
				DN	NHPM		2,003,000	
				RW				
				UT				
				CN	NHPM			5,034,000
Project Cost:						0	2,003,000	5,034,000
Shelby	80004	KY-55	FOUR RIGHT TURNING LANES AT THE INTERSECTION OF KY 55X AND KY 43 AND TWO LEFT TURNING LANES FROM KY 55X ONTO KY 43. (18CCN) (2020CCR)	PL				
				DN				
				RW	SPP	30,000		
				UT	SPP	30,000		
				CN	SPP	520,000		
Project Cost:						580,000	0	0
Shelby	80104	KY-12	BRIDGE PROJECT IN SHELBY COUNTY ON (106B00069N) KY 12 AT RJ CORMAN RAILROAD	PL				
				DN	BRX	60,000		
				RW				
				UT				
				CN	BRX	600,000		
Project Cost:						660,000	0	0
Shelby	80308	KY-55	ADDRESS ACCESS MANAGEMENT AND SAFETY ISSUES ALONG KY 55X FROM KY 43 TO THE ENTRANCE OF THE SHELBYVILLE BYPASS (KY 55).	PL	SPP			250,000
				DN				
				RW				
				UT				
				CN				
Project Cost:						0	0	250,000
Shelby	80312	US-60	IMPROVE CONNECTIVITY FROM KY 53 AT THE OLD SEVEN MILE PIKE INTERSECTION TO US 60/ROCKET LANE INTERSECTION.	PL				
				DN	SPP	1,660,000		
				RW				
				UT				
				CN				
Project Cost:						1,660,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Shelby	80318	KY-55	ADDRESS SAFETY AND IMPROVE TRAFFIC FLOW WITH OPERATIONAL IMPROVEMENTS ON KY 55 AT OLD BRUNERSTOWN ROAD. THIS PROJECT WILL CONSIDER A RIGHT-TURN LANE ON SB KY 55.	PL				
				DN	SPP	250,000		
				RW	SPP		50,000	
				UT	SPP		100,000	
				CN	SPP			830,000
Project Cost:						250,000	150,000	830,000
Shelby	80319	KY-55	ADDRESS SAFETY AND IMPROVE TRAFFIC FLOW AT THE KY 55/US 60 INTERSECTION IN SHELBYVILLE. PROJECT WILL CONSIDER THE ADDITION OF A RIGHT-TURN LANE SOUTHBOUND ON KY 55.	PL				
				DN	SPP	250,000		
				RW	SPP		100,000	
				UT	SPP		160,000	
				CN	SPP			670,000
Project Cost:						250,000	260,000	670,000
Shelby	80326	US-60	CONSTRUCT PEDESTRIAN FACILITIES ON THE NORTH SIDE OF US 60 FROM THE MASONIC HOME TO ROCKET LANE.	PL				
				DN	NH	430,000		
				RW	NH		40,000	
				UT	NH		10,000	
				CN	NH			1,140,000
Project Cost:						430,000	50,000	1,140,000
Total for Shelby county				PL				250,000
				DN		4,350,000	2,003,000	
				RW		30,000	370,000	
				UT		30,000	1,060,000	
				CN		5,000,000	1,000,000	28,674,000
Total Amounts:						9,410,000	4,433,000	28,924,000
Simpson	8855	KY-1008	IMPROVE KY-1008 FROM KY-73 TO NORTH FRANKLIN STREET. (14CCN) (2022CCR)	PL				
				DN				
				RW				
				UT	HGC		2,500,000	
				CN	HGC			3,500,000
Project Cost:						0	2,500,000	3,500,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Simpson	8856	US-31	IMPROVE US-31W FROM KY-1008 TO KY-621. (14CCN)(16CCR) (2020CCR)	PL DN RW UT CN	STPF		1,250,000	
Project Cost:						0	1,250,000	0
Simpson	80106	KY-1008	ADD A TURN LANE AT THE INTERSECTION OF KY 1008 AND US 31W (2020CCN)	PL DN RW UT CN	HGC		950,000	
Project Cost:						0	950,000	0
Simpson	80202	KY-100	SUPPLEMENTAL MOA FOR INDUSTRIAL ACCESS ROADS FOR STONE-GIVENS PARK (2022CCN)	PL DN RW UT CN	SPP	300,000		
Project Cost:						300,000	0	0
Simpson	80310	KY-1171	IMPROVE MOBILITY ALONG KY 1171 (NORTH STREET) FROM THE INTERSECTION WITH US 31W TO THE INTERSECTION WITH KY 1008 I FRANKLIN.	PL DN RW UT CN	SPP		1,240,000	
Project Cost:						0	1,240,000	0
Simpson	80316	KY-1008	IMPROVE MOBILITY BY COMPLETING THE KY 1008 BYPASS AROUND FRANKLIN.	PL DN RW UT CN	SPP		3,270,000	
Project Cost:						0	3,270,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Simpson	80321	KY-585	IMPROVE SAFETY ON KY 585 AT LICK CREEK FROM MP 3.45 TO 3.75.	PL				
				DN	SPP		930,000	
				RW				
				UT				
				CN				
Project Cost:						0	930,000	0
Total for Simpson county				PL				
				DN			5,440,000	
				RW			1,250,000	
				UT			2,500,000	
				CN		300,000	950,000	3,500,000
Total Amounts:						300,000	10,140,000	3,500,000
Spencer	8954.2000	KY-155, KY-55	Improve safety and traffic operations on KY 55 from KY 1169 to KY 155 and on KY 155 from KY 55 to MP 2.0 (total length 2.71 miles) (Portion of 5-8954.0).	PL				
				DN	SPP		750,000	
				RW	SPP			974,000
				UT	SPP			1,136,000
				CN				
Project Cost:						0	750,000	2,110,000
Spencer	8954.3000	KY-55	Improve traffic operations on KY 55 from KY 1169 to KY 155 (MP 10.5 - 11.3) (Portion of 5-8954.0).	PL				
				DN	SPP	400,000		
				RW	SPP		200,000	
				UT	SPP			150,000
				CN	SPP			2,800,000
Project Cost:						400,000	200,000	2,950,000
Spencer	8955	KY-44	IMPROVE SAFETY AND ADDRESS GEOMETRIC DEFICIENCIES ALONG KY-44 NEAR DUTCHMAN CREEK ROAD. (16CCN) (2020CCR)	PL				
				DN				
				RW	SPP		230,000	
				UT	SPP		210,000	
				CN	SPP			1,270,000
Project Cost:						0	440,000	1,270,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Spencer	10095	KY-1060	BRIDGE PROJECT IN SPENCER COUNTY ON (108B00015N) KY 1060 AT PLUM CREEK	PL				
				DN	BRX	200,000		
				RW				
				UT				
				CN	BRX	2,000,000		
Project Cost:						2,200,000	0	0
Spencer	80213	KY-55	REDUCE CONGESTION, IMPROVE SAFETY, AND ENHANCE MOBILITY ON KY 55 FROM KY 44 TO INDUSTRIAL DR. (MP 6.610 TO MP 6.838) (2022CCN)	PL				
				DN	SPP	220,000		
				RW				
				UT	SPP		30,000	
				CN	SPP			570,000
Project Cost:						220,000	30,000	570,000
Spencer	80254	KY-44	IMPROVE CAPACITY, RELIEVE CONGESTION, AND IMPROVE SAFETY ALONG KY 44 FROM GOOSE CREEK ROAD (CR 1121) TO OAK TREE WAY (CS 1053) (MILEPOINT 1.202 TO MILEPOINT 7.542) (2022CCN)	PL				
				DN	SPP		2,000,000	2,000,000
				RW				
				UT				
				CN				
Project Cost:						0	2,000,000	2,000,000
Spencer	80255	KY-44	IMPROVE CAPACITY, RELIEVE CONGESTION, AND IMPROVE SAFETY ALONG KY 44 FROM COXS LANE (CR 1087) NEAR THE BULLITT/SPENCER CO LINE TO GOOSE CREEK ROAD (CR 1121) (MILEPOINT 0 TO MILEPOINT 1.202). (2022CCN)	PL				
				DN	SPP	1,580,000		
				RW	SPP			1,280,000
				UT	SPP			1,090,000
				CN				
Project Cost:						1,580,000	0	2,370,000
Spencer	80257	KY-55	IMPROVE SAFETY AND TRAFFIC OPERATIONS ON KY 55 FROM KY 155 NEAR ELK CREEK TO KY 148 AT FINCHVILLE. PROJECT LIMITS ARE ON KY 55 IN SPENCER COUNTY FROM KY 155 (TAYLORSVILLE ROAD) AT MP 11.270 TO THE SPENCER/SHELBY COUNTY LINE AT MP 13.566 AND IN SPENCER COUNTY FROM MP 0.00 TO JUST NORTH OF	PL				
				DN	NH		3,140,000	
				RW				
				UT				
				CN				
Project Cost:						0	3,140,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Spencer	80315	KY-44	ADDRESS SAFETY AND GEOMETRIC ISSUES ON KY 44 AT JUNCTION KY 1251 TO CURVE AFTER HUNTER'S TRACE ROAD.	PL				
				DN	SPP	420,000		
				RW	SPP		180,000	
				UT	SPP			300,000
				CN	SPP			1,950,000
Project Cost:						420,000	180,000	2,250,000
Spencer	80316	KY-155	Improve safety at the intersection of KY 155 and KY 3192/Hochstrasser Road (MP 2.4-2.6)	PL				
				DN	SPP	500,000		
				RW	SPP		200,000	
				UT	SPP		100,000	
				CN	SPP			5,000,000
Project Cost:						500,000	300,000	5,000,000
Spencer	80351	KY-155	Improve intersection of KY 155 and Goebel Road/Hochstrasser Road (MP 0.65 - 0.85).	PL				
				DN	SAF	300,000		
				RW	SAF		150,000	
				UT	SAF		100,000	
				CN	SAF			1,250,000
Project Cost:						300,000	250,000	1,250,000
Total for Spencer county				PL				
				DN		3,620,000	5,890,000	2,000,000
				RW			960,000	2,254,000
				UT			440,000	2,676,000
				CN		2,000,000		12,840,000
Total Amounts:						5,620,000	7,290,000	19,770,000
Statewide	65.1900	CO-0	BRIDGE REPAIRS ON VARIOUS BRIDGES FOR FY 2024 THROUGH FY 2030.	PL				
				DN				
				RW				
				UT				
				CN	BRO	5,000,000	5,000,000	5,000,000
Project Cost:						5,000,000	5,000,000	5,000,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Statewide	65.2000	CO-0	BRIDGE REPAIRS ON VARIOUS BRIDGES FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	BRX	3,000,000	2,000,000	2,000,000
				Project Cost:		3,000,000	2,000,000	2,000,000
Statewide	65.2100	CO-0	BRIDGE REPAIRS ON VARIOUS OFF SYSTEM BRIDGES FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	BRZ	2,000,000	1,000,000	1,000,000
				Project Cost:		2,000,000	1,000,000	1,000,000
Statewide	65.2200	CO-0	BRIDGE REPAIRS ON VARIOUS BRIDGES FOR FY 2024-2030. (FBP PROGRAM)	PL DN RW UT CN	FBP	5,000,000	5,000,000	5,000,000
				Project Cost:		5,000,000	5,000,000	5,000,000
Statewide	65.2300	CO-0	BRIDGE REPAIRS ON VARIOUS BRIDGES FOR FY 2022-2028. (FBP2 PROGRAM)	PL DN RW UT CN	FBP2	2,000,000	2,000,000	2,000,000
				Project Cost:		2,000,000	2,000,000	2,000,000
Statewide	66.1900	CO-0	'ITS' AND 'TSMO' ACTIVITIES ON VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	NH	5,000,000	5,000,000	5,000,000
				Project Cost:		5,000,000	5,000,000	5,000,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Statewide	66.2100	CO-0	Transportation Systems Management and Operations (TSMO) activities on various routes for FY-2024 through FY 2030.	PL DN RW UT CN	SPP	2,000,000	2,000,000	2,000,000
				Project Cost:		2,000,000	2,000,000	2,000,000
Statewide	195.1600	CO-0	STATEWIDE TRANSPORTATION ALTERNATIVES PROGRAM FOR FY 2024 THROUGH FY 2030	PL DN RW UT CN	TAP	11,900,000	12,100,000	12,300,000
				Project Cost:		11,900,000	12,100,000	12,300,000
Statewide	219.1800	CO-0	NON-ATTAINMENT AREAS STATEWIDE CMAQ FUNDED PROJECTS FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	CM	15,529,670	15,800,000	16,200,000
				Project Cost:		15,529,670	15,800,000	16,200,000
Statewide	224.1400	CO-0	PAVEMENT REHAB ON STATE (NON RS) SYSTEM ROUTES IN KENTUCKY FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	STP5	5,000,000	5,000,000	5,000,000
				Project Cost:		5,000,000	5,000,000	5,000,000
Statewide	239	CO-0	PROMOTING RESILIENT OPERATIONS FOR TRANSFORMATIVE, EFFICIENT, AND COST SAVING TRANSPORTATION (PROTECT) PROGRAM FORMULA FUNDS.	PL DN RW UT CN	PROT	26,900,000	5,000,000	7,150,000
				Project Cost:		26,900,000	5,000,000	7,150,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1405

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Statewide	244	CO-0	STATEWIDE CARBON REDUCTION PROGRAM.	PL				
				DN				
				RW				
				UT				
				CN	CARB	28,000,000	28,500,000	29,130,000
				Project Cost:		<u>28,000,000</u>	<u>28,500,000</u>	<u>29,130,000</u>
Statewide	247	CO-0	STATEWIDE ELECTRIC VEHICLE CHARGING STATION PROGRAM	PL				
				DN				
				RW				
				UT				
				CN	EV	13,800,000	13,800,000	13,800,000
				Project Cost:		<u>13,800,000</u>	<u>13,800,000</u>	<u>13,800,000</u>
Statewide	327.1600	CO-0	STATEWIDE BRIDGE INSPECTION FOR FY 2024 THROUGH FY 2030.	PL				
				DN				
				RW				
				UT				
				CN	BRX	5,000,000	5,000,000	5,000,000
				Project Cost:		<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>
Statewide	337.1500	CO-0	STATEWIDE I-STATE ROUTES FOR FY 2024 THROUGH FY 2030.	PL				
				DN				
				RW				
				UT				
				CN	NHPM	5,000,000	5,000,000	5,000,000
				Project Cost:		<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>
Statewide	346.1600	CO-0	STATEWIDE OFF-SYSTEM BRIDGE INSPECTION FOR FY 2024 THROUGH FY 2030.	PL				
				DN				
				RW				
				UT				
				CN	BRZ	3,000,000	3,000,000	3,000,000
				Project Cost:		<u>3,000,000</u>	<u>3,000,000</u>	<u>3,000,000</u>

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Statewide	352.1600	CO-0	RAILWAY-HIGHWAY CROSSINGS PROGRAM ON VARIOUS ROUTES FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	RRP	3,750,000	2,850,000	
				Project Cost:		<u>3,750,000</u>	<u>2,850,000</u>	<u>0</u>
Statewide	369.1000	CO-0	PAVEMENT REHABILITATION FOR VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	NHPM	5,000,000	5,000,000	5,000,000
				Project Cost:		<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>
Statewide	388.1000	CO-0	OHIO RIVER BRIDGES FRACTURE CRITICAL FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	BRX	4,000,000	4,000,000	4,000,000
				Project Cost:		<u>4,000,000</u>	<u>4,000,000</u>	<u>4,000,000</u>
Statewide	391.0600	CO-0	STATEWIDE HIGHWAY PROJECT DESIGN ACTIVITIES FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	STPF	1,000,000	1,000,000	1,000,000
				Project Cost:		<u>1,000,000</u>	<u>1,000,000</u>	<u>1,000,000</u>
Statewide	391.0700	CO-0	STATEWIDE HIGHWAY PROJECT DESIGN ACTIVITIES FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	SPP	5,000,000	5,000,000	5,000,000
				Project Cost:		<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Statewide	400.0700	CO-0	UPGRADE NAVIGATIONAL LIGHTING FOR BRIDGES OVER MAJOR STREAMS AND WATERWAYS FOR FY 2024 THROUGH FY 2030.	PL				
				DN				
				RW				
				UT				
				CN	BRX	500,000	500,000	500,000
				Project Cost:		500,000	500,000	500,000
Statewide	510.0500	CO-0	HONORING BORDER STATES COMMITMENTS FOR EXISTING BRIDGES(CANNOT BE MOVED) FOR FY 2024 THROUGH FY 2030.	PL				
				DN				
				RW				
				UT				
				CN	BRX	2,000,000	2,000,000	2,000,000
				Project Cost:		2,000,000	2,000,000	2,000,000
Statewide	511.0400	CO-0	STATEWIDE CORRECTIONS OF ROCK FALL OR EMBANKMENT STABILIZATION FOR FY 2024 THROUGH FY 2030.	PL				
				DN				
				RW				
				UT				
				CN	SPP	1,000,000	1,000,000	1,000,000
				Project Cost:		1,000,000	1,000,000	1,000,000
Statewide	514.0100	CO-0	PREVENTATIVE MAINTENANCE FOR BRIDGE STRUCTURES FOR FY 2024 THROUGH FY 2030.	PL				
				DN				
				RW				
				UT				
				CN	BRX	2,500,000	2,500,000	2,500,000
				Project Cost:		2,500,000	2,500,000	2,500,000
Statewide	518.0100	CO-0	STATEWIDE CORRECTIONS OF ROCKFALL OR EMBANKMENT STABILIZATION ON NH ROUTES FOR FY 2024 THROUGH FY 2030.	PL				
				DN				
				RW				
				UT				
				CN	NH	5,000,000	5,000,000	5,000,000
				Project Cost:		5,000,000	5,000,000	5,000,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Statewide	518.0300	CO-0	STATEWIDE CORRECTIONS OF ROCKFALL OR EMBANKMENT STABILIZATION ON NON NH ROUTES FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	STPF	3,000,000	5,000,000	5,000,000
Project Cost:						3,000,000	5,000,000	5,000,000
Statewide	600	CO-0	Statewide NHS Rest Area and Welcome Center Renovation.	PL DN RW UT CN	NH		5,000,000	5,000,000
Project Cost:						0	5,000,000	5,000,000
Statewide	600.1000	CO-0	STATEWIDE REST AREA / WELCOME CENTERS / WEIGH STATION REPAIRS.	PL DN RW UT CN	SPP		5,000,000	5,000,000
Project Cost:						0	5,000,000	5,000,000
Statewide	601	CO-0	Additional Truck Parking at NHS Rest Area and Weigh Stations.	PL DN RW UT CN	NH		5,000,000	5,000,000
Project Cost:						0	5,000,000	5,000,000
Statewide	911.0900	CO-0	STATEWIDE SAFETY PROGRAM FOR FY 2024 THROUGH FY 2030. (HSIP)	PL DN RW UT CN	SAF	47,500,000	69,630,000	71,130,000
Project Cost:						47,500,000	69,630,000	71,130,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1409

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Statewide	911.5000	CO-0	STATEWIDE SAFETY FUNDING TO BE USED ALONGSIDE FEDERAL HSIP FUNDING TO ENHANCE ROADWAY SAFETY IN KENTUCKY. (2022CCR)	PL DN RW UT CN	SPP	2,500,000	2,500,000	2,500,000
				Project Cost:		<u>2,500,000</u>	<u>2,500,000</u>	<u>2,500,000</u>
Statewide	1063.1600	CO-0	STATEWIDE UNDERWATER BRIDGE INSPECTION FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	BRX	1,000,000	1,000,000	1,000,000
				Project Cost:		<u>1,000,000</u>	<u>1,000,000</u>	<u>1,000,000</u>
Statewide	1071.0800	CO-0	STATEWIDE PROGRAM TO FUND BRIDGE SCOUR COUNTER-MEASURES FOR STATE-MAINTAINED BRIDGES FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	BRX	3,000,000	3,000,000	3,000,000
				Project Cost:		<u>3,000,000</u>	<u>3,000,000</u>	<u>3,000,000</u>
Statewide	1074.0800	CO-0	STATEWIDE BRIDGE REPLACEMENT PROGRAM FOR FY 2024 THROUGH FY 2030.	PL DN RW UT CN	BRX	3,000,000	2,000,000	2,000,000
				Project Cost:		<u>3,000,000</u>	<u>2,000,000</u>	<u>2,000,000</u>
Statewide	2700.1400	CO-0	PAVEMENT PREVENTATIVE MAINTENANCE PROGRAM FOR FY 2024 THROUGH FY 2030 STP5 FUNDING.	PL DN RW UT CN	STP5	2,000,000	2,000,000	2,000,000
				Project Cost:		<u>2,000,000</u>	<u>2,000,000</u>	<u>2,000,000</u>

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Statewide	3011.0100	CO-0	AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN IMPLEMENTATION PROJECTS FY 2024 THROUGH FY 2030.	PL				
				DN				
				RW				
				UT				
				CN	STPF	1,000,000	3,000,000	4,000,000
				Project Cost:		<u>1,000,000</u>	<u>3,000,000</u>	<u>4,000,000</u>
Statewide	8500.1600	CO-0	SCHOOL TURN LANE PROJECTS FOR NEW SCHOOLS FOR FY 2024 THROUGH FY 2030. (2022CCR)	PL				
				DN				
				RW				
				UT				
				CN	SPP	2,500,000	2,500,000	2,500,000
				Project Cost:		<u>2,500,000</u>	<u>2,500,000</u>	<u>2,500,000</u>
Statewide	8600	CO-0	Western KY DECEMBER 2021 Tornado Relief Funding POOL FOR THE LAST DOLLAR (UNCOVERED BY FEMA OR INSURANCE) RECONSTRUCTION OF EXISTING ROADS. ALSO APPLYING FOR A FEDERAL GRANT TO REBUILD MAYFIELD STREET SYSTEM WITH POTENTIAL USE OF THESE FUNDS AS FEDERAL MATCH.(2022CCR)	PL				
				DN				
				RW				
				UT				
				CN	SPP		2,000,000	2,000,000
				Project Cost:		<u>0</u>	<u>2,000,000</u>	<u>2,000,000</u>
Statewide	8602	CO-0	GARVEE BOND COMPONENT TO BE USED FOR EITHER THE I-69 ORX OR THE MOUNTAIN PARKWAY EXTENSION.	PL				
				DN				
				RW				
				UT				
				CN	IF			150,000,000
				Project Cost:		<u>0</u>	<u>0</u>	<u>150,000,000</u>
Statewide	9068.6100	CO-0	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE (NH) FOR FY 2024 THROUGH FY 2030.	PL				
				DN				
				RW				
				UT				
				CN	GAR	21,000,000	21,000,000	36,000,000
				Project Cost:		<u>21,000,000</u>	<u>21,000,000</u>	<u>36,000,000</u>

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Statewide	9068.6600	CO-0	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE (STP) FOR FY 2024 THROUGH FY 2030.	PL				
				DN				
				RW				
				UT				
				CN	GAR	21,000,000	21,000,000	36,000,000
				Project Cost:		21,000,000	21,000,000	36,000,000
Statewide	9659.2300	CO-0	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2024 THROUGH FY 2030 "NH" FUNDING.	PL				
				DN				
				RW				
				UT				
				CN	GAR	30,000,000	30,000,000	
				Project Cost:		30,000,000	30,000,000	0
Total for Statewide county				PL				
				DN		6,000,000	6,000,000	6,000,000
				RW				
				UT				
				CN		299,379,670	317,680,000	470,710,000
				Total Amounts:		305,379,670	323,680,000	476,710,000
Taylor	443	KY-70	IMPROVE SAFETY, ACCESS, GEOMETRICS AND DRAINAGE ON KY-70 IN CAMPBELLSVILLE FROM US-68 TO COUNTRY VIEW COURT (CS-1305)	PL				
				DN	SPP			1,080,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	1,080,000
Taylor	10067	CS-1343	BRIDGE PROJECT IN TAYLOR COUNTY ON (109C00042N) SOUTH COLUMBIA AVE AT BUCKHORN CREEK	PL				
				DN	BRX	65,000		
				RW				
				UT				
				CN	BRX	650,000		
				Project Cost:		715,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Taylor	80154.3000	KY-210	ADDRESS SAFETY ON KY 210 FROM JUST EAST OF CORINTH CHURCH (MP0.60) TO KY 883 (MP14.20) IN TAYLOR COUNTY.	PL				
				DN	STP2	3,000,000		
				RW	STP2			1,500,000
				UT				
				CN				
				Project Cost:		3,000,000	0	1,500,000
Taylor	80256	KY-70	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ALONG KY 70 FROM 0. MILES EAST OF ROBERTS RD (NEAR ELKHORN BAPTIST CHURCH) TO NEAR KY 76 (MILEPOINT 3.1 TO MILEPOINT 4.1) (2022CCN)	PL				
				DN	SPP		840,000	
				RW				
				UT				
				CN				
				Project Cost:		0	840,000	0
Taylor	80257	KY-3350, PF-9999	EXTEND KY 3350 (CAMPBELLSVILLE BYPASS) FROM ky 289 TO US 68 ON THE EAST SIDE OF CAMPBELLSVILLE. (2022CCN)	PL				
				DN	SPP	1,500,000		
				RW	SPP		2,500,000	
				UT	SPP			1,500,000
				CN				
				Project Cost:		1,500,000	2,500,000	1,500,000
Total for Taylor county				PL				
				DN		4,565,000	840,000	1,080,000
				RW			2,500,000	1,500,000
				UT				1,500,000
				CN		650,000		
				Total Amounts:		5,215,000	3,340,000	4,080,000
Todd	170	KY-848	Upgrade connection for new industrial site on KY 848 (Haddensville Road).	PL				
				DN				
				RW				
				UT				
				CN	SPP	4,500,000		
				Project Cost:		4,500,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1413

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Todd	8811	KY-181	RECONSTRUCT KY-181 (ELKTON ROAD) FROM US-79 (MP 0.000) TO NORTH OF INTERSECTION WITH US-41 (MP 0.214) TO INCLUDE A NEW INTERSECTION WITH KY-294. (MP 0.000-0.400) (14CCN)(18CCN) (2022CCR)	PL DN RW UT CN	STP2 STP2 STP2	280,000 730,000		820,000
Project Cost:						1,010,000	0	820,000
Todd	80001.1000	US-79	REDUCE CONGESTION AND IMPROVE MOBILITY ON US 79 FROM MP TO 3 (2020BOP) (2022CCR).	PL DN RW UT CN	NH			4,600,000
Project Cost:						0	0	4,600,000
Total for Todd county				PL DN RW UT CN		280,000 730,000 4,500,000		5,420,000
Total Amounts:						5,510,000	0	5,420,000
Trigg	147	KY-139	CORRECT GEOMETRIC DEFICIENCIES AND ADDRESS SAFETY, MOBILITY AND ACCESS ISSUES ALONG KY 139 FROM THE INTERSECTION OF KY 124 NORTH OF CADIZ TO THE I-24 INTERCHANGE IN CALDWELL CO (EMP 0.348)	PL DN RW UT CN	SPP		500,000	
Project Cost:						0	500,000	0
Trigg	8951	KY-139	REALIGN KY 124 APPROACH TO KY 139 TO IMPROVE INTERSECTION ANGLE AND SIGHT DISTANCE. (16CCN)(18CCN) (2020CCR)	PL DN RW UT CN	STP2		1,000,000	
Project Cost:						0	1,000,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Trigg	80306	CR-1005	ADDRESS SAFETY CONCERNS ON GLENWOOD RD (CR-1005) FROM KY 272 TO US 68/80 FROM MP 0.0 TO MP 2.1	PL DN RW UT CN	SPP		750,000	
Project Cost:						0	750,000	0
Trigg	80307	CR-1014	ADDRESS SAFETY CONCERNS ON KINGS CHAPEL RD (CR-1004) FROM KY 272 TO US 68/80 FROM MP 0.0 TO MP 3.7	PL DN RW UT CN	SPP		1,500,000	
Project Cost:						0	1,500,000	0
Trigg	80318	KY-276	IMPROVE KY 276 FROM KY139 (MP 0.00) TO US68 (MP 14.121). THIS NARROW 2 LANE ROAD SERVES AS A BY-PASS WHEN I-24 IS SHUTDOWN NEAR CADIZ, KY. CORRIDOR IMPROVEMENTS, CORRECT GEOMETRIC DEFICIENCIES, ADDRESS SAFETY.	PL DN RW UT CN	SPP		520,000	
Project Cost:						0	520,000	0
Total for Trigg county				PL DN RW UT CN			1,020,000 2,250,000 1,000,000	
Total Amounts:						0	4,270,000	0
Trimble	905	US-421	ADDRESS SAFETY ISSUES AND ACCESS AT THE INTERSECTION OF US-421/KY-1226 AT MP 11.5. (12CCR) (2020CCR)	PL DN RW UT CN	STP2 STP2 STP2	690,000	550,000	1,070,000
Project Cost:						690,000	550,000	1,070,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Trimble	8712	US-421	CONSTRUCT TURN LANES INTO TRIMBLE COUNTY HIGH SCHOOL. (12CCN)	PL DN RW UT CN	SPP	0	1,659,075	0
Project Cost:						0	1,659,075	0
Trimble	10107	US-421	ADDRESS DEFICIENCIES OF BRIDGE ON CS 2009 OVER OHIO RIVER (112B00040N)	PL DN RW UT CN	BRZ FBP	1,013,520	6,756,800	0
Project Cost:						1,013,520	6,756,800	0
Trimble	22100	I-71	ADDRESS CONDITION OF I-071 FROM MILEPOINT 38.086 TO MILEPOINT 38.808	PL DN RW UT CN	NHPM NHPM	0	400,000 3,600,000	0
Project Cost:						0	4,000,000	0
Total for Trimble county				PL DN RW UT CN		1,013,520 690,000	400,000 550,000 12,015,875	1,070,000
Total Amounts:						1,703,520	12,965,875	1,070,000
Union	310.2100	KY-56	ADDRESS SAFETY, CONDITION AND SERVICE CONCERN FROM KY 109 TO WEST OF KY 360 TO ESTABLISH TRUCK NETWORK CONNECTION TO SHAWNEETOWN BRIDGE. (14CCR) (SAME AS ITEM NO. 2-310.20 IN 2014 SYP) (2020CCR) (2022CCR)	PL DN RW UT CN	STPF	0	10,000,000	0
Project Cost:						0	10,000,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Union	80202	US-60	Address safety and service concerns of US-60 from the KY-950 to KY-492. (2022CCN)	PL				
				DN				
				RW	STP2		3,500,000	
				UT				
				CN				
				Project Cost:		0	3,500,000	0
Union	80203	KY-56	Address the service, safety and condition of KY 56 from Morganfield to KY 141. (2022CCN)	PL				
				DN				
				RW	STP1			1,500,000
				UT				
				CN				
				Project Cost:		0	0	1,500,000
Union	80314	US-60	Reconstruct US 60 from Waverly to Corydon	PL				
				DN	STP2		800,000	
				RW				
				UT				
				CN				
				Project Cost:		0	800,000	0
Union	80315	US-60	Reconstruct US 60 from the Morganfield Bypass to Waverly.	PL				
				DN	STP2		1,100,000	
				RW				
				UT				
				CN				
				Project Cost:		0	1,100,000	0
Total for Union county				PL				
				DN			1,900,000	
				RW			3,500,000	1,500,000
				UT				
				CN			10,000,000	
				Total Amounts:		0	15,400,000	1,500,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1417

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Warren	20	I-65	COMPLETE I65/US68 (GLASGOW ROAD)DIAMOND INTERCHANGE BY ADDING NORTHBOUND ON-RAMP AND SOUTHBOUND OFF-RAMP.	PL				
				DN	NH	700,000		
				RW	NH		500,000	
				UT	NH			1,100,000
				CN				
				Project Cost:		700,000	500,000	1,100,000
Warren	21	I-65	PRELIMINARY ENGINEERING AND ENVIRONMENTAL STUDY FOR NEV I-65 INTERCHANGE IN SOUTHERN WARREN COUNTY NEAR WOODBURN.	PL				
				DN	NH		2,000,000	
				RW				
				UT				
				CN				
				Project Cost:		0	2,000,000	0
Warren	110.3000	KY-185	IMPROVE KY 185 FROM 0.24 MILES SOUTH OF PRUITT ROAD TO 0.16 MILES SOUTH OF KY 1320. (2018BOP) (2022CCR)	PL				
				DN				
				RW				
				UT				
				CN	STP1		8,500,000	
				Project Cost:		0	8,500,000	0
Warren	110.4000	KY-185	IMPROVE KY 185 FROM 0.32 MILES SOUTH OF THE AUSTIN RAYMER ROAD TO 0.08 MILES SOUTH OF THE BRIDGE OVER IVY CREEK. (2018BOP) (2022CCR)	PL				
				DN				
				RW	SPP	770,000		
				UT	SPP		435,000	
				CN				
				Project Cost:		770,000	435,000	0
Warren	166	US-68	Construct left and right turn lanes from US 68/KY 80 onto Fred Madison Road at approximately the 17.1 milepoint. (2020BOP)	PL				
				DN				
				RW				
				UT				
				CN	STPF	1,600,000		
				Project Cost:		1,600,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Warren	182	KY-622	RECONSTRUCT KY 622 (PLANO RD) TO ELIMINATE TWO RIGHT-ANGLE CURVES. (2022CCR)	PL				
				DN				
				RW	SPP	2,630,000		
				UT	SPP		2,140,000	
				CN	SPP			1,000,000
				Project Cost:		<u>2,630,000</u>	<u>2,140,000</u>	<u>1,000,000</u>
Warren	8707	I-165	CONSTRUCT A NEW INTERCHANGE ON THE NATCHER PARKWAY AT ELROD ROAD IN BOWLING GREEN (MP 3.4 TO MP 4.0).(12CCN)	PL				
				DN	NH		940,000	
				RW				
				UT				
				CN				
				Project Cost:		<u>0</u>	<u>940,000</u>	<u>0</u>
Warren	8818	KY-884	THREE SPRINGS ROAD EXTENSION FROM FLEALAND TO THE NATCHER PARKWAY INCLUDING BRIDGE OVER PARKWAY. (14CCN) (18CCN) (2020CCR) (2022CCR)	PL				
				DN				
				RW				
				UT				
				CN	HGC		8,800,000	
				Project Cost:		<u>0</u>	<u>8,800,000</u>	<u>0</u>
Warren	8853	US-31	WIDEN US-31W FROM WARREN/SIMPSON COUNTY LINE TO BUCHANON PARK. (14CCN) (2020CCN) (2022CCR)	PL				
				DN				
				RW				
				UT	HGC		4,290,000	
				CN	HGC			14,240,000
				Project Cost:		<u>0</u>	<u>4,290,000</u>	<u>14,240,000</u>
Warren	8854	KY-234	MAJOR WIDENING/RECONSTRUCTION OF CEMETERY ROAD (KY-234) FROM FOUNTAIN TRACE TO ROGER PORTER ROAD (MP 7.878 TO MP 9.625).(14CCN) (2020CCN) (2022CCR)	PL				
				DN				
				RW	SPP	3,000,000		
				UT	SPP		1,000,000	1,000,000
				CN				
				Project Cost:		<u>3,000,000</u>	<u>1,000,000</u>	<u>1,000,000</u>

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1419

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Warren	8857	US-31	IMPROVE US-31W FROM CAMPBELL LANE (US-231) TO UNIVERSITY BOULEVARD (US-231X). (14CCN)(16CCR)(18CCR) (2020CCR) (2022CCR)	PL DN RW UT CN	SPP		1,000,000	1,000,000
Project Cost:						0	1,000,000	1,000,000
Warren	8904.1000	US-31	WIDEN US 31W FROM PARK AVENUE TO FAIRVIEW AVENUE MP 13.7-14.25. (18CCN) (2020CCR)	PL DN RW UT CN	HGC HGC		4,160,000	2,810,000
Project Cost:						0	4,160,000	2,810,000
Warren	8905	US-31	IMPROVE MOBILITY AND REDUCE CONGESTION ON US-31W FROM US-68 TO MIZPAH. (16CCN) (2020CCR)	PL DN RW UT CN	STP1	5,760,000		
Project Cost:						5,760,000	0	0
Warren	80005	KY-242	ADD LEFT TURNING LANE ON KY 242 INTO RICHPOND ELEMENTARY SCHOOL AT MP 3.8 TO 3.95(18CCN)	PL DN RW UT CN	SPP	280,000		
Project Cost:						280,000	0	0
Warren	80051	KY-3225	SAFETY IMPROVEMENTS AND REHABILITATION ON KY-3225. KEEP EXISTING FOOTPRINT BY REPLACING CURBLINE IN SAME LOCATION FROM MP 0 TO MP 1(18CCN) (2022CCR)	PL DN RW UT CN	SPP SPP SPP	1,230,000 110,000		1,350,000
Project Cost:						1,340,000	0	1,350,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Warren	80052	KY-234	WIDEN KY-234 FROM MP 11.9 TO 12.4. IMPROVEMENTS MAY INCLUDE A ROUNDABOUT, TURN LANE, AND A SIGNAL AT HAMPTON DR. (18CCN) (2022CCR)	PL				
				DN				
				RW	SPP		220,000	
				UT	SPP		1,760,000	
				CN	SPP			710,000
				Project Cost:		0	1,980,000	710,000
Warren	80201	CR-1704, CS-1432, CS-2281	Reduce congestion and increase safety on Cave Mill Road/Dishman Lane from the end of the three-lane section near Raintree Drive (MP 0.570) just east of Grider Pond Road. (2022CCN)	PL				
				DN				
				RW	SPP		6,500,000	
				UT	SPP			1,200,000
				CN				
				Project Cost:		0	6,500,000	1,200,000
Warren	80203	US-31	Improve mobility and reduce congestion on US-31W from Mizpah Road to Freeport Road (2022CCN)	PL				
				DN				
				RW	NH	2,000,000		
				UT	NH	1,000,000		
				CN	NH		3,000,000	
				Project Cost:		3,000,000	3,000,000	0
Warren	80204	CR-1060	Improve connectivity to Transpark. (2022CCN)	PL				
				DN				
				RW				
				UT				
				CN	HGC		6,900,000	
				Project Cost:		0	6,900,000	0
Warren	80214	KY-101	Construct a two-lane roundabout at the intersection of KY 101 and the I-65 southbound entrance and exit ramps in Smiths Grove. Widen the existing I-65 southbound exit ramp to two lanes and extend the beginning point of the ramp approximately five-hundred to one-thousand feet north. Widen approximately five hundred feet of	PL				
				DN				
				RW	SPP		1,000,000	
				UT	SPP		1,000,000	
				CN	SPP			1,500,000
				Project Cost:		0	2,000,000	1,500,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1421

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Warren	80301	CS-1334	MINOR WIDENING OF CS-1344/CR1235 (SMALLHOUSE RD) FROM ELROD RD TO US 231 (CAMPBELL LANE). SCOPE INCLUDES PREDESTRIAN AND BICYCLE ACCOMODATIONS, INTERSECTION IMPROVEMENTS, CONTINUOUS CENTER TURN LANE.	PL DN RW UT CN	SPP		1,860,000	
Project Cost:						0	1,860,000	0
Warren	80302	US-31	IMPROVE SAFETY AND MOBILITY ON US 31W FROM FREEPORT ROAD TO KY 101.	PL DN RW UT CN	NH		1,860,000	
Project Cost:						0	1,860,000	0
Warren	80303	US-68	REDUCE CONGESTION AND IMPROVE SAFETY AND MOBILITY ON RUSSELLVILLE ROAD FROM MORGANTOWN ROAD TO UNIVERSITY DRIVE (US 231X/US 68X).	PL DN RW UT CN	NH	1,240,000		
Project Cost:						1,240,000	0	0
Warren	80304	KY-101	IMPROVE SAFETY AND MOBILITY ON KY 101 BETWEEN THE ALLEN COUNTY LINE AND I 65.	PL DN RW UT CN	SPP		930,000	
Project Cost:						0	930,000	0
Warren	80305	KY-622	IMPROVE SAFETY AND MOBILITY ON KY 622 FROM I 165 TO US 231.	PL DN RW UT CN	SPP		1,240,000	
Project Cost:						0	1,240,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Warren	80307	US-31	IMPROVE SAFETY AND MOBILITY ON US 31W FROM KY 3225 TO KY 957, INCLUDING THE RECONSTRUCTION OF THE INTERCHANGE WITH KY 446.	PL				
				DN	NH		1,860,000	
				RW				
				UT				
				CN				
				Project Cost:		0	1,860,000	0
Warren	80311	US-31	CONSTRUCT DUAL-LANE ROUNDABOUT AT BROADWAY AVE AND US 31W BYPASS.	PL				
				DN	STP1		3,000,000	
				RW				
				UT				
				CN				
				Project Cost:		0	3,000,000	0
Warren	80318	KY-234	REDUCE CONGESTION AND INCREASE MOBILITY ON KY 234 FROM THE EXIT 26 INTERCHANGE WITH I 65 TO KY 880.	PL				
				DN	SPP	250,000		
				RW	SPP		70,000	
				UT	SPP			70,000
				CN	SPP			620,000
				Project Cost:		250,000	70,000	690,000
Warren	80320	US-68	MODERNIZE US 68 BETWEEN VICTORIA STREET AND CLAY STREET.	PL				
				DN	NH	930,000		
				RW	NH			330,000
				UT	NH			1,240,000
				CN				
				Project Cost:		930,000	0	1,570,000
Warren	80322	I-65	IMPROVE SAFETY AND MOBILITY ON KY 234 AT I 65, INCLUDING THE RECONSTRUCTION OF THE INTERCHANGE.	PL				
				DN	NH		1,860,000	
				RW				
				UT				
				CN				
				Project Cost:		0	1,860,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Warren	80326	KY-3145	SCOPING STUDY FOR OUTER BELTLINE EXTENDING KY 3145 TO NORTHERN WARREN COUNTY.	PL DN RW UT CN	SPP			2,500,000
Project Cost:						0	0	2,500,000
Warren	80327	US-68	MAJOR WIDENING OF 68X (RUSSELLVILLE RD) INCLUDING CONSTRUCTION OF ROUNDABOUTS AT INTERSECTIONS WITH MORGANTOWN RD AND UNIVERSITY BLVD. SCOPE INCLUDES RECONSTRUCTION OF CSX OVERPASS AND PEDESTRIAN AND BICYCLE ACCOMODATIONS NEAR WKU CAMPUS.	PL DN RW UT CN	NH		2,500,000	
Project Cost:						0	2,500,000	0
Warren	80328	CR-1240	CONSTRUCT NEW INTERCHANGE ON I-165 (NATCHER EXPRESSWAY AT ELROD ROAD. INCLUDES NEW CONSTRUCTION FOR SEGMENTS OF ELROD ROAD AND MINOR WIDENING OF SMALLHOUSE ROAD. APPROXIMATELY 5 MILES OF ROADWAY IMPROVEMENTS TO PROVIDE CONNECTIONS FROM NEW INTERCHANGE TO US 31W, KY	PL DN RW UT CN	SPP		1,250,000	
Project Cost:						0	1,250,000	0
Total for Warren county				PL DN RW UT CN		3,120,000 9,630,000 1,110,000 7,640,000	19,300,000 8,290,000 14,785,000 28,200,000	2,500,000 330,000 4,610,000 23,230,000
Total Amounts:						21,500,000	70,575,000	30,670,000
Washington	164.1000	KY-555	IMPROVE MOBILITY ON THE KY 555 HEARTLAND PARKWAY CORRIDOR FROM US 150X (MP 0.00) TO KY 53 (MP 8.7) (2022CCN)	PL DN RW UT CN	STPF	1,300,000	500,000 1,300,000	5,000,000
Project Cost:						1,300,000	1,800,000	5,000,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Washington	164.2000	KY-555	IMPROVE MOBILITY ON THE KY 555 HEARTLAND PARKWAY CORRIDOR FROM KY 53 TO BLUEGRASS PARKWAY (2022CCN)	PL				
				DN	STPF	1,500,000		
				RW	STPF		2,100,000	
				UT	STPF			1,000,000
				CN				
Project Cost:						1,500,000	2,100,000	1,000,000
Washington	396.2000	US-150	IMPROVE SAFETY, MOBILITY, AND GEOMETRICS ALONG US-150 FROM WEST OF OLD FREDERICKTOWN-BARDSTOWN ROAD (KY-1872) THROUGH GRUNDY HOME CURVE TO MAYFIELD LN (CR-1336). (2016BOP) (2020CCR)(D-Auth under 4-396) (2022CCR)	PL				
				DN				
				RW				
				UT				
				CN	STPF	7,500,000		
Project Cost:						7,500,000	0	0
Washington	396.3000	US-150	ADDRESS SAFETY, MOBILITY, AND GEOMETRIC ISSUES ALONG US 150 IN WASHINGTON COUNTY FROM 0.7 MILES EAST OF GRUNDY HOME ROAD (MILEPOINT 2.50) TO US 150X (MP 6.557) AT THE OLD ST. CATHERINE'S COLLEGE. (2016BOP) (2022CCN)	PL				
				DN	STPF	750,000		
				RW	STPF		1,000,000	
				UT	STPF		1,500,000	
				CN	STPF			2,000,000
Project Cost:						750,000	2,500,000	2,000,000
Washington	10068	KY-53	BRIDGE PROJECT IN WASHINGTON COUNTY ON (115B00004N) KY-53 AT CHAPLIN RIVER	PL				
				DN	BRX	410,000		
				RW				
				UT				
				CN	BRX	4,100,000		
Project Cost:						4,510,000	0	0
Washington	10070	KY-152	BRIDGE PROJECT IN WASHINGTON COUNTY ON (115B00019N) KY-152 AT CARTWRIGHT CREEK	PL				
				DN	BRX	175,000		
				RW				
				UT				
				CN	BRZ	1,295,000		
Project Cost:						1,470,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1425

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Washington	10072	KY-458	BRIDGE PROJECT IN WASHINGTON COUNTY ON (115B00045N) KY-458 AT BEECH FORK OF SALT RIVER	PL DN RW UT CN	FBP2			211,000
Project Cost:						0	0	211,000
Washington	10074	CS-1041	BRIDGE PROJECT IN WASHINGTON COUNTY ON (115C00065N) ARMORY HILL AT ROAD RUN CREEK	PL DN RW UT CN	BRZ BRZ	70,000 700,000		
Project Cost:						770,000	0	0
Washington	20042	KY-528	ADDRESS CONDITION OF KY-528 FROM MILEPOINT 1.4 TO MILEPOINT 1.8	PL DN RW UT CN	STP4 STP4			16,250 308,750
Project Cost:						0	0	325,000
Washington	22177	BG-9002	ADDRESS CONDITION OF Martha Layne Collins Bluegrass Parkway FROM MILEPOINT 39.267 TO MILEPOINT 42	PL DN RW UT CN	NHPM NHPM	325,000 2,925,000		
Project Cost:						3,250,000	0	0
Washington	80350	CR-1031	Replacement of an existing metal truss bridge that has been down rated by KYDOT to 5-tons at MP 1.983 on Sulphur Lick Road (CR 1031).	PL DN RW UT CN	SPP SPP SPP	48,304 20,000 603,800		
Project Cost:						672,104	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Washington	80352	KY-152	Address geometric deficiencies along KY 152 from US 150 (MP 8.815) to MP. 9.9 .	PL				
				DN	SPP	1,000,000		
				RW	SPP		500,000	
				UT	SPP			1,500,000
				CN				
				Project Cost:		<u>1,000,000</u>	<u>500,000</u>	<u>1,500,000</u>
Total for Washington county				PL				
				DN		5,578,304		227,250
				RW		20,000	4,100,000	
				UT			2,800,000	2,500,000
				CN		<u>17,123,800</u>		<u>7,308,750</u>
				Total Amounts:		<u>22,722,104</u>	<u>6,900,000</u>	<u>10,036,000</u>
Wayne	10073	CR-1006	BRIDGE PROJECT IN WAYNE COUNTY ON (116C00042N) EAST RALEIGH CREEK AT RALEIGH CREEK	PL				
				DN	BRZ		35,000	
				RW				
				UT				
				CN				
				Project Cost:		<u>0</u>	<u>35,000</u>	<u>0</u>
Wayne	20017	KY-90	ADDRESS CONDITION OF KY-90 FROM MILEPOINT 0 TO MILEPOINT 1.955	PL				
				DN	STP4		90,000	
				RW				
				UT				
				CN	STP4		<u>1,710,000</u>	
				Project Cost:		<u>0</u>	<u>1,800,000</u>	<u>0</u>
Wayne	80005	KY-1275	IMPROVE CURVE ON KY 1275 AT KY 833/ROGERS GROVE ROAD AND RESURFACE FROM KY 1275 FROM BELL LANE TO KY 833/ROGERS GROVE ROAD(18CCN) (2020CCR)	PL				
				DN				
				RW	SPP	3,500		
				UT	SPP	60,000		
				CN	SPP		<u>200,000</u>	
				Project Cost:		<u>63,500</u>	<u>200,000</u>	<u>0</u>

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Wayne	80006	KY-1275	Reduce congestion and improve safety, capacity, and mobility along KY 1275, including sidewalks, from KY 90 to Bell Lane. (18CCN) (2020CCR) (2022CCR)	PL				
				DN				
				RW	STP2		200,000	
				UT	STP2		500,000	
				CN	STP2			3,000,000
				Project Cost:		0	700,000	3,000,000
Wayne	80105	KY-90	REDUCE CONGESTION AND IMPROVES SAFETY, CAPACITY AND MOBILITY OF KY 90 BETWEEN KY 90X/KY 1275 AND KY 3106 (2020CCN) (2022CCR)	PL				
				DN				
				RW	SPP		5,000,000	
				UT	SPP		2,400,000	
				CN	SPP			5,000,000
				Project Cost:		0	7,400,000	5,000,000
Wayne	80108	KY-90, KY-92	ADDRESS SAFETY, MOBILITY, AND CONNECTIVITY BY RELOCATING ALONG KY 92 IN MONTICELLO BETWEEN LOCUST ST AND ELK SPRINGS CREEK RD (2020CCN) (2022CCR)	PL				
				DN				
				RW	SPP		1,100,000	
				UT	SPP		400,000	
				CN	SPP			1,200,000
				Project Cost:		0	1,500,000	1,200,000
Wayne	80307	KY-90	Reduce congestion and improve safety along KY 90 from 0.284 mile West of KY 92 to 0.084 mile West of KY 92.	PL				
				DN	SPP		150,000	
				RW	SPP		200,000	
				UT	SPP		240,000	
				CN	SPP			690,000
				Project Cost:		0	590,000	690,000
Wayne	80308	KY-1765	Improve safety and mobility along KY 1765 between KY 1275 and end of state maintenance near Conley Bottom boat dock.	PL	SPP		190,000	
				DN	SPP		550,000	
				RW				
				UT				
				CN				
				Project Cost:		0	740,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Wayne	80309	KY-90	MINOR WIDENING BY ADDING OFFSET LEFT TURNING LANES INTO K 1568 AND FRAZER CHAPEL ROAD.	PL				
				DN	SPP		200,000	
				RW	SPP		65,000	
				UT	SPP		200,000	
				CN	SPP		550,000	
Project Cost:						0	1,015,000	0
Wayne	80314	KY-92	IMPROVE VERTICAL GEOMETRICS ALONG KY 92 NEAR KY 789 TO IMPROVE SIGHT DISTANCE. ADD TURNING LANES AND MINOR WIDENING FROM ALONG KY 92 FROM 789 TO KY 90.	PL				
				DN	SPP	780,000		
				RW	SPP			2,000,000
				UT				
				CN				
Project Cost:						780,000	0	2,000,000
Wayne	80315	CR-1127	BRIDGE REPLACEMENT OVER LITTLE SOUTH FORK ALONG BALDY ROAD (CR 1127),	PL				
				DN	SPP	500,000		
				RW	SPP		50,000	
				UT	SPP		100,000	
				CN	SPP			560,000
Project Cost:						500,000	150,000	560,000
Total for Wayne county				PL			190,000	
				DN		1,280,000	1,025,000	
				RW		3,500	6,615,000	2,000,000
				UT		60,000	3,840,000	
				CN			2,460,000	10,450,000
Total Amounts:						1,343,500	14,130,000	12,450,000
Webster	228	KY-138	RECONSTRUCT BETWEEN KY 120 AND RR BRIDGE AT SLAUGHTERS TO ALLEVIATE FLOODING. (12CCR)(18CCN) (2020CCR) (2022CCR)	PL				
				DN	SPP	200,000		
				RW	SPP		110,000	
				UT	SPP		260,000	
				CN	SPP			360,000
Project Cost:						200,000	370,000	360,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Webster	10135	KY-56	BRIDGE PROJECT IN WEBSTER COUNTY ON (117B00012N) KY-56 AT GREEN RIVER	PL				
				DN	FBP	890,000		
				RW				
				UT				
				CN	FBP	8,900,000		
				Project Cost:		9,790,000	0	0
Webster	10138	KY-132	BRIDGE PROJECT IN WEBSTER COUNTY ON (117B00038N) KY-132 AT UNNAMED STREAM	PL				
				DN	BRX			165,067
				RW				
				UT				
				CN				
				Project Cost:		0	0	165,067
Webster	10139	KY-143	BRIDGE PROJECT IN WEBSTER COUNTY ON (117B00042N) KY-143 AT CRAB ORCHARD CREEK	PL				
				DN	BRX		138,000	
				RW				
				UT				
				CN	BRX			1,380,000
				Project Cost:		0	138,000	1,380,000
Webster	80316	KY-630	Address service concerns of KY 630 from KY 132 in Dixon to the Hopkins County Line	PL				
				DN	SPP		730,000	
				RW				
				UT				
				CN				
				Project Cost:		0	730,000	0
Total for Webster county				PL				
				DN		1,090,000	868,000	165,067
				RW			110,000	
				UT			260,000	
				CN		8,900,000		1,740,000
				Total Amounts:		9,990,000	1,238,000	1,905,067

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Whitley	4313	KY-779	INSTALL GUARDRAIL ON KY-779 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	71,000		
				Project Cost:		71,000	0	0
Whitley	4327	KY-727	INSTALL GUARDRAIL ON KY-727 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	15,000		
				Project Cost:		15,000	0	0
Whitley	4328	KY-312	INSTALL GUARDRAIL ON KY-312 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		6,000	
				Project Cost:		0	6,000	0
Whitley	4329	KY-312	INSTALL GUARDRAIL ON KY-312 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		5,000	
				Project Cost:		0	5,000	0
Whitley	4336	KY-727	INSTALL GUARDRAIL ON KY-727 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	9,000		
				Project Cost:		9,000	0	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Whitley	4337	KY-727	INSTALL GUARDRAIL ON KY-727 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		13,000	
				Project Cost:		0	13,000	0
Whitley	4338	KY-779	INSTALL GUARDRAIL ON KY-779 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	51,000		
				Project Cost:		51,000	0	0
Whitley	4339	KY-779	INSTALL GUARDRAIL ON KY-779 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	19,000		
				Project Cost:		19,000	0	0
Whitley	4361	KY-312	INSTALL GUARDRAIL ON KY-312 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		5,000	
				Project Cost:		0	5,000	0
Whitley	4363	KY-836	INSTALL GUARDRAIL ON KY-836 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		10,000	
				Project Cost:		0	10,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Whitley	4384	KY-11	INSTALL GUARDRAIL ON KY-11 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		15,000	
Project Cost:						0	15,000	0
Whitley	4385	KY-204	INSTALL GUARDRAIL ON KY-204 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		15,000	
Project Cost:						0	15,000	0
Whitley	4386	KY-204	INSTALL GUARDRAIL ON KY-204 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		17,000	
Project Cost:						0	17,000	0
Whitley	4387	KY-204	INSTALL GUARDRAIL ON KY-204 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		15,000	
Project Cost:						0	15,000	0
Whitley	4388	KY-204	INSTALL GUARDRAIL ON KY-204 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		35,000	
Project Cost:						0	35,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1433

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Whitley	4389	KY-204	INSTALL GUARDRAIL ON KY-204 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		9,000	
				Project Cost:		0	9,000	0
Whitley	4390	KY-26	INSTALL GUARDRAIL ON KY-26 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		4,000	
				Project Cost:		0	4,000	0
Whitley	4391	KY-478	INSTALL GUARDRAIL ON KY-478 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		49,000	
				Project Cost:		0	49,000	0
Whitley	4392	KY-856	INSTALL GUARDRAIL ON KY-856 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		12,000	
				Project Cost:		0	12,000	0
Whitley	4409	KY-204	INSTALL GUARDRAIL ON KY-204 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			9,000
				Project Cost:		0	0	9,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Whitley	4410	KY-204	INSTALL GUARDRAIL ON KY-204 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			9,000
Project Cost:						0	0	9,000
Whitley	4411	KY-904	INSTALL GUARDRAIL ON KY-904 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			14,000
Project Cost:						0	0	14,000
Whitley	4412	KY-904	INSTALL GUARDRAIL ON KY-904 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			14,000
Project Cost:						0	0	14,000
Whitley	4413	KY-904	INSTALL GUARDRAIL ON KY-904 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			39,000
Project Cost:						0	0	39,000
Whitley	4414	KY-904	INSTALL GUARDRAIL ON KY-904 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			32,000
Project Cost:						0	0	32,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1435

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Whitley	4415	KY-904	INSTALL GUARDRAIL ON KY-904 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			11,000
Project Cost:						0	0	11,000
Whitley	8954		CONSTRUCT A NEW ENTRANCE TO THE UNIVERSITY OF THE CUMBERLANDS FROM SOUTH 2ND ST UP THE HILL TO TIE INTO HUTTON WAY. (16CCN)	PL				
				DN	SPP	300,000		
				RW				
				UT	SPP		50,000	
				CN	SPP		1,600,000	
Project Cost:						300,000	1,650,000	0
Whitley	80107	US-25	IMPROVE SAFETY AND MOBILITY ON US 25W (MILEPOINT 13.3 TO MILEPOINT 14.6) INCLUDED IN THIS RECONSTRUCTION WILL BE APPROXIMATELY 1.3 MILES OF ROADWAY TO BE WIDENED/IMPROVED, AN APPROXIMATELY 250' BRIDGE REPLACEMENT OVER WATTS CREEK, INTERSECTIONS OF KY 26 AND	PL				
				DN				
				RW	BRO	1,000,000		
				UT	BRO		500,000	
				CN	BRO			10,000,000
Project Cost:						1,000,000	500,000	10,000,000
Whitley	80264	KY-92	RECONFIGURE EXISTING INTERSECTION OF KY 92 AND PENNY LANE TO IMPROVE SAFETY ALONG AT INTERSECTION. CONSTRUCT NEW CONNECTOR ROAD BETWEEN KY 92 AND PENNY LANE. RECONFIGURE TRAFFIC OPERATION ALONG PENNY LANE BETWEEN KY 92 AND NEW CONNECTOR ROAD (2022CCN)	PL				
				DN				
				RW	SPP		1,610,000	
				UT	SPP			140,000
				CN				
Project Cost:						0	1,610,000	140,000
Whitley	80306	CR-1444	Widen Log Cabin Road from KY 90 to US 25W (MP 0 to 2.783). Widen two feeT along both sides.	PL				
				DN				
				RW				
				UT				
				CN	SPP		525,000	
Project Cost:						0	525,000	0

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Whitley	80307	CR-1412	Resurfacing of High Top Road	PL				
				DN				
				RW				
				UT				
				CN	SPP		356,000	
Project Cost:						0	356,000	0
Whitley	80308	CS-1132	Widen existing South 2nd street to improve geometric deficiencies along route	PL				
				DN	SPP		1,000,000	
				RW				
				UT				
				CN				
Project Cost:						0	1,000,000	0
Whitley	80310	US-25	Improve safety by lowering vertical crest on US25W and realigning High Top Road intersection with US25W	PL				
				DN	SPP	100,000		
				RW	SPP		200,000	
				UT	SPP			250,000
				CN	SPP			400,000
Project Cost:						100,000	200,000	650,000
Whitley	80351	CS-2000	Develop and evaluate potential intersection alternatives (including a roundabout) to improve traffic flow at the intersection of Arena Drive (CS 2000) and Corbin Center Drive.	PL				
				DN	SPP	750,000		
				RW	SPP		100,000	
				UT	SPP		250,000	
				CN	SPP			1,500,000
Project Cost:						750,000	350,000	1,500,000
Whitley	80353	I-75	Widen I-75 from MP 19.2 in Whitley County to MP 23.5 South of Corbin	PL				
				DN	NH		2,500,000	
				RW	NH		500,000	
				UT	NH			500,000
				CN				
Project Cost:						0	3,000,000	500,000
Total for Whitley county				PL				
				DN		1,150,000	3,500,000	
				RW		1,000,000	2,410,000	
				UT			800,000	890,000
				CN		165,000	2,691,000	12,028,000
Total Amounts:						2,315,000	9,401,000	12,918,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1437

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Wolfe	177	KY-15	Minor widening to improve redundancy of Regional travel.	PL				
				DN				
				RW	PROT		290,000	
				UT	PROT			560,000
				CN				
				Project Cost:		0	290,000	560,000
Wolfe	212	KY-191	IMPROVE THE KY-191 AND KY-1812 INTERSECTION.	PL				
				DN				
				RW	STP2	120,000		
				UT	STP2	120,000		
				CN	STP2		1,030,000	
				Project Cost:		240,000	1,030,000	0
Wolfe	4319	KY-191	INSTALL GUARDRAIL ON KY-191 IN WOLFE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			15,000
				Project Cost:		0	0	15,000
Wolfe	4320	KY-746	INSTALL GUARDRAIL ON KY-746 IN WOLFE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			65,000
				Project Cost:		0	0	65,000
Wolfe	80352	KY-715	Reconstruct KY 715 from intersection with KY 11 (0.0) to the intersection with KY 15 (MP 5.765).	PL				
				DN	SPP			1,000,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	1,000,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Total for Wolfe county				PL				
				DN				1,000,000
				RW		120,000	290,000	
				UT		120,000		560,000
				CN			1,030,000	80,000
				Total Amounts:		240,000	1,320,000	1,640,000
Woodford	117	US-60	IMPROVE US 60 (VERSAILLES ROAD) FROM THE BLUEGRASS PARKWAY/HUNTERTOWN PIKE TO PISGAH PIKE.	PL				
				DN				
				RW	NH			230,000
				UT	NH			1,380,000
				CN				
				Project Cost:		0	0	1,610,000
Woodford	440	KY-169	IMPROVE KY-169 FROM NORTH OF CLEAR CREEK RD IN JESSAMINE COUNTY TO NORTH OF KY-1967 IN WOODFORD COUNTY.	PL				
				DN	FED	840,000		
				RW	STP2		2,110,000	
				UT				
				CN				
				Project Cost:		840,000	2,110,000	0
Woodford	8905	US-60	ACCESS MANAGEMENT IMPROVEMENTS ON US 60 FROM LEXINGTON ROAD AT WOODFORD FEED TO MARSAILLES DRIVE (MP 9.38 TO MP 9.70).(16CCN)(18CCN) (2022CCR)	PL				
				DN				
				RW	SPP	1,000,000		
				UT	SPP	780,000		
				CN	SPP			1,000,000
				Project Cost:		1,780,000	0	1,000,000
Woodford	20048	I-64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 64.856 TO MILEPOINT 67.106	PL				
				DN	NHPM			495,000
				RW				
				UT				
				CN	NHPM			2,000,000
				Project Cost:		0	0	2,495,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1439

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Woodford	80200	KY-1659	Reconstruct McCracken Pike (KY-1659) on a new horizontal alignment to minimize pedestrian and vehicle conflicts near Woodford Reserve Distillery (2022CCN).	PL				
				DN				
				RW	SPP	300,000		
				UT	SPP	300,000		
				CN	SPP	1,530,000		
				Project Cost:		2,130,000	0	0
Woodford	80252	US-62	RECONSTRUCT INTERSECTION AT US 62 (ROSE HILL AVE & TYRONE PK) AND KY 1964 (CLIFTON RD) IN VERSAILLES (2022CCN)	PL				
				DN	SPP		350,000	
				RW	SPP			500,000
				UT				
				CN				
				Project Cost:		0	350,000	500,000
Woodford	80320	KY-341	Improve safety and mobility on KY 341 beginning at I-64 to approximately 0.8 miles north.	PL				
				DN	SPP	600,000		
				RW	SPP		600,000	
				UT	SPP		750,000	
				CN				
				Project Cost:		600,000	1,350,000	0
Woodford	80353	US-60	Additional turn lanes and road improvement to US 60 at MP 6.1 for entrance to Livestock Innovation Center at UK	PL				
				DN	SPP	200,000		
				RW				
				UT				
				CN	SPP		1,100,000	
				Project Cost:		200,000	1,100,000	0
Total for Woodford county				PL				
				DN		1,640,000	350,000	495,000
				RW		1,300,000	2,710,000	730,000
				UT		1,080,000	750,000	1,380,000
				CN		1,530,000	1,100,000	3,000,000
				Total Amounts:		5,550,000	4,910,000	5,605,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
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2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

Biennium Fund Summary

Fund	Description	FY 2025	FY 2026	Total
APD	FEDERAL APPALACHIAN DEVELOPMENT HIGHWAYS	1,500,000	3,500,000	5,000,000
BRO	FEDERAL BRIDGE REPLACEMENT - ON SYSTEM	59,567,698	75,418,796	134,986,494
BRX	FEDERAL BRIDGE REPLACEMENT - ON/OFF SYSTEM	43,193,000	50,098,235	93,291,235
BRZ	FEDERAL BRIDGE REPLACEMENT - OFF SYSTEM	18,445,000	19,703,208	38,148,208
CARB	CARBON REDUCTION PROGRAM	28,500,000	29,130,000	57,630,000
CM	FEDERAL CONGESTION MITIGATION FUNDS	15,800,000	16,200,000	32,000,000
EV	ELECTRIC VEHICLE CHARGING STATION FUNDS	13,800,000	13,800,000	27,600,000
FBP	FEDERAL BRIDGE PROGRAM	83,709,080	118,329,283	202,038,363
FBP2	FEDERAL BRIDGE PROGRAM - OFF SYSTEM	17,788,126	16,013,898	33,802,024
FED	FEDERAL PROJECT FUNDS	7,370,000	5,987,325	13,357,325
GAR	BIENNIAL GARVEE BOND FUNDS DESIGNATED FOR LSIORB	72,000,000	72,000,000	144,000,000
GR	GUARD RAIL INSTALLATION	10,163,000	3,525,000	13,688,000
HGC	HIGH GROWTH COUNTIES/INDUSTRIAL DEVELOPMENT/QUALITY IMPROVI	211,189,838	237,255,000	448,444,838
IF	INNOVATIVE FINANCING	24,000,000	338,000,000	362,000,000
KYD	FEDERAL DEMONSTRATION FUNDS ALLOCATED TO KENTUCKY	108,000,000	238,520,000	346,520,000
NH	FEDERAL NATIONAL HIGHWAY SYSTEM FUNDS	269,026,200	321,865,000	590,891,200
NHPM	NATIONAL HIGHWAYS SYSTEM FUNDS FOR PAVEMENT	95,782,213	139,974,334	235,756,547
PROT	PROTECT FORMULA PROGRAM	30,539,000	21,130,000	51,669,000
RRP	SAFETY-RAILROAD PROTECTION	2,850,000	0	2,850,000
RRS	SAFETY-RAILROAD SEPARATION	1,150,000	9,600,000	10,750,000
SAF	FEDERAL SAFETY FUNDS	75,455,000	79,630,000	155,085,000
SAH	FEDERAL STP FUNDS DEDICATED TO ASHLAND	1,800,000	1,800,000	3,600,000
SGF	STATE GENERAL FUNDING	54,000,000	74,600,000	128,600,000
SHN	FEDERAL STP FUNDS DEDICATED TO HENDERSON	0	0	0
SLO	FEDERAL STP FUNDS DEDICATED TO LOUISVILLE	26,800,000	26,800,000	53,600,000
SLX	FEDERAL STP FUNDS DEDICATED TO LEXINGTON	7,800,000	7,800,000	15,600,000
SNK	FEDERAL STP FUNDS DEDICATED TO NORTHERN KENTUCKY	8,400,000	8,600,000	17,000,000
SPP	STATE CONSTRUCTION HIGH PRIORITY PROJECTS	501,935,653	336,633,878	838,569,531
STP	FEDERAL STATEWIDE TRANSPORTATION PROGRAM FUNDS	18,000,000	6,700,000	24,700,000
STP1	SURFACE TRANSPORTATION (5-200K POP)	48,066,000	11,675,000	59,741,000
STP2	SURFACE TRANSPORTATION (<5K POP)	68,516,600	58,180,000	126,696,600
STP3	SURFACE TRANSPORTATION (5-200K POP) FOR PAVEMENT	7,810,000	3,550,000	11,360,000
STP4	SURFACE TRANSPORTATION (<5K POP) FOR PAVEMENT	6,571,000	12,809,980	19,380,980
STP5	SURFACE TRANSPORTATION FLEX FUNDING FOR PAVEMENT	28,450,889	15,287,000	43,737,889
STPF	SURFACE TRANSPORTATION FLEX FUNDING	103,470,000	81,230,000	184,700,000

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
	TAP		FEDERAL TRANSPORTATION ALTERNATIVES PROGRAM			12,100,000	12,300,000	24,400,000
	Total Amount					2,083,548,297	2,467,645,937	4,551,194,234

2024-2026 BIENNIAL HIGHWAY CONSTRUCTION PLAN

Fund Summary

Fund	Description	FY 2024	FY 2025	FY 2026	Total
APD	FEDERAL APPALACHIAN DEVELOPMENT HIGHWAYS	0	1,500,000	3,500,000	5,000,000
BRO	FEDERAL BRIDGE REPLACEMENT - ON SYSTEM	67,141,647	59,567,698	75,418,796	202,128,141
BRX	FEDERAL BRIDGE REPLACEMENT - ON/OFF SYSTEM	74,724,530	43,193,000	50,098,235	168,015,765
BRZ	FEDERAL BRIDGE REPLACEMENT - OFF SYSTEM	22,999,104	18,445,000	19,703,208	61,147,312
CARB	CARBON REDUCTION PROGRAM	28,000,000	28,500,000	29,130,000	85,630,000
CM	FEDERAL CONGESTION MITIGATION FUNDS	15,529,670	15,800,000	16,200,000	47,529,670
EV	ELECTRIC VEHICLE CHARGING STATION FUNDS	13,800,000	13,800,000	13,800,000	41,400,000
FBP	FEDERAL BRIDGE PROGRAM	107,308,885	83,709,080	118,329,283	309,347,248
FBP2	FEDERAL BRIDGE PROGRAM - OFF SYSTEM	22,582,043	17,788,126	16,013,898	56,384,067
FED	FEDERAL PROJECT FUNDS	7,440,000	7,370,000	5,987,325	20,797,325
GAR	BIENNIAL GARVEE BOND FUNDS DESIGNATED FOR LSIORB	72,000,000	72,000,000	72,000,000	216,000,000
GR	GUARD RAIL INSTALLATION	887,000	10,163,000	3,525,000	14,575,000
HGC	HIGH GROWTH COUNTIES/INDUSTRIAL DEVELOPMENT/QUALITY IMPROVI	0	211,189,838	237,255,000	448,444,838
IF	INNOVATIVE FINANCING	36,380,000	24,000,000	338,000,000	398,380,000
KYD	FEDERAL DEMONSTRATION FUNDS ALLOCATED TO KENTUCKY	20,000,000	108,000,000	238,520,000	366,520,000
NH	FEDERAL NATIONAL HIGHWAY SYSTEM FUNDS	168,862,978	269,026,200	321,865,000	759,754,178
NHPM	NATIONAL HIGHWAYS SYSTEM FUNDS FOR PAVEMENT	56,325,000	95,782,213	139,974,334	292,081,547
PROT	PROTECT FORMULA PROGRAM	29,768,000	30,539,000	21,130,000	81,437,000
RRP	SAFETY-RAILROAD PROTECTION	3,750,000	2,850,000	0	6,600,000
RRS	SAFETY-RAILROAD SEPARATION	250,000	1,150,000	9,600,000	11,000,000
SAF	FEDERAL SAFETY FUNDS	50,619,600	75,455,000	79,630,000	205,704,600
SAH	FEDERAL STP FUNDS DEDICATED TO ASHLAND	1,800,000	1,800,000	1,800,000	5,400,000
SGF	STATE GENERAL FUNDING	18,000,000	54,000,000	74,600,000	146,600,000
SHN	FEDERAL STP FUNDS DEDICATED TO HENDERSON	885,000	0	0	885,000
SLO	FEDERAL STP FUNDS DEDICATED TO LOUISVILLE	25,800,000	26,800,000	26,800,000	79,400,000
SLX	FEDERAL STP FUNDS DEDICATED TO LEXINGTON	7,700,000	7,800,000	7,800,000	23,300,000
SNK	FEDERAL STP FUNDS DEDICATED TO NORTHERN KENTUCKY	8,200,000	8,400,000	8,600,000	25,200,000
SPP	STATE CONSTRUCTION HIGH PRIORITY PROJECTS	184,026,204	501,935,653	336,633,878	1,022,595,735
STP	FEDERAL STATEWIDE TRANSPORTATION PROGRAM FUNDS	4,000,000	18,000,000	6,700,000	28,700,000
STP1	SURFACE TRANSPORTATION (5-200K POP)	27,460,000	48,066,000	11,675,000	87,201,000
STP2	SURFACE TRANSPORTATION (<5K POP)	56,734,500	68,516,600	58,180,000	183,431,100
STP3	SURFACE TRANSPORTATION (5-200K POP) FOR PAVEMENT	8,000,000	7,810,000	3,550,000	19,360,000
STP4	SURFACE TRANSPORTATION (<5K POP) FOR PAVEMENT	2,300,000	6,571,000	12,809,980	21,680,980
STP5	SURFACE TRANSPORTATION FLEX FUNDING FOR PAVEMENT	11,025,000	28,450,889	15,287,000	54,762,889
STPF	SURFACE TRANSPORTATION FLEX FUNDING	80,171,000	103,470,000	81,230,000	264,871,000
TAP	FEDERAL TRANSPORTATION ALTERNATIVES PROGRAM	11,900,000	12,100,000	12,300,000	36,300,000
Total Amount		1,246,370,161	2,083,548,297	2,467,645,937	5,797,564,395

CHAPTER 154**(HB 752)**

AN ACT relating to disaster recovery, making an appropriation therefor, and declaring an emergency.

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

➔Section 1. Notwithstanding KRS 39A.303(6) and (8), from the appropriation set out in 2022 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 6, there is hereby appropriated Restricted Funds from the East Kentucky State Aid Funding for Emergencies (EKSAFE) fund established in KRS 39A.303 in the amount of \$11,000,000 in fiscal year 2024-2025 to the Breathitt County school district for strained fiscal liquidity related to the impact of the Presidential Declaration of a Major Disaster, designated FEMA-4663-DR.

➔Section 2. Notwithstanding KRS 39A.305(8) and (9), there is hereby appropriated Restricted Funds from the West Kentucky State Aid Funding for Emergencies (WKSAFE) fund established in KRS 39A.305 in the amount of \$54,331,000 in fiscal year 2024-2025 to the Department for Local Government for strained fiscal liquidity in:

(1) The City of Mayfield, in the amount of \$48,231,000 for the electric and water systems, fire station #1, police station, and city hall; and

(2) Graves County, in the amount of \$6,100,000 for the administrative building.

➔Section 3. If a recipient of moneys from the EKSAFE or WKSAFE fund under Section 1 or 2 of this Act subsequently receives moneys from any other source, the recipient shall reimburse the Commonwealth for the amount of the moneys received from the EKSAFE or WKSAFE fund. All moneys reimbursed to the Commonwealth shall be deposited into the Budget Reserve Trust Fund account established in KRS 48.705 within 30 days. The moneys appropriated in Sections 1 and 2 of this Act shall not lapse and shall carry forward until June 30, 2026. If the moneys are not encumbered by June 30, 2026, the moneys shall be returned to the Commonwealth and shall be deposited into the Budget Reserve Trust Fund account established in KRS 48.705 within 30 days.

➔Section 4. Whereas the continuing recovery from the December 2021 storms and tornadoes and the July 2022 storms and flooding in Kentucky is of utmost importance to the citizens within those devastated areas, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 9, 2024.

CHAPTER 155**(HB 534)**

AN ACT relating to addiction treatment.

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

➔Section 1. KRS 205.536 is amended to read as follows:

- (1) A Medicaid managed care organization shall have a utilization review plan, as defined in KRS 304.17A-600, that meets the requirements established in 42 C.F.R. pts. 431, 438, and 456. If the Medicaid managed care organization utilizes a private review agent, as defined in KRS 304.17A-600, the agent shall comply with all applicable requirements of KRS 304.17A-600 to 304.17A-633.
- (2) In conducting utilization reviews for Medicaid benefits, each Medicaid managed care organization shall use the medical necessity criteria selected by the Department of Insurance pursuant to KRS 304.38-240, for making determinations of medical necessity and clinical appropriateness pursuant to the utilization review plan required by subsection (1) of this section.
- (3) To the extent consistent with the federal regulations referenced in subsection (1) of this section, the Department for Medicaid Services or any managed care organization contracted to provide Medicaid benefits

pursuant to KRS Chapter 205 shall not require or conduct a prospective or concurrent review, as defined in KRS 304.17A-600, for a prescription drug:

- (a) That:
 - 1. Is used in the treatment of alcohol or opioid use disorder; and
 - 2. Contains Methadone, Buprenorphine, *an opioid antagonist*, or Naltrexone; or
- (b) That was approved before January 1, 2022, by the United States Food and Drug Administration for the mitigation of opioid withdrawal symptoms.

➔Section 2. KRS 304.17A-611 is amended to read as follows:

- (1) A utilization review decision shall not retrospectively deny coverage for health care services provided to a covered person when prior approval has been obtained from the insurer or its designee for those services, unless the approval was based upon fraudulent, materially inaccurate, or misrepresented information submitted by the covered person, authorized person, or the provider.
- (2) ~~For health benefit plans issued or renewed on or after January 1, 2022,~~ An insurer *of a health benefit plan* shall not require or conduct a prospective or concurrent review for a prescription drug:

- (a) That:
 - 1. Is used in the treatment of alcohol or opioid use disorder; and
 - 2. Contains Methadone, Buprenorphine, *an opioid antagonist*, or Naltrexone; or
- (b) That was approved before January 1, 2022, by the United States Food and Drug Administration for the mitigation of opioid withdrawal symptoms.

➔Section 3. Section 2 of this Act shall apply to health benefit plans issued or renewed on or after January 1, 2025.

➔Section 4. If the Cabinet for Health and Family Services determines that a waiver or other authorization from a federal agency is necessary to implement Section 1 of this Act for any reason, including the loss of federal funds, the cabinet shall, within 90 days of the effective date of this section, request the waiver or other authorization, and may only delay implementation of those provisions for which a waiver or authorization was deemed necessary until the waiver or authorization is granted.

➔Section 5. Sections 2 and 3 of this Act take effect on January 1, 2025.

Signed by Governor April 9, 2024.

CHAPTER 156

(HB 53)

AN ACT relating to elections and making an appropriation therefor.

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

➔Section 1. KRS 117.001 is amended to read as follows:

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

- (1) "Audit log" means a detailed record of all actions and events that have occurred on the voting system, including:
 - (a) Log-in attempts with username and time stamp;
 - (b) Election definition and setup;
 - (c) Ballot preparation and results processing;
 - (d) Diagnostics of any type; and
 - (e) Error and warning messages and operator response;

- (2) "Automatic tabulating equipment" means apparatus necessary to automatically examine and count votes as designated on ballots and data processing machines which can be used for counting ballots and tabulating results;
- (3) "Ballot" or "official ballot" means the official presentation of offices and candidates to be voted for, including write-in candidates, and all public questions submitted for determination, and shall include a voting machine ballot, a paper ballot, an absentee ballot, a federal provisional ballot, a federal provisional absentee ballot, or a supplemental paper ballot which has been authorized for the use of voters in any primary, regular election, or special election by the Secretary of State or the county clerk;
- (4) "Ballot box" means any box, bag, or other container that can be locked, sealed, or otherwise rendered tamper-resistant, for receiving ballots;
- (5) "Ballot marking device" means any approved device for marking a ballot which will enable the ballot to be tabulated manually or by means of automatic tabulating equipment;
- (6) "Election" or "elections" means any primary, regular election, or special election;
- (7) "Election officer" has the same meaning as in KRS 118.015;
- (8) "E-poll book" means an electronic device capable of holding a file of voter data and related information for use in identifying registered voters prior to a voter's receiving or casting a ballot, and allowing a voter to electronically sign in on an electronic registered voter roster in lieu of signing a paper registered voter roster;
- (9) "Federal provisional voter" means a person:
 - (a) Who does not appear to be registered to vote;
 - (b) Whose name does not appear on the precinct roster;
 - (c) Who has not provided proof of identification to the precinct election officer before voting in a federal election; and
 - (d) Who elects to proceed with voting a federal provisional ballot under KRS 117.229;
- (10) "Federal provisional ballot" or "federal provisional absentee ballot" means ballots which have been authorized by the Secretary of State or the county clerk to be used by federal provisional voters in any federal primary or election;
- (11) "Inner envelope" or "secrecy envelope" means the envelope provided to the voter with a ballot into which the voter shall place his or her voted ballot;
- (12) "Political group" has the same meaning as in KRS 118.015;
- (13) "Political organization" has the same meaning as in KRS 118.015;
- (14) "Precinct ballot counter" means an automatic tabulating device used at the precinct to tabulate and process ballots;
- (15) "Proof of identification" means a document that was issued by:
 - (a) The United States or the Commonwealth of Kentucky, and the document contains:
 1. The name of the individual to whom the document was issued; and
 2. A photograph of the individual to whom the document was issued;
 - (b) The United States Department of Defense, a branch of the uniformed services, the Merchant Marine, or the Kentucky National Guard, and the document contains:
 1. The name of the individual to whom the document was issued; and
 2. A photograph of the individual to whom the document was issued;
 - (c) A public or private college, university, or postgraduate technical or professional school located within the United States, and the document contains:
 1. The name of the individual to whom the document was issued; and
 2. A photograph of the individual to whom the document was issued; or

- (d) Any city government, county government, urban-county government, charter county government, consolidated local government, or unified local government, which is located within this state, and the document contains:
1. The name of the individual to whom the document was issued; and
 2. A photograph of the individual to whom the document was issued;
- (16) ~~["Risk limiting audit" means an audit protocol that makes use of statistical principles and methods and is designed to limit to acceptable levels the risk of certifying a preliminary election outcome that constitutes an incorrect outcome;~~
- ~~(17) "Voting booth" or "ballot completion area" means an area in which a voter casts his or her vote or completes his or her ballot which is designed to ensure the secrecy of the vote;~~
- ~~(17)(18) "Vote center" means a consolidated precinct of the county;~~
- ~~(18)(19) "Voting equipment" means any physical component of a voting system and includes voting machines where voting machines are in operation;~~
- ~~(19)(20) "Voting machine" or "machine":~~
- (a) Means a part of a voting system that consists of ~~{~~:
 - ~~1. A direct recording electronic voting machine that:~~
 - ~~a. Records votes by means of a ballot display provided with mechanical or electro-operated components that may be actuated by the voter;~~
 - ~~b. Processes the data by means of a computer program;~~
 - ~~c. Records voting data and ballot images in internal and external memory components; and~~
 - ~~d. Produces a tabulation of the voting data stored in a removable memory component and on a printed copy; or~~
 - ~~2. }one (1) or more electronic devices that operate independently or as a combination of a ballot marking device and an electronic or automatic vote tabulation device; and~~
 - (b) Does not include an e-poll book;
- ~~(20)(21) "Voting system":~~
- (a) Means the total combination of physical, mechanical, electromechanical, or electronic equipment, including the software, hardware, firmware, and documentation required to program, control, and support that equipment, that is used to:
 1. Define ballots;
 2. Cast and count votes;
 3. Report or display election results; and
 4. Maintain and produce any audit trail information;
 - (b) Includes the practices and associated documentation used to:
 1. Identify system components and versions of those components;
 2. Test the system during its development and maintenance;
 3. Maintain records of system errors and defects;
 4. Determine specific system changes to be made to a system after the initial qualification of the system;
 5. Make available any materials to the voter, such as notices, instructions, forms, or paper ballots; and
 - (c) Does not include an e-poll book; and
- ~~(21)(22) "Voter-verified paper audit trail" means a contemporaneous paper record of a ballot printed for the voter to confirm his or her votes before the voter casts his or her ballot that:~~

- (a) Allows the voter to verify the voter's ballot choices before the casting of the voter's ballot;
- (b) Is not retained by the voter;
- (c) Does not contain individual voter information;
- (d) Is produced on paper that is sturdy, clean, and resistant to degradation; and
- (e) Is readable in a manner that makes the voter's ballot choices obvious to the voter or any person without the use of computer or electronic code.

➔Section 2. KRS 117.383 is amended to read as follows:

The State Board of Elections shall promulgate administrative regulations under KRS Chapter 13A which shall maintain the maximum degree of correctness, impartiality, and efficiency of the procedures of voting and shall provide methods to:

- (1) Count, tabulate, and record votes;
- (2) Place items on any ballot which shall, as closely as possible, follow the requirements pertaining to ballots;
- (3) Design the ballots to include a system to ensure an accurate record of all voting activities;
- (4) Instruct voters in the use of the voting system, including any ballot marking device;
- (5) Provide for checking the accuracy of the voting system;
- (6) Provide necessary supplies, including those necessary for a write-in vote, to ensure voter privacy;
- (7) ~~[As part of the official canvass, provide for a manual recount of randomly selected precincts representing three percent (3%) to five percent (5%) of the total ballots cast in each election;~~
- ~~(8) Provide for the conducting and review of an audit of any component of a voting system or any voting equipment, and a review of any audit log;~~
- ~~(8)(9)(a)~~ Provide for the conducting and review of an election audit ~~[, including a risk limiting audit, and risk limiting audit pilot program, all of]~~ which shall establish the protocol by which ballots are checked, compared, and verified with the results produced by vote tallying equipment to ensure accuracy ***through a hand-to-eye recount defined and conducted as follows:***
 - (a) ***To validate the accuracy and fidelity of the vote tabulation, the Secretary of State or his or her designee shall randomly select, in all counties of the Commonwealth, one (1) ballot scanner and one (1) race tabulated on that scanner for a hand-to-eye recount to be performed by each county board of elections or its designee;***
 - (b) ***The sealed ballot boxes and signed tabulator tally tape or record from election day, as established in KRS 117.275, shall be provided by the county board of elections at an agreed upon location, and shall be accessible for public viewing. The sealed ballots are only to be unsealed in the presence of the county board of elections or its designee and public witnesses;***
 - (c) ***A minimum of two (2) qualified poll workers, not of the same political party, shall be selected from lists of available volunteers, sworn in by the county board of elections or its designee to do the hand-to-eye recount, and compensated at the local poll worker rate. A video recording device shall be used for recording the event and it may be streamed for public internet viewing;***
 - (d) ***Ballots are to be aligned for stacking as needed, then viewed one (1) at a time, with each volunteer making a tally mark on a tally sheet for each vote cast for each candidate. Any ballots that are disputed or unclearly marked shall be set aside and the county board of elections or its designee shall determine voter intent;***
 - (e) ***Once the hand-to-eye recount is completed, each volunteer shall add up the tally marks for each candidate, write down a total number of votes for each candidate, and sign the tally sheet. The county board of elections or its designee shall verify if the two (2) separate hand-to-eye tallies match. If the two (2) hand-to-eye tallies do not match each other, the process must be repeated until the totals are matching. Once this occurs, the county board of elections or its designee shall also verify the tallies by signing each tally sheet. Then, the ballots must be returned to the ballot box and resealed in the presence of the county board of elections or its designee and public witnesses;***

- (f) *The county board of elections or its designee shall compare the signed register tape total from the vote tabulation machine on election day to the hand-to-eye tallies. If there is a discrepancy between the machine count and the hand-to-eye recount, other than instances of voter intent markings outside the designated marking area on the paper ballot that were unreadable by the scanner, or unscanned overvotes resulting from two (2) or more voter intent marks on the same race, the county board of elections or its designee shall open an election investigation including a review of election day irregularity reports. If more discrepancies are found, the county board of elections or its designee shall broaden the investigation until the reason for the discrepancy is discovered and subsequently resolved. A determination as to whether the outcome of the race could have been impacted by the discrepancies shall be made and any findings shall be reported to the Attorney General and Secretary of State; and*
- (g) *The county board of elections or its designee shall examine the electronic or paper sign-in records from the precinct or vote center and validate that the ballots cast and recounted were less than or equal to the sign-in records for that precinct or vote center. If the cast ballots for the precinct or vote center exceed the number of voters on the sign-in records for the precinct or vote center, the county board of elections shall open an election investigation and report the findings to the Attorney General and Secretary of State*[-
- ~~(b) The pilot program shall, at a minimum, include individuals representing the State Board of Elections, the Office of the Secretary of State, and no fewer than five percent (5%) of Kentucky's counties.~~
- ~~(c) The risk limiting audit and risk limiting audit pilot program shall make the results of its findings available to the public;~~
- ~~(9)~~~~(10)~~ Provide a method for maintaining sufficient documents, including ballots and records, so that votes can be recounted;
- ~~(10)~~~~(11)~~ Ensure the county board of elections produces accurate precinct-by-precinct summaries of tabulation sheets showing the results of each precinct during in-person absentee voting, election day voting, and when a county is approved to use a vote center;
- ~~(11)~~~~(12)~~ Except as otherwise required in this chapter, all records and papers relating to specified elections be retained for twenty-two (22) months, such documents and records shall be maintained for thirty (30) days following an election; and
- ~~(12)~~~~(13)~~ Unless contrary to the Help America Vote Act of 2002, ensure that all federal provisional voting shall be conducted in a manner as prescribed by KRS Chapters 116 to 120.

➔Section 3. KRS 117.295 is amended to read as follows:

- (1) For a period of thirty (30) days following any election, the voting equipment shall remain locked against voting, the ballot boxes containing all paper ballots shall remain locked, and the voting equipment and ballot boxes shall be under video surveillance. The system used to conduct the video surveillance shall have enough storage capacity to retain sixty (60) consecutive days of continuous recording data. The voting equipment and the ballot boxes may be opened and all the data and figures therein examined:
- (a) Upon the order of any court of competent jurisdiction, or judge thereof;
- (b) By direction of any legislative committee or board authorized and empowered to investigate and report upon contested elections;
- (c) By a county board of elections *or its designee* under the direction of the *Secretary of State*~~State Board of Elections~~ pursuant to a *hand-to-eye recount as described in Section 2 of this Act*~~risk limiting audit~~; or
- (d) As required to conduct a recount under KRS 120.157.

All the data and figures shall be examined by the court, judge, county board of elections, State Board of Elections, or committee in the presence of the officer having the custody of the voting equipment, ballots, and ballot boxes. In the event of a contest of election, the court in which the contest is pending or the committee before which the contest is being heard may, upon motion of any party to the contest, issue an order requiring that the voting equipment, ballots, and ballot boxes shall remain continuously locked for further time as may be reasonable or necessary, with due regard for the preparation of the voting equipment for a succeeding primary, regular election, or special election, but in no event shall the order compel that the voting equipment

remain locked to a time within thirty (30) days next preceding any approaching primary, regular election, or special election.

- (2) During the period when the voting equipment and the ballot boxes are required to be kept locked, the keys thereto shall remain in the possession of the county board of elections. After that period, it shall be the duty of the county board of elections to return the keys to the custody of the county clerk.

➔Section 4. There is hereby appropriated General Fund moneys in the amount of \$1,200,000 in fiscal year 2024-2025 and \$1,200,000 in fiscal year 2025-2026 to the Board of Elections to reimburse each county clerk up to \$5,000 for actual expenses incurred for each election in which the clerk conducts a hand-to-eye recount as outlined in Section 2 of this Act.

Became law without Governor's signature April 10, 2024.

CHAPTER 157

(HB 320)

AN ACT relating to civil procedure.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 413 IS CREATED TO READ AS FOLLOWS:

The following actions shall be commenced within three (3) years after the cause of action accrued:

- (1) *An action against an employer for wrongful discharge in violation of public policy; and*
- (2) *An action for a violation of KRS 344.030 to 344.110 or 344.372.*

➔Section 2. KRS 337.385 is amended to read as follows:

- (1) Except as provided in subsection (3) of this section, any employer who pays any employee less than wages and overtime compensation to which such employee is entitled under or by virtue of KRS 337.020 to 337.285 shall be liable to such employee affected for the full amount of such wages and overtime compensation, less any amount actually paid to such employee by the employer, for an additional equal amount as liquidated damages, and for costs and such reasonable attorney's fees as may be allowed by the court.
- (2) If, in any action commenced to recover such unpaid wages or liquidated damages, the employer shows to the satisfaction of the court that the act or omission giving rise to such action was in good faith and that he or she had reasonable grounds for believing that his or her act or omission was not a violation of KRS 337.020 to 337.285, the court may, in its sound discretion, award no liquidated damages, or award any amount thereof not to exceed the amount specified in this section. Any agreement between such employee and the employer to work for less than the applicable wage rate shall be no defense to such action. Such action may be maintained in any court of competent jurisdiction by any one (1) or more employees for and in behalf of himself, herself, or themselves.
- (3) If the court finds that the employer has subjected the employee to forced labor or services as defined in KRS 529.010, the court shall award the employee punitive damages not less than three (3) times the full amount of the wages and overtime compensation due, less any amount actually paid to such employee by the employer, and for costs and such reasonable attorney's fees as may be allowed by the court, including interest thereon.
- (4) At the written request of any employee paid less than the amount to which he or she is entitled under the provisions of KRS 337.020 to 337.285, the commissioner may take an assignment of such wage claim in trust for the assigning employee and may bring any legal action necessary to collect such claim, and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court. The commissioner in case of suit shall have power to join various claimants against the same employer in one (1) action.
- (5) *Any court or administrative action under any provision of this chapter, not otherwise subject to an express period of limitations, shall be commenced within three (3) years after the cause of action accrued.*

➔Section 3. KRS 454.210 is amended to read as follows:

- (1) As used in this section, "person" includes an individual, his *or her* executor, administrator, or other personal representative, or a corporation, partnership, association, or any other legal or commercial entity, who is a nonresident of this Commonwealth.
- (2) ~~[(a)—] A court may exercise personal jurisdiction over a person who *is a party to a civil action on any basis consistent with the Kentucky Constitution and the Constitution of the United States, including but not limited to* ~~[acts directly or by an agent, as to a claim arising from]~~ the person's:~~
- (a) ~~[1-] Transacting any business in this Commonwealth;~~
- (b) ~~[2-] Contracting to supply services or goods in this Commonwealth;~~
- (c) ~~[3-] Causing tortious injury by an act or omission in this Commonwealth;~~
- (d) ~~[4-] Causing tortious injury in this Commonwealth by an act or omission, *including but not limited to designing, manufacturing, or marketing products, including product components, outside this Commonwealth, which are used or consumed in this Commonwealth or regularly available for purchase in this Commonwealth* ~~[outside this Commonwealth]~~ if he *or she* ~~[regularly]~~ does or solicits business, or engages in any other ~~[persistent]~~ course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth ~~[, provided that the tortious injury occurring in this Commonwealth arises out of the doing or soliciting of business or a persistent course of conduct or derivation of substantial revenue within the Commonwealth];~~~~
- (e) ~~[5-] Causing injury in this Commonwealth to any person by breach of warranty expressly or impliedly made in the sale of goods outside this Commonwealth when the seller knew such person would use, consume, or be affected by, the goods in this Commonwealth, if he *or she* also ~~[regularly]~~ does or solicits business, or engages in any other ~~[persistent]~~ course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth;~~
- (f) ~~[6-] Having an interest in, using, or possessing real property in this Commonwealth, providing the claim arises from the interest in, use of, or possession of the real property, provided, however, that such in personam jurisdiction shall not be imposed on a nonresident who did not himself *or herself* voluntarily institute the relationship, and did not knowingly perform, or fail to perform, the act or acts upon which jurisdiction is predicated;~~
- (g) ~~[7-] Contracting to insure any person, property, or risk located within this Commonwealth at the time of contracting;~~
- (h) ~~[8-] Committing sexual intercourse in this state which intercourse causes the birth of a child when:~~
1. ~~[a-] The father or mother or both are domiciled in this state;~~
2. ~~[b-] There is a repeated pattern of intercourse between the father and mother in this state; or~~
3. ~~[c-] Said intercourse is a tort or a crime in this state; or~~
- (i) ~~[9-] Making a telephone solicitation, as defined in KRS 367.46951, or a charitable solicitation as defined in KRS 367.650 via telecommunication, into the Commonwealth.~~
- ~~[(b) When jurisdiction over a person is based solely upon this section, only a claim arising from acts enumerated in this section may be asserted against him.]~~
- (3) (a) When personal jurisdiction is authorized by this section, service of process may be made:
1. In any manner authorized by the Kentucky Rules of Civil Procedure;
 2. On such person, or any agent of such person, in any county in this Commonwealth, where he *or she* may be found; or
 3. On the Secretary of State who, for this purpose, shall be deemed to be the statutory agent of such person.
- (b) The clerk of the court in which the action is brought shall issue a summons against the defendant named in the complaint. The clerk shall execute the summons either by:
1. Sending by certified mail two (2) true copies to the Secretary of State and shall also mail with the summons two (2) attested copies of plaintiff's complaint; or

2. Transmitting an electronically attested copy of the complaint and summons to the Secretary of State via the Kentucky Court of Justice electronic filing system.
- (c) The Secretary of State shall, within seven (7) days of receipt thereof in his *or her* office, mail a copy of the summons and complaint to the defendant at the address given in the complaint. The letter shall be posted by certified mail, return receipt requested, and shall bear the return address of the Secretary of State. The clerk shall make the usual return to the court, and in addition the Secretary of State shall make a return to the court showing that the acts contemplated by this statute have been performed, and shall attach to his *or her* return the registry receipt, if any. Summons shall be deemed to be served on the return of the Secretary of State and the action shall proceed as provided in the Rules of Civil Procedure.
- (d) The clerk mailing the summons to the Secretary of State shall mail to him *or her*, at the same time, a fee of ten dollars (\$10), which shall be taxed as costs in the action. The fee for a summons transmitted electronically pursuant to this subsection shall be transmitted to the Secretary of State on a periodic basis.
- (4) When the exercise of personal jurisdiction is authorized by this section, any action or suit may be brought in the county wherein the plaintiff resides or where the cause of action or any part thereof arose.
- (5) A court of this Commonwealth may exercise jurisdiction on any other basis authorized in the Kentucky Revised Statutes or by the Rules of Civil Procedure, notwithstanding this section.

Became law without Governor's signature April 10, 2024.

CHAPTER 158

(HB 596)

AN ACT relating to annexation.

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

➔Section 1. KRS 81A.412 is amended to read as follows:

- (1) A city may annex any area which meets the requirements of KRS 81A.410, if each of the owners of record of the land to be annexed gives prior consent in writing to the annexation. In this event, the city shall not be required to enact the notification ordinance required by KRS 81A.420(1) or to comply with the notice requirements of KRS 81A.425, and it shall not be required to wait the sixty (60) day period provided for in KRS 81A.420(2) prior to enacting a final ordinance annexing the area. When a city has obtained the prior written consent of each owner of record of the land to be annexed, the city may enact a single ordinance finally annexing the land described in the ordinance. If the city has elected to establish the zoning for the new territory pursuant to KRS 100.209 prior to the completion of annexation under this section, the ordinance annexing the territory shall include a map showing the zoning. Upon the enactment of this ordinance, the territory shall become a part of the city.
- (2) *When a city located in a county subject to the crediting provisions set forth in KRS 68.197 proposes to annex territory, it shall provide written notice to the fiscal court of the county in which the territory is located regarding the proposed annexation that includes a map and description of the territory to be annexed at least forty-five (45) days prior to the enactment of the ordinance finally annexing the territory into the city.*

➔Section 2. KRS 81A.420 is amended to read as follows:

- (1) When a city desires to annex unincorporated territory, the legislative body of the city proposing to annex shall enact an ordinance stating the intention of the city to annex. The ordinance shall accurately define the boundary of the unincorporated territory proposed to be annexed, and declare it desirable to annex the unincorporated territory. *The city shall provide written notice to the fiscal court of the county in which the territory is located regarding the proposed annexation that includes a map and a description of the area to be annexed.*

- (2) If following the publication of the annexation ordinance pursuant to subsection (1) of this section and within sixty (60) days thereof, ~~or if in any annexation proceeding where the annexing city has not adopted a final annexation ordinance, within sixty (60) days of February 12, 1988,~~ **fifty-one percent (51%) or more** ~~{fifty percent (50%)}~~ of the resident voters or owners of real property within the limits of the territory proposed to be annexed petition the mayor in opposition to the proposal, ~~an election shall be held at the next regular election if the petition is presented to the county clerk and certified by the county clerk as sufficient not later than the second Tuesday in August preceding the regular election:~~
- (a) ~~The mayor of the city shall deliver a certified copy of the ordinance to the county clerk of the county in which the territory proposed to be annexed is located, who shall have prepared to be placed before the voters in each precinct embraced in whole or in part within the territory proposed to be annexed the question: "Are you in favor of being annexed to the City of _____?" If only a part of any precinct is embraced within the territory proposed to be annexed only persons who reside within the territory proposed to be annexed shall be permitted to vote. The clerk shall cause the sheriff or sheriffs to deliver to the election officers in each precinct in the appropriate counties copies of the ordinance proposing to annex;~~
- (b) ~~If less than fifty five percent (55%) of those persons voting oppose annexation, the unincorporated territory shall become a part of the city; and~~
- (c) ~~If fifty five percent (55%) or more of those persons voting oppose annexation, the ordinance proposing annexation shall become ineffectual for any purpose.~~
- (3) In not less than sixty (60) days after the enactment of the ordinance, if no petition ***containing the signatures of fifty-one percent (51%) or more of the resident voters or owners of real property within the limits of the territory proposed to be annexed in opposition to the proposal*** has been received by the mayor as set ~~out~~ herein, or within sixty (60) days of the certification of election results in which less than fifty five percent (55%) of those persons voting opposed annexation, ~~forth in subsection (2) of this section, and if the city has provided the written notice described in subsection (1) of this section at least forty-five (45) days prior,~~ the legislative body may enact an ordinance annexing to the city the territory described in the ordinance. If the city has elected to establish the zoning for the new territory prior to the completion of the annexation pursuant to KRS 100.209, the ordinance shall include a map showing the zoning. Upon the enactment of this ordinance, the territory shall become part of the city for all purposes.

➔SECTION 3. A NEW SECTION OF KRS 65.210 TO 65.300 IS CREATED TO READ AS FOLLOWS:

Any interlocal agreement entered into under KRS 65.210 to 65.300 that was in existence on or after January 1, 2024, concerning the sharing of occupational or insurance premium tax revenue between a city and county, and where a party to the agreement is a county subject to the crediting provisions set forth in KRS 68.197 or KRS 91A.080, shall not be terminable without the consent of each party to the agreement.

➔Section 4. KRS 65.250 is amended to read as follows:

- (1) Any agreement entered into under KRS 65.210 to 65.300 shall specify the following:
- (a) The purpose and duration of the agreement;
- (b) If the agreement creates an interlocal agency:
1. The organization, composition, authority, and nature of the interlocal agency, including the terms and qualifications of the members of the governing authority and their manner of appointment or selection;
 2. A statement of the powers delegated to the interlocal agency or any restrictions, limitations, or conditions the contracting parties wish to place on those powers; and
 3. A general statement of any responsibilities of the interlocal agency to the parties that established it;
- (c) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor; said agreement for financing the joint or cooperative undertaking shall include agreements relative to the respective responsibilities of the public agencies involved for the payment of the employer's share involved in any pertinent pension plan or plans, if any, provided for by KRS 65.280;

- (d) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement, including the method for disposing of property upon such partial or complete termination;
- (e) *If the interlocal agreement concerns the sharing of occupational or insurance premium tax revenue between a city and county, and the county that is a party to the contract is subject to the crediting provisions set forth in KRS 68.197 or KRS 91A.080, the contract shall not be terminable without the consent of each party to the contract;* and
- (f)~~(e)~~ Any other necessary and proper matters.

(2) In the event that the agreement does not establish an interlocal agency to conduct the joint or cooperative undertaking, the agreement shall, in addition to paragraphs (a), (c), (d), ~~and~~ (e), *and* (f) enumerated in subsection (1) of this section, contain the following:

- (a) Provision for an administrator responsible for the joint or cooperative undertaking; and
- (b) The manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking.

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 81A IS CREATED TO READ AS FOLLOWS:

A county subject to the crediting provisions set forth in KRS 68.197 shall have standing to challenge a proposed annexation on the basis that a city has failed to comply with the provisions of this chapter. The county may bring suit in the Circuit Court of the county in which the territory to be annexed is located. Any suit brought pursuant to this section shall be brought prior to or within sixty (60) days after the enactment of the ordinance finally annexing the territory into the city.

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 81A IS CREATED TO READ AS FOLLOWS:

(1) *When a city annexes territory in a county that contains active residential, commercial, or industrial uses on a substantial part of the territory, and the crediting provisions set forth in KRS 68.197 apply to the county, the city shall remit payments to the county on January 1 of each year for a period of ten (10) years following the enactment of the ordinance finally annexing territory into the city, pursuant to the following formula unless the city and county otherwise agree in writing:*

- (a) *The county shall calculate the amounts of ad valorem property, occupational licensure, and insurance premium taxes the county collected within the territory in the year prior to the proposed annexation;*
- (b) *The county shall then add to the total amount of ad valorem property tax one hundred fifty percent (150%) of the occupational licensure tax and one hundred fifty percent (150%) of the insurance premium tax collected in the year prior to annexation; and*
- (c) *The county shall then subtract from the figure calculated in paragraph (b) of this subsection the property tax, occupational licensure tax, and insurance premium tax revenue it has collected or anticipates it will be able to collect for each year following the annexation, which figure will represent the remittance payment required to be paid by the city to the county.*

The county shall update its calculation of the figure in paragraph (c) of this subsection on a yearly basis, and shall provide the figure to the city at least thirty (30) days prior to the date on which payment is required to be made by the city. A city shall not be required to remit payments unless the county has provided the city with documentation confirming the figure calculated in paragraph (c) of this subsection.

- (2) (a) *When a city proposes to annex territory that does not contain active residential, commercial, or industrial uses on a substantial part of the territory, the crediting provisions set forth in KRS 68.197 apply to the county in which the territory is located, and:*
 - 1. *The territory is not immediately contiguous to the existing city boundary and is connected only by a corridor, unless:*
 - a. *Existing water and sewer services were provided by the city to the territory on or before January 1, 2024; and*
 - b. *The county has not made a previous investment in infrastructure in the territory, not including routine road maintenance; or*

2. *The territory is contiguous to the existing city boundary, but the city is not able to provide tangible benefits or services as a result of the annexation, including but not limited to:*
- a. *Specialized infrastructure or utilities that the county itself cannot feasibly provide at the time of the annexation;*
 - b. *The provision of public safety or emergency response services that the county itself cannot feasibly provide at the time of annexation; or*
 - c. *The ability to sell alcoholic beverages in the territory to be annexed;*
- the county may, within fifteen (15) days after receiving written notice of the annexation from the city as required by subsection (2) of Section 1 of this Act or subsection (1) of Section 2 of this Act, enact a resolution stating that the county desires to negotiate with the city regarding the creation of an interlocal agreement for revenue and cost sharing related to development of the territory to be annexed. A copy of the resolution shall be immediately transmitted to the city.*
- (b) *If a city receives the resolution, it shall negotiate with the county to form an interlocal agreement that addresses participation between the county and city in:*
1. *Cost sharing for public investment in the development of the area;*
 2. *Cost sharing for provision of municipal services within the area; and*
 3. *Revenue sharing of occupational tax revenue collected from the territory.*
- (c) *The negotiations shall be completed within sixty (60) days of the enactment of the resolution by the county, and the city shall not enact an ordinance finally annexing the territory into the city during that period.*
- (d) *If the parties fail to reach an agreement within the sixty (60) day period described in paragraph (c) of this subsection:*
1. *The city may enact an ordinance finally annexing the territory into the city; and*
 2. *The county may elect to:*
 - a. *Not participate in the development of the territory; or*
 - b. *Participate with the city in the development of the territory.*
- (e) *If the county elects to participate with the city in development of the territory pursuant to subsection (2)(d)2.b. of this section, a cost and revenue sharing default option shall apply, under which the county shall provide funding for:*
1. *Fifty percent (50%) of the costs associated with the public investment made in developing the territory; and*
 2. *Fifty percent (50%) of the costs associated with the provision of additional municipal services in the territory.*
- The city shall be required to remit to the county, on a yearly basis, fifty percent (50%) of the occupational tax revenue generated in the territory, or an amount of occupational tax revenue that would equal the amount that the county would collect from the territory pursuant to its countywide occupational tax rate in the absence of crediting, whichever is less. In no instance shall a county receive payments under this section that would exceed the amount it would collect from the territory pursuant to its countywide occupational tax rate in the absence of crediting. If a county would receive an amount of revenue that is less than fifty percent (50%) of the occupational tax revenue generated in the territory pursuant to this paragraph, then its responsibility for funding pursuant to subparagraphs 1. and 2. of this paragraph shall be changed to a percentage equal to the percentage of revenue that the county would receive under this paragraph. A county may, during the sixty (60) day period discussed in paragraph (c) of this subsection, elect to impose a countywide occupational tax or raise its countywide occupational tax rate in conformance with statute.*
- (f) *Any agreement made pursuant to this subsection, including a default agreement under subsection (2)(e) of this section, shall be considered an interlocal agreement and be subject to the provisions of the Interlocal Cooperation Act, including the reporting requirements set forth in KRS 65.260.*

- (3) *When a city proposes to annex territory in a county in which the crediting provisions set forth in KRS 68.197 apply, the provisions of subsections (1) and (2) of this section shall not apply if the city and county are parties to an interlocal agreement concerning the sharing of occupational tax revenue between the city and county, and that agreement would apply to the proposed annexation.*
- (4) (a) *When a city completes an annexation of territory in a county in which the crediting provisions set forth in KRS 68.197 apply, the city shall submit to the Department for Local Government the information required by this subsection. The information shall be submitted within (60) days following the enactment of the ordinance finally annexing the territory into the city, and shall include the following:*
1. *The information required in KRS 81A.470(1)(a) and (b);*
 2. *A statement indicating whether the annexation was subject to subsection (1), (2), or (3) of this section, or if the annexation was one in which the city provided tangible benefits or services as a result of the annexation pursuant to subsection (2)(a)2. of this section; and*
 3. *A copy of any interlocal agreement created as a result of compliance with this section or that applies as described in subsection (3) of this section.*
- (b) *The Department for Local Government may make reporting forms consistent with this subsection, and may promulgate administrative regulations pursuant to KRS Chapter 13A to implement the provisions of this subsection.*

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 81A IS CREATED TO READ AS FOLLOWS:

As used in Sections 7 to 9 of this Act, unless the context requires otherwise:

- (1) *"Commercial purposes" means the use of land, buildings, or structures, or parts thereof, for the buying, selling, storage, or shipment of goods or services, or other substantially similar types of activity;*
- (2) *"District" means a designated county industrial district;*
- (3) *"Industrial purposes" means the use of land, buildings, or structures, or parts thereof, for manufacturing, production or assembly of goods, warehousing and distribution, or other substantially similar types of activity; and*
- (4) *"Substantial investment" means expenditures by the county in an amount equal to or greater than twenty percent (20%) of the total assessed value of real property at the time of the designation of a designated county industrial district in utility, transportation, or other similar infrastructure within the district, not including normal or routine county road maintenance.*

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 81A IS CREATED TO READ AS FOLLOWS:

- (1) (a) *A fiscal court may establish a designated county industrial district by enacting an ordinance stating its intent to establish a district that includes a map and description of the area to be included within the district. Within ten (10) days of the enactment of the initial ordinance, the fiscal court shall provide written notice to all cities within the county that includes a map and a description of the area to be included within the district.*
- (b)
 1. *The fiscal court shall obtain written consent for inclusion within the proposed district from each property owner of record within the area to be included in the district.*
 2. *If a county fails to obtain the consent of each property owner of record, the county shall be barred from including the land owned by a property owner who did not consent within a district for a period of five (5) years in any future attempts to include that land in the district.*
- (c)
 1. *Within one hundred (100) days following the enactment of the ordinance of intent to establish a district, and after obtaining the consent of each property owner of record, the fiscal court may enact a final ordinance establishing the district. Within ten (10) days of the enactment of the final ordinance, the fiscal court shall provide written notice that includes a map and a description of the area to be included within the district to all cities within the county.*
 2. *If the fiscal court does not enact the final ordinance within one hundred (100) days following the enactment of the ordinance of intent to establish a district, the fiscal court shall be barred from including any part of the area identified in the ordinance in a district for a period of five (5) years.*

- (2) *The area within a designated county industrial district shall:*
- (a) *Be suitable for development for industrial or commercial purposes;*
 - (b) *As of the date of the establishment of the district, not be used for industrial or commercial purposes; and*
 - (c) *As of the date of the establishment of the district, not have any part that is contiguous to the municipal boundaries of any city.*
- (3) *Land within a district shall be used solely for industrial or commercial purposes.*
- (4) *A county may establish up to two (2) districts that shall collectively total no more than one thousand (1,000) acres.*
- (5) *If, within five (5) years following the establishment of a district, the county has not made substantial investment in the district, the district shall be dissolved by operation of law.*
- (6) *A landowner of property located within a district may have the property removed from the district with the consent of the county that established the district.*
- (7) *A property owner of land within an established district or abutting a district, or a city within a county containing a district, may bring suit against the county, in the Circuit Court of the county in which the district is located, on the basis that the county has failed to comply with the provisions of Sections 7 to 9 of this Act.*

➔SECTION 9. A NEW SECTION OF KRS CHAPTER 81A IS CREATED TO READ AS FOLLOWS:

- (1) *Notwithstanding any statute to the contrary, and except as set out in subsection (2) of this section, a city shall not annex any territory that is within a designated county industrial district, or territory that is part of a proposed district between the enactment of the initial ordinance but before the enactment of the final ordinance as described in subsection (1)(c)1. of Section 8 of this Act.*
- (2) *A city may annex territory within a district, subject to all other requirements provided by law, if it enters into an interlocal agreement with the county that specifically allows part or all of the district to be annexed or the county government passes a resolution stating that territory in the district may be annexed.*

Became law without Governor's signature April 10, 2024.

CHAPTER 159

(HB 586)

AN ACT relating to the Department of Fish and Wildlife Resources.

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

➔Section 1. KRS 15.420 is amended to read as follows:

As used in KRS 15.410 to 15.510, unless the context otherwise requires:

- (1) "Cabinet" means the Justice and Public Safety Cabinet;
- (2) (a) "Police officer" means:
- 1. A local officer, limited to:
 - a. A full-time:
 - i. Member of a lawfully organized police department of county, urban-county, or city government; or
 - ii. Sheriff or full-time deputy sheriff, including any sheriff providing court security or appointed under KRS 70.030;
 - b. A school resource officer as defined in KRS 158.441; or

- c. One (1) of the following who is otherwise eligible for an annual supplement established in accordance with KRS 15.460, but who does not receive one:
 - i. An officer serving on a joint task force;
 - ii. A detective employed by a county attorney;
 - iii. A process server for juvenile courts within a consolidated local government; and
 - iv. A local alcoholic beverage control investigator appointed pursuant to KRS Chapter 241; and
 - 2. A state officer, limited to:
 - a. A public university police officer;
 - b. A Kentucky state trooper;
 - c. A Kentucky State Police arson investigator;
 - d. A Kentucky State Police hazardous device investigator;
 - e. A Kentucky State Police legislative security specialist;
 - f. A Kentucky vehicle enforcement officer;
 - g. A Kentucky Horse Park mounted patrol officer, subject to KRS 15.460(1)(f);
 - h. A Kentucky state park ranger, subject to KRS 15.460(1)(f);
 - i. An agriculture investigator;
 - j. A charitable gaming investigator;
 - k. An alcoholic beverage control investigator;
 - l. An insurance fraud investigator;
 - m. An Attorney General investigator;
 - n. A Kentucky Department of Fish and Wildlife Resources *game warden*~~conservation officer~~, subject to KRS 15.460(1)(e); and
 - o. Any detective for a Commonwealth's attorney who would otherwise be eligible for a supplement established in accordance with KRS 15.460, but who does not receive one;

who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state;
 - (b) "Police officer" does not include any sheriff who earns the maximum constitutional salary for this office, any special deputy sheriff appointed under KRS 70.045, any constable, deputy constable, district detective, deputy district detective, special local peace officer, auxiliary police officer, or any other peace officer not specifically authorized in KRS 15.410 to 15.510;
 - (3) "Police department" means the employer of a police officer;
 - (4) "Retirement plan" means a defined benefit plan consisting of required employer contributions pursuant to KRS 61.565, 61.702, or any other provision of law;
 - (5) "Unit of government" means any city, county, combination of cities and counties, public university, state agency, local school district, or county sheriff's office of the Commonwealth; and
 - (6) "Validated job task analysis" means the core job description that describes the minimum entry level requirements, qualifications, and training requirements for peace officers in the Commonwealth, and that is based upon an actual survey and study of police officer duties and responsibilities conducted by an entity recognized by the council as being competent to conduct such a study.
- ➔Section 2. KRS 15.440 is amended to read as follows:
- (1) Each unit of government that meets the following requirements shall be eligible to share in the distribution of funds from the Law Enforcement Foundation Program fund:
 - (a) Employs one (1) or more police officers;

- (b) Pays every police officer at least the minimum federal wage;
- (c) Requires all police officers to have, at a minimum, a high school degree, or its equivalent as determined by the council, except that each police officer employed prior to the date on which the officer's police department was included as a participant under KRS 15.410 to 15.510 shall be deemed to have met the requirements of this subsection;
- (d)
 - 1. Requires all police officers to successfully complete a basic training course of nine hundred twenty-eight (928) hours' duration within one (1) year of the date of employment at a school certified or recognized by the council, which may provide a different number of hours of instruction as established in this paragraph, except that each police officer employed prior to the date on which the officer's police department was included as a participant under KRS 15.410 to 15.510 shall be deemed to have met the requirements of this subsection.
 - 2. As the exclusive method by which the number of hours required for basic training courses shall be modified from that which is specifically established by this paragraph, the council may, by the promulgation of administrative regulations in accordance with the provisions of KRS Chapter 13A, explicitly set the exact number of hours for basic training at a number different from nine hundred twenty-eight (928) hours based upon a training curriculum approved by the Kentucky Law Enforcement Council as determined by a validated job task analysis.
 - 3. If the council sets an exact number of hours different from nine hundred twenty-eight (928) in an administrative regulation as provided by this paragraph, it shall not further change the number of hours required for basic training without promulgating administrative regulations in accordance with the provisions of KRS Chapter 13A.
 - 4. Nothing in this paragraph shall be interpreted to prevent the council, pursuant to its authority under KRS 15.330, from approving training schools with a curriculum requiring attendance of a number of hours that exceeds nine hundred twenty-eight (928) hours or the number of hours established in an administrative regulation as provided by subparagraphs 2. and 3. of this paragraph. However, the training programs and schools for the basic training of law enforcement personnel conducted by the department pursuant to KRS 15A.070 shall not contain a curriculum that requires attendance of a number of hours for basic training that is different from nine hundred twenty-eight (928) hours or the number of hours established in an administrative regulation promulgated by the council pursuant to the provisions of KRS Chapter 13A as provided by subparagraphs 2. and 3. of this paragraph.
 - 5. KRS 15.400 and 15.404(1) and subparagraphs 1. to 4. of this paragraph to the contrary notwithstanding, the council may, through the promulgation of administrative regulations in accordance with KRS Chapter 13A, approve basic training credit for:
 - a. Years of service credit as a law enforcement officer with previous service in another state; and
 - b. Basic training completed in another state.
 - 6. KRS 15.400 and 15.404(1) and subparagraphs 1. to 4. of this paragraph to the contrary notwithstanding, the council may, through the promulgation of administrative regulations in accordance with KRS Chapter 13A, approve basic training credit for:
 - a. Completion of eight hundred forty-eight (848) hours of training at a school established pursuant to KRS 15A.070;
 - b. A minimum of fifteen (15) years of experience as a certified law enforcement instructor at a school established pursuant to KRS 15A.070;
 - c. Completion of an average of forty (40) hours of Kentucky Law Enforcement Council approved in-service training annually from January 1, 1997, through January 1, 2020;
 - d. Three (3) years of active, full-time service as a:
 - i. City, county, urban-county, charter county, consolidated local, or unified local government police officer;
 - ii. Sheriff's deputy, excluding special deputies appointed under KRS 70.045;
 - iii. Department of Kentucky State Police officer; or

- iv. Kentucky Department of Fish and Wildlife Resources ~~game warden~~~~conservation officer~~ exercising peace officer powers under KRS 150.090; and
- e. Completion of the:
 - i. Twenty-four (24) hour legal update Penal Code course;
 - ii. Sixteen (16) hour legal update constitutional procedure course; and
 - iii. Forty (40) hour basic officer skills course within one (1) year prior to applying for certification;
- (e) Requires all police officers to successfully complete each calendar year an in-service training course, appropriate to the officer's rank and responsibility and the size and location of the officer's police department, of forty (40) hours' duration, at a school certified or recognized by the council which may include a four (4) hour course which meets the requirements of paragraph (j) of this subsection. This in-service training requirement shall be waived for the period of time that a peace officer is serving on active duty in the United States Armed Forces. This waiver shall be retroactive for peace officers from the date of September 11, 2001;
- (f) Complies with all provisions of law applicable to police officers or police departments, including transmission of data to the centralized criminal history record information system as required by KRS 17.150 and transmission of reports as required by KRS 15.391;
- (g) Complies with all rules and regulations, appropriate to the size and location of the police department issued by the cabinet to facilitate the administration of the fund and further the purposes of KRS 15.410 to 15.510;
- (h) Possesses a written policy and procedures manual related to domestic violence for law enforcement agencies that has been approved by the cabinet. The policy shall comply with the provisions of KRS 403.715 to 403.785. The policy shall include a purpose statement; definitions; supervisory responsibilities; procedures for twenty-four (24) hour access to protective orders; procedures for enforcement of court orders or relief when protective orders are violated; procedures for timely and contemporaneous reporting of adult abuse and domestic violence to the Cabinet for Health and Family Services, Department for Community Based Services; victim rights, assistance, and service responsibilities; and duties related to timely completion of records;
- (i) Possesses by January 1, 2023, a written policy and procedures manual related to sexual assault examinations that meets the standards provided by, and has been approved by, the cabinet, and which includes:
 - 1. A requirement that evidence collected as a result of an examination performed under KRS 216B.400 be taken into custody within five (5) days of notice from the collecting facility that the evidence is available for retrieval;
 - 2. A requirement that evidence received from a collecting facility relating to an incident which occurred outside the jurisdiction of the police department be transmitted to a police department with jurisdiction within ten (10) days of its receipt by the police department;
 - 3. A requirement that all evidence retrieved from a collecting facility under this paragraph be transmitted to the Department of Kentucky State Police forensic laboratory within thirty (30) days of its receipt by the police department;
 - 4. A requirement that a suspect standard, if available, be transmitted to the Department of Kentucky State Police forensic laboratory with the evidence received from a collecting facility;
 - 5. A process for notifying the victim from whom the evidence was collected of the progress of the testing, whether the testing resulted in a match to other DNA samples, and if the evidence is to be destroyed. The policy may include provisions for delaying notice until a suspect is apprehended or the office of the Commonwealth's attorney consents to the notification, but shall not automatically require the disclosure of the identity of any person to whom the evidence matched; and
 - 6. A requirement that DNA samples collected as a result of an examination performed under KRS 216B.400 that are voluntarily submitted solely for elimination purposes shall not be checked against any DNA index, retained, or included in any DNA index; and

- (j) Requires all police officers to successfully complete by December 31, 2022, and every two (2) years thereafter, a training course certified by the council of not less than four (4) hours in emergency vehicle operation.
- (2) A unit of government which meets the criteria of this section shall be eligible to continue sharing in the distribution of funds from the Law Enforcement Foundation Program fund only if the police department of the unit of government remains in compliance with the requirements of this section.
- (3) Deputies employed by a sheriff's office shall be eligible to participate in the distribution of funds from the Law Enforcement Foundation Program fund regardless of participation by the sheriff.
- (4) Failure to meet a deadline established in a policy adopted pursuant to subsection (1)(i) of this section for the retrieval or submission of evidence shall not be a basis for a dismissal of a criminal action or a bar to the admissibility of the evidence in a criminal action.

➔Section 3. KRS 15.460 is amended to read as follows:

- (1) (a) Except as provided in subsection (4)(a) of this section, an eligible unit of government shall be entitled to receive an annual supplement of three thousand dollars (\$3,000) for each qualified police officer it employs. The supplement amount shall be increased to four thousand dollars (\$4,000) beginning July 1, 2018.
- (b)
 1. In addition to the supplement, the unit of government shall receive an amount equal to the required employer's contribution on the supplement to the retirement plan and duty category to which the officer belongs. In the case of County Employees Retirement System membership, the retirement plan contribution on the supplement shall be paid whether the officer enters the system under hazardous duty coverage or nonhazardous coverage.
 2. The unit of government shall pay the amount received for retirement plan coverage to the appropriate retirement system to cover the required employer contribution on the pay supplement.
 3. If the foundation program funds are insufficient to pay employer contributions to the system, then the total amount available for retirement plan payments shall be prorated to each eligible government so that each receives the same percentage of required retirement plan costs attributable to the cash salary supplement.
- (c)
 1. In addition to the payments received under paragraphs (a) and (b) of this subsection, but only if sufficient funds are available to make all payments required under paragraph (b) of this subsection, each unit of government shall receive an administrative expense reimbursement in an amount equal to seven and sixty-five one-hundredths percent (7.65%) of the total annual supplement received greater than three thousand one hundred dollars (\$3,100) for each qualified police officer that is a local officer as defined in KRS 15.420(2)(a)1. that it employs, subject to the cap established by subparagraph 3. of this paragraph.
 2. The unit of government may use the moneys received under this paragraph in any manner it deems necessary to partially cover the costs of administering the payments received under paragraph (a) of this subsection.
 3. The total amount distributed under this paragraph shall not exceed the total sum of five hundred twenty-five thousand dollars (\$525,000) for each fiscal year. If there are insufficient funds to provide for full reimbursement as provided in subparagraph 1. of this paragraph, then the amount shall be distributed pro rata to each eligible unit of government so that each receives the same percentage attributable to its total receipt of the cash salary supplement.
- (d) In addition to the payments received under paragraphs (a) and (b) of this subsection, each unit of government shall receive the associated fringe benefits costs for the total supplement of four thousand dollars (\$4,000) for each qualified police officer that is a state officer as defined in KRS 15.420(2)(a)2. that it employs. Fringe benefits shall be limited to retirement plan contributions and the federal insurance contributions act tax.
- (e) Notwithstanding paragraphs (a) to (d) of this subsection, a Kentucky Department of Fish and Wildlife Resources *game warden*~~conservation officer~~ appointed pursuant to KRS 150.090(2) and listed in KRS 15.420(2)(a)2.n. shall be a participant in the Kentucky Law Enforcement Foundation Program fund, but shall not receive an annual supplement from that fund. A *game warden*~~conservation officer~~ shall

receive an annual training stipend commensurate to the annual supplement paid to the police officer as defined in KRS 15.420. The annual training stipend disbursed to a *game warden*~~conservation officer~~ shall be paid from the game and fish fund pursuant to KRS 150.150.

- (f) Any peace officer sanctioned by the Tourism, Arts and Heritage Cabinet shall be deemed a police officer solely for the purpose of inclusion in the Law Enforcement Foundation Program fund.
- (2) The supplement provided in subsection (1) of this section shall be paid by the unit of government to each police officer whose qualifications resulted in receipt of a supplemental payment. The payment shall be in addition to the police officer's regular salary and, except as provided in subsection (4)(b) of this section, shall continue to be paid to a police officer who is a member of:
 - (a) The Kentucky National Guard during any period of activation under Title 10 or 32 of the United States Code or KRS 38.030; or
 - (b) Any reserve component of the United States Armed Forces during any period of activation with the United States Armed Forces.
- (3)
 - (a) A qualified sheriff who receives the maximum salary allowed by Section 246 of the Kentucky Constitution and KRS 64.527 shall not receive a supplement.
 - (b) A qualified sheriff who does not receive the maximum salary allowed by Section 246 of the Kentucky Constitution and KRS 64.527, excluding the expense allowance provided by KRS 70.170, shall upon annual settlement with the fiscal court under KRS 134.192, receive that portion of the supplement that will not cause his or her compensation to exceed the maximum salary.
 - (c) A qualified sheriff who seeks to participate in the fund shall forward a copy of the annual settlement prepared under KRS 134.192 to the fund. The sheriff shall reimburse the fund if an audit of the annual settlement conducted pursuant to KRS 134.192 reflects that the sheriff received all or a portion of the supplement in violation of this section. A sheriff who fails to provide a copy of the annual settlement to the fund or to reimburse the fund after correction by audit, if required, shall not be qualified to participate in the fund for a period of two (2) years.
 - (d) A qualified deputy sheriff shall receive the supplement from the sheriff if the sheriff administers his or her own budget or from the county treasurer if the sheriff pools his or her fees. The failure of a sheriff to comply with the provisions of this section shall not affect the qualification of his or her deputies to participate in the fund.
- (4)
 - (a) Eligible units of government shall receive the salary supplement, excluding funds applicable to the employer's retirement plan contribution, provided in subsection (1) of this section for distribution to a police officer who is eligible under subsection (2) of this section.
 - (b) A qualified police officer receiving a salary supplement during any period of military activation, as provided in subsection (2) of this section, shall not be entitled to receive the employer's retirement plan contribution, and the salary supplement shall not be subjected to an employee's contribution to a retirement plan. The salary supplement shall otherwise be taxable for all purposes.
- (5) A unit of government receiving disbursements under this section shall follow all laws applicable to it that may govern due process disciplinary procedures for its officers, but this subsection shall not be interpreted to:
 - (a) Authorize the department, the cabinet, or the council to investigate, judge, or exercise any control or jurisdiction regarding the compliance of a unit of government with laws that may govern due process disciplinary procedures for its officers, except as otherwise provided by laws;
 - (b) Create a private right of action for any police officer regarding an agency's participation in this section;
 - (c) Authorize a termination of an agency's participation as a result of a judgment that the unit of government failed to follow its procedures in any independent cause of action brought by the police officer against the unit of government; or
 - (d) Prevent the adoption, amendment, or repeal of any laws that may govern the due process disciplinary procedures of a unit of government's police officers.

➔Section 4. KRS 15.519 is amended to read as follows:

- (1) As used in this section, unless the context otherwise requires:

- (a) "Officer" means any local, state, or federal officer who is employed or contracted by a governmental agency in Kentucky and includes:
 - 1. Law enforcement officer as defined in KRS 15.310;
 - 2. Peace officer as defined in KRS 446.010; and
 - 3. Police officer as defined in KRS 15.420;
 - (b) "Private open land" means land, including open fields, but excluding any homes or buildings and the curtilage around them, that is owned, leased, used, or lawfully occupied by a person or a nongovernmental entity; and
 - (c) "Search warrant" means a warrant that is supported by individualized probable cause and issued by a court of competent jurisdiction.
- (2) An officer shall not enter or access private open land for any covert surveillance or installation of surveillance devices without a search warrant unless the officer:
- (a) Has received the permission of the property owner, lessee, or lawful occupant;
 - (b) Upon probable cause, is responding to an exigent circumstance, including a life-threatening emergency or another immediate threat to public safety that was either reported to or personally observed by the officer;
 - (c) Is dispatching crippled, distressed, dangerous, or invasive wildlife that the officer has personally observed; or
 - (d) Is unable to reasonably identify the unmarked and unfenced boundaries and ownership of unimproved, uninhabited rural land.
- (3) (a) Upon entering private open land, the officer shall immediately notify the landowner, lessee, or lawful occupant, if notice can reasonably be made, unless the officer is in possession of a search warrant allowing surveillance or surveillance-related activities.
- (b) If an officer is equipped with a body-worn camera or other audio-visual or audio recording device while entering private open land, the body-worn camera or other audio-visual or audio recording device shall be activated and recording in accordance with the standard policy of the officer's agency.
- (4) Subsections (2) and (3) of this section do not apply to a *game warden*~~[conservation officer]~~ executing duties described in KRS 150.090, who shall have the authority to enter upon, cross over, be upon, or access private open lands for the purpose of conducting compliance checks or surveillance based upon a reasonable suspicion, and shall not be required to notify the landowner, lessee, or lawful occupant.

➔Section 5. KRS 16.065 is amended to read as follows:

In addition to the performance of all duties relating to the Department of Kentucky State Police, the department shall perform the following functions:

- (1) Security of state facilities located in Frankfort;
- (2) Highway enforcement;{
- ~~(3) Water safety enforcement as provided in KRS Chapter 235;}~~ and
- (3){(4)} Personal protection of a Medal of Honor recipient who:
 - (a) Is a current Kentucky resident;
 - (b) Is attending any public event or ceremony occurring within the Commonwealth of Kentucky, to which he or she has received an official written invitation;
 - (c) Is representing for no reason other than being a recipient of the Medal of Honor; and
 - (d) Has requested protection, in writing and with a copy of the official invitation, to the department no less than fourteen (14) days prior to the event;

not to exceed six (6) instances of protection per year.

➔Section 6. KRS 150.010 is amended to read as follows:

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

- (1) "Administrative regulation" means a written regulation promulgated, pursuant to KRS Chapter 13A, by the commissioner with the approval of the commission;
- (2) "Angling" means the taking or attempting to take fish by hook and line in hand, rod in hand, jugging, setline, or sport fishing trotline;
- (3) "Buy" includes offering to buy, acquiring, or possessing through purchase, barter, exchange, or trade;
- (4) "Cervid" means a hoofed mammal from the family Cervidae, including but not limited to white-tailed deer, mule deer, elk, moose, and caribou;
- (5) "Commercial trotline" means a line to which are attached more than fifty (50) single or multibarbed baited hooks, which shall not be placed closer than eighteen (18) inches;
- (6) "Commission" means the Department of Fish and Wildlife Resources Commission;
- (7) "Commissioner" means the commissioner of the Department of Fish and Wildlife Resources;
- (8) ~~["Conservation officer" means any member of the Kentucky Department of Fish and Wildlife Resources Law Enforcement Division, pursuant to KRS 150.090, who possesses the powers of a peace officer;~~
- ~~(9) —]~~ "Daylight hours" means the period from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset;
- ~~(9)(10)~~ "Device" means any article, instrument, or equipment of whatever nature or kind which may be used to take wild animals, wild birds, or fishes;
- ~~(10)(11)~~ "Department" means the Department of Fish and Wildlife Resources;
- (11) **"Dependent child" means any of the following:**
 - (a) ***A permanent resident, or a part-time resident pursuant to a shared custody agreement under KRS Chapter 403, who is:***
 1. *A natural or legally adopted child of the landowner of the property;*
 2. *A stepchild of at least one (1) landowner of the property; or*
 3. *A child under the care of the landowner who is fictive kin, as defined in KRS 199.011, to the child; or*
 - (b) ***A child, regardless of age, who has been determined to be eligible for federal Social Security disability benefits or is being claimed as a qualifying child for tax purposes due to the child's total and permanent disability;***
- (12) "Fishing" means to take or attempt to take in any manner, whether the fisherman has fish in possession or not;
- (13) ***"Game warden" means any member of the Kentucky Department of Fish and Wildlife Resources Law Enforcement Division appointed pursuant to Section 8 of this Act, who possesses the powers of a peace officer;***
- (14) "Gigging" means the taking of fish by spearing or impaling on any pronged or barbed instrument attached to the end of any rigid object;
- ~~(15)(14)~~ "Grabbing" means the taking of fish, frogs, or turtles directly by hand or with the aid of a handled hook;
- (16) ***"Guide" means a person who holds a guide's license issued according to the requirements of this chapter and the administrative regulations promulgated hereunder;***
- ~~(17)(15)~~ "Hunting" means to take or attempt to take in any manner, whether the hunter has game in possession or not;
- ~~(18)(16)~~ "Identification tag" means a marker made of specified material upon which a name and address or number is placed and attached to unattended gear to designate ownership or responsible operator;
- ~~(19)(17)~~ "Impounded waters" means any public waters backed up behind a dam and includes all water upstream from the dam to the first riffle or shoal;
- ~~(20)(18)~~ "Jugging" means a means of fishing by which a single baited line is attached to any floating object;
- ~~(21)(19)~~ "License" means any document issued by the department authorizing its holder to perform acts authorized by the license and includes any other form of authorization in addition to or in lieu of an actual document which may be authorized by the department by administrative regulation;

- (22)~~(20)~~ "Light geese" means snow geese and Ross's geese;
- (23)~~(21)~~ "Light geese conservation order" means a wildlife management action needed to control populations of light geese for a period of time established pursuant to 50 C.F.R. sec. 21.60;
- (24)~~(22)~~ "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species;
- (25)~~(23)~~ "Migratory shore or upland game birds" means all species of migratory game birds except waterfowl;
- (26)~~(24)~~ "Minnows" means all fish under six (6) inches in length, except basses, either largemouth, smallmouth or Kentucky; rock bass or goggle-eye; trout; crappie; walleye; sauger; pike; members of the striped bass family; and muskellunge;
- (27)~~(25)~~ "Navigable waters" means any waters within this state under lock and dam;
- (28)~~(26)~~ "Nonresident" means a person who has not established a permanent domicile in this state and has not resided in this state for thirty (30) days immediately prior to his or her application for a license;
- (29) ***"Outfitter" means a person who holds a resident or nonresident outfitter license issued according to the requirements of this chapter and the administrative regulations promulgated hereunder;***
- (30)~~(27)~~ "Permit" means any document issued by the department authorizing its holder to perform acts authorized by the permit and includes tags or devices as evidence of holding a permit and includes any other form of authorization in addition to or in lieu of an actual document authorized by the department by administrative regulation;
- (31)~~(28)~~ "Possess" means the act of having or taking into control;
- (32)~~(29)~~ "Prescribed by the department" means established by an administrative regulation;
- (33)~~(30)~~ "Processed wildlife" means any wildlife specimen or parts thereof that have been rendered into a permanently preserved state;
- (34)~~(31)~~ "Protected wildlife" means all wildlife except those species declared unprotected by administrative regulations promulgated by the department;
- (35)~~(32)~~ "Public roadway" includes rural roads, highways, bridges, bridge approaches, city streets, viaducts, and bridges which are normally traveled by the general public and are under the jurisdiction of a state, federal, county, or municipal agency;
- (36)~~(33)~~ "Public waters" means all waters within the state flowing in a natural stream channel or impounded on a natural stream;
- (37)~~(34)~~ "Raw fur" means a hide, fur, or pelt of a fur-bearing animal which has not been processed. Skinning, stretching, oiling, or coloring of the pelt of the animal shall not be considered processing;
- (38)~~(35)~~ "Resident" means any person who has established permanent domicile and legal residence and has resided in this state for thirty (30) days immediately prior to his or her application for a license. All other persons shall be classed as nonresidents, except students enrolled for at least six (6) months in an educational institution as full-time students and military personnel of the United States who are under permanent assignment, shall be classified as residents while so enrolled or assigned in this state;
- (39)~~(36)~~ "Resist" means to leave the scene, intimidate or attempt to intimidate in any manner, or further interfere in any manner with any officer in the discharge of his or her duties;
- (40)~~(37)~~ "Rough fish" means all species of fishes other than those species designated by administrative regulation as sport fishes;
- (41)~~(38)~~ "Sell" includes offering to sell, having or possessing for sale, barter, exchange, or trade;
- (42)~~(39)~~ "Setline" means a line to which is attached one (1) single or multibarbed hook. This line may be attached to a tree limb, tree trunk, bank pole, or other stationary object, on the bank of a stream or impoundment;
- (43) ***"Shooting range" or "range" means a public facility on lands owned or managed by the department or a facility owned or managed by an affiliated partner of the department that is designated for the shooting of firearms or archery equipment;***

- (44)~~((40))~~ "Snagging" means the taking of fish or other aquatic animals through the use of a hand-held pole and attached line with single or multiple fish hooks in which the fish is hooked by a rapid drawing motion rather than enticement by bait;
- (45)~~((41))~~ "Sports fishing trotline" means a line to which are attached no more than fifty (50) single or multibarbed baited hooks which shall not be placed closer together than eighteen (18) inches;
- (46)~~((42))~~ "Take" includes pursue, shoot, hunt, wound, catch, kill, trap, snare, or capture wildlife in any way and any lesser act designed to lure, attract, or entice for these purposes; and to place, set, aim, or use any device, animal, substance, or agency which may reasonably be expected to accomplish these acts; or to attempt to do these acts or to assist any other person in the doing of or the attempt to do these acts;
- (47)~~((43))~~ "Tenant" means any resident sharecropper, lessee, or any other person actually engaged in work upon a farm or lands and residing in a dwelling on the farms or lands including noncontiguous lands, but shall not include any other employee or tenant unless actually residing on the property and engaged or employed as above mentioned;
- (48)~~((44))~~ "Transport" means to carry, move, or ship wildlife from one (1) place to another;
- (49)~~((45))~~ "Waterfowl" means all species of wild ducks, geese, swans, mergansers, and coots; and
- (50)~~((46))~~ "Wildlife" means any normally undomesticated animal, alive or dead, including without limitations any wild mammal, bird, fish, reptile, amphibian, or other terrestrial or aquatic life, whether or not possessed in controlled environment, bred, hatched, or born in captivity and including any part, product, egg, or offspring thereof, protected or unprotected by this chapter.

➔Section 7. KRS 150.025 is amended to read as follows:

- (1) In carrying out the provisions of this chapter the department may, by administrative regulations promulgated under the provisions of KRS Chapter 13A:
 - (a) Fix, close, terminate, shorten, or divide open season, or make open seasons conditional;
 - (b) Regulate bag or creel limits and possession limits;
 - (c) Regulate buying, selling, or transporting;
 - (d) Regulate the size or type of any device used for taking, and regulate any method of taking;
 - (e) Regulate or restrict the places where taking is permitted;
 - (f) Regulate taking, or the opening or closing of seasons, in waters in which the department is conducting experiments or making improvements for the purpose of promoting the conservation of wildlife and increasing the supply thereof;
 - (g) **Regulate water safety enforcement as provided in KRS Chapter 235;**
 - (h) Make administrative regulations apply to a limited area or to the entire state; and
 - ~~(i)~~~~((h))~~ Promulgate any other administrative regulations reasonably necessary to implement or carry out the purposes of this chapter.
- (2) The commissioner shall cause the text of every administrative regulation to be made available electronically on the department's Web site within five (5) working days of filing. The commissioner shall also cause to be prepared news releases concerning all new or amended administrative regulations for distribution to radio, television, and newspaper media.
- (3) This section shall apply to KRS Chapter 150 and no other KRS chapter pertaining to this subject shall apply to KRS Chapter 150.

➔Section 8. KRS 150.090 is amended to read as follows:

- (1) The commissioner shall appoint, promote, or take other employment actions to the ranks, grades, and positions of the department **game wardens**~~{conservation officers}~~ who are considered by the commissioner to be necessary for the efficient administration of the department.
- (2) **Game wardens**~~{Conservation officers}~~ appointed by the commissioner shall have full powers as peace officers for the enforcement of all of the laws of the Commonwealth, including the administrative regulations promulgated pursuant to KRS Chapters 150 and 235 and to serve process.

- (3) Each **game warden**~~{conservation officer}~~ is individually vested with the powers of a peace officer and shall have in all parts of the state the same powers with respect to criminal matters and enforcement of the laws relating thereto as sheriffs, constables, and police officers in their respective jurisdictions, and shall possess all the immunities and matters of defense now available or hereafter made available to sheriffs, constables, and police officers in any suit brought against them in consequence of acts done in the course of their employment and within the scope of their duties. Any warrant of arrest may be executed by any officer of the department.
- (4) **Game wardens**~~{Conservation officers}~~ charged with the enforcement of this chapter and the administrative regulations issued thereunder shall have the right to go upon the land of any person or persons whether private or public for the purpose of the enforcement of laws or orders of the department relating to game or fish, while in the normal, lawful and peaceful pursuit of such investigation or work or enforcement, may enter upon, cross over, be upon, and remain upon privately owned lands for such purposes, and shall not be subject to arrest for trespass while so engaged or for such cause thereafter. They may arrest on sight, without warrant, any person detected by them in the act of violating any of the provisions of this chapter. They shall have the same rights as sheriffs to require aid in arresting with or without process any person found by them violating any of the provisions of this chapter and may seize without process anything declared by this chapter to be contraband. No liability shall be incurred by any person charged or directed in the enforcement of this chapter.
- (5) **Game wardens**~~{Conservation officers}~~ and other officers charged with the enforcement of this chapter, shall have the authority to call for and inspect the license or tag, bag or creel of any person engaged in any activity for the performance of which a license is required under this chapter, and shall also have the authority to take proper identification of any person, or hunter, or fisherman who is actually engaged in any of these activities, and to call for and inspect any and all firearms and any other device that may be used in taking wildlife and is in the possession of any person so engaged.
- (6) No person shall resist, obstruct, interfere with or threaten or attempt to intimidate or in any other manner interfere with any officer in the discharge of his duties under the provisions of this chapter. This subsection shall not apply to a criminal homicide or an assault upon such officer. An assault upon such officer shall be deemed an offense under KRS Chapter 507 or 508, as appropriate.
- (7) The commissioner may, as a condition of employment, require a newly appointed department **game warden**~~{conservation officer}~~ to enter into an employment contract for a period of no longer than five (5) years from the date of appointment. If a department **game warden**~~{conservation officer}~~ who entered into a contract authorized under this subsection accepts employment as a peace officer with another law enforcement agency, that law enforcement agency shall reimburse the department for the actual costs incurred and expended by the department that are associated with the initial hiring of that department **game warden**~~{conservation officer}~~, including but not limited to the application process, training costs, equipment costs, salary, and fringe benefits. The department shall be reimbursed for the costs from the time of department **game warden**~~{conservation officer}~~ initial application until appointment.

➔Section 9. KRS 150.095 is amended to read as follows:

Game wardens~~{Conservation officers}~~ are authorized to keep and bear arms upon their person, concealed or otherwise, in the same manner as all other peace officers, and to exercise the use of such arms to such extent as the same may be necessary in the discharge of their duties.

➔Section 10. KRS 150.097 is amended to read as follows:

- (1) Any **game warden**~~{conservation officer}~~ who is sued for any act or omission in the line of duty and who has a judgment for monetary damages rendered against him or her in his or her individual capacity, and who personally suffers actual financial loss, unreimbursed from any source, by the enforcement and satisfaction of the judgment, including any costs or attorney fees awarded pursuant thereto, shall be indemnified by the Commonwealth, from funds appropriated to the fish and game fund for the payment of judgments, to the extent of his or her actual financial loss.
- (2) The indemnification shall be contingent upon an express determination by the commissioner that the act or omission which resulted in liability was within the scope and course of employment of the **game warden**~~{conservation officer}~~, and occurred during the performance of duty, and was committed or omitted in the good faith belief that the act or omission was lawful and proper.
- (3) The indemnification shall not be construed to abrogate or limit any privilege, immunity, or matter of defense otherwise available to the **game warden**~~{conservation officer}~~ and shall not constitute a waiver of any privilege, immunity, or matter of defense, including the sovereign immunity of the Commonwealth.

➔Section 11. KRS 150.105 is amended to read as follows:

Notwithstanding any other provisions of this chapter, the commissioner may, with the approval of the commission, authorize *game wardens*~~[conservation officers]~~ or any other persons to destroy or bring under control in such manner as he deems necessary any wild animal, fish or wild birds, protected or unprotected which are causing damage to persons, property or other animals, fish or birds or spreading diseases and which in his judgment should be eliminated or controlled to prevent further damage.

➔Section 12. KRS 150.110 is amended to read as follows:

The commissioner and *game wardens*~~[conservation officers]~~ may arrest without warrant anyone violating any of the provisions of KRS 150.520 or any of the rules and regulations made by the department for the protection of mussels under this chapter. They may inspect mussels in any warehouse, boat, store, car or receptacle when they have good cause to believe that any of the provisions of KRS 150.520 or any of the rules or regulations made thereunder have been or are being violated. This authority does not include the right to enter any dwelling house without a search warrant. When the officers find mussels in the possession of anyone in violation of this chapter, the mussels shall be confiscated and sold in the manner provided by KRS 150.120 for the sale of confiscated wildlife.

➔Section 13. KRS 150.120 is amended to read as follows:

- (1) The commissioner, all *game wardens*~~[conservation officers]~~, persons appointed by the commissioner, and all peace officers and their deputies shall seize and take possession of any and all furs, wildlife, guns, dogs, instruments, boats or devices which have been taken, used, transported or possessed contrary to any law or regulation adopted under this chapter. Upon complaint showing probable cause for believing that any of the wildlife protected by any law or regulation are illegally kept in any building, car or receptacle, any court having jurisdiction may issue a search warrant and cause the same to be searched. Any wildlife, furs, guns, dogs, instruments, or devices seized in accordance with this section shall be impounded by the arresting officer and shall be taken before the court trying the person arrested.
- (2) Upon conviction, the court trying the case shall have the discretion of determining whether or not any of the things seized under the provisions of subsection (1) of this section shall be declared contraband. Any wildlife, fur or dog taken, and any device used or possessed contrary to the provisions of this chapter, or any regulations adopted hereunder, is subject to being declared contraband. When any such item is declared contraband, the court shall enter an order accordingly. A copy of the order shall be forwarded to the commissioner and the contraband shall be placed in the custody of the arresting officer, to be delivered to the commissioner.
- (3) The commissioner may sell to the residents of this state, at the highest market price obtainable, with the approval of the commission all contraband which comes to his or her possession under the order of any court, or which has been seized under this chapter and declared to be contraband under any law relating to fish or wildlife. All proceeds arising from the sale of contraband articles shall be paid into the game and fish fund, and shall be subject to audit by the Auditor of Public Accounts under KRS 150.152. A record of the sale, including the name of the purchaser and the price paid, shall be kept by the commissioner.
- (4) Any device or contrivance, the use of which is not expressly recognized and sanctioned by the provisions of this chapter for the taking of wildlife, is hereby declared to be an illegal device. No person shall have in his or her possession any illegal device or other thing prohibited by law or by any regulation adopted under this chapter for the taking of wildlife.

➔Section 14. KRS 150.170 is amended to read as follows:

- (1) Except as provided in the following subsections of this section, and subject to administrative regulations promulgated under this chapter, no person, resident, or nonresident shall do any act authorized by any kind of license or permit or assist in any way any person in doing any act provided for in this chapter with respect to wildlife unless he or she holds the kind of license or permit, resident or nonresident, that authorizes the act. It shall be the specific purpose of this chapter to prohibit the taking or pursuing of any wildlife, protected or unprotected, or the fishing in any stream or body of water whether public or private, without first procuring the license provided for in KRS 150.175, except to the extent as may be otherwise provided in this section.
- (2) A person under sixteen (16) years of age may, without a sport fishing license, take fish by angling, or take minnows by the use of a minnow seine, minnow trap, or dip net.
- (3) A person under twelve (12) years of age shall be exempt from being required to obtain a sport hunting or sport trapping license as required by this chapter.

- (4) The resident owner of farmlands of five (5) or more acres or his or her spouse or dependent children shall, without procuring any sport hunting or sport fishing licenses, have the right to take fish or hunt during the open season, except trapping, on farmlands of five (5) or more acres of which they are bona fide owners. Tenants or their dependent children residing upon these farmlands shall have the same privilege.
- (5) Residents or nonresidents observing and participating in field trials, training exercises, or other competitions as authorized by the department may observe and participate without obtaining a hunting or guide's license so long as game is not taken.
- (6) Any resident serviceman on furlough of more than three (3) days in this state may, without any Kentucky sport hunting or sport fishing licenses, do any act authorized by the licenses, but while so doing he or she shall carry on his or her person proper identification and papers showing his or her furlough status.
- (7) Landowners, their spouses or dependent children, or their designee who must be approved by the commissioner, who kill or trap on their lands any wildlife causing damage to the lands or any personal property situated thereon shall not be required to have a hunting or trapping license and may do so during periods other than the open season for the particular species without a tag and dispose of the carcass on-site. Tenants, their spouses, their dependent children, or other persons approved by the commissioner, shall also have the same privilege. Upon destruction of any wildlife by the above-specified individuals, the act shall be reported to a *game warden* ~~conservation officer~~ within twenty-four (24) hours of the kill. Individuals wishing to transport the carcass from the property upon which it was killed shall contact personnel of the department to request a disposal tag or other authorization. Inedible parts from wildlife taken under the authorization of this section shall not be utilized for any purpose and shall be destroyed or left afield. The department shall promulgate administrative regulations establishing procedures for the designee appointment process, including request and approval deadlines.
- (8) If a reciprocal agreement is entered into by the commissioner, with the approval of the commission, and promulgated as an administrative regulation by the department and similar action is taken by the appropriate authority in Missouri, Tennessee, Virginia, West Virginia, Indiana, Ohio, or Illinois, persons holding a resident or nonresident fishing or a resident or nonresident hunting license issued in these states shall be permitted to perform the acts authorized by the license upon certain contiguous waters and land areas adjacent to the common boundaries of the above-mentioned states and the State of Kentucky. A resident of the State of Kentucky shall purchase a proper Kentucky license to conform with the reciprocal agreement.
- (9) Any member of the Kentucky Army or Air National Guard, active duty or Reserve Component, in any branch in the United States Armed Forces that is based in the Commonwealth of Kentucky, shall have the right to take fish or hunt on any military property belonging to the Commonwealth without procuring any sport hunting or sport fishing license.
- (10) A person not otherwise exempted from hunter safety education or from procuring any sport hunting or sport fishing license shall be exempt from the department-sanctioned live-fire exercise component of the hunter education course requirement if he or she:
 - (a) Is a current member of the Armed Forces of the United States;
 - (b) Has served in the Armed Forces of the United States and was discharged or released therefrom under conditions other than dishonorable; or
 - (c) Is a peace officer certified pursuant to KRS 15.380 to 15.404.

➔Section 15. KRS 150.172 is amended to read as follows:

- (1) Any person who is not prohibited by state or federal law from possessing a firearm may carry a firearm and ammunition for that firearm for purposes of self-defense and defense of others while hunting, fishing, trapping, or engaging in any other activity not constituting a crime under KRS Chapter 218A or Chapters 500 to 534, and may do so on any public lands under the control of the department and on any private land under the control of the department, unless the owner of the private land has posted notice that concealed deadly weapons are not allowed in a building where they may be prohibited pursuant to KRS 237.110 or 237.115.
- (2) (a) A person may use a firearm, if he or she is not prohibited by state or federal law from possessing a firearm, or may use any other deadly weapon, at any time and during any season to:
 1. Kill or attempt to kill an animal, whether protected or unprotected, in self-defense or defense of another person; or
 2. Kill or attempt to kill an injured animal for humane purposes; and

in either event, reports the kill or attempted kill to a *game warden*~~[conservation officer]~~ before midnight of the same day as the kill or attempted kill.

- (b) An investigation by the department shall be authorized to substantiate and provide evidence on whether the kill or attempted kill of the animal is in violation of paragraph (a) of this subsection or if the animal presents a threat to public health and safety. If no violation is shown to exist, and if there is no threat to public health and safety, then the animal or parts thereof shall:
 - 1. Remain the property and in the possession of the person taking the animal; or
 - 2. If the animal or parts thereof were surrendered to the department, be immediately returned to the person.
 - (c) An arrest shall not be made, except upon a warrant issued by a judge of a court of competent jurisdiction, and a citation shall not be issued by a peace officer if an animal is killed under circumstances described in paragraph (a) of this subsection.
 - (d) A citation may be issued by a peace officer who witnesses the killing of an animal in violation of a statute or federal regulation under circumstances different from those described in paragraph (a) of this subsection.
 - (e) An arrest warrant or a summons may be issued by a judge of a court of competent jurisdiction, upon application of the appropriate county attorney, if the court believes that there is sufficient cause to doubt the claim that the animal was killed under circumstances described in paragraph (a) of this subsection.
- (3) In cases where an animal is killed and there is a claim that the animal was killed under circumstances described in paragraph (a) of subsection (2) of this section, the department shall provide competent evidence as to how the animal was killed and the circumstances surrounding the event.
 - (4) The department shall not promulgate administrative regulations restricting any right provided by this section or the spirit thereof.
 - (5) This section shall not apply to the killing, wounding, or other prohibited act relating to specific wildlife which are protected by the federal Endangered Species Act, 16 U.S.C. secs. 1531 to 1544; federal Migratory Bird Treaty Act, 16 U.S.C. secs. 703 to 712; or federal Bald and Golden Eagle Protection Act, 16 U.S.C. secs. 668 to 668d.
 - (6) The principles contained in KRS Chapter 503 relating to the use of force and deadly force against human beings shall apply to acts where wildlife is involved.

➔Section 16. KRS 150.175 is amended to read as follows:

The kinds of licenses and tags authorized by this chapter, and the acts authorized to be performed under the licenses and tags, subject to the other provisions of this chapter and subject to administrative regulations promulgated under this chapter, shall be as follows:

- (1) Statewide resident sport fishing license, which authorizes the holder to take fishes by angling, or take crayfish by a minnow seine, or by hand, to take minnows by the use of a minnow seine, minnow trap, or dip net, or to take fishes by grabbing, giggering, snagging, snaring, jugging, and bow and arrow, and to take frogs and turtles from any waters in any county of this state open for such purposes and subject to the limitations in this chapter and additional limitations that the department may from time to time prescribe. This license shall not authorize the holder to sell fish;
- (2) A short-term sport fishing license, which authorizes the holder to perform all acts authorized by a statewide sport fishing license and subject to the same limitations or prescribed administrative regulations. This license shall not authorize the holder to sell fish;
- (3) A resident commercial fishing license and a nonresident commercial fishing license, which authorize a holder to perform any act authorized by a sport fishing license and to take rough fishes from the waters of the state by the use of commercial fishing gear as prescribed by administrative regulation. The license shall also authorize the holder to sell rough fishes, other than those protected by administrative regulation;
- (4) A commercial fishing gear tag, which shall be attached to each piece of commercial fishing gear including hoop nets, slat traps, trotline, wing nets, and to each one hundred (100) feet of linear gear or portion thereof in use, including commercial seines, gill nets, or trammel nets. Commercial gear tags may be issued only to a person holding a resident or nonresident commercial fishing license;

- (5) Live fish and bait dealer's licenses, resident and nonresident, which authorize the holder to sell bait and live fish as may be prescribed by administrative regulation;
- (6) Musseling licenses, resident and nonresident, which authorize the holder to take mussels for commercial purposes as may be prescribed by administrative regulation;
- (7) A statewide resident hunting license, which authorizes the holder to take or pursue wild animals, wild birds, frogs, and turtles with gun, bow and arrow, dog, or falcon, or to participate in a fox-hunting party engaged in the hunting or pursuing of foxes with dogs for sport, according to the provisions of the laws and administrative regulations of the department;
- (8) A youth statewide hunting license, which may be issued to a person before he or she has reached his or her sixteenth birthday, and which authorizes the holder to exercise all the privileges authorized by a statewide hunting license;
- (9) Trapping licenses, resident and nonresident, which authorize the holder to take wild animals by trapping upon his or her own lands or upon the lands of another person, if the holder of the license has first obtained oral or written consent as provided in KRS 150.092 and administrative regulation;
- (10) A taxidermist license, which authorizes the holder to engage in the act of preparing, stuffing, and mounting the skins of wildlife;
- (11) A ~~commercial~~ guide's license, which authorizes the holder to ***assist an outfitter license holder's client in taking or attempting to take fish or wildlife and is employed by or contracted with an outfitter license holder as prescribed by the*** ~~guide hunting and fishing parties according to the provisions of the laws and~~ administrative regulations of the department;
- (12) Fur buyer's licenses, resident and nonresident, which authorize the holder to buy raw furs from licensed trappers and hunters and to sell raw furs so purchased. Applicants for the license shall state the number of premises to be used and shall display at each a copy of the license as furnished by the department, except that the commissioner may limit the number of copies furnished and may revoke the license for violation;
- (13) A fur processor's license, which may be issued only to a resident, a partnership, firm, or corporation of this state and which authorizes the holder to buy raw furs when in legal possession for processing, manufacture, or retention in cold storage or for resale;
- (14) A nonresident sport fishing license, which authorizes the holder to perform any act authorized by a resident statewide sport fishing license. This license shall not authorize the holder to sell fish;
- (15) A nonresident annual hunting license, which authorizes the holder to perform any act authorized by a resident statewide hunting license;
- (16) Shoot-to-retrieve field trial permits, four (4) day and single day, which authorize a permit holder to conduct a shoot-to-retrieve field trial on private or government-owned lands. With a four (4) day permit, all participants, whether residents or nonresidents, shall not be required to possess any other license to participate in the permitted field trial, and the permit shall expire four (4) days after the date on which the field trial began. With the single day permit, the permit is valid for one (1) day and all participants shall have a valid resident or nonresident annual Kentucky hunting license. A permit is not required to conduct a shoot-to-retrieve field trial on a licensed shooting preserve; however, all participants that take or attempt to take game shall have in their possession a resident or nonresident annual Kentucky hunting license;
- (17) Game permits and youth game permits, which, in combination with a valid statewide hunting license or a valid youth statewide hunting license, authorize the holder to take or pursue the specified game species in any designated open area of this state, during the open season and according to the provisions of the laws and administrative regulations governing the hunting;
- (18) A combination hunting and fishing license, which authorizes only resident holders to perform all acts valid under either a sport fishing or hunting license;
- (19) A trout permit, which in combination with a valid statewide fishing license, authorizes the holder to take trout by angling or as may be prescribed by administrative regulation;
- (20) A commercial waterfowl permit, which authorizes the holder to establish and operate a commercial waterfowl hunting preserve;
- (21) A short-term hunting license, which authorizes the holder to perform all acts authorized by a statewide hunting license according to the provisions of the laws and administrative regulations of the department;

- (22) A joint statewide resident sport fishing license issued to a husband and wife which authorizes them to take fish as provided in subsection (1) of this section. The license fee for this joint license shall be ten percent (10%) less than the license fee set by the commission for two (2) statewide resident sport fishing licenses;
- (23) A Kentucky migratory bird permit, which in combination with a valid statewide hunting license and compliance with applicable federal law, authorizes the holder to take or pursue waterfowl and migratory shore or upland game birds;
- (24) A pay lake license which authorizes the holder to operate privately owned impounded waters for fishing purposes for which a fee is charged;
- (25) A senior sportsman's hunting and fishing license, which authorizes the holder to perform all acts valid under a sport fishing license, a sport hunting license, or a state permit to take deer, turkey, trout, waterfowl, or migratory shore or upland game birds, and which shall be available to a Kentucky resident who is sixty-five (65) years of age or older. The senior sportsman's hunting and fishing license shall not be valid unless the holder carries proof of residency and proof of age, as the department may require by administrative regulation, on his or her person while performing an act authorized by the license;
- (26) A senior lifetime sportsman's hunting and fishing license, which remains valid until the death of the holder and authorizes the holder to perform all acts valid under a sport fishing license, a sport hunting license, and a state permit to take deer, turkey, trout, waterfowl, and migratory shore and upland game birds, and which shall be available to a Kentucky resident who is sixty-five (65) years of age or older;
- (27) A disabled sportsman's hunting and fishing license, which authorizes the holder to perform all acts valid under a sport fishing license, a sport hunting license, and a state permit to take deer, turkey, trout, waterfowl, and migratory shore and upland game birds, and which shall be available to a Kentucky resident who is:
- (a) An American veteran at least fifty percent (50%) disabled as a result of a service-connected disability; or
 - (b) Declared permanently and totally disabled by the federal Social Security Administration, the United States Office of Personnel Management, the Kentucky Teachers' Retirement System, the Department of Workers' Claims or its equivalent from another state, or the United States Railroad Retirement Board.

The disabled sportsman's hunting and fishing license shall not be valid unless the holder carries proof of residency, as the department may require by administrative regulation, on his or her person while performing an act authorized by the license;

- (28) A sportsman's license and youth sportsman's license for residents that include annual hunting and fishing licenses and such permits as allowed by administrative regulations promulgated by the department;~~and~~
- (29) A special license for residents and nonresidents for the purpose of hunting on licensed shooting areas. This license shall be valid only for the shooting areas for which it was issued and shall remain in effect for one (1) year. If the hunter holds either a nonresident or resident statewide hunting license for the current year, the special license shall not be required;
- (30) ***A resident outfitter license and a nonresident outfitter license, each of which authorizes the holder to solicit for guiding services or provide guiding services for clients in taking or attempting to take fish or wildlife and which may have a guide authorized to assist clients on behalf of the license holder as prescribed by the administrative regulations of the department; and***
- (31) ***A shooting range permit, which authorizes the holder to use both department-owned or managed shooting ranges and affiliated partner shooting ranges.***

The department may offer multiyear licenses or permits for any of the annual licenses or permits authorized in subsections (1), (7), (9), (14), (15), (17), (18), (19), (23), and (28) of this section. A multiyear license or permit shall authorize the holder to perform all acts authorized by the same license or permit if purchased annually and shall be issued in accordance with the provisions of this chapter and the administrative regulations promulgated hereunder. Any multiyear licenses or permits offered by the department relating to the annual licenses or permits authorized in subsections (1), (7), (9), (14), (15), (17), (18), (19), (23), and (28) of this section shall be implemented by administrative regulation and may be discontinued at any time.

➔Section 17. KRS 150.190 is amended to read as follows:

- (1) Any applicant for ***an outfitter license*** or ~~a commercial~~ guide's license shall be required to present proof to the satisfaction of the commissioner ~~in accordance with regulations the commissioner may prescribe with the~~

~~approval of the commission,]~~ that he is qualified to act as a ~~[commercial]~~ guide **or outfitter, as prescribed by administrative regulations of the department.**

- (2) Any applicant for a fur processor's license shall be required to present proof to the satisfaction of the commissioner, in accordance with regulations **prescribed by the department**~~[the commissioner may prescribe with the approval of the commission,]~~ that he has sufficient equipment and facilities to engage in the business of processing, manufacture, and storage of raw furs.
- (3) A ~~[commercial]~~ guide's license **or an outfitter license is**~~[shall]~~ not~~[be]~~ required of residents or nonresidents who are participating in field trials, training exercises, or other competitions where no game is harvested.

➔Section 18. KRS 150.390 is amended to read as follows:

- (1) No person shall possess, take, pursue, or attempt to take or pursue or otherwise molest any wild elk, deer, wild turkey, or bear in any manner contrary to any provisions of this chapter or its regulations.
- (2) No person shall use a dog to chase or molest wild elk or deer in any manner, at any time, or at any place. Any **game warden**~~[conservation officer]~~, peace officer, sheriff, or constable may take necessary steps to stop, prevent, or bring under control any dog or dogs found chasing or molesting wild elk or deer at any time.
- (3) The department shall establish by administrative regulation the conditions under which depredation permits may be issued without cost to persons suffering damage from wild elk to allow the taking of wild elk.
- (4) If Kentucky's wild elk population reaches a level that will sustain limited hunting, the department may establish by administrative regulations the conditions and permits that would allow the controlled taking of wild elk.
- (5) The department shall identify areas where deer and elk pose a significant threat to agriculture or to health and human safety from automobile accidents and may take necessary steps to reduce the deer and elk population in those areas. Methods to reduce the deer and elk population may include but are not limited to the following:
 - (a) Special hunts;
 - (b) Increasing the doe harvest; and
 - (c) Working with the Transportation Cabinet to make vegetation along highways unpalatable to deer and elk.

➔Section 19. KRS 150.411 is amended to read as follows:

- (1) Every licensed taxidermist shall keep a suitable record for five (5) years in which shall be entered the species of each wildlife mounted by him and the name and address of the person for whom the mounting was done.
- (2) Any legally taken wildlife may be mounted, provided the wildlife bears identification with the name and address of the owner and date and place taken until such time as it is mounted.
- (3) A fish and wildlife disposal permit, signed by a **game warden**~~[conservation officer]~~, must be attached to wildlife taken other than during a legally open hunting season. Such permit will substitute for the identification required in subsection (2) of this section.

➔Section 20. KRS 150.425 is amended to read as follows:

- (1) Upon adoption of a resolution by the fiscal court that beaver exist within the county in such quantities that they present a threat to the preservation of farmland, trees, and other property, the fiscal court may request the department to pay a bounty on beaver. Upon receipt of the resolution, a bounty on beaver of ten dollars (\$10) for each beaver shall be paid in the following manner. Upon the presentation of the tail of any beaver, any **game warden**~~[conservation officer]~~ of the department shall issue a receipt, in the form as prescribed by the commission, to the person presenting the tail. The department shall redeem the receipts by paying to such person the sum of ten dollars (\$10) for each receipt as bounty. The redemption of receipts shall be paid only from funds especially appropriated for this purpose and it is expressly provided that no bounty shall be paid from any regular receipts, funds, or appropriations of the department. However, the department may charge a maximum of one dollar (\$1) against the appropriation for bounties for each bounty paid as reimbursement for the expense of administering the bounty program.
- (2) No bounty shall be paid when funds, personnel, or equipment of any governmental unit are used in capturing and killing beaver.

- (3) Upon receipt of an adopted resolution from a fiscal court stating that beaver no longer present a threat to property within the county, the department shall cease paying the bounty.

➔Section 21. KRS 150.990 is amended to read as follows:

- (1) Each bird, fish, or animal taken, possessed, bought, sold, or transported and each device used or possessed contrary to the provisions of this chapter or any administrative regulation promulgated by the commission thereunder shall constitute a separate offense. The penalties prescribed in this section shall be for each offense.
- (2) (a) Any person who fails to appear pursuant to a citation or summons issued by a *game warden*~~conservation officer~~ or peace officer of this Commonwealth for violation of this chapter or any administrative regulation promulgated thereunder shall forfeit his or her license or, if that person is license-exempt, shall forfeit the privilege to perform the acts authorized by the license. The individual shall not be permitted to purchase another license or exercise the privileges granted by a license until the citation or summons is resolved. The court shall notify the department whenever a person has failed to appear pursuant to a citation or summons for a violation of this chapter or any administrative regulation promulgated thereunder.
- (b) Any person who violates any of the provisions of this chapter or any administrative regulations promulgated by the commission thereunder may, in addition to the penalties provided in subsections (3), (4), (5), (6), (7), and (8) of this section, forfeit his or her license or, if that person is license-exempt, may forfeit the privilege to perform the acts authorized by the license and shall not be permitted to purchase another license or exercise the privileges granted by a license during the same license year. No fines, penalty, or judgment assessed or rendered under this chapter shall be suspended, reduced, or remitted otherwise than expressly provided by law. Any person who violates any administrative regulation which has been or may be promulgated by the commission under any provisions of this chapter shall be subject to the same penalty as is provided for the violation of any provisions of this chapter under which the administrative regulation is promulgated.
- (3) Any person who violates any of the provisions of KRS 150.120, 150.170, 150.235(1), 150.280, 150.320, 150.330(2), 150.355, 150.362, 150.400, 150.410, 150.415, 150.416, 150.445, 150.450, 150.470, 150.603, or 150.722(2), or any of the provisions of this chapter or any administrative regulation promulgated by the commission for which no definite fine or imprisonment is fixed shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).
- (4) Any person who violates any of the provisions of KRS 150.195(5) to (8), 150.290, 150.300, 150.340, 150.360, 150.362(1), 150.485, 150.600, 150.630, or 150.660 shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or be imprisoned for not more than six (6) months, or both. Also, any person violating the provisions of KRS 150.300 shall be assessed treble damages as provided in KRS 150.690 or 150.700. Damages assessed under this subsection shall be ordered to be paid directly to the department. The court shall not direct that the damages be paid through the circuit clerk.
- (5) Any person who violates any of the provisions of KRS 150.411, 150.412, or 150.417 shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).
- (6) Any person who violates any of the provisions of KRS 150.183, 150.305, 150.365, 150.370, 150.330(1), 150.235(2), (3), or (4), or 150.363 shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisoned for not more than six (6) months, or both.
- (7) Any person who violates any of the provisions of KRS 150.460 shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisoned for not more than six (6) months, or both, and in addition to these penalties shall be liable to the department in an amount not to exceed the replacement value of the fish and wildlife which has been killed or destroyed. Costs assessed for the restoration of wildlife under this subsection shall be ordered to be paid directly to the department. The court shall not direct that the costs be paid through the circuit clerk.
- (8) Any person who violates the provisions of KRS 150.180, 150.520, 150.525, or administrative regulations issued thereunder shall for the first offense be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000); and shall for a second offense be fined not less than five hundred dollars (\$500) nor more than one thousand five hundred dollars (\$1,500); and for any subsequent offense, be fined two thousand dollars (\$2,000).
- (9) Any person who violates the provisions of KRS 150.520 or administrative regulations issued thereunder shall, if the violation relates to methods of taking mussels, for a first offense be imprisoned in the county jail for no

more than thirty (30) days; for a second offense be imprisoned in the county jail for no more than six (6) months; and for any subsequent offense be imprisoned in the county jail for no more than one (1) year. The penalties for violation of this subsection shall be in addition to the penalties for violation of subsection (8).

- (10) Any person who violates any of the provisions of KRS 150.4111, 150.640, or KRS 150.450(2) or (3) shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).
- (11) Any person who violates any of the provisions of KRS 150.390 or KRS 150.092(4) shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) or imprisoned for not less than thirty (30) days nor more than one (1) year, or both. In addition to the penalties prescribed above, he or she shall forfeit his or her license or, if license-exempt, the privilege to perform the acts authorized by the license for a period of one (1) to three (3) years and shall be liable to the department in an amount reasonably necessary to replace any deer, wild turkey, or bear taken in violation of KRS 150.390 and for violations of KRS 150.092(4) shall be liable to the landowner or occupant for reasonable compensation for damages. Wildlife replacement costs assessed under this subsection shall be ordered to be paid directly to the department. The court shall not direct that the damages be paid through the circuit clerk. Damages assessed under this subsection shall be ordered to be paid directly to the landowner or occupant. The court shall not direct that the damages be paid through the circuit clerk. Any person who possesses, takes, or molests a wild elk in violation of KRS 150.390 or administrative regulations promulgated under authority of that section shall be fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) or imprisoned for up to six (6) months, or both. In addition to these penalties, the person shall pay to the department an amount not to exceed the greater of the replacement cost of the wild elk or double any monetary gain realized from the illegal activity and shall forfeit his or her license or, if license-exempt, the privilege to perform the acts authorized by the license for a period of one (1) to three (3) years.
- (12) Any person who violates any of the provisions of KRS 150.090 other than a criminal homicide or an assault against an officer enforcing the provisions of this chapter, KRS Chapter 235, or the administrative regulations issued thereunder shall be guilty of a Class A misdemeanor.
- (13) Any person who commits a criminal homicide or an assault against an officer enforcing the provisions of this chapter, KRS Chapter 235, or the administrative regulations issued thereunder shall be subject to the penalties specified for the offense under KRS Chapter 507 or 508, as appropriate.
- (14) A person shall be guilty of a Class B misdemeanor upon the first conviction for a violation of KRS 150.710. A subsequent conviction shall be a Class A misdemeanor.
- (15) Any person who violates the provisions of KRS 150.092 or the administrative regulations promulgated thereunder for which no other penalty is specified elsewhere in this section shall for the first offense be fined not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300); for the second offense, be fined not less than three hundred dollars (\$300) nor more than one thousand dollars (\$1,000); and for subsequent offenses, shall forfeit the license or, if license-exempt, the privilege to perform the acts authorized by the license, for one (1) year and shall be fined not less than one thousand dollars (\$1,000) or be imprisoned in the county jail for up to one (1) year, or both. In addition to the penalties prescribed in this subsection, the violator shall be liable to the landowner or tenant for the replacement cost of any property which was damaged or destroyed by his or her actions. Damages assessed under this subsection shall be ordered to be paid directly to the landowner or the tenant. The court shall not direct that the damages be paid through the circuit clerk.
- (16)
 - (a) Any person who knowingly violates KRS 150.361 shall for a first offense be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) or be imprisoned in the county jail for not more than six (6) months, or both.
 - (b) Any person who knowingly violates KRS 150.361 shall for a second or subsequent offense be fined not less than five hundred dollars (\$500) nor more than one thousand five hundred dollars (\$1,500) or be imprisoned in the county jail for not more than six (6) months, or both.
 - (c) In addition to the penalties specified in paragraphs (a), (b), and (d) of this subsection, a person knowingly violating KRS 150.361 shall forfeit his or her hunting license or, if license-exempt, the privilege to perform the acts authorized by the license for a period of not less than one (1) nor more than three (3) years.
 - (d) In addition to the penalties specified in paragraphs (a), (b), and (c) of this subsection any person knowingly violating KRS 150.361 shall be liable to the department in an amount not to exceed the greater of the replacement value of any wildlife killed or wounded in violation of KRS 150.361 or double the amount of the monetary gain from knowingly violating KRS 150.361.

(e) Wildlife replacement costs or other costs specified in paragraph (d) of this subsection shall be ordered paid directly to the department. The court shall not direct that the replacement costs be paid through the circuit clerk.

(17) Any person convicted of violating KRS 150.186 shall be guilty of a Class A misdemeanor and shall, whether licensed or license-exempt, forfeit his or her right to hunt, fish, trap, or be licensed as a commercial guide for a period of ten (10) years.

➔Section 22. KRS 186.675 is amended to read as follows:

(1) The annual registration fee for trailers and semitrailers which are drawn by motor vehicles required to be licensed under KRS 186.050(1) shall be four dollars and fifty cents (\$4.50). The annual registration fee for trailers and semitrailers which are drawn by motor vehicles required to be licensed under KRS 186.050(3) to (13) shall be nineteen dollars and fifty cents (\$19.50).

(2) The provisions of KRS 186.650 to 186.700 shall not apply to privately owned and operated trailers used for the transportation of:

(a) Boats;

(b) Luggage;

(c) Personal effects;

(d) Farm products, farm supplies, or farm equipment;

(e) All-terrain vehicles as defined in KRS 189.010(24);

(f) Wildlife as defined in KRS 150.010~~(46)~~ that the owner or operator of the trailer has obtained while hunting; and

(g) Firearms or other supplies used in conjunction with hunting wildlife.

(3) The registration fee for mobile homes and recreational vehicles shall be nine dollars and fifty cents (\$9.50) except the registration fee for camping trailers, travel trailers, and truck campers shall be four dollars and fifty cents (\$4.50). The clerk shall issue the registration plate furnished by the cabinet and shall be paid for this service the sum of one dollar (\$1).

(4) Beginning April 1, 1993, at the request of the owner, trailers and semitrailers which are drawn by motor vehicles required to be licensed under KRS 186.050(3) to (13) may be permanently registered, except the registration shall expire when the trailer or semitrailer is sold or when it is otherwise permanently removed from service by the owner. The registration fee for the period shall be ninety-eight dollars (\$98). The clerk shall issue the registration plate furnished by the cabinet and shall be paid for this service the sum of three dollars (\$3).

➔Section 23. KRS 189.910 is amended to read as follows:

(1) As used in KRS 189.920 to 189.950, "emergency vehicle" means any vehicle used for emergency purposes by:

(a) The Department of Kentucky State Police;

(b) A public police department;

(c) The Department of Corrections;

(d) A sheriff's office;

(e) A rescue squad;

(f) An emergency management agency if it is a publicly owned vehicle;

(g) A licensed ambulance service, mobile integrated healthcare program, or medical first response provider licensed by the Kentucky Board of Emergency Medical Services, for any vehicle used to respond to emergencies or to transport a patient with a critical medical condition;

(h) Any vehicle commandeered by a police officer;

(i) Any vehicle with the emergency lights required under KRS 189.920 used by a paid or volunteer fireman or paid or volunteer ambulance personnel, or a paid or local emergency management director while responding to an emergency or to a location where an emergency vehicle is on emergency call;

- (j) An elected coroner granted permission to equip a publicly or privately owned motor vehicle with lights and siren pursuant to KRS 189.920;
 - (k) A deputy coroner granted permission to equip a publicly or privately owned motor vehicle with lights and siren pursuant to KRS 189.920;
 - (l) Any vehicle used by an organ procurement organization while transporting a human organ or tissue for the purpose of organ recovery or transplantation in an emergency situation involving an imminent health risk; or
 - (m) A *game warden*~~conservation officer~~ of the Kentucky Department of Fish and Wildlife Resources.
- (2) As used in KRS 189.920 to 189.950, "public safety vehicle" means public utility repair vehicle; wreckers; state, county, or municipal service vehicles and equipment; highway equipment which performs work that requires stopping and standing or moving at slow speeds within the traveled portions of highways; and vehicles which are escorting wide-load or slow-moving trailers or trucks.

➔Section 24. KRS 527.020 is amended to read as follows:

- (1) A person is guilty of carrying a concealed weapon when he or she carries concealed a firearm or other deadly weapon on or about his or her person in violation of this section.
- (2) Peace officers and certified court security officers, when necessary for their protection in the discharge of their official duties; United States mail carriers when actually engaged in their duties; and agents and messengers of express companies, when necessary for their protection in the discharge of their official duties, may carry concealed weapons on or about their person.
- (3) The director of the Division of Law Enforcement in the Department of Fish and Wildlife Resources, *game wardens*~~conservation officers~~ of the Department of Fish and Wildlife Resources, and policemen directly employed by state, county, city, or urban-county governments may carry concealed deadly weapons on or about their person at all times within the Commonwealth of Kentucky, when expressly authorized to do so by law or by the government employing the officer.
- (4) Persons carrying concealed weapons in accordance with KRS 237.109 or licensed to carry a concealed deadly weapon pursuant to KRS 237.110 may carry a concealed firearm or other concealed deadly weapon on or about their persons at all times within the Commonwealth of Kentucky, if the firearm or concealed deadly weapon is carried in conformity with the requirements of KRS 237.109 or 237.110. Unless otherwise specifically provided by the Kentucky Revised Statutes or applicable federal law, no criminal penalty shall attach to carrying a concealed firearm or other deadly weapon at any location at which an unconcealed firearm or other deadly weapon may be constitutionally carried. No person or organization, public or private, shall prohibit a person from possessing a firearm, ammunition, or both, or other deadly weapon in his or her vehicle in compliance with the provisions of KRS 237.109, 237.110, and 237.115. Any attempt by a person or organization, public or private, to violate the provisions of this subsection may be the subject of an action for appropriate relief or for damages in a Circuit Court or District Court of competent jurisdiction.
- (5) (a) The following persons, if they hold a license to carry a concealed deadly weapon pursuant to KRS 237.110 or 237.138 to 237.142, may carry a firearm or other concealed deadly weapon on or about their persons at all times and at all locations within the Commonwealth of Kentucky, without any limitation other than as provided in this subsection:
 - 1. A Commonwealth's attorney or assistant Commonwealth's attorney;
 - 2. A retired Commonwealth's attorney or retired assistant Commonwealth's attorney;
 - 3. A county attorney or assistant county attorney;
 - 4. A retired county attorney or retired assistant county attorney;
 - 5. A justice or judge of the Court of Justice;
 - 6. A retired or senior status justice or judge of the Court of Justice; and
 - 7. A retired peace officer who holds a concealed deadly weapon license issued pursuant to the federal Law Enforcement Officers Safety Act, 18 U.S.C. sec. 926C, and KRS 237.138 to 237.142.
- (b) The provisions of this subsection shall not authorize a person specified in this subsection to carry a concealed deadly weapon in a detention facility as defined in KRS 520.010 or on the premises of a

detention facility without the permission of the warden, jailer, or other person in charge of the facility, or the permission of a person authorized by the warden, jailer, or other person in charge of the detention facility to give such permission. As used in this section, "detention facility" does not include courtrooms, facilities, or other premises used by the Court of Justice or administered by the Administrative Office of the Courts.

- (c) A person specified in this section who is issued a concealed deadly weapon license shall be issued a license which bears on its face the statement that it is valid at all locations within the Commonwealth of Kentucky and may have such other identifying characteristics as determined by the Department of Kentucky State Police.
- (6) (a) Except as provided in this subsection, the following persons may carry concealed deadly weapons on or about their person at all times and at all locations within the Commonwealth of Kentucky:
- 1. An elected sheriff and full-time and part-time deputy sheriffs certified pursuant to KRS 15.380 to 15.404 when expressly authorized to do so by the unit of government employing the officer;
 - 2. An elected jailer and a deputy jailer who has successfully completed Department of Corrections basic training and maintains his or her current in-service training when expressly authorized to do so by the jailer; and
 - 3. The department head or any employee of a corrections department in any jurisdiction where the office of elected jailer has been merged with the office of sheriff who has successfully completed Department of Corrections basic training and maintains his or her current in-service training when expressly authorized to do so by the unit of government by which he or she is employed.
- (b) The provisions of this subsection shall not authorize a person specified in this subsection to carry a concealed deadly weapon in a detention facility as defined in KRS 520.010 or on the premises of a detention facility without the permission of the warden, jailer, or other person in charge of the facility, or the permission of a person authorized by the warden, jailer, or other person in charge of the detention facility to give such permission. As used in this section, "detention facility" does not include courtrooms, facilities, or other premises used by the Court of Justice or administered by the Administrative Office of the Courts.
- (7) (a) A full-time paid peace officer of a government agency from another state or territory of the United States or an elected sheriff from another territory of the United States may carry a concealed deadly weapon in Kentucky, on or off duty, if the other state or territory accords a Kentucky full-time paid peace officer and a Kentucky elected sheriff the same rights by law. If the other state or territory limits a Kentucky full-time paid peace officer or elected sheriff to carrying a concealed deadly weapon while on duty, then that same restriction shall apply to a full-time paid peace officer or elected sheriff from that state or territory.
- (b) The provisions of this subsection shall not authorize a person specified in this subsection to carry a concealed deadly weapon in a detention facility as defined in KRS 520.010 or on the premises of a detention facility without the permission of the warden, jailer, or other person in charge of the facility, or the permission of a person authorized by the warden, jailer, or other person in charge of the detention facility to give such permission. As used in this section, "detention facility" does not include courtrooms, facilities, or other premises used by the Court of Justice or administered by the Administrative Office of the Courts.
- (8) A loaded or unloaded firearm or other deadly weapon shall not be deemed concealed on or about the person if it is located in any enclosed container, compartment, or storage space installed as original equipment in a motor vehicle by its manufacturer, including but not limited to a glove compartment, center console, or seat pocket, regardless of whether said enclosed container, storage space, or compartment is locked, unlocked, or does not have a locking mechanism. No person or organization, public or private, shall prohibit a person from keeping a loaded or unloaded firearm or ammunition, or both, or other deadly weapon in a vehicle in accordance with the provisions of this subsection. Any attempt by a person or organization, public or private, to violate the provisions of this subsection may be the subject of an action for appropriate relief or for damages in a Circuit Court or District Court of competent jurisdiction. This subsection shall not apply to any person prohibited from possessing a firearm pursuant to KRS 527.040.
- (9) The provisions of this section shall not apply to a person who carries a concealed deadly weapon on or about his or her person:

- (a) If he or she is the owner of the property or has the permission of the owner of the property, on real property which he or she or his or her spouse, parent, grandparent, or child owns;
 - (b) If he or she is the lessee of the property or has the permission of the lessee of the property, on real property which he or she or his or her spouse, parent, grandparent, or child occupies pursuant to a lease; or
 - (c) If he or she is the sole proprietor of the business, on real property owned or leased by the business.
- (10) Carrying a concealed weapon is a Class A misdemeanor, unless the defendant has been previously convicted of a felony in which a deadly weapon was possessed, used, or displayed, in which case it is a Class D felony.

Became law without Governor's signature April 10, 2024.

CHAPTER 160

(SB 20)

AN ACT relating to crimes and punishments.

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

➔Section 1. KRS 635.020 is amended to read as follows:

- (1) If, prior to an adjudicatory hearing, there is a reasonable cause to believe that a child before the court has committed a felony other than those described in subsections (2) and (3) of this section, a misdemeanor, or a violation, the court shall initially proceed in accordance with the provisions of this chapter.
- (2) If a child charged with a capital offense, Class A felony, or Class B felony, had attained age fourteen (14) at the time of the alleged commission of the offense, the court shall, upon motion of the county attorney made prior to adjudication, and after the county attorney has consulted with the Commonwealth's attorney, that the child be proceeded against as a youthful offender, proceed in accordance with the provisions of KRS 640.010.
- (3) If a child charged with a Class C or Class D felony has on one (1) prior separate occasion been adjudicated a public offender for a felony offense and had attained the age of sixteen (16) at the time of the alleged commission of the offense, the court shall, upon motion of the county attorney made prior to adjudication, and after the county attorney has consulted with the Commonwealth's attorney, that the child be proceeded against as a youthful offender, proceed in accordance with the provisions of KRS 640.010.
- (4) (a) If a child charged with a felony~~[in which a firearm, whether functional or not, was used by the child in the commission of the offense]~~ had attained the age of fourteen (14) years at the time of the commission of the alleged offense ***in which a firearm, whether functional or not, was used by the child in the commission of the offense***, the court shall, upon motion of the county attorney made prior to adjudication, and after the county attorney has consulted with the Commonwealth's attorney, that the child be proceeded against as a youthful offender, proceed in accordance with KRS 640.010.
 - (b) 1. ***Any other provision of KRS Chapters 610 to 645 to the contrary notwithstanding, if a child charged with a Class A, B, or C felony had attained the age of fifteen (15) years at the time of the commission of the alleged offense in which a firearm, whether functional or not, was used by the child in the commission of the offense, the court shall, upon motion of the county attorney made prior to adjudication and after consultation with the Commonwealth's attorney, that the child be proceeded against as a youthful offender, proceed in accordance with subparagraph 2. of this paragraph.***
 - 2. ***The child shall be transferred to the Circuit Court for trial as an adult if, following a preliminary hearing, the District Court finds probable cause to believe that:***
 - a. ***The child committed a Class A, B, or C felony;***
 - b. ***A firearm was used by the child in the commission of that felony; and***
 - c. ***The child was fifteen (15) years of age or older at the time of the commission of the alleged felony.***

3.
 - a. *After consulting with the county attorney, the Commonwealth's attorney may transfer the child back to District Court if the Commonwealth's attorney determines that it is in the best interest of the public and the child to do so.*
 - b. *After considering the factors in KRS 640.010(2)(c), the Circuit Court may transfer the child back to District Court if the Circuit Court finds that less than two (2) factors specified in KRS 640.010(2)(c) favor keeping the child in Circuit Court.*
 4. *If convicted in the Circuit Court, he or she shall be subject to the same penalties as an adult offender, except that until he or she reaches the age of eighteen (18) years, he or she shall be confined in a facility for juveniles or for youthful offenders, unless the provisions of KRS 635.025 apply or unless he or she is released pursuant to expiration of sentence or parole, and at age eighteen (18) he or she shall be returned to the sentencing Circuit Court for proceedings consistent with KRS 640.030(2).*
 5. *If convicted in the Circuit Court and he or she is returned to the sentencing Circuit Court for proceedings consistent with KRS 640.030(2), he or she shall not be eligible for probation or conditional discharge.*
- (5) If a child previously convicted as a youthful offender under the provisions of KRS Chapter 640 is charged with a felony allegedly committed prior to his *or her* eighteenth birthday, the court shall, upon motion of the county attorney made prior to adjudication, and after the county attorney has consulted with the Commonwealth's attorney, that the child be proceeded against as a youthful offender, proceed in accordance with the provisions of KRS 640.010.
 - (6) A child who is charged as is provided in subsection (2) of this section and is also charged with a Class C or D felony, a misdemeanor, or a violation arising from the same course of conduct shall have all charges included in the same proceedings; and the court shall, upon motion of the county attorney made prior to adjudication, and after the county attorney has consulted with the Commonwealth's attorney, that the child be proceeded against as a youthful offender, proceed in accordance with the provisions of KRS 640.010.
 - (7) If a person who is eighteen (18) or older and before the court is charged with a felony that occurred prior to his *or her* eighteenth birthday, the court shall, upon motion of the county attorney made prior to adjudication, and after the county attorney has consulted with the Commonwealth's attorney, that the child be proceeded against as a youthful offender, proceed in accordance with the provisions of KRS 640.010.
 - (8) All offenses arising out of the same course of conduct shall be tried with the felony arising from that course of conduct, whether the charges are adjudicated under this chapter or under KRS Chapter 640 and transferred to Circuit Court.

Became law without Governor's signature April 10, 2024.

CHAPTER 161

(HB 553)

AN ACT relating to the Kentucky rural veterinary student loan repayment program and making an appropriation therefor.

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

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

(1) *As used in this section:*

- (a) *"Authority" means the Kentucky Higher Education Assistance Authority;*
- (b) *"Eligible student loan" means a federally guaranteed student loan under the Federal Family Education Loan Program or Federal Direct Loan Program;*
- (c) *"Livestock" has the same meaning as in KRS 321.181;*

- (d) *"Livestock practitioner" means a veterinarian with a devoted practice in the Commonwealth in one (1) of the following service areas:*
1. *Dedicated food or fiber animal medicine;*
 2. *Dedicated equine medicine;*
 3. *Mixed animal medicine with a minimum of fifty percent (50%) of work dedicated to livestock in a veterinary shortage area; or*
 4. *Mixed animal medicine with a minimum of thirty percent (30%) of work dedicated to livestock in an underserved rural area;*
- (e) *"Program agreement" means a contract entered into by an eligible applicant for the purposes established in this section;*
- (f) *"Underserved rural area" means an area of Kentucky, as designated by the state veterinarian, with a low ratio of practicing veterinarians to livestock in a city with a population of less than twenty-five thousand (25,000) and more than twenty (20) miles from a city having a population of more than fifty thousand (50,000);*
- (g) *"Veterinarian" has the same meaning as in KRS 321.181;*
- (h) *"Veterinary shortage area" means a designated veterinary service shortage area in Kentucky that is:*
1. *Identified by the Kentucky Board of Veterinary Examiners as having a shortage in access to services offered or species served according to data collected from registered veterinary facilities under KRS 321.203 and 321.236;*
 2. *Identified and nominated by the state veterinarian; or*
 3. *Recommended for designation in accordance with the National Veterinary Medical Service Act, 7 U.S.C. sec. 3101 et seq., and published by the United States Department of Agriculture; and*
- (i) *"Veterinary Student Loan Repayment Selection Committee" means a group of individuals whose membership shall be composed of:*
1. *The Commissioner of Agriculture, or his or her designee;*
 2. *A representative of the Kentucky Farm Bureau;*
 3. *A representative of the Kentucky Cattlemen's Association;*
 4. *A representative of the Kentucky Veterinary Medical Association; and*
 5. *A representative of the Kentucky Board of Veterinary Examiners.*
- (2) *There is hereby established a Kentucky Rural Veterinary Medicine Student Loan Repayment Program for the purpose of providing student loan repayment for a livestock practitioner who engages in veterinary medicine in an underserved rural area or in a veterinary shortage area in Kentucky for five (5) consecutive years in accordance with the terms and conditions of this section.*
- (3) *The authority shall administer the Kentucky Rural Veterinary Medicine Student Loan Repayment Program and shall promulgate administrative regulations in accordance with KRS Chapter 13A as may be needed for the administration of the program.*
- (4) *To be considered eligible for the program, a livestock practitioner shall:*
- (a) *Be a licensed veterinarian pursuant to KRS Chapter 321 who, within ten (10) years of applying to the program, has received a doctor of veterinary medicine degree from a college of veterinary medicine approved by the Kentucky Board of Veterinary Examiners and has an eligible student loan balance greater than seventy-five thousand dollars (\$75,000);*
 - (b) *Not have participated in or received a loan repayment award through the veterinary medicine loan repayment program administered by the United States Department of Agriculture's National Institute of Food and Agriculture; and*
 - (c) *Not be in default on any program under Title IV of the Higher Education Act of 1965, 20 U.S.C. sec. 1001 et seq., as amended, or any obligation to the authority under any program administered by the*

authority under KRS 164.740 to 164.790, except that ineligibility for this reason may be waived by the authority for cause.

- (5) *Subject to the availability of funds, the authority shall award loan repayment benefits to eligible applicants who are selected by the Veterinary Student Loan Repayment Selection Committee and who enter into a program agreement and comply with each of the following requirements while the program agreement is in force:*
 - (a) *Maintains an active license to practice veterinary medicine in accordance with KRS Chapter 321 and is in good standing with the Kentucky Board of Veterinary Examiners;*
 - (b) *Secures an offer of employment or establishes and maintains a practice in a veterinary shortage area or underserved rural area;*
 - (c) *Provides service as a livestock practitioner in an underserved rural area or veterinary shortage area for a period of five (5) consecutive years after entering into a program agreement; and*
 - (d) *Provides veterinary medicine services an average of forty (40) hours per week for a minimum of forty-eight (48) weeks per calendar year.*
- (6) *The authority shall pay loan repayment benefits once each fiscal year following the awardee's successful completion of each twelve (12) month employment period over a period of five (5) consecutive years, not to exceed a total of eighty-seven thousand five hundred dollars (\$87,500), or the amount of the outstanding eligible student loan balance, whichever is less.*
- (7) (a) *The amount of annual loan repayment award shall not exceed:*
 1. *Twelve thousand five hundred dollars (\$12,500) in year one (1);*
 2. *Fifteen thousand dollars (\$15,000) in year two (2);*
 3. *Seventeen thousand five hundred dollars (\$17,500) in year three (3);*
 4. *Twenty thousand dollars (\$20,000) in year four (4); and*
 5. *Twenty-two thousand five hundred dollars (\$22,500) in year five (5).*(b) *If available funds are insufficient to fully fund all existing program agreements, then funding for the existing program agreements shall be prorated from the oldest to the newest.*
- (8) *Following the end of each award period, the authority shall issue to each Kentucky Rural Veterinary Medicine Student Loan Repayment Program award recipient a statement showing the annual and total amount paid by the program.*
- (9) (a) *The obligation to engage in practice in accordance with subsection (5) of this section shall be postponed for the following purposes:*
 1. *Active-duty status in the Armed Forces of the United States, the military reserves, or the National Guard;*
 2. *Service in Volunteers in Service to America;*
 3. *Service in the federal Peace Corps;*
 4. *A period of rural service commitment to the United States Public Health Service Commissioned Corps;*
 5. *A period of religious missionary work conducted by an organization exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code; or*
 6. *Any period of temporary medical incapacity during which the person obligated is unable, due to a medical condition, to engage in full-time practice as required in subsection (5)(d) of this section.*(b) *Except for a postponement as referenced in paragraph (a) of this subsection, an obligation to engage in practice under a program agreement shall not be postponed for more than two (2) years from the time the full-time practice was to have commenced under the agreement.*

- (10) (a) *The rural veterinary care trust fund is hereby created as a trust and agency account in the State Treasury to be administered by the authority for the purpose of providing loan repayment as described in this section.*
- (b) *The fund shall consist of state general fund appropriations, gifts and grants from public and private sources, and federal funds. All moneys included in the fund shall be appropriated for the purposes set forth in this section.*
- (c) *Any unallotted or unencumbered balances in the trust fund shall be invested as provided in KRS 42.500(9). Income earned from the investments shall be credited to the fund.*
- (d) *Notwithstanding KRS 45.229, any fund balance at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year and continuously appropriated only for the purpose specified in this section.*
- (11) *By December 31 of each year, the Veterinary Student Loan Repayment Selection Committee shall report to the Legislative Research Commission for referral to the Interim Joint Committee on Appropriations and Revenue and the Interim Joint Committee on Agriculture the following information upon an awardee's completion of five (5) consecutive years of service:*
- (a) *The number of awardees who remain in a veterinary shortage area for a period of three (3) years, including the awardee's type of practice; and*
- (b) *The number of awardees who remain in an underserved rural area for a period of three (3) years, including the awardee's type of practice.*

Became law without Governor's signature April 10, 2024.

CHAPTER 162

(HB 592)

AN ACT relating to motor vehicle dealers.

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

➔Section 1. KRS 190.046 is amended to read as follows:

- (1) Notwithstanding the terms of any franchise agreement, each motor vehicle manufacturer or distributor, doing business within this Commonwealth, shall assume all responsibility for and shall defend, indemnify, and hold harmless its motor vehicle dealers against any loss, damages, and expenses, including legal costs, arising out of complaints, claims, recall repairs or modifications or factory authorized or directed repairs, or lawsuits resulting from warranty defects, which shall include structural or production defects; defects in the assembly; or design of motor vehicles, parts, accessories; or other functions beyond the control of the dealer, including without limitation, the selection of parts or components for the vehicle. Each manufacturer or distributor shall pay reasonable compensation to any authorized dealer who performs work to repair defects, or to repair any damage to the manufacturer's or distributor's product sustained while the product is in transit to the dealer, when the carrier or the means of transportation is designated by the manufacturer or distributor. Each manufacturer or distributor shall provide to its dealers with each model year a schedule of time allowances for the performance of warranty repair work and services, which shall include time allowances for the diagnosis and performance of warranty work and service time, and shall be reasonable and adequate for the work to be performed.
- (2) (a) In the determination of what constitutes "reasonable compensation" under this section, the principal factor to be considered shall be the amount of money that the dealer is charging its other customers for the same type service or repair work. Other factors may be considered, including:
1. The compensation being paid by other manufacturers or distributors to their dealers for work; and
 2. The prevailing amount of money being paid or charged by the dealers in the city or community in which the authorized dealer is doing business.

- (b) "Reasonable compensation" shall include:
1. Diagnosing the defect as needed;
 2. Repair service;
 3. Labor;
 4. Parts; and
 5. Administrative and clerical costs.
- (c) ***Except as provided in paragraph (d) of this subsection***, the compensation of a dealer shall not be less than:
1. The amount charged by the dealer for like services and parts, which minimum compensation for parts shall be dealer cost plus thirty percent (30%) gross profit, to retail customers for nonwarranty service and repairs; ~~or [or less than]~~
 2. The amounts indicated for work on the schedule of warranty compensation required to be filed by the manufacturer with the commission as a part of the manufacturer's license application by KRS 190.030.
- (d) ***The compensation of a dealer for vehicles with a classification of seven (7) or higher as established in 49 C.F.R. sec. 565.15 by a manufacturer, component manufacturer, or distributor shall not be less than the greater of:***
1. ***The amount charged by the dealer to the retail customers of the dealer for nonwarranty work of like kind; or***
 2. ***The dealer acquisition costs of parts or service.***
- (e) A manufacturer or distributor shall not require unreasonable proof to establish "reasonable compensation."
- (3) (a) A manufacturer or distributor shall not require a dealer to submit a claim authorized under this section sooner than thirty (30) days after the dealer completes the preparation, delivery, or warranty service authorizing the claim for preparation, delivery, or warranty service.
- (b) All claims made by a dealer under this section shall be paid within thirty (30) days after their approval.
- (c) All claims shall be either approved or disapproved by the manufacturer or distributor within thirty (30) days after their receipt on a completed form supplied or approved by the manufacturer or distributor.
- (d) Any claims not specifically disapproved in writing within thirty (30) days after the receipt of the form shall be considered to be approved and payment shall be made within thirty (30) days thereafter.
- (e) A dealer shall not be required to maintain defective parts for more than thirty (30) days after payment of a claim.
- (f) Any dispute between the dealer and the manufacturer or distributor shall be subject to the provisions of KRS 190.057.
- (4) A manufacturer or distributor shall compensate the dealer for manufacturer-sponsored or distributor-sponsored sales or service promotion events, including but not limited to rebates, programs, or activities in accordance with established written guidelines for such events, programs, or activities, which the manufacturer or distributor shall provide to each dealer.
- (5) (a) A manufacturer or distributor shall not require a dealer to submit a claim authorized under subsection (4) of this section sooner than thirty (30) days after the dealer becomes eligible to submit the claim.
- (b) All claims made by a dealer pursuant to subsection (4) of this section for promotion events, including but not limited to rebates, programs, or activities, shall be paid within thirty (30) days after their approval.
- (c) All claims shall be either approved or disapproved by the manufacturer or distributor within thirty (30) days after their receipt on a completed form supplied or approved by the manufacturer or distributor.
- (d) Any claim not specifically disapproved in writing within thirty (30) days after the receipt of this form shall be considered to be approved and payment shall be made within thirty (30) days.

- (6) If a dealer submits any claim under this section to a manufacturer or distributor that is incomplete, inaccurate, or lacking any information usually required by the manufacturer or distributor, or if incomplete, inaccurate, or missing information is discovered during an audit, then the manufacturer or distributor shall promptly notify the dealer, and the time limit to submit the claim shall be extended for a reasonable length of time, not less than five (5) business days following notice by the manufacturer or distributor to the dealer, for the dealer to provide the complete, accurate, or lacking information to the manufacturer or distributor. A dealer's failure to comply with the specific requirements of the manufacturer or distributor for processing a claim may not constitute grounds for denial of the claim or reduction of the amount of compensation paid to the dealer if the dealer presents reasonable documentation or other evidence to substantiate the claim.
- (7) (a) A manufacturer or distributor may only audit warranty, recall, sales, or incentive claims for a period of twelve (12) months following payment, or the end of a program which does not exceed one (1) year in length, whichever is later, subject to all of the provisions of this section.
- (b) A manufacturer or distributor shall not require documentation for warranty, recall, sales, or incentive claims more than twelve (12) months after the claim was paid or the end of a program which does not exceed one (1) year in length, whichever is later.
- (c) Prior to requiring any charge-back, reimbursement, or credit against a future transaction arising out of an audit, the manufacturer or distributor shall submit written notice to the dealer along with a copy of its audit and the detailed reason for each intended charge-back, reimbursement, or credit.
- (d) Notwithstanding the limitations of this subsection, a manufacturer that possesses evidence which would cause a person of ordinary caution, prudence, and judgment to believe that a dealer submitted a claim that was fraudulent, false, or misleading may audit the dealer for the claims during any period in which an action for fraud or for the submission of false or misleading claims may be commenced under applicable state law.

Became law without Governor's signature April 10, 2024.

CHAPTER 163

(HB 611)

AN ACT relating to truancy.

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

➔Section 1. KRS 159.140 is amended to read as follows:

- (1) The director of pupil personnel, or an assistant appointed under KRS 159.080, shall:
- (a) Devote his or her entire time to the duties of the office except as provided in subsection (2) of this section;
- (b) Enforce the compulsory attendance and census laws in the attendance district he or she serves;
- (c) Acquaint the school with the home conditions of a habitual truant as described in KRS 159.150(3), and the home with the work and advantages of the school;
- (d) Ascertain the causes of irregular attendance and truancy, through documented contact with the custodian of the student, and seek the elimination of these causes;
- (e) Secure the enrollment in school of all students who should be enrolled and keep all enrolled students in reasonably regular attendance;
- (f) Attempt to visit the homes of students who are reported to be in need of books, clothing, or parental care;
- (g) Provide for the interviewing of students and the parents of those students who quit school to determine the reasons for the decision. The interviews shall be conducted in a location that is nonthreatening for the students and parents and according to procedures and interview questions established by an administrative regulation promulgated by the Kentucky Board of Education. The questions shall be

designed to provide data that can be used for local district and statewide research and decision-making. Data shall be reported annually to the local board of education and the Department of Education;

- (h) Report to the superintendent of schools in the district in which the student resides the number and cost of books and school supplies needed by any student whose parent, guardian, or custodian does not have sufficient income to furnish the student with the necessary books and school supplies; and
 - (i) Keep the records and make the reports that are required by law, by regulation of the Kentucky Board of Education, and by the superintendent and board of education.
- (2) A local school district superintendent may waive the requirement that a director of pupil personnel devote his or her entire time to his or her duties. The superintendent shall report the decision to the commissioner of education.
- (3) In any action brought to enforce compulsory attendance laws, the director of pupil personnel or an assistant shall document the home conditions of the student and the intervention strategies attempted and ~~may~~:
- (a) *For a minor in kindergarten to grade five (5) whose parent or guardian is in violation of the provisions of KRS 159.010(1)(a) by allowing the child to be absent without excuse for fifteen (15) or more days during a school year, shall report the matter to the county attorney for determination of appropriate court intervention, if any; and*
 - (b) *For a minor in grade six (6) through twelve (12) who is a habitual truant as defined in KRS 600.020 and has been absent without excuse for fifteen (15) or more days during a school year, shall report the matter to the county attorney for a determination of appropriate court intervention and, if a complaint is filed ~~after consultation~~ with the court-designated worker, proceed under subsection (6) of Section 2 of this Act ~~refer the case to the family accountability, intervention, and response team~~.*

➔Section 2. KRS 610.030 is amended to read as follows:

Except as otherwise provided in KRS Chapters 600 to 645:

- (1) If any person files a complaint alleging that a child, except a child alleged to be neglected, abused, dependent, or mentally ill who is subject to the jurisdiction of the court, may be within the purview of KRS Chapters 600 to 645, the court-designated worker shall make a preliminary determination as to whether the complaint is complete. In any case where the court-designated worker finds that the complaint is incomplete, the court-designated worker shall return the complaint without delay to the person or agency originating the complaint or having knowledge of the facts, or to the appropriate law enforcement agency having investigative jurisdiction of the offense, and request additional information in order to complete the complaint. The complainant shall promptly furnish the additional information requested;
- (2) (a) Upon receipt of a complaint which appears to be complete and which alleges that a child has committed a public offense, the court-designated worker shall refer the complaint to the county attorney for review pursuant to KRS 635.010.
- (b) If after review the county attorney elects to proceed, the court-designated worker shall conduct a preliminary intake inquiry to recommend whether the interests of the child or the public require that further action be taken or whether, in the interest of justice, the complaint can be resolved informally without the filing of a petition;
- (3) Upon receipt of a complaint that appears to be complete and that alleges that the child has committed a status offense, the court-designated worker shall conduct a preliminary intake inquiry to determine whether the interests of the child or the public require that further action be taken;
- (4) Prior to conducting a preliminary intake inquiry, the court-designated worker shall notify the child and the child's parent, guardian, or other person exercising custodial control or supervision of the child in writing:
 - (a) Of their opportunity to be present at the preliminary intake inquiry;
 - (b) That they may have counsel present during the preliminary intake inquiry as well as the formal conference thereafter;
 - (c) 1. That all information supplied by the child to a court-designated worker during any process prior to the filing of the petition shall be deemed confidential and shall not be subject to subpoena or to disclosure without the written consent of the child.

2. Information may be shared between treatment providers, the court-designated worker, and the family accountability, intervention, and response team to enable the court-designated worker to facilitate services and facilitate compliance with the diversion agreement; and
 - (d) That the child has the right to deny the allegation and demand a formal court hearing;
- (5) The preliminary intake inquiry shall include the administration of an evidence-based screening tool and, if appropriate and available, a validated risk and needs assessment, in order to identify whether the child and his or her family are in need of services and the level of intervention needed;
- (6) (a) Upon the completion of the preliminary intake inquiry *for a minor who is alleged to be a status offender under KRS 630.020(3) and is alleged to have been absent without excuse for fifteen (15) or more days during a school year*, the court-designated worker *shall refer the complaint to the county attorney. The county attorney shall then refer the complaint:*
 1. *For formal court action; or*
 2. *To be handled under subsection (8) of this section.*
- (b) *Upon the completion of the preliminary intake inquiry for all other allegations, the court designated worker may:*
 1. ~~{(a)}~~ If the complaint alleges a status offense, determine that no further action be taken subject to review by the family accountability, intervention, and response team;
 2. ~~{(b)}~~ If the complaint alleges a public offense, refer the complaint to the county attorney;
 3. ~~{(c)}~~ Refer a public offense complaint for informal adjustment; or
 4. ~~{(d)}~~ Based upon the results of the preliminary intake inquiry, other information obtained, and a determination that the interests of the child and the public would be better served, and with the written approval of the county attorney for a public offense complaint, if necessary, conduct a formal conference and enter into a diversion agreement;
- (7) Upon receiving written approval of the county attorney, if necessary, to divert a public offense complaint, and prior to conducting a formal conference, the court-designated worker shall advise in writing the complainant, the victim if any, and the law enforcement agency having investigative jurisdiction of the offense:
 - (a) Of the recommendation and the reasons therefor and that the complainant, victim, or law enforcement agency may submit within ten (10) days from receipt of such notice a complaint to the county attorney for special review; or
 - (b) In the case of a misdemeanor diverted pursuant to KRS 635.010(4), of the fact that the child was statutorily entitled to divert the case;
- (8) A formal conference shall include the child and his or her parent, guardian, or other person exercising custodial control or supervision. The formal conference shall be used to:
 - (a) Present information obtained at the preliminary intake inquiry; and
 - (b) 1. Develop a diversion agreement that shall:
 - a. i. Require that the child regularly attend school; *and*
 - ii. *For a child against whom a complaint alleging truancy has been filed, require that if the child is absent from school without excuse for four (4) days during a diversion agreement, the child shall immediately be considered to have failed to complete the diversion agreement and subsection (9)(b)3. of this section shall immediately apply; and*~~{}~~
 - b. ~~{shall}~~ Not exceed *twelve (12)*~~{six (6)}~~ months in duration, and may include:
 - i~~{a}~~. Referral of the child, and family if appropriate, to a public or private entity or person for the provision of identified services to address the complaint or assessed needs;
 - ii~~{b}~~. Referral of the child, and family if appropriate, to a community service program within the limitations provided under KRS 635.080(2);
 - iii~~{c}~~. Restitution, limited to the actual pecuniary loss suffered by the victim, if the child

- has the means or ability to make restitution;
- ~~iv[d]~~. Notification that the court-designated worker may apply graduated sanctions for failure to comply with the diversion agreement;
 - ~~v[e]~~. Any other program or effort which reasonably benefits the community and the child; and
 - ~~vi[f]~~. A plan for monitoring the child's progress and completion of the agreement.
2. Prior to developing the diversion agreement, the court designated worker or court designated specialist shall contact the school district that the child attends to obtain background information from school personnel regarding family background, education records, any services previously provided, and any recommended trauma informed strategies.
 3. Upon developing a diversion agreement, the court designated specialist shall make all details of the agreement accessible to all members of the family, accountability, intervention, and response team through an electronic platform provided by the Administrative Office of the Courts;
- (9) (a) If a child successfully completes a diversion agreement, the underlying complaint shall be dismissed and further action related to that complaint shall be prohibited.
 - (b) If a child fails to appear for a preliminary intake inquiry, declines to enter into a diversion agreement, or fails to complete a diversion agreement, then:
 1. For a public offense complaint, the matter shall be referred to the county attorney for formal court action and, if a petition is filed, the child may request that the court dismiss the complaint based upon his or her substantial compliance with the terms of diversion; and
 2. For a status offense complaint, *except as provided for in subparagraph 3. of this paragraph*, the court-designated worker shall refer the matter to the family accountability, intervention, and response team for review and further action; *and*
 3. *For a status offense complaint alleging truancy for which the child failed diversion in accordance with subsection (8)(b)1.a.ii. of this section, the matter shall immediately be referred to the county attorney for formal court action.*
 - (c) If the child enters into a diversion agreement or is referred to the family accountability, intervention, and response team for truancy and there is no action implemented by the family accountability, intervention, and response team within *thirty (30)*~~ninety (90)~~ days, The family accountability, intervention, and response team shall report to the court the reasons for inaction and shall provide a plan for action on the child's case. The court shall review on the record any diversion agreement and any report, without the attendance or appearance of the child, at regular intervals at the court's discretion to verify family accountability, intervention, and response team member attendance, team accountability, and performance.
 - (d) If a child fails to appear for a preliminary intake inquiry or fails to complete a diversion agreement due to lack of parental cooperation, the court-designated worker shall make a determination that the child failed to complete the diversion due to lack of parent cooperation;
- (10) If a complaint is referred to the court, the complaint and findings of the court-designated worker's preliminary intake inquiry shall be submitted to the court for the court to determine whether process should issue;
 - (11) If the court receives a report with a determination that the diversion is failed due to lack of parental cooperation, the court may order parental cooperation and refer the case back to the court-designated worker. The child shall not be detained upon this finding; and
 - (12) At any stage in the proceedings described in this section, the court or the county attorney may review any decision of the court-designated worker. The court upon its own motion or upon written request of the county attorney may refer any complaint for a formal hearing.

➔Section 3. KRS 630.050 is amended to read as follows:

Before commencing any judicial proceedings on any complaint alleging the commission of a status offense, *except as permitted under subsection (6) of Section 2 of this Act*, the party or parties seeking such court action shall meet for a conference with a court-designated worker for the express purpose of determining whether or not:

- (1) To refer the matter to the court by assisting in the filing of a petition under KRS 610.020;

- (2) To refer the child and his family to a public or private social service agency. The court-designated worker shall make reasonable efforts to refer the child and his family to an agency before referring the matter to court; or
- (3) To enter into a diversionary agreement.

Became law without Governor's signature April 10, 2024.

CHAPTER 164

(HB 174)

AN ACT relating to patient medical records.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 422 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "personal representative" means an individual who has authority under state law to make health care decisions for a patient.*
- (2) *The parent of a patient who is under the age of eighteen (18), or a patient's personal representative on behalf of the patient who is under the age of eighteen (18), shall have the right to access the patient's health information maintained by a health care provider in a medical record unless prohibited under the federal Health Insurance Portability and Accountability Act of 1996 or any other federal or state law.*

➔Section 2. KRS 311.6225 is amended to read as follows:

- (1) An adult with decisional capacity, an adult's legal surrogate, or a responsible party may complete a medical order for scope of treatment directing medical interventions. The form shall have the title "**Kentucky MOST**, Medical Orders for Scope of Treatment" and an introductory section containing the patient's name and date of birth~~[, the effective date of the form, including the statement "Form must be reviewed at least annually"]~~ and the statements:
 - (a) *"The MOST form is voluntary.";*
 - (b) *"A patient is not required to complete a MOST form.";*
 - (c) *"A patient with capacity or their legal representative may void a MOST form any time by communicating that intent to the health care provider.";*
 - (d) *"The original form is the personal property of the patient.";*
 - (e) *"A facsimile, paper, or electronic copy is a legally valid form.";*
 - (f) *"HIPAA permits disclosure of MOST to ~~other~~ health care professionals as necessary **for treatment**.";* and
 - (g) *"~~[This document is based on this person's medical condition and wishes.]~~ Any section not completed **does not invalidate the form and** indicates a preference for full treatment for that section.".*
- (2) The *remainder of the* form shall be in substantially the following order and format and shall have the following contents:
 - (a) Section A of the form shall direct cardiopulmonary resuscitation when a person has no pulse and is not breathing by selection of one (1) of the following:
 - 1. "Attempt Resuscitation (CPR)"; or
 - 2. "Do Not Attempt Resuscitation"; and
 include the statement "When not in cardiopulmonary arrest, follow orders in B, C, and D.";
 - (b) Section B of the form shall direct the *medical interventions*~~[scope of treatment]~~ when a person has a pulse or is breathing by selection of one (1) of the following:
 - 1. Full ~~[scope of]~~ treatment, *required if CPR is chosen in Section A*, including *providing appropriate medical and surgical treatments as indicated to attempt to prolong life, including*

intensive care. This option shall include the statement "Goal: Attempt to sustain life by all medically effective means~~[the use of intubation, advanced airway interventions, mechanical ventilation, defibrillation or cardioversion as indicated, medical treatment, intravenous fluids, and comfort measures. This option shall include the statement "Transfer to a hospital if indicated. Includes intensive care. Treatment Plan: Full treatment, including life support measures]."~~

2. Limited additional intervention, *which may include use of non-invasive positive airway pressure, antibiotics, and IV fluids as indicated, and requires avoidance of intensive care and transfer to a hospital if treatment needs cannot be met in the current location. This option shall include the statement "Goal: Attempt to restore function while avoiding intensive care and resuscitation efforts (ventilator, defibrillation, and cardioversion)*~~[including the use of medical treatment, oral and intravenous medications, intravenous fluids, cardiac monitoring as indicated, noninvasive bi level positive airway pressure, a bag valve mask, and comfort measures. This option excludes the use of intubation or mechanical ventilation. This option shall include the statement "Transfer to a hospital if indicated. Avoid intensive care. Treatment Plan: Provide basic medical treatments]."~~; or
3. Comfort measures, including *use of oxygen, suction, and manual treatment of airway obstruction as needed for comfort, avoidance of treatments listed in full or limited additional interventions and transfer to a hospital only if comfort cannot be achieved in the current setting. This option shall include the statement "Goal: Maximize comfort through symptom management; allow natural death*~~[keeping the patient clean, warm, and dry; use of medication by any route; positioning, wound care, and other measures to relieve pain and suffering; and the use of oxygen, suction, and manual treatment of airway obstruction as needed for comfort. This option shall include the statement "Do not transfer to a hospital unless comfort needs cannot be met in the patient's current location (e.g. hip fracture)]."~~

~~These options shall be followed by a space for other instructions];~~

- (c) Section C of the form shall direct the use of *artificially administered fluids and nutrition, including always offering food and fluids by mouth as tolerated, and shall include a statement that medically assisted nutrition and hydration when it cannot reasonably be expected to prolong life, would be more burdensome than beneficial, or would cause significant physical discomfort. The following options shall be provided:*
 1. *No artificial nutrition by tube;*
 2. *Trial period of artificial nutrition by tube. This option shall be followed by: "Goal.....";*
or
 3. *Long-term artificial nutrition and hydration by tube*~~[oral and intravenous antibiotics by selection of one (1) of the following:~~
 1. ~~Antibiotics if indicated for the purpose of maintaining life;~~
 2. ~~Determine use or limitation of antibiotics when infection occurs;~~
 3. ~~Use of antibiotics to relieve pain and discomfort; or~~
 4. ~~No antibiotics, use other measures to relieve symptoms.~~~~— This option shall include a space for other instructions];~~
- (d) Section D of the form shall *direct the use of antibiotics. The following options shall be provided:*
 1. *Use of antibiotics as medically indicated; or*
 2. *No antibiotics;*
- (e) *A section of the form shall provide space to include any additional treatment preferences;*
- (f) *A section of the form shall be titled "Attestation by a Licensed Health Care Professional" and shall include:*
 1. *Space for the printed name and the signature of the licensed health care professional and the date of completion; and*
 2. *A statement that in completing the form the licensed health care professional is attesting that:*

- a. *He or she has reviewed the patient's pre-existing advance directive and found it in accordance with the selections on the MOST form; or*
 - b. *The patient does not have a pre-existing advance directive;*
- (g) *A section of the form shall be titled "Signature: Patient or Patient Representative (E-Signed Documents Are Valid)" and shall include:*
- 1. *The printed name, signature, and contact telephone number of the patient, surrogate, or responsible party;*
 - 2. *An indication that the signing party is the:*
 - a. *Adult patient with decisional capacity;*
 - b. *Surrogate decision maker per advance directive; or*
 - c. *Responsible party in accordance with KRS 311.631; and*
 - 3. *The following statements:*
 - a. *"I agree that adequate information has been provided and significant thought has been given to decisions outlined in this form. Treatment preferences have been expressed to the physician. This document reflects those treatment preferences and indicates informed consent. If signed by a surrogate or responsible party, the preferences expressed reflect the patient's wishes as best understood by that surrogate or responsible party."; and*
 - b. *"Your signature is not required on this form to receive treatment.";*
- (h) *A section of the form shall be titled "Physician Signature (E-Signed Documents Are Valid)" and shall include:*
- 1. *Space for the physician's printed name, signature, contact telephone number, and the effective date; and*
 - 2. *The following statement: "My signature below indicates that I or my designee have discussed with the patient, the patient's surrogate, or the responsible party, the patient's goals and available treatment options based on the patient's medical conditions. My signature below indicates to the best of my knowledge, that these orders indicated on this form are consistent with the patient's current medical condition and preferences.";*
- ~~(i)1. Have the heading "Medically Administered Fluids and Nutrition: The provision of nutrition and fluids, even if medically administered, is a basic human right and authorization to deny or withdraw shall be limited to the patient, the surrogate in accordance with KRS 311.629, or the responsible party in accordance with KRS 311.631.";~~
- ~~2. Direct the administration of fluids if physically possible as determined by the patient's physician in accordance with reasonable medical judgment and in consultation with the patient, surrogate, or responsible party by selecting one (1) of the following:~~
- ~~a. Long term intravenous fluids if indicated;~~
 - ~~b. Intravenous fluids for a defined trial period. This option shall be followed by "Goal:....."; or~~
 - ~~c. No intravenous fluids, provide other measures to ensure comfort; and~~
- ~~3. Direct the administration of nutrition if physically possible as determined by the patient's physician in accordance with reasonable medical judgment and in consultation with the patient, surrogate, or responsible party by selecting one (1) of the following:~~
- ~~a. Long term feeding tube if indicated;~~
 - ~~b. Feeding tube for a defined trial period. This option shall be followed by "Goal:....."; or~~
 - ~~c. No feeding tube. This option shall be followed by a space for special instructions;~~
- ~~(e) Section E of the form shall:~~

- ~~1. Have the heading "Patient Preferences as a Basis for this MOST Form" and shall include the language "Basis for order must be documented in medical record";~~
 - ~~2. Provide direction to indicate whether or not the patient has an advance medical directive such as a health care power of attorney or living will and, if so, a place for the printed name, position, and signature of the individual certifying that the MOST is in accordance with the advance directive; and~~
 - ~~3. Indicate whether oral or written directions were given and, if so, by which one (1) or more of the following:

 - ~~a. Patient;~~
 - ~~b. Parent or guardian if patient is a minor;~~
 - ~~c. Surrogate appointed by the patient's advance directive;~~
 - ~~d. The judicially appointed guardian of the patient, if the guardian has been appointed and if medical decisions are within the scope of the guardianship;~~
 - ~~e. The attorney in fact named in a durable power of attorney, if the durable power of attorney specifically includes authority for health care decisions;~~
 - ~~f. The spouse of the patient;~~
 - ~~g. An adult child of the patient or, if the patient has more than one (1) child, the majority of the adult children who are reasonably available for consultation;~~
 - ~~h. The parents of the patient; and~~
 - ~~i. The nearest living relative of the patient or, if more than one (1) relative of the same relation is reasonably available for consultation, a majority of the nearest living relatives;~~~~
- ~~(f) A signature portion of the form shall include spaces for the printed name, signature, and date of signing for:~~
- ~~1. The patient's physician;~~
 - ~~2. The patient, parent of minor, guardian, health care agent, surrogate, spouse, or other responsible party, with a description of the relationship to the patient and contact information, unless based solely on advance directive; and~~
 - ~~3. The health care professional preparing the form, with contact information;~~
- ~~(g) A section of the form shall be titled "Information for patient, surrogate, or responsible party named on this form" with the following language:~~
- ~~1. "The MOST form is always voluntary and is usually for persons with advanced illness. MOST records your wishes for medical treatment in your current state of health. The provision of nutrition and fluids, even if medically administered, is a basic human right and authorization to deny or withdraw shall be limited to the patient, the surrogate in accordance with KRS 311.629, or the responsible party in accordance with KRS 311.631.";~~
 - ~~2. "***KRS 311.631: Responsible parties authorized to make health care decisions: (1) The judicially appointed guardian of the patient; (2) The health care power of attorney; (3) The spouse of the patient; (4) An adult child of the patient, or if the patient has more than one child, the majority of the adult children who are reasonably available for consultation; (5) The parents of the patient; (6) The nearest living relative of the patient, or if more than one relative of the same relation is reasonably available for consultation, a majority of the nearest living relatives.***"; and~~
 - ~~3. "Once initial medical treatment is begun and the risks and benefits of further therapy are clear, your treatment wishes may change. Your medical care and this form can be changed to reflect your new wishes at any time. However, no form can address all the medical treatment decisions that may need to be made. An advance directive, such as the Kentucky Health Care Power of Attorney, is recommended for all capable adults, regardless of their health status. An advance directive allows you to document in detail your future health care instructions or name a surrogate to speak for you if you are unable to speak for yourself, or both. If there are conflicting~~

directions between an enforceable living will and a MOST form, the provisions of the living will shall prevail.";

(j)(4) A section of the form shall be titled "Directions for Completing and Implementing Form" with these four (4) subdivisions:

1. The first subdivision shall be titled "Completing MOST" and shall have the following language:

"MOST must be reviewed~~[, prepared,]~~ and signed by the patient's physician~~[in personal communication with the patient, the patient's surrogate, or responsible party].~~

MOST must be reviewed and contain the original ~~for electronic~~ signature of the patient's physician to be valid. Be sure to document the basis in the progress notes of the medical record. Mode of communication (e.g., in person, by telephone, etc.) should also be documented.

The signature of the patient, surrogate, or a responsible party is required; however, if the patient's surrogate or a responsible party is not reasonably available to sign the original form, a copy of the completed form with the signature or electronic signature of the patient's surrogate or a responsible party must be signed by the patient's physician and placed in the medical record.

~~[Use of original form is required. Be sure to send the original form with the patient.]~~

Copies of the original form are equally as valid as the original form.

There is no requirement that a patient have a MOST.";

2. The second subdivision shall be titled "Implementing MOST" and shall have the following language: "If a health care provider or facility cannot comply with the orders due to policy or personal ethics, the provider or facility must arrange for transfer of the patient to another provider or facility.";

3. The third subdivision shall be titled "Reviewing MOST" and shall have the following language:

"This MOST must be reviewed at least annually, ***at any time the patient or patient's representative requests, and when***~~[or earlier if]:~~

The patient is admitted and/or discharged from a health care facility;

There is a substantial change in the patient's health status; or

The patient's treatment preferences change.

If MOST is revised or becomes invalid, draw a line through Sections A-~~D[E]~~ and write "VOID" in large letters."; and

4. The fourth subdivision shall be titled "Revocation of MOST" and shall have the following language: "This MOST may be revoked by the patient~~[, the surrogate,]~~ or the responsible party."; and

(k)(4) A section of the form shall be titled "Review of MOST" and shall have the following columns and a number of rows as determined by the Kentucky Board of Medical Licensure:

1. "Review Date";

2. "Reviewer (*print*)~~[and Location of Review]~~";

3. "***Physician***~~[MD/DO]~~ Signature~~[(Required)]~~";

4. "Signature of Patient, Surrogate, or Responsible Party~~[(Required)]~~"; and

5. "Outcome of Review, describing the outcome in each row by selecting one (1) of the following:

a. No Change; ***or***

b. FORM VOIDED~~[, new form completed; or~~

c. ~~FORM VOIDED, no new form]~~".

(3)(2) The Kentucky Board of Medical Licensure shall promulgate administrative regulations in accordance with KRS Chapter 13A to develop:

- (a) The format for a standardized medical order for scope of treatment form to be approved by the board, including spacing, size, borders, fill and location of boxes, type of fonts used and their size, and placement of boxes on the front or back of the form so as to fit on a single sheet. The board shall create an electronically fillable version of the MOST form that can be accessed on the board's ~~website~~ *website*. The board may not alter the wording or order of wording provided in *subsection (1) or (2)* ~~subsection (1)~~ of this section, except to provide translated versions of the MOST form or add identifying data such as form number and date of promulgation or revision and instructions for completing, reviewing, and revoking the election of the form; *and*
- (b) *A guide to advance care planning that describes the following three (3) options for advance care planning:*
1. *An advance directive as defined in KRS 311.621;*
 2. *A power of attorney including advance health care instructions; and*
 3. *A medical order for scope of treatment.*
- (4) The board shall:
- (a) Provide a translation of the MOST form in print and in an electronically fillable version into Spanish, and other languages as needed;
 - (b) *Provide a translation of the guide to advance care planning into Spanish, and other languages as needed; and*
 - (c) *Make the MOST form and the guide to advance care planning accessible on its website.*
- (5) The board shall consult with appropriate professional organizations to develop the format for the medical order for scope of treatment form *and the guide to advance care planning*, including:
- (a) The Kentucky Association of Hospice and Palliative Care;
 - (b) The Kentucky Board of Emergency Medical Services;
 - (c) The Kentucky Hospital Association;
 - (d) The Kentucky Association of Health Care Facilities;
 - (e) LeadingAge Kentucky;
 - (f) The Kentucky Right to Life Association; and
 - (g) Other groups interested in end-of-life care.
- ~~(3) The medical order for scope of treatment form developed under subsection (2) of this section shall include but not be limited to:~~
- ~~(a) An advisory that completing the medical order for scope of treatment form is voluntary and not required for treatment;~~
 - ~~(b) Identification of the person who discussed and agreed to the options for medical intervention that are selected;~~
 - ~~(c) All necessary information necessary to comply with subsection (1) of this section;~~
 - ~~(d) The effective date of the form;~~
 - ~~(e) The expiration or review date of the form, which shall be no more than one (1) calendar year from the effective date of the form;~~
 - ~~(f) Indication of whether the patient has a living will directive or health care power of attorney, a copy of which shall be attached to the form if available;~~
 - ~~(g) An advisory that the medical order for scope of treatment may be revoked by the patient, the surrogate, or a responsible party at any time; and~~
 - ~~(h) A statement written in boldface type directly above the signature line for the patient that states "You are not required to sign this form to receive treatment."~~
- ~~(4) A physician shall document the medical basis for completing a medical order for scope of treatment in the patient's medical record.~~

- (5) ~~The patient, the surrogate, or a responsible party shall sign the medical order for scope of treatment form; however, if it is not practicable for the patient's surrogate or a responsible party to sign the original form, the surrogate or a responsible party shall sign a copy of the completed form and return it to the health care provider completing the form. The copy of the form with the signature of the surrogate or a responsible party, whether in electronic or paper form, shall be signed by the physician and shall be placed in the patient's medical record. When the signature of the surrogate or a responsible party is on a separate copy of the form, the original form shall indicate in the appropriate signature field that the signature is attached.~~
- (6) The MOST form may be electronic or printed on any color of paper and the form shall be honored on any color of paper.
- (7) *Health care professionals are encouraged to provide a copy of the guide to advance care planning to the patient, surrogate, or responsible party at the time a MOST form is being completed.*

Became law without Governor's signature April 10, 2024.

CHAPTER 165

(SB 2)

AN ACT relating to student safety.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, a "Kentucky guardian" or "guardian" means an employee of a local board of education who is employed for the purpose of providing school safety and security to students and staff on a school site. A person providing services as a guardian may only include honorably discharged veterans, retired Kentucky state troopers, retired special and sworn law enforcement officers, and former federal law enforcement officers. A guardian certified by the Center for School Safety as having met all requirements of this section is deemed to be an authorized individual under KRS 527.070(3)(f) and may be armed with a firearm on school property.*
- (2) *Local boards of education may employ as many guardians as the board considers necessary for the safety and security of its schools.*
- (3) *Prior to hiring a guardian, the local board of education shall require the applicant to provide certification from the Center for School Safety that he or she meets all of the following minimum requirements:*
- (a) *Is a citizen of the United States and the Commonwealth of Kentucky;*
 - (b) *Has received a high school diploma or a High School Equivalency Diploma;*
 - (c) *Is currently licensed under KRS 237.110 to carry a concealed weapon;*
 - (d) *Has completed and passed background checks as required pursuant to KRS 160.380(6)(a), and has not been convicted of any felony, any misdemeanor under KRS 510.120, 510.130, 510.140, or 510.148, or a criminal attempt, conspiracy, facilitation, or solicitation to commit any degree of rape, sodomy, sexual abuse, or sexual misconduct under KRS Chapter 510, or have had any offense listed in this paragraph expunged;*
 - (e) *Has passed a medical examination completed by a licensed physician, physician assistant, or advanced practice registered nurse to determine if he or she can perform the duties of a guardian;*
 - (f) *Has passed a drug screening test administered or approved by the Kentucky Law Enforcement Council. A person shall be deemed to have passed a drug screening test if the results of the test are negative for the use of an illegal controlled substance or prescription drug abuse;*
 - (g) *Has passed the following examinations administered by the Kentucky Law Enforcement Council:*
 1. *A background investigation to determine the person's suitability for the position of guardian;*

2. *A psychological suitability screening to determine the person's suitability to perform guardian duties; and*
3. *A polygraph examination to determine the person's suitability to perform guardian duties;*
- (h) *Has passed the following courses provided by the Department of Criminal Justice Training:*
 1. *Active Shooter Response;*
 2. *Enhanced Handgun Performance; and*
 3. *Patrol Rifle;*
- (i) *Has passed the marksmanship qualification requirement for a retired peace officer as specified in KRS 237.140;*
- (j) *Has been honorably discharged from the Armed Forces of the United States within the five (5) years immediately preceding an initial contract to be a guardian as evidenced by a Department of Defense form DD 214, or is a retired Kentucky state trooper, retired special or sworn law enforcement officer, or former federal law enforcement officer. Each agency that employed a retired Kentucky state trooper, retired special law enforcement officer, or sworn law enforcement officer shall provide to the retired individual proof of prior employment in a prompt and efficient manner, without charge to the individual; and*
- (k) *Has met any other requirements imposed by the local board of education, which may include but are not limited to a preemployment written examination.*
- (4) *Each guardian shall be required to complete annual firearm proficiency testing and shall meet the standard in the same manner as set forth in KRS 237.140(4)(a) to (c).*
- (5) *Each guardian shall be required to complete the course requirements for School Resource Officer Training I (SRO I) as set forth in subsection (8) of Section 4 of this Act.*
- (6) *The employing local board of education may require the completion of any additional courses and training as determined to be necessary by the board.*
- (7) *Any cost associated with subsections (3) to (6) of this section shall be the responsibility of the guardian unless otherwise agreed to by the employing local board of education. The Kentucky Law Enforcement Council shall not charge more to guardians for tests, assessments, or training completed than what is customarily charged to any other type of applicant tested, assessed, or trained by the council.*
- (8) *A local board of education employing a guardian shall collaborate with the local police department, local sheriff, area post of the Department of Kentucky State Police, and the state school security marshal in order to adopt school district policy regarding:*
 - (a) *The job description of the guardian, including but not limited to the scope of duties, responsibilities, and direct supervisor of the guardian;*
 - (b) *The uniform to be worn by guardians that would best suit the needs of the schools while also allowing outside agencies to easily identify guardians;*
 - (c) *The procedures, processes, and chain of command to be used during an emergency in which law enforcement agencies are called to the school; and*
 - (d) *The type of firearm and ammunition to be used by the guardian, if any.*
- (9) *A local board of education shall be immune from civil or criminal liability in all claims arising out of any action of a guardian.*
- (10) *Guardians shall possess all the immunities and defenses now available or hereafter made available under state law to sheriffs, constables granted peace officer powers, and police officers in any suit brought against them in consequence of acts done in the course of their employment.*
- (11) *Nothing in this section requires a local board of education to hire or provide guardians. Participation by a local board of education in the use of a guardian is voluntary and subject to the availability of local school district funds. Any local board of education that opts to participate shall do so at its own expense.*

➔Section 2. KRS 158.442 is amended to read as follows:

- (1) The General Assembly hereby authorizes the establishment of the Center for School Safety. The center's mission shall be to serve as the central point for data analysis; research; dissemination of information about successful school safety and school security programs, best practices, training standards, research results, and new programs; and, in collaboration with the Department of Education and others, to provide technical assistance for safe schools.
- (2) To fulfill its mission, the Center for School Safety shall:
- (a) Establish a clearinghouse for information and materials concerning school violence prevention;
 - (b) Provide program development and implementation expertise and technical support to schools, law enforcement agencies, and communities, which may include coordinating training for administrators, teachers, students, parents, and other community representatives;
 - (c) Analyze the data collected in compliance with KRS 158.444;
 - (d) Research and evaluate school safety programs so schools and communities are better able to address their specific needs;
 - (e) Administer a school safety grant program for local districts as directed by the General Assembly;
 - (f) Promote the formation of interagency efforts to address discipline and safety issues within communities throughout the state in collaboration with other postsecondary education institutions and with local juvenile delinquency prevention councils;
 - (g) Prepare and disseminate information regarding best practices in creating safe and effective schools;
 - (h) Advise the Kentucky Board of Education on administrative policies and administrative regulations relating to school safety and security;
 - (i) ~~{Beginning July 1, 2020 and }~~By July 1 of each~~{ subsequent}~~ year, provide an annual report to the Governor, the Kentucky Board of Education, and the Interim Joint Committee on Education regarding the status of school safety in Kentucky, including the number and placement of school resource officers working in school districts in Kentucky and the source of funding and method of employment for each position in accordance with KRS 158.4414;
 - (j) Develop and implement a school safety coordinator training program based on national and state best practices in collaboration with the Kentucky Department of Education for school safety coordinators appointed pursuant to KRS 158.4412. The training shall be approved by the board of directors of the Center for School Safety and include instruction on at least the following:
 1. Policies and procedures for conducting emergency response drills using an all-hazards approach including hostage and active shooter situations;
 2. Identification and response to threats to school safety and security; and
 3. Preparing for, conducting, and reviewing school security risk assessments in accordance with KRS 158.4410;~~{ and}~~
 - (k) ***Develop and implement a system to provide certification to school districts that the center has verified that:***
 1. ***A potential Kentucky guardian, as defined in Section 1 of this Act, has met all of the requirements of subsection (3) of Section 1 of this Act; and***
 2. ***Individuals employed as guardians meet the requirements of subsections (4) and (5) of Section 1 of this Act, as necessary;***
 - (l) ***If funds are available, employ an individual whose job responsibilities include oversight of the guardian program, including but not limited to:***
 1. ***The requirements of paragraph (k) of this subsection; and***
 2. ***The creation of model policy to be used by local boards of education when adopting the policies in subsection (8) of Section 1 of this Act;***
 - (m) ***Administer and oversee the School Mapping Data Program established pursuant to Section 11 of this Act; and***

- (n) Award a school safety coordinator certificate of completion to a school safety coordinator upon satisfactory completion of the training program.
- (3) The Center for School Safety shall be governed by a board of directors consisting of fifteen (15) members. Members shall consist of:
- (a) The commissioner or a designee of the Department of Education;
 - (b) The secretary or a designee of the Cabinet for Health and Family Services;
 - (c) The commissioner or a designee of the Department for Behavioral Health, Developmental and Intellectual Disabilities;
 - (d) The commissioner or a designee of the Department of Kentucky State Police;
 - (e) The commissioner or a designee of the Department of Criminal Justice Training;
 - (f) The executive director or a designee of the Kentucky Office of Homeland Security;
 - (g) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky League of Cities;
 - (h) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky School Boards Association;
 - (i) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky Association of School Superintendents;
 - (j) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky Association of School Resource Officers;
 - (k) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky Education Association;
 - (l) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky School Nurses Association;
 - (m) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky Association for Psychology in the Schools;
 - (n) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky School Counselor Association; and
 - (o) A representative which shall be appointed by the Governor from one (1) list of three (3) names submitted by the Kentucky Parent Teacher Association.
- (4) Notwithstanding KRS 12.028, the Center for School Safety and its board of directors shall not be subject to reorganization by the Governor.

➔Section 3. KRS 158.441 is amended to read as follows:

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

- (1) "Intervention services" means any preventive, developmental, corrective, supportive services or treatment provided to a student who is at risk of school failure, is at risk of participation in violent behavior or juvenile crime, or has been expelled from the school district. Services may include, but are not limited to, screening to identify students at risk for emotional disabilities and antisocial behavior; direct instruction in academic, social, problem solving, and conflict resolution skills; alternative educational programs; psychological services; identification and assessment of abilities; counseling services; medical services; day treatment; family services; work and community service programs;
- (2) "Kentucky State Police school resource officer" or "KSPSRO" means a Kentucky State Police officer, CVE R Class, or Trooper R Class, as defined in KRS 16.010, who is employed by a school district as a school resource officer, as defined in this section, through a contract as secondary employment for the officer;
- (3) "School activities" means official school functions held on school property, including student attendance days as defined in KRS 158.070, athletic events, and graduation;
- (4) "School property" means any public school building, public school vehicle, public school campus, grounds, recreational area, or athletic field in the charge of the school district;

- (5) "School resource officer" or "SRO" means an officer whose primary job function is to work with youth at a school site as described in KRS 158.4414, who has specialized training to work with youth at a school site pursuant to KRS 158.4414, and who is:
- (a)
 1. A sworn law enforcement officer *certified under KRS 15.380 to 15.404*;
 2. A special law enforcement officer appointed pursuant to KRS 61.902 *and certified under KRS 15.380 to 15.404*; or
 3. A police officer appointed pursuant to KRS 158.471; and
 - (b) Employed:
 1. Through a contract between a local law enforcement agency and a school district;
 2. Through a contract as secondary employment for an officer, as defined in KRS 16.010, between the Department of Kentucky State Police and a school district; or
 3. Directly by a local board of education;
- (6) "School safety" means a program of prevention that protects students and staff from substance abuse, violence, bullying, theft, the sale or use of illegal substances, exposure to weapons and threats on school grounds, and injury from severe weather, fire, and natural disasters; and
- (7) "School security" means procedures followed and measures taken to ensure the security of school buildings, classrooms, and other school facilities and properties.

➔Section 4. KRS 158.4414 is amended to read as follows:

- (1) Local boards of education, school district superintendents, administrators of state-controlled facilities, and local and state law enforcement agencies shall cooperate to assign ~~by August 1, 2022,~~ one (1) or more certified school resource officers to serve each campus where one (1) or more school buildings are used to deliver instruction to students on a continuous basis.
- (2) Local boards of education shall ensure, for each campus in the district, that at least one (1) certified school resource officer is assigned to and working on-site full-time in the school building or buildings on the campus. If sufficient funds and qualified personnel are not available for this purpose for every campus, the local board of education shall fulfill the requirements of this subsection on a per campus basis, as approved in writing by the state school security marshal, until a certified school resource officer is assigned to and working on-site full-time on each campus in the district.
- (3) *Beginning with the 2025-2026 school year, a local board of education that is unable to meet the requirement of subsection (2) of this section may, after consultation with and approval by the state school security marshal, employ one (1) or more guardians pursuant to Section 1 of this Act to provide safety and security measures for schools within the district. The use of guardians under this subsection shall not be used to replace the certified school resource officer required under subsection (2) of this section, but only to provide safety and security resources until a certified school resource officer is available.*
- (4) *Beginning with the 2025-2026 school year, a local board of education that has met the requirement of subsection (2) of this section may employ one (1) or more guardians pursuant to Section 1 of this Act to provide additional school safety and security measures within the district.*
- (5) Local boards of education utilizing a school resource officer employed by a law enforcement agency or the Department of Kentucky State Police shall enter into a memorandum of understanding with the law enforcement agency or the Department of Kentucky State Police that specifically states the purpose of the school resource officer program and clearly defines the roles and expectations of each party involved in the program. The memorandum shall provide that the school resource officer shall not be responsible for school discipline matters that are the responsibility of school administrators or school employees.
- ~~(6)(4)~~ Local boards of education utilizing a school resource officer employed directly by the local board of education shall adopt policies and procedures that specifically state the purpose of the school resource officer program and clearly define the roles and expectations of school resource officers and other school employees.
- ~~(7)(5)~~ In accordance with KRS 61.926, 527.020, and 527.070, as applicable, each school resource officer shall be armed with a firearm, notwithstanding any provision of local board policy, local school council policy, or memorandum of agreement.

- ~~(8)(6)~~ ~~{On or before January 1, 2020, }~~The Kentucky Law Enforcement Council, in collaboration with the Center for School Safety, shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish, *update, and maintain* three (3) levels of training for certification of school resource officers *as follows*~~{ first employed as a school resource officer on or after March 11, 2019}~~: School Resource Officer Training I (SRO I), School Resource Officer Training II (SRO II), and School Resource Officer Training III (SRO III). Each level shall consist of forty (40) hours of training, with SRO I to be completed within one (1) year of the date of the officer's employment and SRO II and SRO III within the subsequent two (2) years.
- ~~(9)(7)~~ Course curriculum for school resource officers ~~{employed on or after March 11, 2019, }~~shall include but not be limited to:
- (a) Foundations of school-based law enforcement;
 - (b) Threat assessment and response;
 - (c) Youth drug use and abuse;
 - (d) Social media and cyber security;
 - (e) School resource officers as teachers and mentors;
 - (f) Youth mental health awareness;
 - (g) Diversity and bias awareness training;
 - (h) Trauma-informed action;
 - (i) Understanding students with special needs; and
 - (j) De-escalation strategies.
- ~~(10)(8)~~ ~~{Effective January 1, 2020, }~~All school resource officers with active school resource officer certification status shall successfully complete forty (40) hours of annual in-service training that has been certified or recognized by the Kentucky Law Enforcement Council for school resource officers.
- ~~(11)(9)~~ In the event of extenuating circumstances beyond the control of an officer that prevent the officer from completing the in-service training within one (1) year, the commissioner of the Department of Criminal Justice Training or a designee may grant the officer an extension of time, not to exceed one hundred eighty (180) days, in which to complete the training.
- ~~(12)(10)~~ Any school resource officer who fails to successfully complete training requirements within the specified time periods, including any approved time extensions, shall lose his or her school resource officer certification and shall no longer serve in the capacity of a school resource officer in a school.
- ~~(13)(11)~~ When a school resource officer is deficient in required training, the commissioner of the Department of Criminal Justice Training or his or her designee shall notify the council, which shall notify the officer and the officer's employing agency.
- ~~(14)(12)~~ A school resource officer who has lost school resource officer certification due solely to the officer's failure to meet the training requirements of this section may regain certification status as a school resource officer and may resume service in the capacity of a school resource officer in a school setting upon successful completion of the training deficiency.
- ~~(15)(13)~~ No later than November 1 of each year, the local school district superintendent shall report to the Center for School Safety the number and placement of school resource officers in the district. The report shall include the source of funding and method of employment for each position.
- ~~(16)(14)~~ Nothing in this section shall be interpreted or construed to require a local government or any of its agencies or offices to fund the school resource officer positions required of local boards of education under this section. For purposes of this subsection, "local government" has the same meaning as in KRS 65.8840.
- ~~(17)(15)~~ Nothing in this section shall prevent a private or parochial school from entering into a memorandum of understanding with a local law enforcement agency or the Department of Kentucky State Police to provide school resource officers employed by the local law enforcement agency or the Department of Kentucky State Police.
- ➔Section 5. KRS 158.4416 is amended to read as follows:

- (1) For purposes of this section:

- (a) *"Direct services" means in-person or virtual services provided directly to a student by a school counselor, including but not limited to individual counseling, group counseling, and individual student planning, scheduling, and registration;*
- (b) *"Indirect services" means services provided on behalf of a student as a result of interactions with others, including but not limited to consultation and collaboration with parents, teachers, and other educators;*
- (c) "School counselor" means an individual who holds a valid school counselor certificate issued in accordance with the administrative regulations of the Education Professional Standards Board;
- (d)~~(b)~~ *"School psychologist" means an individual who holds a valid school psychology certificate issued in accordance with the administrative regulations of the Education Professional Standards Board;*
- (e) *"School social worker" means an individual who holds a valid school social work certificate issued in accordance with the administrative regulations of the Education Professional Standards Board;*
- (f) "School-based mental health services provider" means a ~~licensed or~~ certified school counselor, school psychologist, school social worker, or other qualified mental health professional as defined in KRS 202A.011; ~~and~~
- (g)~~(e)~~ *"Trauma" means physical, emotional, or life-threatening harm; and*
- (h) "Trauma-informed approach" means incorporating principles of trauma awareness and trauma-informed practices~~, as recommended by the federal Substance Abuse and Mental Health Services Administration,~~ in a school in order to foster a safe, stable, and understanding learning environment for all students and staff and ensuring that all students are known well by at least one (1) adult in the school setting.
- (2) The General Assembly recognizes that all schools must provide a place for students to feel safe and supported to learn throughout the school day, and that any trauma a student may have experienced can have a significant impact on the ability of a student to learn. The General Assembly directs all public schools to adopt a trauma-informed approach to education in order to better recognize, understand, and address the learning needs of students impacted by trauma and to foster a learning environment where all students, including those who have been traumatized, can be safe, successful, and known well by at least one (1) adult in the school setting. ***The requirements of this subsection shall apply to public charter schools as a health and safety requirement under KRS 160.1592(1).***
- (3) (a) ~~Beginning July 1, 2021, or~~ As funds and qualified personnel become available:
1. Each school district and each public charter school shall employ at least one (1) school counselor in each school with the goal of the school counselor spending ***at least*** sixty percent (60%) or more of his or her time providing ***direct services***~~{counseling and related services directly}~~ to students ***and no more than forty percent (40%) of his or her time providing indirect services to students***; and
 2. It shall be the goal that each school district and each public charter school shall provide at least one (1) school counselor or school-based mental health services provider who is employed by the school district for every two hundred fifty (250) students, including but not limited to the school counselor required in subparagraph 1. of this paragraph.
- (b) A school counselor or school-based mental health services provider at each school shall ***be the facilitator***~~{facilitate the creation}~~ of a trauma-informed team to identify and assist students whose learning, behavior, and relationships have been impacted by trauma. The trauma-informed team may consist of school administrators, school counselors, ***school psychologists, school social workers, school-based mental health services providers, community-based mental health services providers hired by the district,*** family resource and youth services coordinators, school nurses, ***school resource officers,*** and any other school or district personnel.
- (c) ***The trauma-informed team shall:***
1. ***Provide assistance to school personnel to enable them to support students whose learning, behavior, and relationships have been impacted by trauma;***
 2. ***Identify ways to recognize and respond to mental health issues in all students;***

3. *Identify ways to build resiliency and wellness in all students;*
4. *Compile an annual record of its activities during the course of the school year to be used in the annual comprehensive school improvement plan process required by 703 KAR 5:225; and*
5. *Submit the record created in accordance with subparagraph 4. of this paragraph to the department.*

~~(d)(e)~~ Each school counselor or school-based mental health services provider providing services pursuant to this section, and the trauma-informed team members described in paragraph (b) of this subsection, shall provide training, guidance, and assistance to other administrators, teachers, and staff on:

1. Recognizing symptoms of trauma in students;
2. Utilizing interventions and strategies to support the learning needs of those students; and
3. Implementing ~~the~~~~a~~ plan for a trauma-informed approach as described in subsection (5) of this section.

~~(e)(d)~~ 1. School districts may employ or contract for the services of school-based mental health services providers to assist with the development and implementation of a trauma-informed approach and the development of a trauma-informed team pursuant to this subsection and to enhance or expand student mental health support services as funds and qualified personnel become available.

2. School-based mental health services providers may provide services through a collaboration between two (2) or more school districts or between school districts and educational cooperatives or any other public or private entities, including but not limited to local or regional mental health day treatment programs.

~~(f)(e)~~ No later than November 1 *of each year*, ~~[2022, and each subsequent year,]~~ the local school district superintendent shall report to the department the number of school-based mental health service providers, the position held, placement in the district, certification or licensure held, the source of funding for each position, a summary of the job duties and work undertaken by each school-based mental health service provider, and the approximate percent of time devoted to each duty over the course of the year.

~~(g)(f)~~ The department shall annually compile and maintain a list of school-based mental health service providers by district which shall include the information required in paragraph ~~(f)(e)~~ of this subsection.

~~(h)(g)~~ No later than June 1 *of each year*, ~~[2023, and each subsequent year,]~~ the department shall provide the Interim Joint Committee on Education with the information reported by local school district superintendents and compiled in accordance with paragraph ~~(g)(f)~~ of this subsection.

(4) ~~[On or before July 1, 2020,]~~ The department ~~[of Education]~~ shall make available a toolkit that includes guidance, strategies, behavioral interventions, practices, and techniques to assist school districts and public charter schools in developing a trauma-informed approach in schools.

(5) ~~[On or before July 1, 2021,]~~ Each local board of education and board of a public charter school shall develop a plan for implementing a trauma-informed approach in its schools. The plan shall include but not be limited to strategies for:

- (a) Enhancing trauma awareness throughout the school community;
- (b) Conducting an assessment of the school climate, including but not limited to inclusiveness and respect for diversity;
- (c) Developing trauma-informed discipline policies;
- (d) Collaborating with the Department of Kentucky State Police, the local sheriff, and the local chief of police to create procedures for notification of trauma-exposed students; and
- (e) Providing services and programs designed to reduce the negative impact of trauma, support critical learning, and foster a positive and safe school environment for every student.

- (6) *The trauma-informed approach plan developed in accordance with subsection (5) of this section shall be reviewed and updated annually, incorporated into the annual comprehensive district improvement plan required by 703 KAR 5:225, and submitted to the department. The department shall annually provide a summary of the trauma-informed approach strategies being used in districts to the board and the Legislative Research Commission for referral to the Interim Joint Committee on Education.*

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

- (1) *The Kentucky Department of Education shall annually provide to the Kentucky Board of Education and the Legislative Research Commission for referral to the Interim Joint Committee on Education a summary of the data gathered pursuant to subsection (2)(a) to (c) of this section.*
- (2) *The department shall:*
- (a) *Collect the plans for a trauma-informed approach required by subsection (5) of Section 5 of this Act;*
 - (b) *Compile information from the 2020-2021 school year and each year thereafter regarding Medicaid billing for school-based mental health services provided by school-based or contracted mental health services providers;*
 - (c) *Compile and monitor the number and types of mental health services providers who are providing services in schools and the progress being made toward reaching the goal specified in subsection (3)(a) of Section 5 of this Act; and*
 - (d) *Coordinate technical assistance, professional development, and evidence-based training of school staff on childhood trauma-related experiences.*
- (3) *The department shall collaborate with the Center for School Safety to develop model interagency agreements between local school districts and other local public agencies, including but not limited to health departments, departments of social services, mental health agencies, and courts, in order to provide cooperative services and sharing of costs for services to students who are at risk of academic failure, at risk of mental health crises, at risk of participation in juvenile crime, or who have been expelled from the school district.*

➔Section 7. KRS 158.443 is amended to read as follows:

- (1) Each nonstate-government employee member of the board of directors for the Center for School Safety shall serve a term of four (4) years or until his or her successor is duly qualified. A member may be reappointed, but shall not serve more than two (2) consecutive terms.
- (2) The members who are nonstate-government employees shall be reimbursed for travel, meals, and lodging and expenses relating to official duties of the board from funds appropriated for this purpose.
- (3) The board of directors shall meet a minimum of four (4) times per year. The board of directors shall be attached to the Office of the Secretary of the Education and Labor Cabinet for administrative purposes.
- (4) The board of directors shall annually elect a chair and vice chair from the membership. The board may form committees as needed.
- (5) The board of directors shall appoint an executive director for the Center for School Safety and establish all positions for appointment by the executive director.
- (6) Using a request-for-proposal process, the board of directors shall select a public university or a nonprofit education entity to administer the Center for School Safety for a period of not less than four (4) years unless funds for the center are not appropriated or the board determines that the administrator for the center is negligent in carrying out its duties as specified in the request for proposal and contract. The administrator for the center shall be the fiscal agent for the center and:
- (a) Receive funds based on the approved budget by the board of directors and the General Assembly's appropriation for the center. The center shall operate within the fiscal policies of the administrator of the center and in compliance with policies established by the board of directors per the request for proposal and contract; and
 - (b) Employ the staff of the center who shall have the retirement and employee benefits granted other similar employees of the administrator of the center.
- (7) The board of directors shall annually approve:

- (a) A work plan for the center;
 - (b) A budget for the center;
 - (c) Operating policies as needed; and
 - (d) Recommendations for grants to local school districts and schools to assist in the development of programs and individualized approaches to work with violent, disruptive, or academically at-risk students, and consistent with provisions of KRS 158.445.
- (8) The board of directors shall prepare a biennial budget request to support the Center for School Safety and to provide program funds for local school district grants.
- (9) The board of directors shall additionally:
- (a) Approve a school safety coordinator training program developed by the Center for School Safety in accordance with KRS 158.442;
 - (b) Approve a school security risk assessment tool and updates as necessary in accordance with KRS 158.4410 to be incorporated by reference within an administrative regulation promulgated in accordance with KRS Chapter 13A; and
 - (c) ~~Within one (1) year of March 11, 2019,~~ Review the organizational structure and operations of the Center for School Safety and provide recommendations, as needed, for improvements in its organizational and operational performance.
- (10) The board shall *collaborate with the department as directed in subsection (3) of Section 6 of this Act*, to develop model interagency agreements between local school districts and other local public agencies, including *but not limited to* ~~[-, among others]~~, health departments, departments of social services, mental health agencies, and courts, in order to provide cooperative services and sharing of costs for services to students who are at risk of school failure, are at risk of participation in juvenile crime, or have been expelled from the school district.

➔Section 8. KRS 158.4451 is amended to read as follows:

- (1) ~~By July 1, 2019,~~ The Kentucky Office of Homeland Security, after collaborating with the Center for School Safety, the Kentucky Department of Education, the Department of Criminal Justice Training, and the Department of Kentucky State Police, shall make available to each local school district an anonymous reporting tool that allows students, parents, and community members to anonymously supply information concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials. The reporting tool shall be accessible at least by telephone call, electronic ~~email[- mail]~~, and a mobile device application.
- (2) The reporting tool shall notify the reporting individual of the following:
 - (a) The reporting individual may supply the information anonymously; and
 - (b) If the individual chooses to disclose his or her identity, that information shall be shared with the appropriate law enforcement agency and school officials. Law enforcement and school officials shall be required to maintain the information as confidential.
- (3) Information reported using the tool shall immediately be sent to the administration of each school district affected and the law enforcement agencies responsible for protection of those school districts, including but not limited to the local sheriff's office, the local city police department, and the Kentucky State Police.
- (4) Law enforcement dispatch centers, school districts, schools, and other entities identified by the Kentucky Office of Homeland Security shall be made aware of the reporting tool.
- (5) The Kentucky Office of Homeland Security, in collaboration with the Center for School Safety, the Kentucky Department of Education, the Department of Criminal Justice Training, and the Department of Kentucky State Police, shall develop and provide a comprehensive training and awareness program on the use of the anonymous reporting tool.
- (6) *The Kentucky Office of Homeland Security shall maintain and update the anonymous reporting tool and shall collaborate with the agencies listed in subsection (1) of this section prior to making substantial changes to the tool.*

- (7) *Each local school district shall provide an anonymous reporting tool that allows students, parents, and community members to anonymously supply information concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials.*
- (8) *In order to meet the requirement of subsection (7) of this section, local school districts shall:*
- (a) *Use the anonymous reporting tool described in subsections (1) to (4) of this section; or*
 - (b) *1. Provide an alternative anonymous reporting tool other than the tool made available pursuant to subsection (1) of this section, as long as the chosen reporting tool satisfies all of the requirements established in subsections (1) to (4) of this section; and*
2. Develop and provide a comprehensive training and awareness program on the use of the chosen anonymous reporting tool.

➔Section 9. KRS 156.095 is amended to read as follows:

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

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

or adjustment process, stabilizing the environment, reducing the risk of negative behaviors, and limiting the risk of further suicides through contagion.

2. When a staff member subject to the training under subparagraph 1. of this paragraph is initially hired during a school year in which the training is not required, the local district shall provide suicide prevention materials to the staff member for review.
- (d) The requirements of paragraphs (b) and (c) of this subsection shall apply to public charter schools as a health and safety requirement under KRS 160.1592(1).
- (7) (a) By November 1 *of each year.*~~[2019, and November 1 of each year thereafter,]~~ a minimum of one (1) hour of training on how to respond to an active shooter situation shall be required for all school district employees with job duties requiring direct contact with students. The training shall be provided either in person, by live streaming, or via a video recording prepared by the Kentucky Department of Criminal Justice Training in collaboration with the Kentucky Law Enforcement Council, the Kentucky Department of Education, and the Center for School Safety and may be included in the four (4) days of professional development under KRS 158.070.
- (b) When a staff member subject to the training requirements of this subsection is initially hired after the training has been provided for the school year, the local district shall provide materials on how to respond to an active shooter situation.
- (c) The requirements of this subsection shall also apply to public charter schools as a health and safety requirement under KRS 160.1592(1).
- (8) (a) The Kentucky Department of Education shall develop and maintain a list of approved comprehensive evidence-informed trainings on child abuse and neglect prevention, recognition, and reporting that encompass child physical, sexual, and emotional abuse and neglect.
- (b) The trainings shall be web-based or in-person and cover, at a minimum, the following topics:
 1. Recognizing child physical, sexual, and emotional abuse and neglect;
 2. Reporting suspected child abuse and neglect in Kentucky as required by KRS 620.030 and the appropriate documentation;
 3. Responding to the child; and
 4. Understanding the response of child protective services.
- (c) The trainings shall include a questionnaire or other basic assessment tool upon completion to document basic knowledge of training components.
- (d) Each local board of education shall adopt one (1) or more trainings from the list approved by the Department of Education to be implemented by schools.
- (e) ~~[All current school administrators, certified personnel, office staff, instructional assistants, and coaches and extracurricular sponsors who are employed by the school district shall complete the implemented training or trainings by January 31, 2017, and then every two (2) years after.~~
- ~~(f)~~ ~~[~~All school administrators, certified personnel, office staff, instructional assistants, and coaches and extracurricular sponsors who are employed by the school district ~~hired after January 31, 2017,~~ shall complete the implemented training or trainings within ninety (90) days of being hired and then every two (2) years after.
- ~~(f)~~~~(g)~~ Every public school shall prominently display the statewide child abuse hotline number administered by the Cabinet for Health and Family Services, and the National Human Trafficking Reporting Hotline number administered by the United States Department for Health and Human Services.
- (g) *The requirements of this subsection shall also apply to public charter schools as a health and safety requirement under KRS 160.1592(1).*
- (9) The Department of Education shall establish an electronic consumer bulletin board that posts information regarding professional development providers and programs as a service to school district central office personnel, school councils, teachers, and administrators. Participation on the electronic consumer bulletin board shall be voluntary for professional development providers or vendors, but shall include all programs sponsored by the department. Participants shall provide the following information: program title; name of

provider or vendor; qualifications of the presenters or instructors; objectives of the program; program length; services provided, including follow-up support; costs for participation and costs of materials; names of previous users of the program, addresses, and telephone numbers; and arrangements required. Posting information on the bulletin board by the department shall not be viewed as an endorsement of the quality of any specific provider or program.

- (10) The Department of Education shall provide training to address the characteristics and instructional needs of students at risk of school failure and most likely to drop out of school. The training shall be developed to meet the specific needs of all certified and classified personnel depending on their relationship with these students. The training for instructional personnel shall be designed to provide and enhance skills of personnel to:
- (a) Identify at-risk students early in elementary schools as well as at-risk and potential dropouts in the middle and high schools;
 - (b) Plan specific instructional strategies to teach at-risk students;
 - (c) Improve the academic achievement of students at risk of school failure by providing individualized and extra instructional support to increase expectations for targeted students;
 - (d) Involve parents as partners in ways to help their children and to improve their children's academic progress; and
 - (e) Significantly reduce the dropout rate of all students.
- (11) The department shall establish teacher academies to the extent funding is available in cooperation with postsecondary education institutions for elementary, middle school, and high school faculty in core disciplines, utilizing facilities and faculty from universities and colleges, local school districts, and other appropriate agencies throughout the state. Priority for participation shall be given to those teachers who are teaching core discipline courses for which they do not have a major or minor or the equivalent. Participation of teachers shall be voluntary.
- (12) The department shall annually provide to the oversight council established in KRS 15A.063, the information received from local schools pursuant to KRS 158.449.

➔Section 10. KRS 158.162 is amended to read as follows:

- (1) As used in this section:
- (a) "Emergency management response plan" or "emergency plan" means a written document to prevent, mitigate, prepare for, respond to, and recover from emergencies; and
 - (b) "First responders" means local fire, police, and emergency medical personnel.
- (2) (a) Each local board of education shall require the school council or, if none exists, the principal in each school building in its jurisdiction to adopt an emergency plan. The emergency plan shall include:
1. Procedures to be followed in case of medical emergency, fire, severe weather, earthquake, or a building lockdown as defined in KRS 158.164;
 2. A written cardiac emergency response plan; and
 3. ***A copy of the data created through the School Mapping Data Program pursuant to Section 11 of this Act or, if the school mapping data is unavailable,*** a diagram of the facility that clearly identifies the location of each automated external defibrillator.
- (b) The emergency plan shall be provided to appropriate first responders and all school staff.
 - (c) The emergency plan shall be reviewed following the end of each school year by the school nurse, school council, the principal, and first responders and revised as needed.
 - (d) The principal shall discuss the emergency plan with all school staff prior to the first instructional day of each school year and document the time and date of any discussion.
 - (e) The cardiac emergency response plan shall be rehearsed by simulation prior to the beginning of each athletic season by all:
 1. Licensed athletic trainers, school nurses, and athletic directors; and
 2. Interscholastic coaches and volunteer coaches of each athletic team active during that athletic season.

- (f) The emergency plan shall be excluded from the application of KRS 61.870 to 61.884.
- (3) Each local board of education shall require the school council or, if none exists, the principal in each school building to:
- (a) Establish primary and secondary evacuation routes for all rooms located within the school and shall post the routes in each room by any doorway used for evacuation;
 - (b) Identify the best available severe weather safe zones, in consultation with local and state safety officials and informed by guiding principles set forth by the National Weather Service and the Federal Emergency Management Agency, and post the location of safe zones in each room of the school;
 - (c) Develop practices for students to follow during an earthquake;
 - (d) Develop and adhere to practices to control the access to each school building. Practices shall include but not be limited to:
 - 1. Controlling outside access to exterior doors during the school day;
 - 2. Controlling the main entrance of the school with electronically locking doors, a camera, and an intercom system;
 - 3. Controlling access to individual classrooms;
 - 4. Requiring classroom doors to be equipped with hardware that allows the door to be locked from the outside but opened from the inside;
 - 5. Requiring classroom doors to remain closed and locked during instructional time, except:
 - a. In instances in which only one (1) student and one (1) adult are in the classroom; or
 - b. When approved in writing by the state school security marshal;
 - 6. Requiring classroom doors with windows to be equipped with material to quickly cover the window during a building lockdown;
 - 7. ***Allowing for the use of secondary locking mechanisms on classroom doors, notwithstanding any provisions of the Kentucky Building Code promulgated pursuant to KRS Chapter 198B to the contrary;***
 - 8. Requiring all visitors to report to the front office of the building, provide valid identification, and state the purpose of the visit; and
 - ~~9.~~ Providing a visitor's badge to be visibly displayed on a visitor's outer garment;
 - (e) Maintain a portable automated external defibrillator in a public, readily accessible, well-marked location in every middle and high school building and, as funds become available, at school-sanctioned middle and high school athletic practices and competitions and:
 - 1. Adopt procedures for the use of the portable automated external defibrillator during an emergency;
 - 2. Adopt policies for compliance with KRS 311.665 to 311.669 on training, maintenance, notification, and communication with the local emergency medical services system;
 - 3. Ensure that a minimum of three (3) employees in the school and all interscholastic athletic coaches be trained on the use of a portable automated external defibrillator in accordance with KRS 311.667; and
 - 4. Ensure that all interscholastic athletic coaches maintain a cardiopulmonary resuscitation certification recognized by a national accrediting body on heart health; and
 - (f) Require development of an event-specific emergency action plan for each school-sanctioned nonathletic event held off-campus to be used during a medical emergency, which may include the provision of a portable automated external defibrillator. The plan shall:
 - 1. Include a delineation of the roles of staff and emergency personnel, methods of communication, any assigned emergency equipment including a portable automated external defibrillator, a cardiac emergency response plan, and access to and plan for emergency transport; and

2. Be in writing and distributed to any member of school personnel attending the school-sanctioned event in an official capacity.
- (4) All schools shall be in compliance with the provisions of subsection (3)(d) of this section ~~[no later than July 1, 2022]~~.
- (5) (a) Each local board of education shall require the principal in each public school building in its jurisdiction to conduct, at a minimum, emergency response drills to include:
 1. One (1) severe weather drill, one (1) earthquake drill, and one (1) lockdown drill within the first thirty (30) instructional days of each school year and again during the month of January; and
 2. The emergency response plan rehearsal by simulation required by subsection (2) of this section and the venue-specific emergency action plan rehearsal by simulation required by KRS 160.445(5) prior to the beginning of each athletic season.
- (b) Required fire drills shall be conducted according to administrative regulations promulgated by the Department of Housing, Buildings and Construction. Whenever possible, first responders shall be invited to observe emergency response drills.
- (6) No later than November 1 of each school year, a local district superintendent shall send verification to the Kentucky Department of Education that all schools within the district are in compliance with the requirements of this section.
- (7) A district with a school not in compliance with the requirements of subsection (3)(d) of this section by July 1, 2022, shall not be eligible for approval by the Kentucky Department of Education for new building construction or expansion in the 2022-2023 school year and any subsequent year without verification of compliance, except for facility improvements that specifically address the school safety and security requirements of this section, when deemed necessary for the protection of student or staff health and safety, or to comply with other legal requirements or orders.

➔SECTION 11. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "school mapping data" means mapping information provided in an electronic or a digital format to assist first responders in responding to emergencies at schools.*
- (2) (a) *The General Assembly does hereby establish the School Mapping Data Program to be administered by the Center for School Safety. The Center for School Safety shall utilize available funds to develop school mapping data for each public school, public charter school, and any private school that requests to participate in the program. The program shall be administered by the Center for School Safety pursuant to this section, which may include contracting for services pursuant to the relevant provisions of the Kentucky Model Procurement Code in KRS Chapter 45A. The Center for School Safety shall be responsible for ensuring that all funds received for and expended related to the School Mapping Data Program are utilized for the purposes of school mapping.*
- (b) *The Center for School Safety shall provide the data developed by the program to the state security marshal, participating schools, participating districts, and local law enforcement and public safety agencies for use in response to emergencies and for conducting drills required under subsection (5) of Section 10 of this Act. The school mapping data shall be excluded from the application of KRS 61.870 to 61.884.*
- (c) *The Center for School Safety shall apply for any federal grant funds that may be used to accomplish the purposes of the program. The Center for School Safety may also solicit private funds to support the program.*
- (3) *The School Mapping Data Program shall establish a single verified source of mapping data for each participating school campus in the state that is standardized, accurate, and accessible to public safety agencies to ensure efficient response to any emergency on a school campus. The school mapping data provided shall:*
 - (a) *Be compatible with software platforms used by local, county, state, and federal public safety agencies that provide emergency services to the specific school for which the data is provided without requiring such agencies to purchase additional software or requiring a fee to view or access the data;*

- (b) *Be compatible with security software platforms in use by the participating school or district for which the data is provided without requiring the school or district to purchase additional software or requiring a fee to view or access the data;*
 - (c) *Be in a printable format and, if requested by a law enforcement or public safety agency or participating school or district in addition to those described in paragraph (a) of this subsection, be in a digital file format that can be integrated into interactive mobile platforms in use;*
 - (d) *Be verified by the Center for School Safety for accuracy by a walk-through of school buildings and grounds;*
 - (e) *Be oriented to true north;*
 - (f) *Include accurate floor plans overlaid on current, verified aerial imagery of campus;*
 - (g) *Contain site-specific labeling that matches the structure of school buildings that includes:*
 - 1. *Room labels;*
 - 2. *Hallway names or identifiers;*
 - 3. *External door or stairwell numbers;*
 - 4. *Locations of hazards;*
 - 5. *Critical utility locations;*
 - 6. *Key boxes;*
 - 7. *Automated external defibrillators; and*
 - 8. *Trauma kits;*
 - (h) *Contain site-specific labeling that matches the school grounds that includes:*
 - 1. *Parking areas;*
 - 2. *Athletic fields;*
 - 3. *Surrounding roads; and*
 - 4. *Neighboring properties;*
 - (i) *Be overlaid with a gridded coordinate system;*
 - (j) *Not be modified or updated independently without corresponding updates to school mapping data within software platforms used by local, county, state, and federal public safety agencies that provide emergency services to the specific school; and*
 - (k) *Provide to public safety agencies and participating schools or districts the school mapping data developed pursuant to the program perpetually and at no cost to the public safety agencies or participating schools or districts.*
- (4) *A participating school district or campus shall not be required to adopt new school mapping data if, as of July 1, 2024, the school district or campus previously implemented school mapping data with capabilities that meet the requirements of subsection (3)(a) to (k) of this section.*

➔Section 12. KRS 158.4412 is amended to read as follows:

- (1) Beginning with the 2019-2020 school year, each local school district superintendent shall appoint an individual to serve as the district's school safety coordinator and primary point of contact for public school safety and security functions.
- (2) The district's school safety coordinator shall:
 - (a) Complete the school safety coordinator training program developed by the Center for School Safety within six (6) months of his or her date of appointment;
 - (b) Designate a school safety and security threat assessment team at each school of the district consisting of two (2) or more staff members in accordance with policies and procedures adopted by the local board of education to identify and respond to students exhibiting behavior that indicates a potential threat to school safety or security. Members of a threat assessment team may include school administrators,

school counselors, school resource officers, school-based mental health services providers, teachers, and other school personnel;

- (c) Provide training to school principals within the district on procedures for completion of the school security risk assessment required pursuant to KRS 158.4410;
 - (d) Review all school security risk assessments completed within the district and prescribe recommendations as needed in consultation with the state school security marshal;
 - (e) Advise the local school district superintendent by July 1, 2021, and annually thereafter of completion of required security risk assessments;
 - (f) Formulate recommended policies and procedures, which shall be excluded from the application of KRS 61.870 to 61.884, for an all-hazards approach including conducting emergency response drills for hostage, active shooter, and building lockdown situations in consultation and coordination with appropriate public safety agencies to include but not be limited to fire, police, and emergency medical services for review and adoption as part of the school emergency plan required by KRS 158.162. The recommended policies shall encourage the involvement of students, as appropriate, in the development of the school's emergency plan;~~and~~
 - (g) ***Maintain the district's copies of the school mapping data created through the School Mapping Data Program pursuant to Section 11 of this Act to be made available to appropriate public safety agencies, but which shall be excluded from the application of KRS 61.870 to 61.884; and***
 - ~~(h)(g)~~ Ensure each school campus is toured at least once per school year, in consultation and coordination with appropriate public safety agencies, to review policies and procedures and provide recommendations related to school safety and security.
- (3) The school district, school safety coordinator, and any school employees participating in the activities of a school safety and security threat assessment team, acting in good faith upon reasonable cause in the identification of students pursuant to subsection (2)(b) of this section shall be immune from any civil or criminal liability that might otherwise be incurred or imposed from:
- (a) Identifying the student and implementing a response pursuant to policies and procedures adopted under subsection (2)(b) of this section; or
 - (b) Participating in any judicial proceeding that results from the identification.

➔Section 13. KRS 61.637 is amended to read as follows:

- (1) A retired member who is receiving monthly retirement payments under any of the provisions of KRS 61.510 to 61.705 and 78.510 to 78.852 and who is reemployed as an employee by a participating agency prior to August 1, 1998, shall have his or her retirement payments suspended for the duration of reemployment. Monthly payments shall not be suspended for a retired member who is reemployed if he or she anticipates that he or she will receive less than the maximum permissible earnings as provided by the Federal Social Security Act in compensation as a result of reemployment during the calendar year. The payments shall be suspended at the beginning of the month in which the reemployment occurs.
- (2) Employer and employee contributions shall be made as provided in KRS 61.510 to 61.705 and 78.510 to 78.852 on the compensation paid during reemployment, except where monthly payments were not suspended as provided in subsection (1) of this section or would not increase the retired member's last monthly retirement allowance by at least one dollar (\$1), and the member shall be credited with additional service credit.
- (3) In the month following the termination of reemployment, retirement allowance payments shall be reinstated under the plan under which the member was receiving payments prior to reemployment.
- (4)
 - (a) Notwithstanding the provisions of this section, the payments suspended in accordance with subsection (1) of this section shall be paid retroactively to the retired member, or his or her estate, if he or she does not receive more than the maximum permissible earnings as provided by the Federal Social Security Act in compensation from participating agencies during any calendar year of reemployment.
 - (b) If the retired member is paid suspended payments retroactively in accordance with this section, employee contributions deducted during his or her period of reemployment, if any, shall be refunded to the retired employee, and no service credit shall be earned for the period of reemployment.

- (c) If the retired member is not eligible to be paid suspended payments for his or her period of reemployment as an employee, his or her retirement allowance shall be recomputed under the plan under which the member was receiving payments prior to reemployment as follows:
1. The retired member's final compensation shall be recomputed using creditable compensation for his or her period of reemployment; however, the final compensation resulting from the recalculation shall not be less than that of the member when his or her retirement allowance was last determined;
 2. If the retired member initially retired on or subsequent to his or her normal retirement date, his or her retirement allowance shall be recomputed by using the formula in KRS 61.595(1);
 3. If the retired member initially retired prior to his or her normal retirement date, his or her retirement allowance shall be recomputed using the formula in KRS 61.595(2), except that the member's age used in computing benefits shall be his or her age at the time of his or her initial retirement increased by the number of months of service credit earned for service performed during reemployment;
 4. The retirement allowance payments resulting from the recomputation under this subsection shall be payable in the month following the termination of reemployment in lieu of payments under subparagraph 3. of this paragraph. The member shall not receive less in benefits as a result of the recomputation than he or she was receiving prior to reemployment or would receive as determined under KRS 61.691; and
 5. Any retired member who was reemployed prior to March 26, 1974, shall begin making contributions to the system in accordance with the provisions of this section on the first day of the month following March 26, 1974.
- (5) A retired member, or his or her estate, shall pay to the retirement fund the total amount of payments which are not suspended in accordance with subsection (1) of this section if the member received more than the maximum permissible earnings as provided by the Federal Social Security Act in compensation from participating agencies during any calendar year of reemployment, except the retired member or his or her estate may repay the lesser of the total amount of payments which were not suspended or fifty cents (\$0.50) of each dollar earned over the maximum permissible earnings during reemployment if under age sixty-five (65), or one dollar (\$1) for every three dollars (\$3) earned if over age sixty-five (65).
- (6) (a) "Reemployment" or "reinstatement" as used in this section shall not include a retired member who has been ordered reinstated by the Personnel Board under authority of KRS 18A.095.
- (b) A retired member who has been ordered reinstated by the Personnel Board under authority of KRS 18A.095 or by court order or by order of the Human Rights Commission and accepts employment by an agency participating in the Kentucky Employees Retirement System or County Employees Retirement System shall void his or her retirement by reimbursing the system in the full amount of his or her retirement allowance payments received.
- (7) (a) Effective August 1, 1998, the provisions of subsections (1) to (4) of this section shall no longer apply to a retired member who is reemployed in a position covered by the same retirement system from which the member retired. Reemployed retired members shall be treated as new members upon reemployment. Any retired member whose reemployment date preceded August 1, 1998, who does not elect, within sixty (60) days of notification by the retirement systems, to remain under the provisions of subsections (1) to (4) of this section shall be deemed to have elected to participate under this subsection.
- (b) A retired member whose disability retirement was discontinued pursuant to KRS 61.615 and who is reemployed in one (1) of the systems administered by the Kentucky Retirement Systems or County Employees Retirement System prior to his or her normal retirement date shall have his or her accounts combined upon termination for determining eligibility for benefits. If the member is eligible for retirement, the member's service and creditable compensation earned as a result of his or her reemployment shall be used in the calculation of benefits, except that the member's final compensation shall not be less than the final compensation last used in determining his or her retirement allowance. The member shall not change beneficiary or payment option designations. This provision shall apply to members reemployed on or after August 1, 1998.
- (8) If a retired member accepts employment or begins serving as a volunteer with an employer participating in the systems administered by Kentucky Retirement Systems or County Employees Retirement System within

twelve (12) months of his or her retirement date, the retired member shall notify the Authority and the participating employer shall submit the information required or requested by the Authority to confirm the individual's employment or volunteer status. The retired member shall not be required to notify the Authority regarding any employment or volunteer service with a participating agency that is accepted after twelve (12) months following his or her retirement date.

- (9) If the retired member is under a contract to provide services as an independent contractor or leased employee to an employer participating in the systems administered by Kentucky Retirement Systems or County Employees Retirement System within twelve (12) months of his or her retirement date, the member shall submit a copy of that contract to the Authority, and the Authority shall determine if the member is an independent contractor or leased employee for purposes of retirement benefits. The retired member and the participating employer shall submit the information required or requested by the Authority to confirm the individual's status as an independent contractor or leased employee. The retired member shall not be required to notify the Authority regarding any services entered into as an independent contractor or leased employee with a participating agency that the employee enters into after twelve (12) months following his or her retirement date.
- (10) If a member is receiving a retirement allowance, or has filed the forms required for a retirement allowance, and is employed within one (1) month of the member's initial retirement date in a position that is required to participate in the same retirement system from which the member retired, the member's retirement shall be voided and the member shall repay to the retirement system all benefits received. The member shall contribute to the member account established for him or her prior to his or her voided retirement. The retirement allowance for which the member shall be eligible upon retirement shall be determined by total service and creditable compensation.
- (11)
 - (a) If a member of the Kentucky Employees Retirement System retires from a department which participates in more than one (1) retirement system and is reemployed within one (1) month of his or her initial retirement date by the same department in a position participating in another retirement system, the retired member's retirement allowance shall be suspended for the first month of his or her retirement, and the member shall repay to the retirement system all benefits received for the month.
 - (b) A retired member of the County Employees Retirement System who after initial retirement is hired by the county from which the member retired shall be considered to have been hired by the same employer.
- (12)
 - (a) If a hazardous member who retired prior to age fifty-five (55), or a nonhazardous member who retired prior to age sixty-five (65), is reemployed within six (6) months of the member's termination by the same employer, the member shall obtain from his or her previous and current employers a copy of the job description established by the employers for the position and a statement of the duties performed by the member for the position from which he or she retired and for the position in which he or she has been reemployed.
 - (b) The job descriptions and statements of duties shall be filed with the retirement office.
- (13) If the retirement system determines that the retired member has been employed in a position with the same principal duties as the position from which the member retired:
 - (a) The member's retirement allowance shall be suspended during the period that begins on the month in which the member is reemployed and ends six (6) months after the member's termination;
 - (b) The retired member shall repay to the retirement system all benefits paid from systems administered by Kentucky Retirement Systems or County Employees Retirement System under reciprocity, including medical insurance benefits, that the member received after reemployment began;
 - (c) Upon termination, or subsequent to expiration of the six (6) month period from the date of termination, the retired member's retirement allowance based on his or her initial retirement account shall no longer be suspended, and the member shall receive the amount to which he or she is entitled, including an increase as provided by KRS 61.691;
 - (d) Except as provided in subsection (7) of this section, if the position in which a retired member is employed after initial retirement is a regular full-time position, the retired member shall contribute to a second member account established for him or her in the retirement system. Service credit gained after the member's date of reemployment shall be credited to the second member account; and

- (e) Upon termination, the retired member shall be entitled to benefits payable from his or her second retirement account.
- (14)
- (a) If the retirement system determines that the retired member has not been reemployed in a position with the same principal duties as the position from which he or she retired, the retired member shall continue to receive his or her retirement allowance.
 - (b) If the position is a regular full-time position, the member shall contribute to a second member account in the retirement system.
- (15)
- (a) If a retired member is reemployed at least one (1) month after initial retirement in a different position, or at least six (6) months after initial retirement in the same position, and prior to normal retirement age, the retired member shall contribute to a second member account in the retirement system and continue to receive a retirement allowance from the first member account.
 - (b) Service credit gained after reemployment shall be credited to the second member account. Upon termination, the retired member shall be entitled to benefits payable from the second member account.
- (16) A retired member who is reemployed and contributing to a second member account shall not be eligible to purchase service credit under any of the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852 which he or she was eligible to purchase prior to his or her initial retirement.
- (17) Notwithstanding any provision of subsections (1) to (7)(a) and (10) to (15) of this section, the following shall apply to retired members who are reemployed by an agency participating in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System on or after September 1, 2008:
- (a) If a member is receiving a retirement allowance from one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System, or has filed the forms required to receive a retirement allowance from one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System, and is employed in a regular full-time position required to participate in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System or is employed in a position that is not considered regular full-time with an agency participating in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System within one (1) month following the member's initial retirement date, the member's retirement shall be voided, and the member shall repay to the retirement system all benefits received, including any health insurance benefits. If the member is returning to work in a regular full-time position required to participate in one (1) of the systems administered by Kentucky Retirement Systems:
 - 1. The member shall contribute to a member account established for him or her in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System, and employer contributions shall be paid on behalf of the member by the participating employer; and
 - 2. Upon subsequent retirement, the member shall be eligible for a retirement allowance based upon total service and creditable compensation, including any additional service or creditable compensation earned after his or her initial retirement was voided;
 - (b) If a member is receiving a retirement allowance from one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System and is employed in a regular full-time position required to participate in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System after a one (1) month period following the member's initial retirement date, the member may continue to receive his or her retirement allowance during the period of reemployment subject to the following provisions:
 - 1. If a member is reemployed by a participating agency within twelve (12) months of the member's retirement date, the participating agency shall certify in writing on a form prescribed by the Authority that no prearranged agreement existed between the employee and agency prior to the employee's retirement for the employee to return to work with the participating agency. If an elected official is reelected to a new term of office in the same position as the elected official held prior to retirement and takes office within twelve (12) months of his or her retirement date, he or she shall be deemed by the Authority as having a prearranged agreement under the provisions of this subparagraph and shall have his or her retirement voided. If the participating

agency fails to complete the certification, the member's retirement shall be voided and the provisions of paragraph (a) of this subsection shall apply to the member and the employer. Employment that is accepted by the retired member after twelve (12) months following the member's retirement date shall not constitute a prearranged agreement under this paragraph;

2. Notwithstanding any other provision of KRS Chapter 16, 61, or 78 to the contrary, the member shall not contribute to the systems and shall not earn any additional benefits for any work performed during the period of reemployment;
 3. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441 *or as a Kentucky guardian as defined in Section 1 of this Act*, the employer shall pay employer contributions as specified by KRS 61.565, 61.702, and 78.635, as applicable, on all creditable compensation earned by the employee during the period of reemployment. The additional contributions paid shall be used to reduce the unfunded actuarial liability of the systems; and
 4. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441 *or as a Kentucky guardian as defined in Section 1 of this Act*, the employer shall be required to reimburse the systems for the cost of the health insurance premium paid by the systems to provide coverage for the retiree, not to exceed the cost of the single premium. Effective July 1, 2015, local school boards shall not be required to pay the reimbursement required by this subparagraph for retirees employed by the board for eighty (80) days or less during the fiscal year;
- (c) Notwithstanding paragraphs (a) and (b) of this subsection, a retired member who qualifies as a volunteer for an employer participating in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System and who is receiving reimbursement of actual expenses, a nominal fee for his or her volunteer services, or both, shall not be considered an employee of the participating employer and shall not be subject to paragraphs (a) and (b) of this subsection if:
1. Prior to the retired member's most recent retirement date, he or she did not receive creditable compensation from the participating employer in which the retired member is performing volunteer services;
 2. Any reimbursement or nominal fee received prior to the retired member's most recent retirement date has not been credited as creditable compensation to the member's account or utilized in the calculation of the retired member's benefits;
 3. The retired member has not purchased or received service credit under any of the provisions of KRS 61.510 to 61.705 or 78.510 to 78.852 for service with the participating employer for which the retired member is performing volunteer services; and
 4. Other than the status of volunteer, the retired member does not become an employee, leased employee, or independent contractor of the employer for which he or she is performing volunteer services for a period of at least twelve (12) months following the retired member's most recent retirement date.

If a retired member, who provided volunteer services with a participating employer under this paragraph violates any provision of this paragraph, then he or she shall be deemed an employee of the participating employer as of the date he or she began providing volunteer services and both the retired member and the participating employer shall be subject to paragraphs (a) and (b) of this subsection for the period of volunteer service;

- (d) Notwithstanding any provision of this section, any mayor or member of a city legislative body shall not be required to resign from his or her position as mayor or as a member of the city legislative body in order to begin drawing benefits from the systems administered by Kentucky Retirement Systems or subject to any provision of this section as it relates solely to his or her service as a mayor or member of the city legislative body if the mayor or member of a city legislative body:
1. Has not participated in the County Employees Retirement System prior to retirement, but is otherwise eligible to retire from the Kentucky Employees Retirement System or the State Police Retirement System; or
 2. Has been or is participating in the County Employees Retirement System and is at least sixty-two (62) years of age. If a mayor or member of a city legislative body who is at least sixty-two (62)

years of age retires from the systems administered by Kentucky Retirement Systems but remains in office after his or her effective retirement date, the mayor or member of the city legislative body shall not accrue any further service credit or benefits in the systems administered by Kentucky Retirement Systems for any employment occurring on or after the effective retirement date;

- (e) Notwithstanding any provision of this section, any current or future part-time adjunct instructor for the Kentucky Fire Commission who has not participated in the Kentucky Employees Retirement System prior to retirement, but who is otherwise eligible to retire from the County Employees Retirement System, shall not be:
1. Required to resign from his or her position as a part-time adjunct instructor for the Kentucky Fire Commission in order to begin drawing benefits from the County Employees Retirement System; or
 2. Subject to any provision of this section as it relates solely to his or her service as a part-time adjunct instructor for the Kentucky Fire Commission;
- (f) If a member is receiving a retirement allowance from any of the retirement systems administered by the Kentucky Retirement Systems or County Employees Retirement System and enters into a contract or becomes a leased employee of an employer under contract with an employer participating in one (1) of the systems administered by the Kentucky Retirement Systems or County Employees Retirement System:
1. At any time following retirement, if the Authority determines the employment arrangement does qualify as an independent contractor or leased employee, the member may continue to receive his or her retirement allowance during the period of the contract;
 2. Within one (1) month following the member's initial retirement date, if the Authority determines the employment arrangement does not qualify as an independent contractor or leased employee, the member's retirement shall be voided in accordance with paragraph (a) of this subsection;
 3. After one (1) month but within twelve (12) months following the member's initial retirement, if the Authority determines the employment arrangement does not qualify as an independent contractor or leased employee and that a prearranged agreement existed between the member and the agency for the member to return to work with the agency, the member's retirement shall be voided in accordance with paragraph (a) of this subsection; and
 4. After a twelve (12) month period following the member's initial retirement, the member may continue to receive his or her retirement allowance during the period of the contract and the member shall not be required to notify the system or submit any documentation for purposes of this section to the system.

The initiation of a contract or the initial date of the leased employment of a retired member by a participating agency that occurs after twelve (12) months or more following the retired member's retirement date shall not constitute a prearranged agreement under this subsection; and

- (g) The Authority shall issue a final determination regarding a certification of the absence of a prearranged agreement or the retired member's qualification as an independent contractor or leased employee as required under this section no later than thirty (30) days after the retired member and participating employer provide all required forms and additional information required by the Authority.
- (18) The Authority shall promulgate administrative regulations to implement the requirements of this section, including incorporating by reference board-prescribed forms that a retired member and participating agency shall provide the systems under subsections (8), (9), and (17) of this section.

➔Section 14. KRS 78.5540 is amended to read as follows:

- (1) A retired member whose disability retirement was discontinued pursuant to KRS 78.5528 and who is reemployed by an employer participating in the system or the Kentucky Retirement Systems prior to his or her normal retirement date shall have his or her accounts combined upon termination for determining eligibility for benefits. If the member is eligible for retirement, the member's service and creditable compensation earned as a result of his or her reemployment shall be used in the calculation of benefits, except that the member's final compensation shall not be less than the final compensation last used in determining his or her retirement allowance. The member shall not change beneficiary or payment option designations.

- (2) (a) If a retired member accepts employment or begins serving as a volunteer with an employer participating in the systems administered by Kentucky Retirement Systems or the County Employees Retirement System within twelve (12) months of his or her retirement date, the retired member shall notify the Authority and the participating employer shall submit the information required or requested by the Authority to confirm the individual's employment or volunteer status. The retired member shall not be required to notify the Authority regarding any employment or volunteer service with a participating agency that is accepted after twelve (12) months following his or her retirement date.
 - (b) If the retired member is under a contract to provide services as an independent contractor or leased employee to an employer participating in the systems administered by Kentucky Retirement Systems or the County Employees Retirement System within twelve (12) months of his or her retirement date, the member shall submit a copy of that contract to the Authority, and the Authority shall determine if the member is an independent contractor or leased employee for purposes of retirement benefits. The retired member and the participating employer shall submit the information required or requested by the Authority to confirm the individual's status as an independent contractor or leased employee. The retired member shall not be required to notify the Authority regarding any services entered into as an independent contractor or leased employee with a participating agency that the employee enters into after twelve (12) months following his or her retirement date.
- (3) Retired members of the County Employees Retirement System who returned to work with an employer that participates in the County Employees Retirement System or Kentucky Retirement Systems prior to September 1, 2008, shall be governed by the provisions of KRS 61.637(1) to (16).
 - (4) The following shall apply to retired members of the County Employees Retirement System who are reemployed on or after September 1, 2008, by an agency participating in the systems administered by the County Employees Retirement System or the Kentucky Retirement Systems:
 - (a) If a retired member is receiving a retirement allowance from the County Employees Retirement System, or has filed the forms required to receive a retirement allowance from the County Employees Retirement System, and is employed in a regular full-time position required to participate in the County Employees Retirement System or one (1) of the systems administered by the Kentucky Retirement Systems or is employed in a position that is not considered regular full-time with an employer participating in the County Employees Retirement System or in one (1) of the systems administered by the Kentucky Retirement Systems within one (1) month following the member's initial retirement date, the member's retirement shall be voided, and the member shall repay to the system all benefits received, including any health insurance benefits. If the retired member is returning to work in a regular full-time position required to participate in the County Employees Retirement System:
 1. The member shall contribute to a member account established for him or her in the County Employees Retirement System or in one (1) of the systems administered by the Kentucky Retirement Systems, and employer contributions shall be paid on behalf of the member by the participating employer to the system; and
 2. Upon subsequent retirement, the member shall be eligible for a retirement allowance based upon total service and creditable compensation, including any additional service or creditable compensation earned after his or her initial retirement was voided;
 - (b) If a retired member is receiving a retirement allowance from the County Employees Retirement System and is employed in a regular full-time position required to participate in the County Employees Retirement System or in one (1) of the systems administered by the Kentucky Retirement Systems after a one (1) month period following the member's initial retirement date, the member may continue to receive his or her retirement allowance during the period of reemployment subject to the following provisions:
 1. If a member is reemployed by a participating employer within twelve (12) months of the member's retirement date, the participating employer shall certify in writing on a form prescribed by the Authority that no prearranged agreement existed between the employee and employer prior to the employee's retirement for the employee to return to work with the participating employer. If the participating employer fails to complete the certification or the Authority determines a prearranged agreement exists, the member's retirement shall be voided and the provisions of paragraph (a) of this subsection shall apply to the member and the employer. For purposes of this paragraph:

- a. If an elected official is reelected to a new term of office in the same position as the elected official held prior to retirement and takes office within twelve (12) months of his or her retirement date, he or she shall be deemed by the Authority as having a prearranged agreement; and
 - b. Employment that is accepted by the retired member after twelve (12) months following the member's retirement date shall not constitute a prearranged agreement under this paragraph;
2. Notwithstanding any other provision of KRS Chapter 78 to the contrary, the member shall not contribute to the system and shall not earn any additional benefits for any work performed during the period of reemployment;
 3. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441 *or as a Kentucky guardian as defined in Section 1 of this Act*, the employer shall pay employer contributions as specified by KRS 78.5536 and 78.635 on all creditable compensation earned by the employee during the period of reemployment. The additional contributions paid shall be used to reduce the unfunded actuarial liability of the system; and
 4. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441 *or as a Kentucky guardian as defined in Section 1 of this Act*, the employer shall be required to reimburse the system for the cost of the health insurance premium paid by the system to provide coverage for the retiree, not to exceed the cost of the single premium. Effective July 1, 2015, local school boards shall not be required to pay the reimbursement required by this subparagraph for retirees employed by the board for eighty (80) days or less during the fiscal year;
- (c) Notwithstanding paragraphs (a) and (b) of this subsection, a retired member who qualifies as a volunteer for an employer participating in the County Employees Retirement System or the Kentucky Retirement Systems and who is receiving reimbursement of actual expenses, a nominal fee for his or her volunteer services, or both, shall not be considered an employee of the participating employer and shall not be subject to paragraphs (a) and (b) of this subsection if:
1. Prior to the retired member's most recent retirement date, he or she did not receive creditable compensation from the participating employer in which the retired member is performing volunteer services;
 2. Any reimbursement or nominal fee received prior to the retired member's most recent retirement date has not been credited as creditable compensation to the member's account or utilized in the calculation of the retired member's benefits;
 3. The retired member has not purchased or received service credit under any of the provisions of KRS 78.510 to 78.852 for service with the participating employer for which the retired member is performing volunteer services; and
 4. Other than the status of volunteer, the retired member does not become an employee, leased employee, or independent contractor of the employer for which he or she is performing volunteer services for a period of at least twelve (12) months following the retired member's most recent retirement date.
- If a retired member, who provided volunteer services with a participating employer under this paragraph violates any provision of this paragraph, then he or she shall be deemed an employee of the participating employer as of the date he or she began providing volunteer services and both the retired member and the participating employer shall be subject to paragraphs (a) and (b) of this subsection for the period of volunteer service;
- (d) Notwithstanding any provision of this section, any mayor or member of a city legislative body shall not be required to resign from his or her position as mayor or as a member of the city legislative body in order to begin drawing benefits from the systems administered by the Kentucky Retirement Systems or the County Employees Retirement System or subject to any provision of this section as it relates solely to his or her service as a mayor or member of the city legislative body, if the mayor or member of a city legislative body:

1. Has not participated in the County Employees Retirement System prior to retirement, but is otherwise eligible to retire from the Kentucky Employees Retirement System or the State Police Retirement System; or
 2. Has been or is participating in the County Employees Retirement System and is at least sixty-two (62) years of age. If a mayor or member of a city legislative body who is at least sixty-two (62) years of age retires from the systems administered by Kentucky Retirement Systems or the County Employees Retirement System but remains in office after his or her effective retirement date, the mayor or member of the city legislative body shall not accrue any further service credit or benefits in the systems administered by Kentucky Retirement Systems or the County Employees Retirement System for any employment occurring on or after the effective retirement date;
- (e) Notwithstanding any provision of this section, any current or future part-time adjunct instructor for the Kentucky Fire Commission who has not participated in the Kentucky Employees Retirement System prior to retirement, but who is otherwise eligible to retire from the County Employees Retirement System, shall not be:
1. Required to resign from his or her position as a part-time adjunct instructor for the Kentucky Fire Commission in order to begin drawing benefits from the County Employees Retirement System; or
 2. Subject to any provision of this section as it relates solely to his or her service as a part-time adjunct instructor for the Kentucky Fire Commission;
- (f) If a member is receiving a retirement allowance from the County Employees Retirement System and enters into a contract or becomes a leased employee of an employer under contract with an employer participating in the County Employees Retirement System or one (1) of the systems administered by the Kentucky Retirement Systems:
1. At any time following retirement, if the Authority determines the employment arrangement does qualify as an independent contractor or leased employee, the member may continue to receive his or her retirement allowance during the period of the contract;
 2. Within one (1) month following the member's initial retirement date, if the Authority determines the employment arrangement does not qualify as an independent contractor or leased employee, the member's retirement shall be voided in accordance with paragraph (a) of this subsection;
 3. After one (1) month but within twelve (12) months following the member's initial retirement, if the Authority determines the employment arrangement does not qualify as an independent contractor or leased employee and that a prearranged agreement existed between the member and the agency for the member to return to work with the agency, the member's retirement shall be voided in accordance with paragraph (a) of this subsection; and
 4. After a twelve (12) month period following the member's initial retirement, the member may continue to receive his or her retirement allowance during the period of the contract and the member shall not be required to notify the Authority or submit any documentation for purposes of this section to the Authority. The initiation of a contract or the initial date of the leased employment of a retired member by a participating agency that occurs after twelve (12) months or more following the retired member's retirement date shall not constitute a prearranged agreement under this subsection;
- (g) The Authority shall issue a final determination regarding a certification of the absence of a prearranged agreement or the retired member's qualification as an independent contractor or leased employee as required under this section no later than thirty (30) days after the retired member and participating employer provide all required forms and additional information required by the Authority; and
- (h) Retired members of one (1) of the systems administered by Kentucky Retirement Systems who are reemployed by an employer in the County Employees Retirement System on or after September 1, 2008, shall not be eligible to earn a second retirement account in the County Employees Retirement System for his or her service to the employer.
- (5) The Authority shall promulgate administrative regulations to implement the requirements of this section, including incorporating by reference Authority-prescribed forms that a retired member and participating agency shall provide the systems under subsections (1) and (4) of this section.

- (6) "Reemployment" or "reinstatement" as used in this section shall not include a retired member who has been ordered reinstated by the Personnel Board under authority of KRS 18A.095. A retired member who has been ordered reinstated by the Personnel Board under authority of KRS 18A.095 or by court order or by order of the **Kentucky Commission on Human Rights** ~~Commission~~ and accepts employment by an agency participating in the Kentucky Employees Retirement System or County Employees Retirement System shall void his or her retirement by reimbursing the system in the full amount of his or her retirement allowance payments received.

➔Section 15. KRS 156.501 is amended to read as follows:

- (1) The Department of Education shall provide leadership and assistance to local school districts relating to student health services. The department, working in cooperation with the Department for Public Health, shall provide, contract for services, or identify resources to improve student health services, including but not limited to the following:
- (a) Standardized protocols and guidelines for health procedures to be performed by health professionals and school personnel. The protocols and guidelines shall include but not be limited to the following:
 1. The delegation of nursing functions consistent with administrative regulations promulgated by the Kentucky Board of Nursing;
 2. Training of designated nonmedical school personnel; and
 3. Appropriate documentation and recordkeeping including, but not limited to, notification to school administrators and parents or guardians of the provision of health services by a school employee, including certification of medical necessity for health services signed by a health care professional, and informed consent for the provision of health services by a parent or guardian.

A copy of the protocols and guidelines shall be made available to each school in the Commonwealth and shall be maintained by each school in the school's library;
 - (b) Consultation, technical assistance, and development of quality improvement measures for the state and local boards of education, individual public schools, and local health departments;
 - (c) Facilitation of statewide and local data collection and reporting of school health services; and
 - (d) Information and resources that relate to the provision of school health services.
- (2) The Department of Education shall establish a position to assist in carrying out the responsibilities required under subsection (1) of this section. The position may be established with existing personnel resources, or by contract, with an individual who:
- ~~(a) Holds, at a minimum, a bachelor's degree in nursing with a master's degree in nursing or a related field from an accredited postsecondary institution; and~~
 - ~~(b) is a registered nurse licensed under the provisions of KRS Chapter 314.~~
- ~~{(3) The Department of Education shall provide fifty percent (50%) of the costs for the position required by subsection (2) of this section and the Department for Public Health shall provide the remaining fifty percent (50%) for the position. The Department of Education may enter into a contractual arrangement, such as a Memorandum of Agreement, with the Department for Public Health to share the costs.}~~

Became law without Governor's signature April 10, 2024.

CHAPTER 166

(HB 8)

****On April 9, 2024, the Governor vetoed Sections 33, 34, and 44 to 47 of House Bill 8, citing the authority granted under Section 88 of the Constitution of Kentucky to veto parts of appropriation bills. On April 12, 2024, the House of Representatives ruled that House Bill 8 is not an appropriation bill and that the Governor's vetoes are invalid.**

AN ACT relating to fiscal matters, making an appropriation therefor, and declaring an emergency.

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

➔Section 1. KRS 224.60-130 is amended to read as follows:

- (1) The Energy and Environment Cabinet, Department for Environmental Protection, Division of Waste Management, shall:
 - (a) Establish by administrative regulation the policy, guidelines, and procedures to administer the financial responsibility and petroleum storage tank accounts of the petroleum storage tank environmental assurance fund. In adopting administrative regulations to carry out this section, the division may distinguish between types, classes, and ages of petroleum storage tanks. The division may establish a range of amounts to be paid from the fund, or may base payments on methods such as pay for performance, task order, or firm fixed pricing, which are designed to provide incentives for contractors to more tightly control corrective action costs, and shall establish criteria to be met by persons who contract to perform corrective action to be eligible for reimbursement from the fund. The criteria may include the certification of individuals, partnerships, and companies. Criteria shall be established to certify laboratories that contract to perform analytical testing related to the underground storage tank program. Owners and operators shall have all required analytical testing performed by a certified laboratory to be eligible for fund participation. Persons who contract with petroleum storage tank owners or operators shall not be paid more than the amount authorized by the division for reimbursement from the fund for the performance of corrective action. At a minimum, the division shall promulgate administrative regulations *in accordance with KRS Chapter 13A* that will ~~ensure~~^{insure} an unobligated balance in the fund adequate to meet financial assurance requirements and corrective action requirements of KRS 224.60-135(2) and (4). If the unobligated balance in the fund is not adequate to meet the requirements of this paragraph, the division shall obligate funds necessary to meet these requirements;
 - (b) Establish by administrative regulation the criteria to be met to be eligible to participate in the financial responsibility and petroleum storage tank accounts and to receive reimbursement from these accounts. The division may establish eligibility criteria for the petroleum storage tank account based upon the financial ability of the petroleum storage tank owner or operator. Owners or operators seeking coverage under the petroleum storage tank account shall file for eligibility and for financial assistance with the division. To ensure cost effectiveness, the division shall promulgate administrative regulations *in accordance with KRS Chapter 13A* specifying the circumstances under which prior approval of corrective action costs shall be required for those costs to be eligible for reimbursement from the fund. In promulgating administrative regulations to carry out this section, the division may distinguish between types, classes, and ages of petroleum storage tanks and the degree of compliance of the facility with any administrative regulations of the cabinet promulgated pursuant to KRS 224.60-105 or applicable federal regulations;
 - (c) Establish a financial responsibility account within the fund which may be used by petroleum storage tank owners and operators to demonstrate financial responsibility as required by administrative regulations of the cabinet or the federal regulations applicable to petroleum storage tanks, consistent with the intent of the General Assembly as set forth in KRS 224.60-120(5). The account shall receive four-tenths of one cent (\$0.004) from the one and four-tenths cent (\$0.014) paid on each gallon of gasoline and special fuels received in this state pursuant to KRS 224.60-145. To be eligible to use this account to demonstrate compliance with financial responsibility requirements of the cabinet or federal regulations, or to receive reimbursement from this account for taking corrective action and for compensating third parties for bodily injury and property damage, the petroleum storage tank owner or operator shall meet the eligibility requirements established by administrative regulation promulgated by the division;
 - (d) Establish a small operator assistance account within the fund which may be used by the division to make or participate in the making of loans, to purchase or participate in the purchase of the loans, which purchase may be from eligible lenders, or to insure loans made by eligible lenders;
 - (e) Establish a petroleum storage tank account within the fund to be used to pay the costs of corrective action due to a release from a petroleum storage tank not eligible for reimbursement from the financial responsibility account. Reimbursements of corrective action projects performed under the petroleum storage tank account shall be carried out on or before July 15, ~~2034~~²⁰²⁸. Any corrective action costs incurred after this date shall not be eligible for reimbursement under the petroleum storage tank account. The account shall receive one cent (\$0.01) from the one and four-tenths cent (\$0.014) paid on each gallon of gasoline and special fuels received in this state pursuant to KRS 224.60-145. This account shall not be used to compensate third parties for bodily injury and property damage. Within

three (3) months after July 15, 2004, the division shall develop a plan to address the payment of claims and completion of corrective action at facilities eligible for reimbursement from this account. The division shall establish a ranking system to be used for the distribution of amounts from this account for the purpose of corrective action. In promulgating administrative regulations to carry out this section, the division shall consider the financial ability of the petroleum storage tank owner or operator to perform corrective action and the extent of damage caused by a release into the environment from a petroleum storage tank;

- (f) Hear complaints brought before the division regarding the payment of claims from the fund in accordance with KRS 224.10-410 to 224.10-470;
- (g) Establish and maintain necessary offices within this state, appoint employees and agents as necessary, and prescribe their duties and compensation;
- (h) Employ, in accordance with the procedures found in KRS 45A.690 to 45A.725 for awarding personal service contracts, a qualified actuary to perform actuarial studies, as directed by the division, for determining an appropriate reserve in the financial responsibility account and the petroleum storage tank account sufficient to satisfy the obligations in each account for all eligible facilities and to satisfy future liabilities and expenses necessary to operate each account. The division shall, by administrative regulation, set the entry level for participation in the fund;
- (i) Authorize expenditures from the fund to carry out the purpose of KRS 224.60-105 to 224.60-160, including reasonable costs of administering the fund, the procurement of legal services, and the procurement of analytical testing services when necessary to confirm the accuracy of analytical testing results obtained by a petroleum storage tank owner or operator. The expenditures shall be paid from the appropriate account;
- (j) Establish a small operators' tank removal account within the fund to reimburse the reasonable cost of tank system removal for small owners and operators. The account shall not be used when an owner or operator is removing the tank with the intention of replacing or upgrading the tank. In promulgating administrative regulations to carry out this paragraph, the division may distinguish among owners and operators based on income and types and classes of tanks. The division shall not place a limit on the number of tanks that an owner or operator has in order to be eligible to participate in the program and receive reimbursement under this paragraph;
- (k) Establish by administrative regulation the policy, guidelines, and procedures to perform financial audits of any petroleum storage tank owner or operator receiving reimbursement from the fund or any entity contracting or subcontracting to provide corrective action services for facilities eligible for fund reimbursement. Financial audits shall be limited to those files, records, computer records, receipts, and other documents related to corrective action performed at a facility where the costs of corrective action have been reimbursed by the fund. Files, records, computer records, receipts, and other documents related to corrective action reimbursed by the fund shall be subject to a financial audit for a period of three (3) years after the date of final reimbursement from the fund. Results of the audits shall be protected from disclosure as allowed by KRS 61.878(1)(c). Financial auditing services may be contracted for or personnel may be employed as needed to implement the requirements of this paragraph;
- (l) Be authorized to enter and inspect any facility intending to seek reimbursement for the cost of corrective action to determine the reasonableness and necessity of the cost of corrective action. The division may collect soil or water samples or require storage tank owners or operators to split samples with the division for analytical testing. Refusal to allow entry and inspection of a facility or refusal to allow the division to collect or split samples shall make the facility ineligible for fund participation;
- (m) Have inspectors on site at all tank system removals. Failure to comply with this provision shall make the facility ineligible for fund participation. A petroleum storage tank owner or operator may request through certified mail that the division schedule an inspector to be present at an upcoming tank removal. If the request is made at least two (2) weeks before the time for the removal and an inspector fails to be present at the time scheduled, the tank removal may proceed without making the facility ineligible for fund participation unless the owner is notified by the division no later than ten (10) days prior to the proposed date that an inspector is not available on the proposed date, in which event a representative of the division shall contact the operator and schedule a new date. If no inspector is present at the rescheduled date, the removal may then proceed without penalty; and

- (n) Establish that the deadline for submission of final reimbursement requests under the petroleum storage tank account is two (2) years after receipt of a no further action letter.
- (2) The division may advise the cabinet on the promulgation of administrative regulations concerning petroleum storage tanks.
- (3) The division may sue and be sued in its own name.
- (4) The division may transfer funds from the petroleum storage tank account to the small operator tank removal account as needed to satisfy the obligations, future liabilities, and expenses necessary to operate that account. The division may transfer funds to the financial responsibility account as needed to maintain within that account sufficient funds to demonstrate financial responsibility and to ensure payment of claims as provided in subsection (1)(c) of this section.

➔Section 2. KRS 224.60-142 is amended to read as follows:

- (1) To be eligible to participate in the fund, the owner of any petroleum storage tank containing motor fuels installed and placed in operation after July 15, 2004, shall register the petroleum storage tank with the cabinet as required by KRS 224.60-105 prior to applying for participation in the financial responsibility account.
- (2) The owner of any petroleum storage tank containing motor fuels currently existing, or removed from the ground after January 1, 1974, shall register the petroleum storage tank containing motor fuels with the cabinet prior to applying to the fund, and shall register the petroleum storage tank containing motor fuels by July 15, ~~2031~~~~[2025]~~. Owners or operators may submit affidavits and applications relevant to current petroleum storage tank accounts through July 15, ~~2031~~~~[2025]~~.

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

- (1) Except as provided in subsection (2) of this section, there is established a petroleum environmental assurance fee to be paid by dealers on each gallon of gasoline and special fuels received in this state.
- (2) All deductions detailed in KRS 138.240(2) and all credits detailed in KRS 138.358 are exempt from the fee. If a dealer has on file, pursuant to KRS Chapter 138, a statement supporting a claimed exemption, an additional statement shall not be required for claiming exemption from the fee.
- (3) The fee shall be reported and paid to the Department of Revenue at the same time and in the same manner as is required for the reporting and payment of the gasoline and special fuels taxes as provided by law.
- (4) The petroleum environmental assurance fee shall be set at one and four-tenths cent (\$0.014) for each gallon. Four-tenths of a cent (\$0.004) per gallon shall be deposited in the financial responsibility account and one cent (\$0.01) shall be deposited in the petroleum storage tank account.
- (5) Within thirty (30) days of the close of fiscal year 2001-2002 and each fiscal year thereafter, the state budget director shall review the balance of each account to determine if a surplus exists. "Surplus" means funds in excess of the amounts necessary to satisfy the obligations in each account for all eligible facilities, to satisfy future liabilities and expenses necessary to operate each account, and to maintain an appropriate reserve in the financial responsibility account to demonstrate financial responsibility and compensate for third-party claims. The state budget director shall report the determination to the Interim Joint Committee on Appropriations and Revenue. After a determination that a surplus exists, the surplus shall be transferred to a restricted account and retained until appropriated by the General Assembly.
- (6) All provisions of law related to the Department of Revenue's administration and enforcement of the gasoline and special fuels tax and all other powers generally conveyed to the Department of Revenue by the Kentucky Revised Statutes for the assessment and collection of taxes shall apply with regard to the fee levied by KRS 224.60-105 to 224.60-160.
- (7) The Department of Revenue shall refund the fee imposed by KRS 224.60-145(1) to any person who paid the fee provided they are entitled to a refund of motor fuel tax under KRS 138.344 to KRS 138.355 and to any person who paid the fee on transactions exempted under KRS 224.60-145(2).
- (8) Notwithstanding any other provisions of KRS 65.180, 65.182, 68.600 to 68.606, 139.470, 183.165, 224.60-115, 224.60-130, 224.60-137, 224.60-140, 224.60-142, and this section to the contrary, the small operator assistance account and small operator tank removal account established under KRS 224.60-130 shall continue in effect until July 15, ~~2031~~~~[2025]~~, and thereafter until all eligible claims related to tanks registered by that date are resolved, and sufficient money shall be allocated to and maintained in that account to assure prompt

payment of all eligible claims, and to provide for removal of tanks for eligible owners and operators as directed by this chapter.

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 131 IS CREATED TO READ AS FOLLOWS:

- (1) *The department shall submit an annual report to the Legislative Research Commission and the Interim Joint Committee on Appropriations and Revenue on October 1, 2024, and October 1 of each year thereafter.*
- (2) *The report required by subsection (1) of this section shall:*
 - (a) *Summarize each tax law change enacted during:*
 1. *The immediately preceding Regular Session of the General Assembly; or*
 2. *Any Extraordinary Session of the General Assembly held since the last report was submitted;*
 - (b) *Be organized by bill number, including any resolutions impacting the tax laws; and*
 - (c) *Outline actions taken, or to be taken, by the department to implement each tax law change, including any:*
 1. *Required modification to information technology systems and the estimated cost of that modification;*
 2. *Development of new or modification to existing forms for submission by taxpayers;*
 3. *Taxpayer education efforts deployed or to be deployed in response to the tax law changes;*
 4. *Administrative regulations filed or to be filed;*
 5. *Shifting of personnel to perform the actions; and*
 6. *Suggestions to the Interim Joint Committee on Appropriations and Revenue for related statutory corrections or improvements.*

➔Section 5. KRS 138.510 is amended to read as follows:

- (1) (a) Before August 1, 2022, except as provided in paragraph (e) of this subsection and subsection (3) of this section, an excise tax is imposed on all tracks conducting pari-mutuel wagering on live racing under the jurisdiction of the commission as follows:
 1. For each track with a daily average live handle of one million two hundred thousand dollars (\$1,200,000) or above, the tax shall be in the amount of three and one-half percent (3.5%) of all money wagered on live races at the track during the fiscal year; and
 2. For each track with a daily average live handle under one million two hundred thousand dollars (\$1,200,000), the tax shall be one and one-half percent (1.5%) of all money wagered on live races at the track during the fiscal year.
- (b) Beginning August 1, 2022, the excise tax imposed on all tracks conducting pari-mutuel wagering on live racing under jurisdiction of the commission shall be one and one-half percent (1.5%) of all money wagered on live races at the track during the fiscal year.
- (c) Beginning on April 1, 2014, an excise tax is imposed on all tracks conducting pari-mutuel wagering on historical horse races under the jurisdiction of the commission at a rate of one and one-half percent (1.5%) of all money wagered on historical horse races at the track during the fiscal year.
- (d) Money shall be deducted from the tax paid under paragraphs (a), (b), and (c) of this subsection and deposited as follows:
 1. a. Before August 1, 2022, an amount equal to three-quarters of one percent (0.75%) of all money wagered on live races and historical horse races at the track for Thoroughbred racing shall be deposited in the Thoroughbred development fund established in KRS 230.400; and
 - b. Beginning August 1, 2022, an amount equal to three-quarters of one percent (0.75%) of all money wagered on live races and historical horse races at the track for Thoroughbred racing shall be deposited in the Thoroughbred development fund established in KRS 230.400 until forty-five million dollars (\$45,000,000) has been deposited during a fiscal year, at which point the amount deposited in the fund shall decrease to four-tenths of one

percent (0.4%) of all money wagered on live and historical horse races at the track for Thoroughbred racing for the remainder of the fiscal year;

2. a. Before August 1, 2022, an amount equal to one percent (1%) of all money wagered on live races and historical horse races at the track for harness racing shall be deposited in the Kentucky standardbred development fund established in KRS 230.770. Beginning August 1, 2022, an amount equal to one percent (1%) of all money wagered on live races at the track for harness racing shall be deposited in the Kentucky standardbred development fund until a total of twenty million dollars (\$20,000,000) has been deposited during a fiscal year from this subparagraph, at which point the amount deposited shall decrease to four-tenths of one percent (0.4%) of all money wagered for the remainder of the fiscal year; and
- b. Beginning August 1, 2022, an amount equal to one percent (1%) of all money wagered on historical horse races at the track for harness racing shall be distributed in the exact amounts based upon contracts between the parties that have been filed with the commission, but at least one-half (1/2) of the funds shall be deposited into the Kentucky standardbred development fund established in KRS 230.770 until a total of twenty million dollars (\$20,000,000) has been deposited into the Kentucky standardbred development fund during a fiscal year from this subparagraph, at which point the amount deposited in this subdivision shall decrease to four-tenths of one percent (0.4%) of all money wagered for the remainder of the fiscal year. The commission shall provide the department all information necessary from the contracts in order for the funds in this subparagraph to be distributed;
3. An amount equal to one percent (1%) of all money wagered on live races and historical horse races at the track for quarter horse, paint horse, Appaloosa, and Arabian horse racing shall be deposited in the Kentucky quarter horse, paint horse, Appaloosa, and Arabian development fund established by KRS 230.445;
4. An amount equal to two-tenths of one percent (0.2%) of all money wagered on live races and historical horse races at the track shall be paid out in equal amounts as follows:
 - a. To the equine industry program trust and revolving fund established by KRS 230.550 to support the Equine Industry Program at the University of Louisville, except that the amount deposited from money wagered on historical horse races in any fiscal year shall not exceed eight hundred fifty thousand dollars (\$850,000);
 - b. To the University of Kentucky for equine industry programs at the university, except that the amount paid from money wagered on historical horse races in any fiscal year shall not exceed four hundred thousand dollars (\$400,000);
 - c. To the Bluegrass Community and Technical College for the provision of equine industry programs by the system, except that the amount paid from money wagered on historical horse races in any fiscal year shall not exceed two hundred fifty thousand dollars (\$250,000);
 - d. Amounts remaining from money wagered on historical horse races in a fiscal year after payments are made in accordance with subdivisions a., b., and c. of this subparagraph shall be distributed in equal amounts to:
 - i. *The Kentucky Horse Racing Commission for the benefit of Thoroughbred, standardbred, and American quarter horse aftercare facilities in Kentucky, in an amount not to exceed two hundred fifty thousand dollars (\$250,000). The Kentucky Horse Racing Commission shall serve as the administrative agent for these funds, and shall distribute them annually to organizations engaged in the accreditation and monitoring of aftercare facilities. Any funds distributed under this subpart by the Kentucky Horse Racing Commission shall be awarded to aftercare facilities based in Kentucky only after the facilities have achieved and maintained levels of service and operation that resulted in national accreditation; and*
 - ii. *The Kentucky equine management internship program for equine management training, in an amount not to exceed two hundred fifty thousand dollars*

ACTS OF THE GENERAL ASSEMBLY

~~(\$250,000); [The Kentucky Thoroughbred breeders incentive fund established in KRS 230.800, in an amount not to exceed four hundred thousand dollars (\$400,000); and~~

~~ii. The Kentucky standardbred breeders incentive fund established in KRS 230.802, in an amount not to exceed one hundred thousand dollars (\$100,000);] and~~

- e. Any amounts remaining from money wagered on historical horse races in a fiscal year after payments are made in accordance with subdivisions a., b., c., and d. of this subparagraph shall be paid to the general fund;
5.
 - a. An amount equal to one-tenth of one percent (0.1%) of all money wagered on live races and historical horse races at the track shall be deposited in a trust and revolving fund to be used for the construction, expansion, or renovation of facilities or the purchase of equipment for equine programs at state universities *and the Bluegrass Community and Technical College*, except that the amount deposited from money wagered on historical horse races in any fiscal year shall not exceed three hundred twenty thousand dollars (\$320,000).
 - b. These funds shall not be used for salaries or for operating funds for teaching, research, or administration. Funds allocated under this subparagraph shall not replace other funds for capital purposes or operation of equine programs at state universities *and the Bluegrass Community and Technical College*.
 - c. The Kentucky Council on Postsecondary Education shall serve as the administrative agent *for these funds*, and shall establish an advisory committee of interested parties, including all universities *and the Bluegrass Community and Technical College* with established equine programs, to evaluate proposals and make recommendations for the awarding of funds.
 - d. The Kentucky Council on Postsecondary Education may promulgate administrative regulations to establish procedures for administering the program and criteria for evaluating and awarding grants; and
 6. An amount equal to one-tenth of one percent (0.1%) of all money wagered on live races and historical horse races shall be distributed to the commission to support equine drug testing as provided in KRS 230.265(3), except that the amount deposited from money wagered on historical horse races in any fiscal year shall not exceed three hundred twenty thousand dollars (\$320,000).
- (e) The excise tax imposed by paragraphs (a) and (b) of this subsection shall not apply to pari-mutuel wagering on live harness racing at a county fair.
- (2) (a) Except as provided in paragraph (c) of this subsection, an excise tax is imposed on:
1. All tracks conducting telephone account wagering;
 2. All tracks participating as receiving tracks in intertrack wagering under the jurisdiction of the commission; and
 3. All tracks participating as receiving tracks displaying simulcasts and conducting interstate wagering thereon.
- (b) 1. Before August 1, 2022, the tax shall be three percent (3%) of all money wagered on races as provided in paragraph (a) of this subsection during the fiscal year.
2. Beginning August 1, 2022, the tax shall be one and one-half percent (1.5%) of all money wagered on races as provided in paragraph (a) of this subsection during the fiscal year.
- (c) A noncontiguous track facility approved by the commission on or after January 1, 1999, shall be exempt from the tax imposed under this subsection, if the facility is established and operated by a licensed track which has a total annual handle on live racing of two hundred fifty thousand dollars (\$250,000) or less. The amount of money exempted under this paragraph shall be retained by the noncontiguous track facility, KRS 230.3771 and 230.378 notwithstanding.
- (d) Money shall be deducted from the tax paid under paragraphs (a) and (b) of this subsection as follows:

1. An amount equal to one percent (1%) of the amount wagered shall be deposited as follows:
 - a. In the Thoroughbred development fund established in KRS 230.400 if the host track is conducting a Thoroughbred race meeting or the interstate wagering is conducted on a Thoroughbred race meeting;
 - b. In the Kentucky standardbred development fund established in KRS 230.770, if the host track is conducting a harness race meeting or the interstate wagering is conducted on a harness race meeting; or
 - c. In the Kentucky quarter horse, paint horse, Appaloosa, and Arabian development fund established by KRS 230.445, if the host track is conducting a quarter horse, paint horse, Appaloosa, or Arabian horse race meeting or the interstate wagering is conducted on a quarter horse, paint horse, Appaloosa, or Arabian horse race meeting;
 2. An amount equal to twenty-five thousandths of one percent (0.025%) of the amount wagered shall be allocated to the equine industry program trust and revolving fund established by KRS 230.550 to be used to support the Equine Industry Program at the University of Louisville;
 3. An amount equal to one-twentieth of one percent (0.05%) of the amount wagered shall be deposited in a trust and revolving fund to be used for the construction, expansion, or renovation of facilities or the purchase of equipment for equine programs at state universities, as detailed in subsection (1)(d)5. of this section; and
 4. An amount equal to one-twentieth of one percent (0.05%) of the amount wagered shall be distributed to the commission to support equine drug testing as provided in KRS 230.265(3).
- (3) If a host track in this state is the location for the conduct of a two (2) day international horse racing event that distributes in excess of a total of twenty million dollars (\$20,000,000) in purses and awards:
- (a) The excise tax imposed by subsection (1)(a) and (b) of this section shall not apply to money wagered at the track on live races conducted at the track during the two (2) day international horse racing event; and
 - (b) Amounts wagered at the track on live races conducted at the track during the two (2) day international horse racing event shall not be included in calculating the daily average live handle for purposes of subsection (1) of this section.
- (4) *If a host track in this state is the location for the conduct of an international harness racing event spanning multiple days that distributes at least five million dollars (\$5,000,000) in purses and awards, the Tourism, Arts and Heritage Cabinet shall be granted a race title sponsorship and promotional package at the international harness racing event with all usual and customary benefits assigned to promote Kentucky tourism. The Tourism, Arts and Heritage Cabinet shall not be charged any fees for the promotional package.*
- (5)~~(4)~~ The taxes imposed by this section shall be paid, collected, and administered as provided in KRS 138.530.

➔Section 6. KRS 230.770 is amended to read as follows:

- (1) (a) There is hereby created a trust and **agency account**~~revolving fund~~ for the Kentucky Horse Racing Commission, designated as the Kentucky standardbred development fund, consisting of **moneys**~~money~~ allocated to the fund under the provisions of KRS 138.510, together with any other **moneys**~~money~~ contributed to or allocated to the fund from all other sources.
- (b) For the purposes of this section, "development fund" or "fund" means the Kentucky standardbred development fund.
- (c) **Moneys**~~Money~~ to the credit of the development fund shall be *transferred in the following order*:
 1. *Seventy-five thousand dollars (\$75,000) each fiscal year to the Kentucky problem gambling assistance account established in KRS 230.826; and*
 2. *Remaining moneys to*~~distributed by the Treasurer for the purposes provided in this section, upon authorization of~~ the Kentucky Horse Racing Commission *for the purposes specified in this section*~~and upon approval of the secretary of the Finance and Administration Cabinet~~.

- (d) ~~Moneys~~[Money] to the credit of the fund at the end of each fiscal year shall not lapse but shall be carried forward in the fund to the succeeding fiscal year.
- (2) The Kentucky Horse Racing Commission shall use the development fund to promote races, and to provide purses for races, for Kentucky-bred standardbred horses.
- (3) The racing commission shall:
- (a) *Account for the moneys in the fund by separating the moneys as required for distribution under subsections (1) and (4) of this section; and*
- (b) Provide for distribution of ~~moneys~~[money] to the credit of the development fund to persons, corporations, or associations operating licensed standardbred race tracks within Kentucky on an equitable basis, for the purpose of conducting separate races for Kentucky-bred standardbred horses, both trotting and pacing.
- (4) *The racing commission shall establish an international harness racing event reserve account of up to nine hundred thousand dollars (\$900,000) for a Kentucky track that hosts an international harness racing event spanning multiple days that distributes at least five million dollars (\$5,000,000) in purses and awards. Moneys shall be transferred from the development fund as follows:*
- (a) *Beginning July 31, 2024, three hundred thousand dollars (\$300,000) shall be transferred annually into the event reserve account until the total amount transferred into the event reserve account reaches nine hundred thousand dollars (\$900,000);*
- (b) *If the event reserve account reaches nine hundred thousand dollars (\$900,000), the annual transfer of moneys into the account shall be suspended and shall not resume until a Kentucky track has hosted the event and has received its distribution of moneys under this subsection; and*
- (c) *If an event is held and the nine hundred thousand dollars (\$900,000) has been distributed to the host track, the annual transfers into the event reserve account under paragraph (a) of this subsection shall resume at that time.*
- (5) ~~Moneys~~[Money] distributed from the development fund to licensed standardbred race tracks within the Commonwealth shall be used exclusively to promote races and provide purses for races conditioned to admit only Kentucky-bred standardbred horses.
- ~~(6)~~~~(5)~~ The Kentucky Horse Racing Commission shall:
- (a) Fix the amount of ~~moneys~~[money] to be paid from the development fund to be added to the purse provided for each race by the licensed operator of the track;~~shall~~
- (b) Fix the dates and conditions of races to be held by licensed race tracks; and~~shall~~
- (c) Promulgate administrative regulations *in accordance with KRS Chapter 13A* necessary to carry out the provisions of this section.
- ~~(7)~~~~(6)~~ (a) The Kentucky Horse Racing Commission may promulgate administrative regulations necessary to determine the eligibility of horses for entry in races for which a portion of the purse is provided by ~~moneys~~[money] of the development fund, including administrative regulations for the eligibility, residency, and registration of mares, stallions, and progeny thereof.
- (b) Registration of stallions may occur any time during the breeding season, but shall occur no later than December 31 of the year of conception of the eligible horse.
- ~~(8)~~~~(7)~~ (a) The Kentucky Horse Racing Commission shall appoint qualified personnel necessary to supervise registration of, or determination of eligibility of, horses entitled to entry in races, a portion of the purse of which is provided by the development fund, to assist the racing commission in determining the conditions, class, and quality of the fund supported race program to be established *in this section*~~hereunder so as~~ to carry out the purposes of this section.
- (b) These persons shall serve at the pleasure of the racing commission and compensation shall be fixed by the racing commission.
- (c) The compensation of personnel and necessary expenses shall be paid out of the development fund.

- (d) The racing commission shall ~~Promulgate administrative regulations to carry out the provisions of this section, and shall~~ administer the Kentucky sire stakes program ~~created hereby~~ in a manner best designed to:
1. Promote and aid in the development of the horse industry in Kentucky; ~~to~~
 2. Upgrade the quality of racing in Kentucky; and ~~to~~
 3. Improve the quality of horses bred in Kentucky.

→Section 7. KRS 230.400 is amended to read as follows:

- (1) (a) There is hereby created a trust and **agency account** ~~revolving fund~~ for the Kentucky Horse Racing Commission, designated as the Kentucky Thoroughbred development fund, consisting of **moneys** ~~money~~ allocated to the fund under the provisions of KRS 138.510, together with other **moneys** ~~money~~ contributed to or allocated to the fund from all other sources.
- (b) **Moneys** ~~Money~~ to the credit of the Kentucky Thoroughbred development fund shall be **transferred in the following order**:
1. **One hundred thousand dollars (\$100,000) each fiscal year to the Kentucky problem gambling assistance account established in KRS 230.826; and**
 2. **Remaining moneys to** ~~distributed by the Treasurer for the purposes of this section upon authorization of~~ the Kentucky Horse Racing Commission **for the purposes specified in this section** ~~and upon approval of the secretary of the Finance and Administration Cabinet~~.
- (c) **Moneys** ~~Money~~ from the Kentucky Thoroughbred development fund shall be allocated to each licensed association in an amount equal to the amount the association contributed to the fund.
- (d) **Moneys** ~~Money~~ to the credit of the Kentucky Thoroughbred development fund at the end of each fiscal year shall not lapse, but shall be carried forward in such fund to the succeeding fiscal year.
- (2) There is hereby established, under the general jurisdiction of the Kentucky Horse Racing Commission, a Kentucky Thoroughbred Development Fund Advisory Committee. The advisory committee shall consist of five (5) members, all of whom shall be residents of Kentucky, to be appointed by the chairman of the Kentucky Horse Racing Commission by July 1 of each year. The committee shall consist of two (2) Thoroughbred breeders recommended by the Kentucky Thoroughbred Owners and Breeders, Inc.; one (1) Thoroughbred owner recommended by the Kentucky division of the Horsemen's Benevolent and Protective Association; one (1) officer or director of a licensed association conducting Thoroughbred racing in Kentucky, recommended by action of all of the licensed associations conducting Thoroughbred racing in Kentucky; and one (1) member of the Kentucky Horse Racing Commission. If any member other than the racing commission member has not been recommended for appointment by July 1 of each year, the chairman of the Kentucky Horse Racing Commission shall make an appointment for the organization or organizations failing to recommend a member of the committee. The members of the advisory committee shall serve without compensation, but shall be entitled to reimbursement for all expenses incurred in the discharge of official business. The advisory committee shall select from its membership annually a chairman and a vice chairman.
- (3) (a) The Kentucky Thoroughbred Development Fund Committee shall advise and assist the Kentucky Horse Racing Commission in the development of the supplemental purse program provided herein for Kentucky-bred Thoroughbreds, shall make recommendations to the racing commission from time to time with respect to the establishment of guidelines, administrative regulations for the provision of supplemental purses, the amount thereof, the races for which the purses are to be provided and the conditions thereof, manner and method of payment of supplemental purses, registry of Thoroughbred stallions standing within the Commonwealth of Kentucky, registry of Kentucky-bred Thoroughbreds for purposes of this section, nature and type of forms and reports to be employed and required in connection with the establishment, provision for, award and payment of supplemental purses, and with respect to all other matters necessary in connection with the carrying out of the intent and purposes of this section.
- (b) The Kentucky Horse Racing Commission shall employ qualified personnel as may be required to assist the racing commission and the advisory committee in carrying out the provisions of this section. These persons shall serve at the pleasure of the racing commission and compensation for these personnel shall be fixed by the racing commission. The compensation of these personnel and the necessary expenses

incurred by the racing commission or by the committee in carrying out the provisions of this section shall be paid out of the Kentucky Thoroughbred development fund.

- (4) The Kentucky Horse Racing Commission, with the advice and assistance of the Kentucky Thoroughbred Development Fund Advisory Committee, shall use the Kentucky Thoroughbred development fund to promote, enhance, improve, and encourage the further and continued development of the Thoroughbred breeding industry in Kentucky by providing, out of the Kentucky Thoroughbred development fund, supplemental purses for designated stakes, handicap, allowance, nonclaiming maiden races, and claiming races contested at licensed Thoroughbred race meetings in Kentucky. The Kentucky Horse Racing Commission shall, by administrative regulation promulgated in accordance with KRS Chapter 13A, establish the requirements, conditions, and procedures for awarding and payment of supplemental purses in designated races by Kentucky-bred Thoroughbred horses. That portion of the supplemental purse provided for any designated race shall be awarded and paid to the owner of the horse only if the horse is a Kentucky-bred Thoroughbred duly registered with the official registrar. Any portion of the supplemental purse which is not awarded and paid over shall be returned to the Kentucky Thoroughbred development fund.
- (5)
 - (a) For purposes of this section, the term "Kentucky Thoroughbred stallion" shall mean and include only a Thoroughbred stallion standing the entire breeding season in Kentucky and registered as a Kentucky Thoroughbred stallion with the official registrar of the Kentucky Thoroughbred development fund.
 - (b) Except for Thoroughbred horses foaled prior to January 1, 1980, the term "Kentucky-bred Thoroughbreds," for purposes of this section, shall mean and include only Thoroughbred horses sired by Kentucky Thoroughbred stallions foaled in Kentucky and registered as a Kentucky-bred Thoroughbred with the official registrar of the Kentucky Thoroughbred development fund.
 - (c) Any Thoroughbred horse foaled prior to January 1, 1980, may qualify as a Kentucky-bred Thoroughbred for purposes of this section if the horse was foaled in Kentucky and if the sire of the Thoroughbred was standing at stud within Kentucky at the time of conception of such Thoroughbred, provided the Thoroughbred is duly registered as a Kentucky-bred Thoroughbred with the official registrar of the Kentucky Thoroughbred development fund.
 - (d) In order for an owner of a Kentucky-sired Thoroughbred to be eligible to demand, claim, and receive a portion of a supplemental purse provided by the Kentucky Thoroughbred development fund, the Thoroughbred horse in a designated race for which a supplemental purse has been provided by the Kentucky Thoroughbred development fund must have been duly registered as a Kentucky-bred Thoroughbred with the official registrar of the Kentucky Thoroughbred development fund prior to entry in the race.
- (6)
 - (a) Kentucky Thoroughbred Owners and Breeders, Inc., is hereby recognized and designated as the sole official registrar of the Kentucky Thoroughbred development fund for the purposes of registering Kentucky Thoroughbred stallions and Kentucky-bred Thoroughbreds in accordance with the terms of this section and any administrative regulations promulgated by the Kentucky Horse Racing Commission. When a Kentucky-bred Thoroughbred is registered with the official registrar, the registrar shall be authorized to stamp the Jockey Club certificate issued for the Thoroughbred with the seal of the registrar, certifying that the Thoroughbred is a duly qualified and registered Kentucky-bred Thoroughbred for purposes of this section. The registrar may establish and charge, with the approval of the racing commission, reasonable registration fees for its services in the registration of Kentucky Thoroughbred stallions and in the registration of Kentucky-bred Thoroughbreds. Registration records of the registrar shall be public records and open to public inspection at all normal business hours and times.
 - (b) Any interested party aggrieved by the failure or refusal of the official registrar to register a stallion or Thoroughbred as a Kentucky stallion or as a Kentucky-bred Thoroughbred shall have the right to file with the racing commission, within thirty (30) days of such failure or refusal of the registrar, a petition seeking registration of the Thoroughbred. The racing commission shall promptly hear the matter de novo and issue its order directing the official registrar to register or not to register as it may be determined by the racing commission.
- (7) The Kentucky Horse Racing Commission shall promulgate administrative regulations as may be necessary to carry out the provisions and purposes of this section, including the promulgation of administrative regulations and forms as may be appropriate for the proper registration of Kentucky stallions and Kentucky-bred Thoroughbreds with the official registrar, and shall administer the Kentucky-bred Thoroughbred program created hereby in a manner best designed to promote and aid in the further development of the Thoroughbred

breeding industry in Kentucky, to upgrade the quality of Thoroughbred racing in Kentucky, and to improve the quality of Thoroughbred horses bred in Kentucky.

➔Section 8. KRS 230.445 is amended to read as follows:

- (1) (a) There is hereby created a trust and **agency account**~~revolving fund~~ for the Kentucky Horse Racing Commission designated the Kentucky quarter horse, paint horse, Appaloosa, and Arabian development fund, consisting of **moneys**~~money~~ allocated to the fund under KRS 230.3771 together with any other **moneys**~~money~~ contributed to or allocated to the fund from all other sources.
 - (b) For the purposes of this section, "development fund" or "fund" means the Kentucky quarter horse, paint horse, Appaloosa, and Arabian development fund.
 - (c) **Moneys**~~Money~~ to the credit of the development fund shall be **transferred in the following order**:
 1. **Twenty-five thousand dollars (\$25,000) each fiscal year to the Kentucky problem gambling assistance account established in KRS 230.826; and**
 2. **Remaining moneys to** ~~{distributed by the Treasurer for the purposes provided in this section, upon authorization of}~~ the Kentucky Horse Racing Commission **for the purposes specified in this section**~~{and upon approval of the secretary of the Finance and Administration Cabinet}~~.
 - (d) Notwithstanding KRS 45.229, **moneys**~~money~~ to the credit of the fund at the end of the fiscal year shall not lapse but shall be carried forward in the fund to the succeeding fiscal year.
 - (e) Interest earnings of the fund shall become a part of the fund and shall not lapse.
 - (f) Moneys in the fund shall be used and are hereby appropriated for purposes specified in this section.
- (2) The Kentucky Horse Racing Commission shall use the development fund to promote races and to provide purses for races for horses bred and foaled in the Commonwealth. The commission shall provide for distribution of **moneys**~~money~~ to the credit of the development fund to persons, corporations, or associations operating licensed tracks within Kentucky conducting quarter horse, paint horse, Appaloosa, or Arabian horse racing, on an equitable basis as determined by the commission and in conformance with subsection (3) of this section.
 - (3) The Kentucky Horse Racing Commission shall:
 - (a) Fix the amount of **moneys**~~money~~ to be paid from the development fund to be added to the purse provided for each race by the licensed operator of the track;
 - (b) Fix the dates and conditions of races to be held by licensed tracks; and
 - (c) Promulgate administrative regulations necessary to carry out the provisions of this section.

Moneys~~Money~~ from the fund shall be allocated to each breed of horse represented in the fund in an amount equal to the amount the breed has contributed to the fund.
 - (4) The Kentucky Horse Racing Commission shall appoint qualified personnel as necessary to:
 - (a) Supervise registration of, or determine the eligibility of, horses entitled to entry in races which receive a portion of purse money from the development fund; and
 - (b) Assist the commission in determining the conditions, class, and quality of the fund-supported race program established to carry out the purposes of this section.

The personnel shall serve at the pleasure of the commission and compensation shall be fixed by the commission with the compensation and necessary expenses of the personnel paid from the development fund.
 - (5) The commission shall promulgate administrative regulations to carry out the provisions of this section and shall administer the Kentucky quarter horse, paint horse, Appaloosa, and Arabian development fund in a manner designed to:
 - (a) Promote and aid in the development of the horse industry in Kentucky;
 - (b) Upgrade the quality of racing in Kentucky; and
 - (c) Improve the quality of horses bred in Kentucky.

➔Section 9. KRS 138.513 is amended to read as follows:

- (1) (a) Beginning August 1, 2014, but before August 1, 2022, an excise tax is imposed on all advance deposit account wagering licensees licensed under KRS 230.260 at a rate of one-half of one percent (0.5%) of all amounts wagered through the licensee by Kentucky residents; and
- (b) Beginning August 1, 2022, an excise tax is imposed on all advance deposit account wagering licensees licensed under KRS ~~230.260~~~~[138.675]~~ at a rate of one and one-half percent (1.5%) of all amounts wagered through the licensee by Kentucky residents.
- (2) The tax imposed by this section shall be paid, collected, administered, and distributed as provided in KRS 138.530.

➔Section 10. KRS 139.470 is amended to read as follows:

There are excluded from the computation of the amount of taxes imposed by this chapter:

- (1) Gross receipts from the sale of, and the storage, use, or other consumption in this state of, tangible personal property or digital property which this state is prohibited from taxing under the Constitution or laws of the United States, or under the Constitution of this state;
- (2) Gross receipts from sales of, and the storage, use, or other consumption in this state of:
 - (a) Nonreturnable and returnable containers when sold without the contents to persons who place the contents in the container and sell the contents together with the container; and
 - (b) Returnable containers when sold with the contents in connection with a retail sale of the contents or when resold for refilling;

As used in this section the term "returnable containers" means containers of a kind customarily returned by the buyer of the contents for reuse. All other containers are "nonreturnable containers";

- (3) Gross receipts from occasional sales of tangible personal property or digital property and the storage, use, or other consumption in this state of tangible personal property or digital property, the transfer of which to the purchaser is an occasional sale;
- (4) Gross receipts from sales of tangible personal property to a common carrier, shipped by the retailer via the purchasing carrier under a bill of lading, whether the freight is paid in advance or the shipment is made freight charges collect, to a point outside this state and the property is actually transported to the out-of-state destination for use by the carrier in the conduct of its business as a common carrier;
- (5) Gross receipts from sales of tangible personal property sold through coin-operated bulk vending machines, if the sale amounts to fifty cents (\$0.50) or less, if the retailer is primarily engaged in making the sales and maintains records satisfactory to the department. As used in this subsection, "bulk vending machine" means a vending machine containing unsorted merchandise which, upon insertion of a coin, dispenses the same in approximately equal portions, at random and without selection by the customer;
- (6) Gross receipts from sales to any cabinet, department, bureau, commission, board, or other statutory or constitutional agency of the state and gross receipts from sales to counties, cities, or special districts as defined in KRS 65.005. This exemption shall apply only to purchases of tangible personal property, digital property, or services for use solely in the government function. A purchaser not qualifying as a governmental agency or unit shall not be entitled to the exemption even though the purchaser may be the recipient of public funds or grants;
- (7) (a) Gross receipts from the sale of sewer services, water, and fuel to Kentucky residents for use in heating, water heating, cooking, lighting, and other residential uses if the sewer services, water, and fuel are purchased and declared by the resident as used in his or her place of domicile.
- (b) As used in this subsection:
 1. "Fuel" shall include but not be limited to natural gas, electricity, fuel oil, bottled gas, coal, coke, and wood; and
 2. "Place of domicile" means the place where an individual has his or her legal, true, fixed, and permanent home and principal establishment, and to which, whenever the individual is absent, the individual has the intention of returning.
- (c) Determinations of eligibility for the exemption shall be made by the department.

- (d) The exemption shall apply to charges for sewer service, water, and fuel billed to an owner or operator of a multi-unit residential rental facility or mobile home and recreational vehicle park if the owner or operator declares that the sewer services, water, and fuel are purchased for Kentucky residents to be used in the resident's place of domicile.
 - (e) The exemption shall apply also to residential property which may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by the stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight (98) years if the sewer services, water, and fuel are purchased for and declared by the Kentucky resident as used in his or her place of domicile;
- (8) Gross receipts from sales to an out-of-state agency, organization, or institution exempt from sales and use tax in its state of residence when that agency, organization, or institution gives proof of its tax-exempt status to the retailer and the retailer maintains a file of the proof;
- (9) (a) Gross receipts derived from the sale of tangible personal property, as provided in paragraph (b) of this subsection, to a manufacturer or industrial processor if the property is to be directly used in the manufacturing or industrial processing process of:
- 1. Tangible personal property at a plant facility;
 - 2. Distilled spirits or wine at a plant facility or on the premises of a distiller, rectifier, winery, or small farm winery licensed under KRS 243.030 that includes a retail establishment on the premises; or
 - 3. Malt beverages at a plant facility or on the premises of a brewer or microbrewery licensed under KRS 243.040 that includes a retail establishment;
- and which will be for sale.
- (b) The following tangible personal property shall qualify for exemption under this subsection:
- 1. Materials which enter into and become an ingredient or component part of the manufactured product;
 - 2. Other tangible personal property which is directly used in the manufacturing or industrial processing process, if the property has a useful life of less than one (1) year. Specifically, these items are categorized as follows:
 - a. Materials. This refers to the raw materials which become an ingredient or component part of supplies or industrial tools exempt under subdivisions b. and c. below;
 - b. Supplies. This category includes supplies such as lubricating and compounding oils, grease, machine waste, abrasives, chemicals, solvents, fluxes, anodes, filtering materials, fire brick, catalysts, dyes, refrigerants, and explosives. The supplies indicated above need not come in direct contact with a manufactured product to be exempt. "Supplies" does not include repair, replacement, or spare parts of any kind; and
 - c. Industrial tools. This group is limited to hand tools such as jigs, dies, drills, cutters, rolls, reamers, chucks, saws, and spray guns and to tools attached to a machine such as molds, grinding balls, grinding wheels, dies, bits, and cutting blades. Normally, for industrial tools to be considered directly used in the manufacturing or industrial processing process, they shall come into direct contact with the product being manufactured or processed; and
 - 3. Materials and supplies that are not reusable in the same manufacturing or industrial processing process at the completion of a single manufacturing or processing cycle. A single manufacturing cycle shall be considered to be the period elapsing from the time the raw materials enter into the manufacturing process until the finished product emerges at the end of the manufacturing process.
- (c) The property described in paragraph (b) of this subsection shall be regarded as having been purchased for resale.
- (d) For purposes of this subsection, a manufacturer or industrial processor includes an individual or business entity that performs only part of the manufacturing or industrial processing activity, and the person or business entity need not take title to tangible personal property that is incorporated into, or becomes the product of, the activity.

- (e) The exemption provided in this subsection does not include repair, replacement, or spare parts;
- (10) Any water use fee paid or passed through to the Kentucky River Authority by facilities using water from the Kentucky River basin to the Kentucky River Authority in accordance with KRS 151.700 to 151.730 and administrative regulations promulgated by the authority;
- (11) Gross receipts from the sale of newspaper inserts or catalogs purchased for storage, use, or other consumption outside this state and delivered by the retailer's own vehicle to a location outside this state, or delivered to the United States Postal Service, a common carrier, or a contract carrier for delivery outside this state, regardless of whether the carrier is selected by the purchaser or retailer or an agent or representative of the purchaser or retailer, or whether the F.O.B. is retailer's shipping point or purchaser's destination.
 - (a) As used in this subsection:
 - 1. "Catalogs" means tangible personal property that is printed to the special order of the purchaser and composed substantially of information regarding goods and services offered for sale; and
 - 2. "Newspaper inserts" means printed materials that are placed in or distributed with a newspaper of general circulation.
 - (b) The retailer shall be responsible for establishing that delivery was made to a non-Kentucky location through shipping documents or other credible evidence as determined by the department;
- (12) Gross receipts from the sale of water used in the raising of equine as a business;
- (13) Gross receipts from the sale of metal retail fixtures manufactured in this state and purchased for storage, use, or other consumption outside this state and delivered by the retailer's own vehicle to a location outside this state, or delivered to the United States Postal Service, a common carrier, or a contract carrier for delivery outside this state, regardless of whether the carrier is selected by the purchaser or retailer or an agent or representative of the purchaser or retailer, or whether the F.O.B. is the retailer's shipping point or the purchaser's destination.
 - (a) As used in this subsection, "metal retail fixtures" means check stands and belted and nonbelted checkout counters, whether made in bulk or pursuant to specific purchaser specifications, that are to be used directly by the purchaser or to be distributed by the purchaser.
 - (b) The retailer shall be responsible for establishing that delivery was made to a non-Kentucky location through shipping documents or other credible evidence as determined by the department;
- (14) Gross receipts from the sale of unenriched or enriched uranium purchased for ultimate storage, use, or other consumption outside this state and delivered to a common carrier in this state for delivery outside this state, regardless of whether the carrier is selected by the purchaser or retailer, or is an agent or representative of the purchaser or retailer, or whether the F.O.B. is the retailer's shipping point or purchaser's destination;
- (15) Amounts received from a tobacco buydown. As used in this subsection, "buydown" means an agreement whereby an amount, whether paid in money, credit, or otherwise, is received by a retailer from a manufacturer or wholesaler based upon the quantity and unit price of tobacco products sold at retail that requires the retailer to reduce the selling price of the product to the purchaser without the use of a manufacturer's or wholesaler's coupon or redemption certificate;
- (16) Gross receipts from the sale of tangible personal property or digital property returned by a purchaser when the full sales price is refunded either in cash or credit. This exclusion shall not apply if the purchaser, in order to obtain the refund, is required to purchase other tangible personal property or digital property at a price greater than the amount charged for the property that is returned;
- (17) Gross receipts from the sales of gasoline and special fuels subject to tax under KRS Chapter 138;
- (18) The amount of any tax imposed by the United States upon or with respect to retail sales, whether imposed on the retailer or the consumer, not including any manufacturer's excise or import duty;
- (19) Gross receipts from the sale of any motor vehicle as defined in KRS 138.450 which is:
 - (a) Sold to a Kentucky resident, registered for use on the public highways, and upon which any applicable tax levied by KRS 138.460 has been paid; or
 - (b) Sold to a nonresident of Kentucky if the nonresident registers the motor vehicle in a state that:

1. Allows residents of Kentucky to purchase motor vehicles without payment of that state's sales tax at the time of sale; or
 2. Allows residents of Kentucky to remove the vehicle from that state within a specific period for subsequent registration and use in Kentucky without payment of that state's sales tax;
- (20) Gross receipts from the sale of a semi-trailer as defined in KRS 189.010(12) and trailer as defined in KRS 189.010(17);
- (21) Gross receipts from the collection of:
- (a) Any fee or charge levied by a local government pursuant to KRS 65.760;
 - (b) The charge imposed by KRS 65.7629(3);
 - (c) The fee imposed by KRS 65.7634; and
 - (d) The service charge imposed by KRS 65.7636;
- (22) Gross receipts derived from charges for labor or services to apply, install, repair, or maintain tangible personal property directly used in manufacturing or industrial processing process of:
- (a) Tangible personal property at a plant facility;
 - (b) Distilled spirits or wine at a plant facility or on the premises of a distiller, rectifier, winery, or small farm winery licensed under KRS 243.030; or
 - (c) Malt beverages at a plant facility or on the premises of a brewer or microbrewery licensed under KRS 243.040;

that is not otherwise exempt under subsection (9) of this section or KRS 139.480(10), if the charges for labor or services are separately stated on the invoice, bill of sale, or similar document given to purchaser;

- (23) (a) For persons selling services included in KRS 139.200(2)(g) to ~~ax~~~~(p)~~ prior to January 1, ~~2025~~~~[2019]~~, gross receipts derived from the sale of those services if the gross receipts were less than ~~twelve~~~~[six]~~ thousand dollars ~~(\$12,000)~~~~(\$6,000)~~ during calendar year ~~2024~~~~[2018]~~. When gross receipts from these services exceed ~~twelve~~~~[six]~~ thousand dollars ~~(\$12,000)~~~~(\$6,000)~~ in a calendar year:
1. All gross receipts over ~~twelve~~~~[six]~~ thousand dollars ~~(\$12,000)~~~~(\$6,000)~~ are taxable in that calendar year; and
 2. All gross receipts are subject to tax in subsequent calendar years.
- (b) ~~For persons selling services included in KRS 139.200(2)(q) to (ax) prior to January 1, 2023, gross receipts derived from the sale of those services if the gross receipts were less than six thousand dollars (\$6,000) during calendar year 2021. When gross receipts from these services exceed six thousand dollars (\$6,000) in a calendar year:~~
- ~~1. All gross receipts over six thousand dollars (\$6,000) are taxable in that calendar year; and~~
 - ~~2. All gross receipts are subject to tax in subsequent calendar years.~~
- ~~(c) The exemption provided in this subsection shall not apply to a person also engaged in the business of selling tangible personal property, digital property, or services included in KRS 139.200(2)(a) to (f); and~~
- (24) (a) For persons that first begin making sales of services included in KRS 139.200(2)(g) to ~~(ax)~~~~(p)~~ on or after January 1, ~~2025~~~~[2019]~~, gross receipts derived from the sale of those services if the gross receipts are less than ~~twelve~~~~[six]~~ thousand dollars ~~(\$12,000)~~~~(\$6,000)~~ within the first calendar year of operation. When gross receipts from these services exceed ~~twelve~~~~[six]~~ thousand dollars ~~(\$12,000)~~~~(\$6,000)~~ in a calendar year:
1. All gross receipts over ~~twelve~~~~[six]~~ thousand dollars ~~(\$12,000)~~~~(\$6,000)~~ are taxable in that calendar year; and
 2. All gross receipts are subject to tax in subsequent calendar years.
- (b) ~~For persons that first begin making sales of services included in KRS 139.200(2)(q) to (ax) on or after January 1, 2023, gross receipts derived from the sale of those services if the gross receipts are less than~~

~~six thousand dollars (\$6,000) within the first calendar year of operation. When gross receipts from these services exceed six thousand dollars (\$6,000) in a calendar year:~~

- ~~1. All gross receipts over six thousand dollars (\$6,000) are taxable in that calendar year; and~~
- ~~2. All gross receipts are subject to tax in subsequent calendar years.~~

~~(e) The exemption provided in this subsection shall not apply to a person that is also engaged in the business of selling tangible personal property, digital property, or services included in KRS 139.200(2)(a) to (f).~~

➔SECTION 11. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

(a) *"Eligible equipment or services" means the equipment used in the expansion of broadband services in Kentucky and includes:*

1. *Wires, cables, fiber, conduits, antennas, poles, switches, routers, amplifiers, rectifiers, repeaters, receivers, multiplexers, transmitters, circuit cards, insulating and protective materials and cases, power equipment, backup power equipment, diagnostic equipment, storage devices, and modems;*
2. *General central office or headend equipment, including:*
 - a. *Channel cards;*
 - b. *Frames; and*
 - c. *Cabinets;*
3. *Equipment used in successor technologies, including items used to monitor, test, maintain, enable, or facilitate:*
 - a. *Eligible equipment or services;*
 - b. *Machinery;*
 - c. *Software;*
 - d. *Ancillary components;*
 - e. *Appurtenances; and*
 - f. *Accessories; and*
4. *Any other infrastructure that is used in whole or in part to provide or expand broadband communications services; and*

(b) *"Qualified broadband investment":*

1. *Means the purchase or lease of any eligible equipment or services by any provider that Kentucky sales and use tax has been paid under KRS Chapter 139; and*
2. *Does not include the purchase or lease of personal consumer electronics, including:*
 - a. *Smartphones;*
 - b. *Computers;*
 - c. *Tablets;*
 - d. *Consumer-grade modems; and*
 - e. *Routers.*

(2) *For taxable years beginning on or after January 1, 2025, but before January 1, 2029, there is hereby created a qualified broadband investment tax credit to provide for the expansion of broadband services in this state.*

(3) (a) *The credit in subsection (2) of this section shall be nonrefundable, nontransferable, and allowed against the tax imposed under KRS 141.020 or 141.040 and 141.0401 with the ordering of the credit as provided in Section 12 of this Act.*

- (b) *The tax credit shall be equal to the amount of sales tax actually paid on the qualified broadband investment:*
1. *Reduced by the amount of seller reimbursement allowed under KRS 139.570; and*
 2. *Limited to:*
 - a. *Fifty percent (50%) of the amount determined under subparagraph 1. of this paragraph for a taxpayer; and*
 - b. *A total of five million dollars (\$5,000,000) for all tax credits in each taxable year in which the credit is available.*
- (4) (a) *Beginning with calendar year 2025, any taxpayer who intends to take the credit for a qualified broadband investment tax credit shall:*
1. *Submit an application for approval to the department on a form prescribed by the department prior to December 31, 2025, and each December 31 thereafter as long as the credit is available; and*
 2. *Provide:*
 - a. *The taxpayer's identification number;*
 - b. *The amount of sales and use tax that the taxpayer remitted or intends to remit for the qualified broadband investment; and*
 - c. *A statement of how approval of this tax credit will result in greater investment in this state by:*
 - i. *Expansion of broadband services;*
 - ii. *An upgrade to existing broadband infrastructure; or*
 - iii. *An increase of access to broadband for the residents in this state.*
- (b) *The department shall:*
1. *Review all submitted applications no later than January 15, 2026, and each January 15 thereafter as long as the credit is available; and*
 2. *By February 1 following the end of the calendar year, provide a letter to the taxpayer indicating approval and amount of tax credit to be awarded.*
- (5) *A taxpayer approved for credit under subsection (4) of this section shall submit with their return, verification of the sales and use tax remitted on the qualified broadband investment, which may include:*
- (a) *Receipt of eligible equipment or services purchased; or*
 - (b) *Lease agreement for eligible equipment or services.*
- (6) *If the total amount of credits granted approval under subsection (4) of this section exceeds five million dollars (\$5,000,000), each taxpayer shall receive no more than its applicable pro rata share of the five million dollar (\$5,000,000) limit.*
- (7) (a) *In order for the General Assembly to evaluate the effectiveness of the qualified broadband investment tax credit, the department shall submit the following information to the Legislative Research Commission for referral to the Interim Joint Committee on Appropriations and Revenue on or before November 1, 2026, and on or before each November 1 thereafter as long as the credit may be claimed on a return:*
1. *The location of the taxpayer, by county, as reflected on the return filed for the taxable year;*
 2. *The amount of qualified broadband investment tax credit claimed by the taxpayer for the taxable year;*
 3. *The total cumulative amount of all qualified broadband investment tax credits claimed for the taxable year; and*
 4. a. *In the case of all taxpayers other than corporations, based on ranges of adjusted gross income of no larger than five thousand dollars (\$5,000) for the taxable year, the total*

amount of qualified broadband investment tax credit claimed and the total number of returns claiming this tax credit for each income range; and

- b. In the case of all corporations, based on ranges of net income no larger than fifty thousand dollars (\$50,000) for the taxable year, the total amount of tax credit claimed and the number of returns claiming a tax credit for each net income range.*

- (b) The information required to be reported under this section shall not be considered confidential taxpayer information and shall not be subject to KRS Chapter 131 or any other provisions of the Kentucky Revised Statutes prohibiting disclosure or reporting of information.*

➔Section 12. KRS 141.0205 is amended to read as follows:

If a taxpayer is entitled to more than one (1) of the tax credits allowed against the tax imposed by KRS 141.020, 141.040, and 141.0401, the priority of application and use of the credits shall be determined as follows:

- (1) The nonrefundable business incentive credits against the tax imposed by KRS 141.020 shall be taken in the following order:
- (a) The limited liability entity tax credit permitted by KRS 141.0401;
 - (b) The economic development credits computed under KRS 141.347, 141.381, 141.384, 141.3841, 141.400, 141.403, 141.407, 141.415, 154.12-207, and 154.12-2088;
 - (c) The qualified farming operation credit permitted by KRS 141.412;
 - (d) The certified rehabilitation credit permitted by KRS 171.397(1)(a);
 - (e) The health insurance credit permitted by KRS 141.062;
 - (f) The tax paid to other states credit permitted by KRS 141.070;
 - (g) The credit for hiring the unemployed permitted by KRS 141.065;
 - (h) The recycling or composting equipment credit permitted by KRS 141.390;
 - (i) The tax credit for cash contributions in investment funds permitted by KRS 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS 154.20-258;
 - (j) The research facilities credit permitted by KRS 141.395;
 - (k) The employer High School Equivalency Diploma program incentive credit permitted under KRS 151B.402;
 - (l) The voluntary environmental remediation credit permitted by KRS 141.418;
 - (m) The biodiesel and renewable diesel credit permitted by KRS 141.423;
 - (n) The clean coal incentive credit permitted by KRS 141.428;
 - (o) The ethanol credit permitted by KRS 141.4242;
 - (p) The cellulosic ethanol credit permitted by KRS 141.4244;
 - (q) The energy efficiency credits permitted by KRS 141.436;
 - (r) The railroad maintenance and improvement credit permitted by KRS 141.385;
 - (s) The Endow Kentucky credit permitted by KRS 141.438;
 - (t) The New Markets Development Program credit permitted by KRS 141.434;
 - (u) The distilled spirits credit permitted by KRS 141.389;
 - (v) The angel investor credit permitted by KRS 141.396;
 - (w) The film industry credit permitted by KRS 141.383 for applications approved on or after April 27, 2018, but before January 1, 2022;
 - (x) The inventory credit permitted by KRS 141.408;~~and~~
 - (y) The renewable chemical production credit permitted by KRS 141.4231; *and*
 - (z) *The qualified broadband investment tax credit permitted by Section 11 of this Act;*

- (2) After the application of the nonrefundable credits in subsection (1) of this section, the nonrefundable personal tax credits against the tax imposed by KRS 141.020 shall be taken in the following order:
 - (a) The individual credits permitted by KRS 141.020(3);
 - (b) The credit permitted by KRS 141.066;
 - (c) The tuition credit permitted by KRS 141.069;
 - (d) The household and dependent care credit permitted by KRS 141.067;
 - (e) The income gap credit permitted by KRS 141.066; and
 - (f) The Education Opportunity Account Program tax credit permitted by KRS 141.522;
- (3) After the application of the nonrefundable credits provided for in subsection (2) of this section, the refundable credits against the tax imposed by KRS 141.020 shall be taken in the following order:
 - (a) The individual withholding tax credit permitted by KRS 141.350;
 - (b) The individual estimated tax payment credit permitted by KRS 141.305;
 - (c) The certified rehabilitation credit permitted by KRS 171.3961, 171.3963, and 171.397(1)(b);
 - (d) The film industry tax credit permitted by KRS 141.383 for applications approved prior to April 27, 2018, or on or after January 1, 2022;
 - (e) The development area tax credit permitted by KRS 141.398;
 - (f) The decontamination tax credit permitted by KRS 141.419; and
 - (g) The pass-through entity tax credit permitted by KRS 141.209;
- (4) The nonrefundable credit permitted by KRS 141.0401 shall be applied against the tax imposed by KRS 141.040;
- (5) The following nonrefundable credits shall be applied against the sum of the tax imposed by KRS 141.040 after subtracting the credit provided for in subsection (4) of this section, and the tax imposed by KRS 141.0401 in the following order:
 - (a) The economic development credits computed under KRS 141.347, 141.381, 141.384, 141.3841, 141.400, 141.403, 141.407, 141.415, 154.12-207, and 154.12-2088;
 - (b) The qualified farming operation credit permitted by KRS 141.412;
 - (c) The certified rehabilitation credit permitted by KRS 171.397(1)(a);
 - (d) The health insurance credit permitted by KRS 141.062;
 - (e) The unemployment credit permitted by KRS 141.065;
 - (f) The recycling or composting equipment credit permitted by KRS 141.390;
 - (g) The coal conversion credit permitted by KRS 141.041;
 - (h) The enterprise zone credit permitted by KRS 154.45-090, for taxable periods ending prior to January 1, 2008;
 - (i) The tax credit for cash contributions to investment funds permitted by KRS 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS 154.20-258;
 - (j) The research facilities credit permitted by KRS 141.395;
 - (k) The employer High School Equivalency Diploma program incentive credit permitted by KRS 151B.402;
 - (l) The voluntary environmental remediation credit permitted by KRS 141.418;
 - (m) The biodiesel and renewable diesel credit permitted by KRS 141.423;
 - (n) The clean coal incentive credit permitted by KRS 141.428;
 - (o) The ethanol credit permitted by KRS 141.4242;

- (p) The cellulosic ethanol credit permitted by KRS 141.4244;
 - (q) The energy efficiency credits permitted by KRS 141.436;
 - (r) The ENERGY STAR home or ENERGY STAR manufactured home credit permitted by KRS 141.437;
 - (s) The railroad maintenance and improvement credit permitted by KRS 141.385;
 - (t) The railroad expansion credit permitted by KRS 141.386;
 - (u) The Endow Kentucky credit permitted by KRS 141.438;
 - (v) The New Markets Development Program credit permitted by KRS 141.434;
 - (w) The distilled spirits credit permitted by KRS 141.389;
 - (x) The film industry credit permitted by KRS 141.383 for applications approved on or after April 27, 2018, but before January 1, 2022;
 - (y) The inventory credit permitted by KRS 141.408;
 - (z) The renewable chemical production tax credit permitted by KRS 141.4231;~~and~~
 - (aa) The Education Opportunity Account Program tax credit permitted by KRS 141.522; and
 - (ab) *The qualified broadband investment tax credit permitted by Section 11 of this Act; and***
- (6) After the application of the nonrefundable credits in subsection (5) of this section, the refundable credits shall be taken in the following order:
- (a) The corporation estimated tax payment credit permitted by KRS 141.044;
 - (b) The certified rehabilitation credit permitted by KRS 171.3961, 171.3963, and 171.397(1)(b);
 - (c) The film industry tax credit permitted by KRS 141.383 for applications approved prior to April 27, 2018, or on or after January 1, 2022;
 - (d) The decontamination tax credit permitted by KRS 141.419; and
 - (e) The pass-through entity tax credit permitted by KRS 141.209.
- ➔Section 13. KRS 131.190 is amended to read as follows:
- (1) No present or former commissioner or employee of the department, present or former member of a county board of assessment appeals, present or former property valuation administrator or employee, present or former secretary or employee of the Finance and Administration Cabinet, former secretary or employee of the Revenue Cabinet, or any other person, shall intentionally and without authorization inspect or divulge any information acquired by him or her of the affairs of any person, or information regarding the tax schedules, returns, or reports required to be filed with the department or other proper officer, or any information produced by a hearing or investigation, insofar as the information may have to do with the affairs of the person's business.
 - (2) The prohibition established by subsection (1) of this section shall not extend to:
 - (a) Information required in prosecutions for making false reports or returns of property for taxation, or any other infraction of the tax laws;
 - (b) Any matter properly entered upon any assessment record, or in any way made a matter of public record;
 - (c) Furnishing any taxpayer or his or her properly authorized agent with information respecting his or her own return;
 - (d) Testimony provided by the commissioner or any employee of the department in any court, or the introduction as evidence of returns or reports filed with the department, in an action for violation of state or federal tax laws or in any action challenging state or federal tax laws;
 - (e) Providing an owner of unmined coal, oil or gas reserves, and other mineral or energy resources assessed under KRS 132.820, or owners of surface land under which the unmined minerals lie, factual information about the owner's property derived from third-party returns filed for that owner's property, under the provisions of KRS 132.820, that is used to determine the owner's assessment. This information shall be provided to the owner on a confidential basis, and the owner shall be subject to the

penalties provided in KRS 131.990(2). The third-party filer shall be given prior notice of any disclosure of information to the owner that was provided by the third-party filer;

- (f) Providing to a third-party purchaser pursuant to an order entered in a foreclosure action filed in a court of competent jurisdiction, factual information related to the owner or lessee of coal, oil, gas reserves, or any other mineral resources assessed under KRS 132.820. The department may promulgate an administrative regulation establishing a fee schedule for the provision of the information described in this paragraph. Any fee imposed shall not exceed the greater of the actual cost of providing the information or ten dollars (\$10);
 - (g) Providing information to a licensing agency, the Transportation Cabinet, or the Kentucky Supreme Court under KRS 131.1817;
 - (h) Statistics of gasoline and special fuels gallonage reported to the department under KRS 138.210 to 138.448;
 - (i) Providing any utility gross receipts license tax return information that is necessary to administer the provisions of KRS 160.613 to 160.617 to applicable school districts on a confidential basis;
 - (j) Providing documents, data, or other information to a third party pursuant to an order issued by a court of competent jurisdiction;~~[-or]~~
 - (k) ***Publishing administrative writings on its official website in accordance with subsection (1)(b) of Section 23 of this Act; or***
 - (l) Providing information to the Legislative Research Commission under:
 1. KRS 139.519 for purposes of the sales and use tax refund on building materials used for disaster recovery;
 2. KRS 141.436 for purposes of the energy efficiency products credits;
 3. KRS 141.437 for purposes of the ENERGY STAR home and the ENERGY STAR manufactured home credits;
 4. KRS 141.383 for purposes of the film industry incentives;
 5. KRS 154.26-095 for purposes of the Kentucky industrial revitalization tax credits and the job assessment fees;
 6. KRS 141.068 for purposes of the Kentucky investment fund;
 7. KRS 141.396 for purposes of the angel investor tax credit;
 8. KRS 141.389 for purposes of the distilled spirits credit;
 9. KRS 141.408 for purposes of the inventory credit;
 10. KRS 141.390 for purposes of the recycling and composting credit;
 11. KRS 141.3841 for purposes of the selling farmer tax credit;
 12. KRS 141.4231 for purposes of the renewable chemical production tax credit;
 13. KRS 141.524 for purposes of the Education Opportunity Account Program tax credit;
 14. KRS 141.398 for purposes of the development area tax credit;
 15. KRS 139.516 for the purposes of the sales and use tax exemption on the commercial mining of cryptocurrency;~~[-and]~~
 16. KRS 141.419 for purposes of the decontamination tax credit;
 17. ***Section 11 of this Act for purposes of the qualified broadband investment tax credit; and***
 18. ***Section 42 of this Act for purposes of the sales tax exemption for a qualified data center project.***
- (3) The commissioner shall make available any information for official use only and on a confidential basis to the proper officer, agency, board or commission of this state, any Kentucky county, any Kentucky city, any other state, or the federal government, under reciprocal agreements whereby the department shall receive similar or useful information in return.

- (4) Access to and inspection of information received from the Internal Revenue Service is for department use only, and is restricted to tax administration purposes. Information received from the Internal Revenue Service shall not be made available to any other agency of state government, or any county, city, or other state, and shall not be inspected intentionally and without authorization by any present secretary or employee of the Finance and Administration Cabinet, commissioner or employee of the department, or any other person.
- (5) Statistics of crude oil as reported to the department under the crude oil excise tax requirements of KRS Chapter 137 and statistics of natural gas production as reported to the department under the natural resources severance tax requirements of KRS Chapter 143A may be made public by the department by release to the Energy and Environment Cabinet, Department for Natural Resources.
- (6) Notwithstanding any provision of law to the contrary, beginning with mine-map submissions for the 1989 tax year, the department may make public or divulge only those portions of mine maps submitted by taxpayers to the department pursuant to KRS Chapter 132 for ad valorem tax purposes that depict the boundaries of mined-out parcel areas. These electronic maps shall not be relied upon to determine actual boundaries of mined-out parcel areas. Property boundaries contained in mine maps required under KRS Chapters 350 and 352 shall not be construed to constitute land surveying or boundary surveys as defined by KRS 322.010 and any administrative regulations promulgated thereto.

➔Section 14. KRS 141.010 is amended to read as follows:

As used in this chapter, for taxable years beginning on or after January 1, 2018:

- (1) "Adjusted gross income," in the case of taxpayers other than corporations, means the amount calculated in KRS 141.019;
- (2) "Captive real estate investment trust" means a real estate investment trust as defined in Section 856 of the Internal Revenue Code that meets the following requirements:
 - (a)
 1. The shares or other ownership interests of the real estate investment trust are not regularly traded on an established securities market; or
 2. The real estate investment trust does not have enough shareholders or owners to be required to register with the Securities and Exchange Commission;
 - (b)
 1. The maximum amount of stock or other ownership interest that is owned or constructively owned by a corporation equals or exceeds:
 - a. Twenty-five percent (25%), if the corporation does not occupy property owned, constructively owned, or controlled by the real estate investment trust; or
 - b. Ten percent (10%), if the corporation occupies property owned, constructively owned, or controlled by the real estate investment trust.

The total ownership interest of a corporation shall be determined by aggregating all interests owned or constructively owned by a corporation; and
 2. For the purposes of this paragraph:
 - a. "Corporation" means a corporation taxable under KRS 141.040, and includes an affiliated group as defined in KRS 141.200, that is required to file a consolidated return pursuant to KRS 141.200; and
 - b. "Owned or constructively owned" means owning shares or having an ownership interest in the real estate investment trust, or owning an interest in an entity that owns shares or has an ownership interest in the real estate investment trust. Constructive ownership shall be determined by looking across multiple layers of a multilayer pass-through structure; and
 - (c) The real estate investment trust is not owned by another real estate investment trust;
- (3) "Commissioner" means the commissioner of the department;
- (4) "Corporation" has the same meaning as in Section 7701(a)(3) of the Internal Revenue Code;
- (5) "Critical infrastructure" means property and equipment owned or used by communications networks, electric generation, transmission or distribution systems, gas distribution systems, or water or wastewater pipelines that

service multiple customers or citizens, including but not limited to real and personal property such as buildings, offices, lines, poles, pipes, structures, or equipment;

- (6) "Declared state disaster or emergency" means a disaster or emergency event for which:
 - (a) The Governor has declared a state of emergency pursuant to KRS 39A.100; or
 - (b) A presidential declaration of a federal major disaster or emergency has been issued;
- (7) "Department" means the Department of Revenue;
- (8) "Dependent" means those persons defined as dependents in the Internal Revenue Code;
- (9) "Disaster or emergency-related work" means repairing, renovating, installing, building, or rendering services that are essential to the restoration of critical infrastructure that has been damaged, impaired, or destroyed by a declared state disaster or emergency;
- (10) "Disaster response business" means any entity:
 - (a) That has no presence in the state and conducts no business in the state, except for disaster or emergency-related work during a disaster response period;
 - (b) Whose services are requested by a registered business or by a state or local government for purposes of performing disaster or emergency-related work in the state during a disaster response period; and
 - (c) That has no registrations, tax filings, or nexus in this state other than disaster or emergency-related work during the calendar year immediately preceding the declared state disaster or emergency;
- (11) "Disaster response employee" means an employee who does not work or reside in the state, except for disaster or emergency-related work during the disaster response period;
- (12) "Disaster response period" means a period that begins ten (10) days prior to the first day of the Governor's declaration under KRS 39A.100, or the President's declaration of a federal major disaster or emergency, whichever occurs first, and that extends thirty (30) calendar days after the declared state disaster or emergency;
- (13) "Doing business in this state" includes but is not limited to:
 - (a) Being organized under the laws of this state;
 - (b) Having a commercial domicile in this state;
 - (c) Owning or leasing property in this state;
 - (d) Having one (1) or more individuals performing services in this state;
 - (e) Maintaining an interest in a pass-through entity doing business in this state;
 - (f) Deriving income from or attributable to sources within this state, including deriving income directly or indirectly from a trust doing business in this state, or deriving income directly or indirectly from a single-member limited liability company that is doing business in this state and is disregarded as an entity separate from its single member for federal income tax purposes; or
 - (g) Directing activities at Kentucky customers for the purpose of selling them goods or services.

Nothing in this subsection shall be interpreted in a manner that goes beyond the limitations imposed and protections provided by the United States Constitution or Pub. L. No. 86-272;

- (14) "Employee" has the same meaning as in Section 3401(c) of the Internal Revenue Code;
- (15) "Employer" has the same meaning as in Section 3401(d) of the Internal Revenue Code;
- (16) "Fiduciary" has the same meaning as in Section 7701(a)(6) of the Internal Revenue Code;
- (17) "Financial institution" means:
 - (a) A national bank organized as a body corporate and existing or in the process of organizing as a national bank association pursuant to the provisions of the National Bank Act, 12 U.S.C. secs. 21 et seq., in effect on December 31, 1997, exclusive of any amendments made subsequent to that date;
 - (b) Any bank or trust company incorporated or organized under the laws of any state, except a banker's bank organized under KRS 286.3-135;

- (c) Any corporation organized under the provisions of 12 U.S.C. secs. 611 to 631, in effect on December 31, 1997, exclusive of any amendments made subsequent to that date, or any corporation organized after December 31, 1997, that meets the requirements of 12 U.S.C. secs. 611 to 631, in effect on December 31, 1997; or
 - (d) Any agency or branch of a foreign depository as defined in 12 U.S.C. sec. 3101, in effect on December 31, 1997, exclusive of any amendments made subsequent to that date, or any agency or branch of a foreign depository established after December 31, 1997, that meets the requirements of 12 U.S.C. sec. 3101 in effect on December 31, 1997;
- (18) "Fiscal year" has the same meaning as in Section 7701(a)(24) of the Internal Revenue Code;
- (19) "Gross income":
- (a) In the case of taxpayers other than corporations, has the same meaning as in Section 61 of the Internal Revenue Code; and
 - (b) In the case of corporations, means the amount calculated in KRS 141.039;
- (20) "Individual" means a natural person;
- (21) "Internal Revenue Code" means for taxable years beginning on or after January 1, ~~2024~~~~2023~~, the Internal Revenue Code in effect on December 31, ~~2023~~~~2022~~, exclusive of any amendments made subsequent to that date, other than amendments that extend provisions in effect on December 31, ~~2023~~~~2022~~, that would otherwise terminate;
- (22) "Limited liability pass-through entity" means any pass-through entity that affords any of its partners, members, shareholders, or owners, through function of the laws of this state or laws recognized by this state, protection from general liability for actions of the entity;
- (23) "Modified gross income" means the greater of:
- (a) Adjusted gross income as defined in 26 U.S.C. sec. 62, including any amendments in effect on December 31 of the taxable year, and adjusted as follows:
 - 1. Include interest income derived from obligations of sister states and political subdivisions thereof; and
 - 2. Include lump-sum pension distributions taxed under the special transition rules of Pub. L. No. 104-188, sec. 1401(c)(2); or
 - (b) Adjusted gross income as defined in subsection (1) of this section and adjusted to include lump-sum pension distributions taxed under the special transition rules of Pub. L. No. 104-188, sec. 1401(c)(2);
- (24) "Net income":
- (a) In the case of taxpayers other than corporations, means the amount calculated in KRS 141.019; and
 - (b) In the case of corporations, means the amount calculated in KRS 141.039;
- (25) "Nonresident" means any individual not a resident of this state;
- (26) "Number of withholding exemptions claimed" means the number of withholding exemptions claimed in a withholding exemption certificate in effect under KRS 141.325, except that if no such certificate is in effect, the number of withholding exemptions claimed shall be considered to be zero;
- (27) "Part-year resident" means any individual that has established or abandoned Kentucky residency during the calendar year;
- (28) "Pass-through entity" means any partnership, S corporation, limited liability company, limited liability partnership, limited partnership, or similar entity recognized by the laws of this state that is not taxed for federal purposes at the entity level, but instead passes to each partner, member, shareholder, or owner their proportionate share of income, deductions, gains, losses, credits, and any other similar attributes;
- (29) "Payroll period" has the same meaning as in Section 3401(b) of the Internal Revenue Code;
- (30) "Person" has the same meaning as in Section 7701(a)(1) of the Internal Revenue Code;
- (31) "Registered business" means a business entity that owns or otherwise possesses critical infrastructure and that is registered to do business in the state prior to the declared state disaster or emergency;

- (32) "Resident" means an individual domiciled within this state or an individual who is not domiciled in this state, but maintains a place of abode in this state and spends in the aggregate more than one hundred eighty-three (183) days of the taxable year in this state;
- (33) "S corporation" has the same meaning as in Section 1361(a) of the Internal Revenue Code;
- (34) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States;
- (35) "Taxable net income":
- (a) In the case of corporations that are taxable in this state, means "net income" as defined in subsection (24) of this section;
 - (b) In the case of corporations that are taxable in this state and taxable in another state, means "net income" as defined in subsection (24) of this section and as allocated and apportioned under KRS 141.120;
 - (c) For homeowners' associations as defined in Section 528(c) of the Internal Revenue Code, means "taxable income" as defined in Section 528(d) of the Internal Revenue Code. Notwithstanding the provisions of subsection (21) of this section, the Internal Revenue Code sections referred to in this paragraph shall be those code sections in effect for the applicable tax year; and
 - (d) For a corporation that meets the requirements established under Section 856 of the Internal Revenue Code to be a real estate investment trust, means "real estate investment trust taxable income" as defined in Section 857(b)(2) of the Internal Revenue Code, except that a captive real estate investment trust shall not be allowed any deduction for dividends paid;
- (36) "Taxable year" means the calendar year or fiscal year ending during such calendar year, upon the basis of which net income is computed, and in the case of a return made for a fractional part of a year under the provisions of this chapter or under administrative regulations prescribed by the commissioner, "taxable year" means the period for which the return is made; and
- (37) "Wages" has the same meaning as in Section 3401(a) of the Internal Revenue Code and includes other income subject to withholding as provided in Section 3401(f) and Section 3402(k), (o), (p), (q), and (s) of the Internal Revenue Code.

➔Section 15. KRS 141.020 is amended to read as follows:

- (1) An annual tax shall be paid for each taxable year by every resident individual of this state upon his or her entire net income as defined in this chapter. The tax shall be determined by applying the rates in subsection (2) of this section to net income and subtracting allowable tax credits provided in subsection (3) of this section.
- (2) (a) As used in this subsection:
 1. "Balance in the BRTF at the end of a fiscal year" means the budget reserve trust fund account established in KRS 48.705 and includes the following amounts and actions resulting from the final close of the fiscal year:
 - a. The amount of moneys in the fund at the end of a fiscal year;
 - b. All close-out actions related to a budget reduction plan under KRS 48.130 or as modified in a branch budget bill; and
 - c. All close-out actions related to the surplus expenditure plan under KRS 48.140 or as modified in a branch budget bill;
 2. "GF appropriations" means the authorization by the General Assembly to expend GF moneys, excluding:
 - a. Continuing appropriations;
 - b. Any appropriation to the budget reserve trust fund;~~and~~
 - c. Any lump-sum appropriation to a state-administered retirement system, as defined in KRS 7A.210, that is in excess of the appropriations specifically budgeted to meet the recurring statutorily required contributions or recurring actuarially determined contributions for a state-administered retirement system under KRS 21.525, 61.565, 61.702, 78.635, 78.5536, or 161.550, as applicable; *and*

- d. Any appropriation from the budget reserve trust fund account established in KRS 48.705 that is:*
- i. Solely supported by moneys from the budget reserve trust fund account; and*
 - ii. Specifically identified in the appropriation language as not being a GF appropriation for the purposes of this section;*
3. "GF moneys" means receipts deposited in the general fund defined in KRS 48.010, excluding tobacco moneys deposited in the fund established in KRS 248.654;
4. "IIT equivalent" means the amount of reduction in GF moneys resulting from a one (1) percentage point reduction to the individual income tax rate and shall be calculated by dividing the actual individual income tax receipts for the fiscal year under consideration by:
- a. The sum of:
 - i. The individual income tax rate, expressed as a percentage, for the first six (6) months of the fiscal year; and
 - ii. The individual income tax rate, expressed as a percentage, for the second six (6) months of the fiscal year; and
 - b. Dividing the sum determined in subdivision a. of this subparagraph by two (2);
5. "Reduction conditions" means:
- a. The balance in the BRTF at the end of a fiscal year shall be equal to or greater than ten percent (10%) of the GF moneys for that fiscal year; and
 - b. GF moneys at the end of a fiscal year shall be equal to or greater than GF appropriations for that fiscal year plus the IIT equivalent for that fiscal year; and
6. "Tax rate reduction" means the current tax rate minus five-tenths of one percent (0.5%).
- (b) For taxable years beginning on or after January 1, 2023, but prior to January 1, 2024, the tax shall be four and one-half percent (4.5%) of net income.
- (c) For taxable years beginning on or after January 1, 2024, the tax shall be four percent (4%) of net income.
- (d) 1. For taxable years beginning on or after January 1, 2025, the income tax rate may be reduced according to the annual process established in subparagraphs 2. to 5. of this paragraph.
2. The Office of State Budget Director shall review the reduction conditions for the fiscal year 2022-2023 no later than September 1, 2023.
3. After reviewing the reduction conditions under subparagraph 2. of this paragraph, the Office of State Budget Director shall, no later than September 5, 2023, report to the Interim Joint Committee on Appropriations and Revenue:
- a. Whether the reduction conditions for the fiscal year 2022-2023 have been met; and
 - b. The amounts associated with each item within the reduction conditions used for making that determination.
4. a. If the reduction conditions have been met for fiscal year 2022-2023, the General Assembly may take action to reduce the rate in paragraph (c) of this subsection for the taxable year beginning January 1, 2025.
- b. If the reduction conditions have not been met for fiscal year 2022-2023 or the General Assembly does not take action to reduce the rate in paragraph (c) of this subsection, the department shall maintain the rate in paragraph (c) of this subsection for the taxable year beginning January 1, 2025.
5. a. The Office of State Budget Director shall implement an annual process to review and report future reduction conditions at the same time and in the same manner for each fiscal year subsequent to the fiscal year 2022-2023 and each taxable year subsequent to the taxable year beginning January 1, 2025.

- b. The department shall not implement an income tax rate reduction without an action by the General Assembly.
 - c. The annual process shall continue until the income tax rate is zero.
- (e) For taxable years beginning on or after January 1, 2018, but before January 1, 2023, the tax shall be five percent (5%) of net income.
- (f) For taxable years beginning after December 31, 2004, and before January 1, 2018, the tax shall be determined by applying the following rates to net income:
- 1. Two percent (2%) of the amount of net income up to three thousand dollars (\$3,000);
 - 2. Three percent (3%) of the amount of net income over three thousand dollars (\$3,000) and up to four thousand dollars (\$4,000);
 - 3. Four percent (4%) of the amount of net income over four thousand dollars (\$4,000) and up to five thousand dollars (\$5,000);
 - 4. Five percent (5%) of the amount of net income over five thousand dollars (\$5,000) and up to eight thousand dollars (\$8,000);
 - 5. Five and eight-tenths percent (5.8%) of the amount of net income over eight thousand dollars (\$8,000) and up to seventy-five thousand dollars (\$75,000); and
 - 6. Six percent (6%) of the amount of net income over seventy-five thousand dollars (\$75,000).
- (3) (a) The following tax credits, when applicable, shall be deducted from the result obtained under subsection (2) of this section to arrive at the annual tax:
- 1. a. For taxable years beginning before January 1, 2014, twenty dollars (\$20) for an unmarried individual; and
 - b. For taxable years beginning on or after January 1, 2014, and before January 1, 2018, ten dollars (\$10) for an unmarried individual;
 - 2. a. For taxable years beginning before January 1, 2014, twenty dollars (\$20) for a married individual filing a separate return and an additional twenty dollars (\$20) for the spouse of taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, had no Kentucky gross income and is not the dependent of another taxpayer; or forty dollars (\$40) for married persons filing a joint return, provided neither spouse is the dependent of another taxpayer. The determination of marital status for the purpose of this section shall be made in the manner prescribed in Section 153 of the Internal Revenue Code; and
 - b. For taxable years beginning on or after January 1, 2014, and before January 1, 2018, ten dollars (\$10) for a married individual filing a separate return and an additional ten dollars (\$10) for the spouse of a taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, had no Kentucky gross income and is not the dependent of another taxpayer; or twenty dollars (\$20) for married persons filing a joint return, provided neither spouse is the dependent of another taxpayer. The determination of marital status for the purpose of this section shall be made in the manner prescribed in Section 153 of the Internal Revenue Code;
 - 3. a. For taxable years beginning before January 1, 2014, twenty dollars (\$20) credit for each dependent. No credit shall be allowed for any dependent who has made a joint return with his or her spouse; and
 - b. For taxable years beginning on or after January 1, 2014, and before January 1, 2018, ten dollars (\$10) credit for each dependent. No credit shall be allowed for any dependent who has made a joint return with his or her spouse;
 - 4. An additional forty dollars (\$40) credit if the taxpayer has attained the age of sixty-five (65) before the close of the taxable year;
 - 5. An additional forty dollars (\$40) credit for taxpayer's spouse if a separate return is made by the taxpayer and if the taxpayer's spouse has attained the age of sixty-five (65) before the close of

- the taxable year, and, for the calendar year in which the taxable year of the taxpayer begins, has no Kentucky gross income and is not the dependent of another taxpayer;
6. An additional forty dollars (\$40) credit if the taxpayer is blind at the close of the taxable year;
 7. An additional forty dollars (\$40) credit for taxpayer's spouse if a separate return is made by the taxpayer and if the taxpayer's spouse is blind, and, for the calendar year in which the taxable year of the taxpayer begins, has no Kentucky gross income and is not the dependent of another taxpayer; and
 8. An additional twenty dollars (\$20) credit shall be allowed if the taxpayer is a member of the Kentucky National Guard at the close of the taxable year.
- (b) In the case of nonresidents, the tax credits allowable under this subsection shall be the portion of the credits that are represented by the ratio of the taxpayer's Kentucky adjusted gross income as determined by KRS 141.019 to the taxpayer's adjusted gross income as defined in Section 62 of the Internal Revenue Code. However, in the case of a married nonresident taxpayer with income from Kentucky sources, whose spouse has no income from Kentucky sources, the taxpayer shall determine allowable tax credit(s) by either:
1. The method contained above applied to the taxpayer's tax credit(s), excluding credits for a spouse and dependents; or
 2. Prorating the taxpayer's tax credit(s) plus the tax credits for the taxpayer's spouse and dependents by the ratio of the taxpayer's Kentucky adjusted gross income as determined by KRS 141.019 to the total joint federal adjusted gross income of the taxpayer and the taxpayer's spouse.
- (c) In the case of a part-year resident, the tax credits allowable under this subsection shall be the portion of the credits represented by the ratio of the taxpayer's Kentucky adjusted gross income as determined by KRS 141.019 to the taxpayer's adjusted gross income as defined in Section 62 of the Internal Revenue Code.
- (4) An annual tax shall be paid for each taxable year as specified in this section upon the entire net income except as herein provided, from all tangible property located in this state, from all intangible property that has acquired a business situs in this state, and from business, trade, profession, occupation, or other activities carried on in this state, by natural persons not residents of this state. A nonresident individual shall be taxable only upon the amount of income received by the individual from labor performed, business done, or from other activities in this state, from tangible property located in this state, and from intangible property which has acquired a business situs in this state; provided, however, that the situs of intangible personal property shall be at the residence of the real or beneficial owner and not at the residence of a trustee having custody or possession thereof. For taxable years beginning on or after January 1, 2021, but before January 1, ~~2027~~~~2025~~, the tax imposed by this section shall not apply to a disaster response employee or to a disaster response business. The remainder of the income received by such nonresident shall be deemed nontaxable by this state.
- (5) Subject to the provisions of KRS 141.081, any individual may elect to pay the annual tax imposed by KRS 141.023 in lieu of the tax levied under this section.
- (6) A part-year resident is subject to taxation, as prescribed in subsection (1) of this section, during that portion of the taxable year that the individual is a resident and, as prescribed in subsection (4) of this section, during that portion of the taxable year when the individual is a nonresident.

➔Section 16. KRS 141.039 is amended to read as follows:

In the case of corporations:

- (1) Gross income shall be calculated by adjusting federal gross income as defined in Section 61 of the Internal Revenue Code as follows:
 - (a) Exclude income that is exempt from state taxation by the Kentucky Constitution and the Constitution and statutory laws of the United States;
 - (b) Exclude all dividend income;
 - (c) Include interest income derived from obligations of sister states and political subdivisions thereof;
 - (d) Exclude fifty percent (50%) of gross income derived from any disposal of coal covered by Section 631(c) of the Internal Revenue Code if the corporation does not claim any deduction for percentage

depletion, or for expenditures attributable to the making and administering of the contract under which such disposition occurs or to the preservation of the economic interests retained under such contract;

- (e) Include the amount calculated under KRS 141.205;
 - (f) Ignore the provisions of Section 281 of the Internal Revenue Code in computing gross income;
 - (g) Include the amount of depreciation deduction calculated under 26 U.S.C. sec. 167 or 168;
 - (h) Allow the same treatment allowed under Pub. L. No. 116-260, secs. 276 and 278, related to the tax treatment of forgiven covered loans, deductions attributable to those loans, and tax attributes associated with those loans for taxable years ending on or after March 27, 2020, but before January 1, 2022; and
 - (i) For taxable years beginning on or after January 1, 2020, but before March 11, 2023, allow the same treatment of restaurant revitalization grants in accordance with Pub. L. No. 117-2, sec. 9673 and 15 U.S.C. sec. 9009c, related to the tax treatment of the grants, deductions attributable to those grants, and tax attributes associated with those grants; and
- (2) Net income shall be calculated by subtracting from gross income:
- (a) The deduction for depreciation allowed by KRS 141.0101;
 - (b) Any amount paid for vouchers or similar instruments that provide health insurance coverage to employees or their families;
 - (c) All the deductions from gross income allowed corporations by Chapter 1 of the Internal Revenue Code, as modified by KRS 141.0101, except:
 - 1. Any deduction for a state tax which is computed, in whole or in part, by reference to gross or net income and which is paid or accrued to any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or to any foreign country or political subdivision thereof;
 - 2. The deductions contained in Sections 243, 245, and 247 of the Internal Revenue Code;
 - 3. The provisions of Section 281 of the Internal Revenue Code shall be ignored in computing net income;
 - 4. Any deduction directly or indirectly allocable to income which is either exempt from taxation or otherwise not taxed under the provisions of this chapter, except for deductions allowed under Pub. L. No. 116-260, secs. 276 and 278, related to the tax treatment of forgiven covered loans and deductions attributable to those loans for taxable years ending on or after March 27, 2020, but before January 1, 2022; and deductions allowed under Pub. L. No. 117-2, sec. 9673 and 15 U.S.C. sec. 9009c, related to the tax treatment of restaurant revitalization grants and deductions attributable to those grants for taxable years beginning on or after January 1, 2020, but before March 11, 2023. Nothing in this chapter shall be construed to permit the same item to be deducted more than once;
 - 5. Any deduction for amounts paid to any club, organization, or establishment which has been determined by the courts or an agency established by the General Assembly and charged with enforcing the civil rights laws of the Commonwealth, not to afford full and equal membership and full and equal enjoyment of its goods, services, facilities, privileges, advantages, or accommodations to any person because of race, color, religion, national origin, or sex, except nothing shall be construed to deny a deduction for amounts paid to any religious or denominational club, group, or establishment or any organization operated solely for charitable or educational purposes which restricts membership to persons of the same religion or denomination in order to promote the religious principles for which it is established and maintained;
 - 6. Any deduction prohibited by KRS 141.205; and
 - 7. Any dividends-paid deduction of any captive real estate investment trust; and
 - (d)
 - 1. A deferred tax deduction in an amount computed in accordance with this paragraph.
 - 2. For purposes of this paragraph:

- a. "Net deferred tax asset" means that deferred tax assets exceed the deferred tax liabilities of the combined group, as computed in accordance with accounting principles generally accepted in the United States of America; and
 - b. "Net deferred tax liability" means deferred tax liabilities that exceed the deferred tax assets of a combined group as defined in KRS 141.202, as computed in accordance with accounting principles generally accepted in the United States of America.
3. Only publicly traded companies, including affiliated corporations participating in the filing of a publicly traded company's financial statements prepared in accordance with accounting principles generally accepted in the United States of America, as of January 1, 2019, shall be eligible for this deduction.
 4. If the provisions of KRS 141.202 result in an aggregate increase to the member's net deferred tax liability, an aggregate decrease to the member's net deferred tax asset, or an aggregate change from a net deferred tax asset to a net deferred tax liability, the combined group shall be entitled to a deduction, as determined in this paragraph.
 5. For ten (10) years beginning with the combined group's first taxable year beginning on or after January 1, ~~2026~~~~(2024)~~, a combined group shall be entitled to a deduction from the combined group's entire net income equal to one-tenth (1/10) of the amount necessary to offset the increase in the net deferred tax liability, decrease in the net deferred tax asset, or aggregate change from a net deferred tax asset to a net deferred tax liability. The increase in the net deferred tax liability, decrease in the net deferred tax asset, or the aggregate change from a net deferred tax asset to a net deferred tax liability shall be computed based on the change that would result from the imposition of the combined reporting requirement under KRS 141.202, but for the deduction provided under this paragraph as of June 27, 2019.
 6. The deferred tax impact determined in subparagraph 5. of this paragraph shall be converted to the annual deferred tax deduction amount, as follows:
 - a. The deferred tax impact determined in subparagraph 5. of this paragraph shall be divided by the tax rate determined under KRS 141.040;
 - b. The resulting amount shall be further divided by the apportionment factor determined by KRS 141.120 or 141.121 that was used by the combined group in the calculation of the deferred tax assets and deferred tax liabilities as described in subparagraph 5. of this paragraph; and
 - c. The resulting amount represents the total net deferred tax deduction available over the ten (10) year period as described in subparagraph 5. of this paragraph.
 7. The deduction calculated under this paragraph shall not be adjusted as a result of any events happening subsequent to the calculation, including but not limited to any disposition or abandonment of assets. The deduction shall be calculated without regard to the federal tax effect and shall not alter the tax basis of any asset. If the deduction under this section is greater than the combined group's entire Kentucky net income, any excess deduction shall be carried forward and applied as a deduction to the combined group's entire net income in future taxable years until fully utilized.
 8. Any combined group intending to claim a deduction under this paragraph shall file a statement with the department on or before July 1, 2019. The statement shall specify the total amount of the deduction which the combined group claims on the form, including calculations and other information supporting the total amounts of the deduction as required by the department. No deduction shall be allowed under this paragraph for any taxable year, except to the extent claimed on the timely filed statement in accordance with this paragraph.

➔Section 17. KRS 143.022 is amended to read as follows:

- (1) A taxpayer engaged in severing or processing coal within this Commonwealth that has paid the tax imposed under KRS 143.020 may apply for a refund equal to the amount of tax paid under KRS 143.020 if the coal is transported directly to a market outside of North America.

- (2) To apply for the refund allowed under subsection (1) of this section the taxpayer shall file an application for refund with the department and submit all information and documentation necessary to substantiate that the tax was paid upon the coal which was transported directly to a market outside of North America.
- (3) The refund process allowed under subsection (1) of this section is available beginning on or after August 1, 2020, but before July 1, ~~2026~~~~2024~~, and limited during any calendar year to the export of a combined total of ten million (10,000,000) tons of coal subject to the tax imposed under KRS 143.020 and exported through United States coal export terminals to markets outside of North America.

➔Section 18. KRS 186.010 is amended to read as follows:

As used in this chapter, unless otherwise indicated:

- (1) "Cabinet," as used in KRS 186.400 to 186.640, means the Transportation Cabinet; except as specifically designated, "cabinet," as used in KRS 186.020 to 186.270, means the Transportation Cabinet only with respect to motor vehicles, other than commercial vehicles; "cabinet," as used in KRS 186.020 to 186.270, means the Department of Vehicle Regulation when used with respect to commercial vehicles;
- (2) "Highway" means every way or place of whatever nature when any part of it is open to the use of the public, as a matter of right, license, or privilege, for the purpose of vehicular traffic;
- (3) "Manufacturer" means any person engaged in manufacturing motor vehicles who will, under normal conditions during the year, manufacture or assemble at least ten (10) new motor vehicles;
- (4) "Motor vehicle" means in KRS 186.020 to 186.260, all vehicles, as defined in paragraph (a) of subsection (8) of this section, which are propelled otherwise than by muscular power. As used in KRS 186.400 to 186.640, it means all vehicles, as defined in paragraph (b) of subsection (8) of this section, which are self-propelled. "Motor vehicle" shall not include a moped as defined in this section, but for registration purposes shall include low-speed vehicles and military surplus vehicles as defined in this section and vehicles operating under KRS 189.283;
- (5) "Moped" means either a motorized bicycle whose frame design may include one (1) or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a motorized bicycle with a step-through type frame which may or may not have pedals rated no more than two (2) brake horsepower, a cylinder capacity not exceeding fifty (50) cubic centimeters, an automatic transmission not requiring clutching or shifting by the operator after the drive system is engaged, and capable of a maximum speed of not more than thirty (30) miles per hour;
- (6) "Operator" means any person in actual control of a motor vehicle upon a highway;
- (7) (a) "Owner" means a person who holds the legal title of a vehicle or a person who pursuant to a bona fide sale has received physical possession of the vehicle subject to any applicable security interest.
- (b) A vehicle is the subject of an agreement for the conditional sale or lease, with the vendee or lessee entitled to possession of the vehicle, upon performance of the contract terms, for a period of three hundred sixty-five (365) days or more and with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, the conditional vendee or lessee or mortgagor shall be deemed the owner.
- (c) A licensed motor vehicle dealer who transfers physical possession of a motor vehicle to a purchaser pursuant to a bona fide sale, and complies with the requirements of KRS 186A.220, shall not be deemed the owner of that motor vehicle solely due to an assignment to his dealership or a certificate of title in the dealership's name. Rather, under these circumstances, ownership shall transfer upon delivery of the vehicle to the purchaser, subject to any applicable security interest;
- (8) (a) "Vehicle," as used in KRS 186.020 to 186.260, includes all agencies for the transportation of persons or property over or upon the public highways of this Commonwealth and all vehicles passing over or upon said highways, except electric low-speed scooters, road rollers, road graders, farm tractors, vehicles on which power shovels are mounted, such other construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways, such vehicles as travel exclusively upon rails, and such vehicles as are propelled by electric power obtained from overhead wires while being operated within any municipality or where said vehicles do not travel more than five (5) miles beyond the city limit of any municipality.

- (b) As used in KRS 186.400 to 186.640, "vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except electric low-speed scooters, devices moved by human and animal power or used exclusively upon stationary rails or tracks, or which derives its power from overhead wires;
- (9) KRS 186.020 to 186.270 apply to motor vehicle licenses. KRS 186.400 to 186.640 apply to operator's licenses;
- (10) "Dealer" means any person engaging in the business of buying or selling motor vehicles;
- (11) "Commercial vehicles" means all motor vehicles that are required to be registered under the terms of KRS 186.050, but not including vehicles primarily designed for carrying passengers and having provisions for not more than nine (9) passengers (including driver), motorcycles, sidecar attachments, pickup trucks and passenger vans which are not being used for commercial or business purposes, and motor vehicles registered under KRS 186.060;
- (12) "Resident" means any person who has established Kentucky as his or her state of domicile. Proof of residency shall include but not be limited to a deed or property tax bill, utility agreement or utility bill, or rental housing agreement. The possession by an operator of a vehicle of a valid Kentucky operator's license shall be prima-facie evidence that the operator is a resident of Kentucky;
- (13) "Special status individual" means:
 - (a) "Asylee" means any person lawfully present in the United States who possesses an I-94 card issued by the United States Department of Justice, Immigration and Naturalization Service, on which it states "asylum status granted indefinitely pursuant to Section 208 of the Immigration & Nationality Act";
 - (b) "K-1 status" means the status of any person lawfully present in the United States who has been granted permission by the United States Department of Justice, Immigration and Naturalization Service to enter the United States for the purpose of marrying a United States citizen within ninety (90) days from the date of that entry;
 - (c) "Refugee" means any person lawfully present in the United States who possesses an I-94 card issued by the United States Department of Justice, Immigration and Naturalization Service, on which it states "admitted as a refugee pursuant to Section 207 of the Immigration & Nationality Act"; and
 - (d) "Paroled in the Public Interest" means any person lawfully present in the United States who possesses an I-94 card issued by the United States Department of Justice, Immigration and Naturalization Service, on which it states "paroled pursuant to Section 212 of the Immigration & Nationality Act for an indefinite period of time";
- (14) "Instruction permit" includes both motor vehicle instruction permits and motorcycle instruction permits;
- (15) "Motorcycle" means any motor driven vehicle that has a maximum speed that exceeds fifty (50) miles per hour, has a seat or saddle for the use of the operator, and is designed to travel on not more than three (3) wheels in contact with the ground, including vehicles on which the operator and passengers ride in an enclosed cab. Only for purposes of registration, "motorcycle" shall include a motor scooter, an alternative-speed motorcycle, and an auticycle as defined in this section, but shall not include a tractor or a moped as defined in this section;
- (16) "Low-speed vehicle" means a motor vehicle that:
 - (a) Is self-propelled using an electric motor, combustion-driven motor, or a combination thereof;
 - (b) Is four (4) wheeled; and
 - (c) Is designed to operate at a speed not to exceed twenty-five (25) miles per hour as certified by the manufacturer;
- (17) "Alternative-speed motorcycle" means a motorcycle that:
 - (a) Is self-propelled using an electric motor;
 - (b) Is three (3) wheeled;
 - (c) Has a fully enclosed cab and includes at least one (1) door for entry;
 - (d) Is designed to operate at a speed not to exceed forty (40) miles per hour as certified by the manufacturer; and

- (e) Is not an autocycle as defined in this section;
- (18) "Multiple-vehicle driving range" means an enclosed area that is not part of a highway or otherwise open to the public on which a number of motor vehicles may be used simultaneously to provide driver training under the supervision of one (1) or more driver training instructors;
- (19) "Autocycle" means any motor vehicle that:
 - (a) Is equipped with a seat that does not require the operator to straddle or sit astride it;
 - (b) Is designed to travel on three (3) wheels in contact with the ground;
 - (c) Is designed to operate at a speed that exceeds forty (40) miles per hour as certified by the manufacturer;
 - (d) Allows the operator and passenger to ride either side-by-side or in tandem in a seating area that may be enclosed with a removable or fixed top;
 - (e) Is equipped with a three (3) point safety belt system;
 - (f) May be equipped with a manufacturer-installed air bags or a roll cage;
 - (g) Is designed to be controlled with a steering wheel and pedals; and
 - (h) Is not an alternative-speed motorcycle as defined in this section;
- (20) "Military surplus vehicle" means a multipurpose wheeled surplus military vehicle that:
 - (a) Is not operated using continuous tracks;
 - (b) Was originally manufactured for and sold directly to the Armed Forces of the United States; and
 - (c) Was originally manufactured under the federally mandated requirements set forth in 49 C.F.R. sec. 571.7;
- (21) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species;
- (22) "Identity document" means an instruction permit, operator's license, or personal identification card issued under KRS 186.4102, 186.412, 186.4121, 186.4122, and 186.4123 or a commercial driver's license issued under KRS Chapter 281A;
- (23) "Travel ID," as it refers to an identity document, means a document that complies with Pub. L. No. 109-13, Title II;
- (24) "Motor scooter" means a low-speed motorcycle that is:
 - (a) Equipped with wheels greater than sixteen (16) inches in diameter;
 - (b) Equipped with an engine greater than fifty (50) cubic centimeters;
 - (c) Designed to operate at a speed not to exceed fifty (50) miles per hour;
 - (d) Equipped with brake horsepower of two (2) or greater; and
 - (e) Equipped with a step-through frame or a platform for the operator's feet;
- (25) "Alternative technology," as used in KRS 186.400 to 186.640, means methods used by the cabinet to facilitate the issuance of operator's licenses and personal identification cards outside of the normal in-person application at a cabinet office, including but not limited to a cabinet mobile unit or online services;
- (26) "Electric motorcycle" means the same as "motorcycle" or "motor scooter" as defined in this section, that is powered by a:
 - (a) Battery or equivalent energy storage device that can be charged with an electric plug using an external electricity source; or
 - (b) Combination of an internal combustion engine and electric motor; **and**
- (27) "Electric vehicle" means any vehicle that has plug-in charging capability, regardless of whether the vehicle is powered by:
 - (a) An electric motor only; or
 - (b) A combination of an internal combustion engine and electric power; ~~and~~

~~(28) "Hybrid vehicle" means any vehicle that does not have plug-in charging capability and is powered by a combination of an internal combustion engine and an electric motor].~~

➔ Section 19. KRS 186.050 is amended to read as follows:

- (1) The annual registration fee shall be eleven dollars fifty cents (\$11.50) for:
 - (a) Motor vehicles, including pickup trucks and passenger vans; and
 - (b) Motor carrier vehicles, as defined in KRS 281.010, primarily designed for carrying passengers or passengers for hire and having been designed or constructed to transport not more than fifteen (15) passengers, including the operator.
- (2) Except as provided in KRS 186.041 and 186.162, the annual registration fee for each motorcycle shall be nine dollars (\$9).
- (3)
 - (a) All motor vehicles having a declared gross weight of vehicle and any towed unit of ten thousand (10,000) pounds or less, except those mentioned in subsections (1) and (2) of this section, are classified as commercial vehicles and the annual registration fee, except as provided in subsections (4) to (14) of this section, shall be eleven dollars and fifty cents (\$11.50).
 - (b) All motor vehicles, except those mentioned in subsections (1) and (2) of this section, and those engaged in hauling passengers for hire which are designed or constructed to transport more than fifteen (15) passengers including the operator, whose registration fee shall be one hundred dollars (\$100), are classified as commercial vehicles and the annual registration fee, except as provided in subsections (3)(a) and (4) to (14) of this section, shall be as follows:

Declared Gross Weight of Vehicle and Any Towed Unit	Registration Fee
10,001-14,000	30.00
14,001-18,000	50.00
18,001-22,000	132.00
22,001-26,000	160.00
26,001-32,000	216.00
32,001-38,000	300.00
38,001-44,000	474.00
44,001-55,000	669.00
55,001-62,000	1,007.00
62,001-73,280	1,250.00
73,281-80,000	1,410.00

- (4)
 - (a)
 - 1. Any farmer owning a truck having a gross weight of twenty-six thousand (26,000) pounds or less may have it registered as a farmer's truck and obtain a license for eleven dollars and fifty cents (\$11.50). The applicant's signature upon the certificate of registration and ownership shall constitute a certificate that he is a farmer engaged in the production of crops, livestock, or dairy products, that he owns a truck of the gross weight of twenty-six thousand (26,000) pounds or less, and that during the next twelve (12) months the truck shall not be used in for-hire transportation and may be used in transporting persons, food, provender, feed, machinery, livestock, material, and supplies necessary for his farming operation, and the products grown on his farm.
 - 2. Any farmer owning a truck having a gross weight of twenty-six thousand one (26,001) pounds to thirty-eight thousand (38,000) pounds may have it registered as a farmer's truck and obtain a license for eleven dollars and fifty cents (\$11.50). The applicant's signature upon the certificate of registration and ownership shall constitute a certificate that he is a farmer engaged in the production of crops, livestock, or dairy products, that he owns a truck of the gross weight between twenty-six thousand one (26,001) pounds and thirty-eight thousand (38,000) pounds, and that during the next twelve (12) months the truck shall not be used in for-hire transportation

and may be used in transporting persons, food, provender, feed, machinery, livestock, material, and supplies necessary for his farming operation and the products grown on his farm.

- (b) Any farmer owning a truck having a declared gross weight in excess of thirty-eight thousand (38,000) pounds shall not be required to pay the fee set out in subsection (3) of this section and, in lieu thereof, shall pay forty percent (40%) of the fee set out in subsection (3) of this section and shall be exempt from any fee charged under the provisions of KRS 281.752. The applicant's signature upon the registration receipt shall be considered to be a certification that he is a farmer engaged solely in the production of crops, livestock, or dairy products, and that during the current registration year the truck will be used only in transporting persons, food, provender, feed, and machinery used in operating his farm and the products grown on his farm.
 - (c) An initial applicant for, or an applicant renewing, his or her registration pursuant to this subsection, may at the time of application make a voluntary contribution to be deposited into the agricultural program trust fund established in KRS 246.247. The recommended voluntary contribution shall be set at ten dollars (\$10) and automatically added to the cost of registration or renewal unless the individual registering or renewing the vehicle opts out of contributing the recommended amount. The county clerk shall collect and forward the voluntary contribution to the cabinet for distribution to the Department of Agriculture.
- (5) Any person owning a truck or bus used solely in transporting school children and school employees may have the truck or bus registered as a school bus and obtain a license for eleven dollars fifty cents (\$11.50) by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus is used solely in the transportation of school children and persons employed in the schools of the district, that he has caused to be printed on each side of the truck or bus and on the rear door the words "School Bus" in letters at least six (6) inches high, and of a conspicuous color, and the truck or bus will be used during the next twelve (12) months only for the purpose stated.
 - (6) Any church or religious organization owning a truck or bus used solely in transporting persons to and from a place of worship or for other religious work may have the truck or bus registered as a church bus and obtain a license for eleven dollars and fifty cents (\$11.50) by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the truck or bus in large letters the words "Church Bus," with the name of the church or religious organization owning and using the truck or bus, and that during the next twelve (12) months the truck or bus will be used only for the purpose stated.
 - (7) Any person owning a motor vehicle with a gross weight of fourteen thousand (14,000) pounds or less on which a wrecker crane or other equipment suitable for wrecker service has been permanently mounted may register the vehicle and obtain a license for eleven dollars fifty cents (\$11.50) by filing with the county clerk, in addition to other information required, an affidavit that a wrecker crane or other equipment suitable for wrecker service has been permanently mounted on such vehicle and that during the next twelve (12) months the vehicle will be used only in wrecker service. If the gross weight of the vehicle exceeds fourteen thousand (14,000) pounds, the vehicle shall be registered in accordance with subsection (3) of this section. The gross weight of a vehicle used in wrecker service shall not include the weight of the vehicle being towed by the wrecker.
 - (8) Motor vehicles having a declared gross weight in excess of eighteen thousand (18,000) pounds, which when operated in this state are used exclusively for the transportation of property within the limits of the city named in the affidavit hereinafter required to be filed, or within ten (10) miles of the city limits of the city if it is a city with a population equal to or greater than three thousand (3,000) based upon the most recent federal decennial census, or within five (5) miles of its limits if it is a city with a population of less than three thousand (3,000) based upon the most recent federal decennial census, or anywhere within a county containing an urban-county government, shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof shall pay seventy-five percent (75%) of the fee set forth in subsection (3) of this section and shall be exempt from any fee charged under the provisions of KRS 281.752. Nothing in this section shall be construed to limit any right of nonresidents to exemption from registration under any other provisions of the laws granting reciprocity to nonresidents. Operations outside of this state shall not be considered in determining whether or not the foregoing mileage limitations have been observed. When claiming the right to the reduced fee, the applicant's signature on the certificate of registration and ownership shall constitute a certification or affidavit stating that the motor vehicle when used within this state is used only for the transportation of property within

the city to be named in the affidavit and the area above set out and that the vehicle will not be used outside of a city and the area above set out during the current registration period.

- (9) Motor vehicles having a declared gross weight in excess of eighteen thousand (18,000) pounds, which are used exclusively for the transportation of primary forest products from the harvest area to a mill or other processing facility, where such mill or processing facility is located at a point not more than fifty (50) air miles from the harvest area or which are used exclusively for the transportation of concrete blocks or ready-mixed concrete from the point at which such concrete blocks or ready-mixed concrete is produced to a construction site where such concrete blocks or ready-mixed concrete is to be used, where such construction site is located at a point not more than thirty (30) air miles from the point at which such concrete blocks or ready-mixed concrete is produced shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof, shall pay seventy-five percent (75%) of the fee set out in subsection (3) of this section and shall be exempt from any fee charged under the provisions of KRS 281.752. The applicant's signature upon the certificate of registration and ownership shall constitute a certification that the motor vehicle will not be used during the current registration period in any manner other than that for which the reduced fee is provided in this section.
- (10) Any owner of a commercial vehicle registered for a declared gross weight in excess of eighteen thousand (18,000) pounds, intending to transfer same and desiring to take advantage of the refund provisions of KRS 186.056(2), may reregister such vehicle and obtain a "For Sale" certificate of registration and ownership for one dollar (\$1). Title to a vehicle so registered may be transferred, but such registration shall not authorize the operation or use of the vehicle on any public highway. No refund may be made under the provisions of KRS 186.056(2) until such time as the title to such vehicle has been transferred to the purchaser thereof. Provided, however, that nothing herein shall be so construed as to prevent the seller of a commercial vehicle from transferring the registration of such vehicle to any purchaser thereof.
- (11) The annual registration fee for self-propelled vehicles containing sleeping or eating facilities shall be twenty dollars (\$20) and the multiyear license plate issued shall be designated "Recreational vehicle." The foregoing shall not include any motor vehicle primarily designed for commercial or farm use having temporarily attached thereto any sleeping or eating facilities, or any commercial vehicle having sleeping facilities.
- (12) The registration fee on any vehicle registered under this section shall be increased fifty percent (50%) when the vehicle is not equipped wholly with pneumatic tires.
- (13)
 - (a) The Department of Vehicle Regulation is authorized to negotiate and execute an agreement or agreements for the purpose of developing and instituting proportional registration of motor vehicles engaged in interstate commerce, or in a combination of interstate and intrastate commerce, and operating into, through, or within the Commonwealth of Kentucky. The agreement or agreements may be made on a basis commensurate with, and determined by, the miles traveled on, and use made of, the highways of this Commonwealth as compared with the miles traveled on and use made of highways of other states, or upon any other equitable basis of proportional registration. Notwithstanding the provisions of KRS 186.020, the cabinet shall promulgate administrative regulations concerning the registration of motor vehicles under any agreement or agreements made under this section and shall provide for direct issuance by it of evidence of payment of any registration fee required under such agreement or agreements. Any proportional registration fee required to be collected under any proportional registration agreement or agreements shall be in accordance with the taxes established in this section.
 - (b) Any owner of a commercial vehicle who is required to title his motor vehicle under this section shall first title such vehicle with the county clerk pursuant to KRS 186.020 for a state fee of one dollar (\$1). Title to such vehicle may be transferred; however title without proper registration shall not authorize the operation or use of the vehicle on any public highway. Any commercial vehicle properly titled in Kentucky may also be registered in Kentucky, and, upon payment of the required fees, the department may issue an apportioned registration plate to such commercial vehicle.
 - (c) Any commercial vehicle that is properly titled in a foreign jurisdiction, which vehicle is subject to apportioned registration, as provided in paragraph (a) of this subsection, may be registered in Kentucky, and, upon proof of proper title and payment of the required fees, the department may issue an apportioned registration plate to the commercial vehicle. The department shall promulgate administrative regulations in accordance with this section.
- (14) Any person seeking to obtain a special license plate for an automobile that has been provided to him pursuant to an occupation shall meet both of the following requirements:

- (a) The automobile shall be provided for the full-time exclusive use of the applicant; and
 - (b) The applicant shall obtain permission in writing from the vehicle owner or lessee on a form provided by the cabinet to use the vehicle and for the vehicle to bear the special license plate.
- (15) An applicant for any motor vehicle registration issued pursuant to this section shall have the opportunity to make a donation of two dollars (\$2) to promote a hunger relief program through specific wildlife management and conservation efforts by the Department of Fish and Wildlife Resources in accordance with KRS 150.015. If an applicant elects to make a contribution under this subsection, the two dollar (\$2) donation shall be added to the regular fee for any motor vehicle registration issued pursuant to this section. One (1) donation may be made per issuance of each registration. The fee shall be paid to the county clerk and shall be transmitted by the State Treasurer to the Department of Fish and Wildlife Resources to be used exclusively for the purpose of wildlife management and conservation activities in support of hunger relief. The county clerk may retain up to five percent (5%) of the fees collected under this subsection for administrative costs associated with the collection of this donation. Any donation requested under this subsection shall be voluntary and may be refused by the applicant at the time of issuance or renewal of a license plate.
- (16) In addition to the fees outlined in this section, the county clerk shall collect from the registrants of electric vehicles *and* ~~electric motorcycles, and hybrid vehicles,~~ the electric vehicle ownership fees imposed in KRS 138.475.

➔Section 20. KRS 138.475 is amended to read as follows:

- (1) As used in this section:
- (a) "Electric motorcycle" means the same as "motorcycle" or "motor scooter" as defined in KRS 186.010, that is powered by a:
 - 1. Battery or equivalent energy storage device that can be charged with an electric plug using an external electricity source; or
 - 2. Combination of an internal combustion engine and electric motor; *and*
 - (b) "Electric vehicle" means any vehicle that has plug-in charging capability, regardless of whether the vehicle is powered by:
 - 1. An electric motor only; or
 - 2. A combination of an internal combustion engine and electric power~~; and~~
 - ~~(c) "Hybrid vehicle" means any vehicle that does not have plug-in charging capability and is powered by a combination of an internal combustion engine and an electric motor.~~
- (2) At the time of initial registration, and each year upon annual vehicle registration renewal, the county clerk shall collect, as required under KRS 186.050, from the registrants of electric motorcycles *and* ~~electric vehicles, and hybrid vehicles,~~ the electric vehicle ownership fees established under subsections (3) and (4) of this section.
- (3) The electric vehicle ownership fees shall be:
- (a) One hundred twenty dollars (\$120) for electric vehicles; and
 - (b) Sixty dollars (\$60) for electric motorcycles ~~or hybrid vehicles.~~
- (4) The Department of Revenue shall adjust the fees established in subsection (3) of this section, on the same schedule and in the same manner as the adjustments to the electric vehicle power taxes under KRS 138.477, except that:
- (a) Adjustment to the fees shall be rounded to the nearest dollar; and
 - (b) Any adjustment of fees shall not result in a decrease below the base fees established in subsection (3) of this section.
- (5) The electric vehicle ownership fees collected under this section shall be transferred to the road fund.

➔Section 21. KRS 186.531 is amended to read as follows:

- (1) As used in this section:
- (a) "GF" means the general fund;

- (b) "IP" means instruction permit;
- (c) "License Fund" or "LF" means the KYTC photo license account created in KRS 174.056;
- (d) "MC" means motorcycle;
- (e) "MC Fund" or "MCF" means the motorcycle safety education program fund established in KRS 176.5065;
- (f) "OL" means operator's license; and
- (g) "PIDC" means personal identification card.

(2) The fees imposed for voluntary travel ID operator's licenses, instruction permits, and personal identification cards shall be as follows. The fees received shall be distributed as shown in the table. The fees shown, unless otherwise noted, are for an eight (8) year period:

Card Type	Fee	LF	GF	MCF
OL (initial/renewal)	\$48	\$48	\$0	\$0
OL (Under 21) (Up to 4 years)	\$18	\$18	\$0	\$0
Any OL, MC, or combination (duplicate/corrected)	\$15	\$13.25	\$1.75	\$0
Motor vehicle IP (3 years)	\$18	\$16	\$2	\$0
Motorcycle IP (1 year)	\$18	\$13	\$1	\$4
Motorcycle OL (initial/renewal)	\$48	\$38	\$0	\$10
Combination vehicle/MC OL (initial/renewal)	\$58	\$48	\$0	\$10
PIDC (initial/renewal)	\$28	\$25	\$3	\$0
PIDC (duplicate/corrected)	\$15	\$13.50	\$1.50	\$0

(3) Except as provided in subsection (10) of this section, the fees imposed for standard operator's licenses, instruction permits, and personal identification cards shall be as follows and, unless otherwise noted, are for an eight (8) year period:

Card Type	Fee	LF	GF	MCF
OL (initial/renewal)	\$43	\$43	\$0	\$0
OL (Under 21) (Up to 4 years)	\$15	\$15	\$0	\$0
Any OL, MC, or combination (duplicate/corrected)	\$15	\$13.25	\$1.75	\$0
Motor vehicle IP (3 years)	\$15	\$13	\$2	\$0
Motorcycle IP (1 year)	\$15	\$10	\$1	\$4
Motorcycle OL (initial/renewal)	\$43	\$33	\$0	\$10
Combination vehicle/MC OL (initial/renewal)	\$53	\$43	\$0	\$10
PIDC (initial/renewal)	\$23	\$20	\$3	\$0
PIDC (duplicate/corrected)	\$15	\$13.50	\$1.50	\$0
PIDC (no fixed address) under KRS 186.4122(5)/186.4123(5) (initial, duplicate, or corrected)	\$0 \$5	\$0 \$5	\$0	\$0

- (4) The fee for a four (4) year original or renewal license issued pursuant to KRS 186.4101 shall be fifty percent (50%) of the amount shown in subsections (2) and (3) of this section. The distribution of fees shown in subsections (2) and (3) of this section shall also be reduced by fifty percent (50%) for licenses that are issued for four (4) years.
- (5) Any fee for any identity document applied for using alternative technology under KRS 186.410 and 186.4122 shall be distributed in the same manner as a document applied for in person with the cabinet.
- (6) (a) An applicant for an original or renewal operator's license, permit, commercial driver's license, motorcycle operator's license, or personal identification card shall be requested by the cabinet to make a donation to promote an organ donor program.
- (b) The donation under this subsection shall be added to the regular fee for an original or renewal motor vehicle operator's license, permit, commercial driver's license, motorcycle operator's license, or personal identification card. One (1) donation may be made per issuance or renewal of a license or any combination thereof.
- (c) The fee shall be paid to the cabinet and shall be forwarded by the cabinet on a monthly basis to the Kentucky Circuit Court Clerks' Trust for Life, and such moneys are hereby appropriated to be used exclusively for the purpose of promoting an organ donor program. A donation under this subsection shall be voluntary and may be refused by the applicant at the time of issuance or renewal.
- (7) In addition to the fees outlined in this section, the following individuals, upon application for an initial or renewal operator's license, instruction permit, or personal identification card, shall pay an additional application fee of thirty dollars (\$30), which shall be deposited in the photo license account:
- (a) An applicant who is not a United States citizen or permanent resident and who applies under KRS 186.4121 or 186.4123; or
- (b) An applicant who is applying for a instruction permit, operator's license, or personal identification card without a photo under KRS 186.4102(9).
- (8) (a) Except for individuals exempted under paragraph (c) of this subsection, an applicant for relicensing after revocation or suspension shall pay a reinstatement fee of forty dollars (\$40).
- (b) The reinstatement fee under this subsection shall be distributed by the State Treasurer as follows:
1. Thirty-five dollars (\$35) shall be deposited into the photo license account; and
 2. Five dollars (\$5) shall be deposited into a trust and agency fund to be used in defraying the costs and expenses of administering a driver improvement program for problem drivers.
- (c) This subsection shall not apply to:
1. Any person whose license was suspended for failure to meet the conditions set out in KRS 186.411 when, within one (1) year of suspension, the driving privileges of the individual are reinstated; or
 2. A student who has had his or her license revoked pursuant to KRS 159.051.
- (9) As payment for any fee identified in this section, the cabinet:
- (a) Shall accept cash and personal checks;
- (b) May accept other methods of payment in accordance with KRS 45.345; and
- (c) May enter into billing agreements with homeless shelters, health care facilities, or social service agencies that serve individuals without an established and fixed nighttime residence of regular return.
- (10) There shall be no fee assessed for the initial, renewal, or duplicate standard personal identification card to an individual, if the individual:
- (a) Does not possess a valid operator's license or a commercial driver's license; and
- (b) Is at least eighteen (18) years of age on or before the next regular election.

➔Section 22. KRS 131.010 is amended to read as follows:

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

- (1) "Commissioner" means the commissioner of *the department*~~[revenue]~~;

- (2) "Department" means the Department of Revenue;
- (3) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any individual or corporation acting in a fiduciary capacity for any other person;
- (4) "Taxpayer" means any person required or permitted by law or administrative regulation to perform any act subject to the administrative jurisdiction of the department including the following:
 - (a) File a report, return, statement, certification, claim, estimate, declaration, form, or other document;
 - (b) Furnish any information;
 - (c) Withhold, collect, or pay any tax, installment, estimate, or other funds; **and**
 - (d) Secure any license, permit, or other authorization to conduct a business or exercise any privilege, right, or responsibility;
- (5) "Adjusted prime rate charged by banks" means the average predominant prime rate quoted by commercial banks to large businesses, as determined by the board of governors of the Federal Reserve System;
- (6) "Tax interest rate" means the interest rate determined under KRS 131.183;
- (7) "Tax" includes any assessment or license fee administered by the department; however, it shall not include moneys withheld or collected by the department pursuant to KRS 131.560 or 160.627;
- (8) "Return" or "report" means any properly completed and, if required, signed form, statement, certification, claim estimate, declaration, or other document permitted or required to be submitted or filed with the department, including returns and reports or composites thereof which are permitted or required to be electronically transmitted;
- (9) "Reasonable cause" means an event, happening, or circumstance entirely beyond the knowledge or control of a taxpayer who has exercised due care and prudence in the filing of a return or report or the payment of moneys due the department pursuant to law or administrative regulation;
- (10) "Fraud" means:
 - (a) Intentional or reckless disregard for the law, administrative regulations, or the department's established policies to evade the filing of any return, report, or the payment of any moneys due to the department pursuant to law or administrative regulation; or
 - (b) The deliberate false reporting of returns or reports with the intent to gain a monetary advantage;
- (11) "Hard copy" means any document, record, report, or other data printed on paper or stored by an imaging system that does not permit additions, deletions, or other changes to the original documents;
- (12) "Electronic record" means a collection of related information stored as bits of data in a medium that supports electronic extraction of the data at the field level, but does not include electronic imaging systems;
- (13) "Electronic imaging systems" means a computer-based system used to store reproductions of documents and records through the use of electronic data processing, or computerized, digital, or optical scanning which records and indexes the document, but does not support electronic extraction of the data at the field level;
- (14) "Electronic fund transfer" means an electronic data processing medium that takes the place of a paper check for debiting or crediting an account and of which a permanent record is made;
- (15) "Specified tax return preparer" has the same meaning as in 26 U.S.C. sec. 6011(e)(3);~~and~~
- (16) "Tax return preparer" has the same meaning as in 26 U.S.C. sec. 7701(a)(36)(A);
- (17) ***"Administrative writings" means the following, as created, published, issued, or released by the department and redacted to protect taxpayer-specific information:***
 - (a) ***Final rulings;***
 - (b) ***Manuals and training procedures;***
 - (c) ***Presentations;***
 - (d) ***Technical advice memoranda;***
 - (e) ***General information letters; and***

(f) *Private letter rulings; and*

(18) *"Tax form":*

(a) *Means any instrument that is:*

1. *Created, published, issued, approved, or released by the department upon which taxpayers insert information; and*
2. *Permitted or required to be submitted to or filed with the department; and*

(b) *Includes any of the following instruments, except that the instrument shall not contain any information inserted by a taxpayer:*

1. *A return, report, schedule, claim estimate, declaration, or any other similar document; and*
2. *A facsimile of information the taxpayer is required to, or may, submit to the department electronically.*

➔Section 23. KRS 131.020 is amended to read as follows:

(1) The department ~~of Revenue~~, headed by a commissioner appointed by the secretary with the approval of the Governor, shall be organized into the following functional units:

(a) Office of the Commissioner, which shall consist of:

1. The Division of Protest Resolution, headed by a division director who shall report directly to the commissioner. The division shall administer the protest functions for the department from office resolution through court action;
2. The Division of Taxpayer Ombudsman, headed by a division director who shall report to the commissioner. The division shall perform those duties set out in KRS 131.083;
3. The Special Investigations Division, headed by a division director who shall report directly to the commissioner. The division shall investigate alleged violations of the tax laws and recommend criminal prosecution of the laws when warranted; and
4. The Division of Information Management, headed by a division director who shall report directly to the commissioner. The division shall provide project management, planning, analysis, application development, implementation, security, support, and maintenance for new and existing legacy systems of the department;

(b) Office of Tax Policy and Regulation, headed by an executive director who shall report directly to the commissioner. The office shall be responsible for:

1. Providing oral and written technical advice on Kentucky tax law;
2. Drafting proposed tax legislation and regulations;
3. Testifying before legislative committees on tax matters;
4. Analyzing tax publications;
5. *Publishing administrative writings on its official website promptly after issuance or finalization, but no more than one hundred twenty (120) days thereafter;*
6. *Publishing all tax forms and instructions to those tax forms on its official website no later than:*
 - a. *Forty-five (45) days prior to the date a taxpayer is required to:*
 - i. *File a tax form;*
 - ii. *Make a payment of taxes due or estimated to be due; or*
 - iii. *Electronically submit the information or payment; or*
 - b. *In the case of income tax forms, thirty (30) days prior to the end of the calendar year for which the tax form, payment, or information applies;*
7. Providing expert witness testimony in tax litigation cases;
- 8.~~6.~~ Providing consultation and assistance in protested tax cases; and

- ~~9.7-~~ Conducting training and education programs;
- (c) Office of Registration and Operations, headed by an executive director who shall report directly to the commissioner. The office shall be responsible for processing documents, depositing funds, collecting debt payments, and coordinating, planning, and implementing a data integrity strategy. The office shall consist of the:
1. Division of Operations, which shall be responsible for opening all tax returns, preparing the returns for data capture, coordinating the data capture process, depositing receipts, maintaining tax data, and assisting other state agencies with similar operational aspects as negotiated between the department and the other agency; and
 2. Division of Registration, which shall be responsible for registering businesses for tax purposes, ensuring that the data entered into the department's tax systems is accurate and complete, and assisting the taxing areas in proper procedures to ensure the accuracy of the data over time;
- (d) Office of Property Valuation, headed by an executive director who shall report directly to the commissioner. The office shall consist of the:
1. Division of Local Support, which shall be responsible for providing supervision, assistance, and training to the property valuation administrators and sheriffs within the Commonwealth;
 2. Division of State Valuation, which shall be responsible for providing assessments of public service companies and motor vehicles, and providing assistance to property valuation administrators and sheriffs with the administration of tangible and omitted property taxes within the Commonwealth; and
 3. Division of Minerals Taxation and Geographical Information System Services, which shall be responsible for providing geographical information system mapping support, ensuring proper filing of severance tax returns, ensuring consistency of unmined coal assessments, and gathering and providing data to properly assess minerals to the property valuation administrators within the Commonwealth;
- (e) Office of Sales and Excise Taxes, headed by an executive director who shall report directly to the commissioner. The office shall administer all matters relating to sales and use taxes and miscellaneous excise taxes, including but not limited to technical tax research, compliance, taxpayer assistance, tax-specific training, and publications. The office shall consist of the:
1. Division of Sales and Use Tax, which shall administer the sales and use tax; and
 2. Division of Miscellaneous Taxes, which shall administer various other taxes, including but not limited to alcoholic beverage taxes; cigarette enforcement fees, stamps, meters, and taxes; gasoline tax; bank franchise tax; inheritance and estate tax; insurance premiums and insurance surcharge taxes; motor vehicle tire fees and usage taxes; and special fuels taxes;
- (f) Office of Income Taxation, headed by an executive director who shall report directly to the commissioner. The office shall administer all matters related to income and corporation license taxes, including technical tax research, compliance, taxpayer assistance, tax-specific training, and publications. The office shall consist of the:
1. Division of Individual Tax, which shall administer the following taxes or returns: individual income, fiduciary, and employer withholding; and
 2. Division of Corporation Tax, which shall administer the corporation income tax, corporation license tax, pass-through entity withholding, and pass-through entity reporting requirements;
- (g) Office of Field Operations, headed by an executive director who shall report directly to the commissioner. The office shall manage the regional taxpayer service centers and the field audit program; and
- (h) Office of Enforcement, headed by an executive director who shall report directly to the commissioner. The office shall initiate all collection enforcement activity related to due and owing tax assessments, including protest resolution, and shall assist other state agencies with similar collection aspects as negotiated between the department and other state agencies. The office shall consist of the Division of Collections.

- (2) The functions and duties of the department shall include conducting conferences, administering taxpayer protests, and settling tax controversies on a fair and equitable basis, taking into consideration the hazards of litigation to the Commonwealth of Kentucky and the taxpayer. The mission of the department shall be to afford an opportunity for taxpayers to have an independent informal review of the determinations of the audit functions of the department, and to attempt to fairly and equitably resolve tax controversies at the administrative level.
- (3) The department shall maintain an accounting structure for the one hundred twenty (120) property valuation administrators' offices across the Commonwealth in order to facilitate use of the state payroll system and the budgeting process.
- (4) Except as provided in KRS 131.190(4), the department shall fully cooperate with and make tax information available as prescribed under KRS 131.190(3) to the Governor's Office for Economic Analysis as necessary for the office to perform the tax administration function established in KRS 42.410.
- (5) Executive directors and division directors established under this section shall be appointed by the secretary with the approval of the Governor under KRS 12.050.

➔Section 24. KRS 131.030 is amended to read as follows:

- (1) The Department of Revenue shall exercise all administrative functions of the state in relation to:
 - (a) The state revenue and tax laws;~~;~~
 - (b) *The publishing of administrative writings, tax forms, and instructions to those tax forms on its official website;*
 - (c) The licensing and registering of motor vehicles;~~;~~
 - (d) The equalization of tax assessments;~~;~~
 - (e) The assessment of public utilities and public service corporations for taxes;~~;~~
 - (f) The assessment of franchises;~~;~~
 - (g) The supervision of tax collections;~~;~~ and
 - (h) The enforcement of revenue and tax laws, either directly or through supervision of tax administration activity in other departments to which the department may commit administration of certain taxes.
- (2) The department shall have all the powers and duties with reference to assessment or equalization of the assessment of property heretofore exercised or performed by any state board or commission.
- (3) The department shall have all the powers and duties necessary to consider and settle tax cases under KRS 131.110 and refund claims made under KRS 134.580. The department is encouraged to settle controversies on a fair and equitable basis and shall be authorized to settle tax controversies based on the hazards of litigation applicable to them.
- (4) The department shall have all the powers and duties necessary to collect any debts owed to the Commonwealth, or any local government of the Commonwealth, that are referred to the department by an organizational unit or administrative body in the executive branch of state government, as defined in KRS 12.010, the Court of Justice in the judicial branch of state government, and any local government, under KRS 45.237 and 45.241.

➔Section 25. KRS 131.081 is amended to read as follows:

The following rules, principles, or requirements shall apply in the administration of all taxes subject to the jurisdiction of the department:

- (1) The department shall develop and implement a Kentucky tax education and information program *that*:
 - (a) *Is* directed at new taxpayers, taxpayer and industry groups, and department employees to enhance the understanding of and compliance with Kentucky tax laws;~~including~~
 - (b) *Includes information on:*
 1. The application of new tax legislation to taxpayer activities; and
 2. Areas of recurrent taxpayer noncompliance or inconsistency of administration; *and*
 - (c) *Is published as part of the administrative writings posted on its official website;*

- (2) The department shall publish brief statements in simple and nontechnical language which explain procedures, remedies, and the rights and obligations of taxpayers and the department. These statements shall be provided to taxpayers with the initial notice of audit; each original notice of tax due; each denial or reduction of a refund or credit claimed by a taxpayer; each denial, cancellation, or revocation of any license, permit, or other required authorization applied for or held by a taxpayer; and, if practical and appropriate, in informational publications by the department distributed to the public;
- (3) Taxpayers shall have the right to be assisted or represented by an attorney, accountant, or other person in any conference, hearing, or other matter before the department. The taxpayer shall be informed of this right prior to conduct of any conference or hearing;
- (4) The department shall perform audits and conduct conferences and hearings only at reasonable times and places;
- (5) Taxpayers shall have the right to make audio recordings of any conference with or hearing by the department. The department may make similar audio recordings if prior written notice is given to the taxpayer or if the taxpayer records the conference or hearing. The taxpayer shall be entitled to a copy of this department recording or a transcript as provided in KRS 61.874;
- (6) If any taxpayer's failure to submit a timely return or payment to the department is due to the taxpayer's reasonable reliance on written advice from the department, the taxpayer shall be relieved of any penalty or interest with respect thereto, provided the taxpayer requested the advice in writing from the department and the specific facts and circumstances of the activity or transaction were fully described in the taxpayer's request, the department did not subsequently rescind or modify the advice in writing, and there were no subsequent changes in applicable laws or regulations or a final decision of a court which rendered the department's earlier written advice no longer valid;
- (7) Taxpayers shall have the right to receive a copy of any audit of the department by the Auditor of Public Accounts relating to the department's compliance with the provisions of KRS 131.041 to 131.081;
- (8)
 - (a) The department shall include with each notice of tax due a clear and concise description of the basis and amount of any tax, penalty, and interest assessed against the taxpayer and the agent's written narrative setting forth the grounds upon which the assessment is made.
 - (b) Copies of the agent's audit workpapers shall be:
 1. Included with the notice of tax due; or
 2. Delivered electronically to the taxpayer.
 - (c) Taxpayers shall be similarly notified regarding the denial or reduction of any refund or credit claim filed by a taxpayer;
- (9)
 - (a) Taxpayers shall have the right to an installment payment agreement for the payment of delinquent taxes, penalties, and interest owed, provided the taxpayer requests the agreement in writing clearly demonstrating:
 1. His or her inability to pay in full; and
 2. That the agreement will facilitate collection by the department of the amounts owed.
 - (b) The department may modify or terminate an installment payment agreement and may pursue statutory remedies against the taxpayer if it determines that:
 1. The taxpayer has not complied with the terms of the agreement, including minimum payment requirements established by the agreement;
 2. The taxpayers' financial condition has sufficiently changed;
 3. The taxpayer fails to provide any requested financial condition update information;
 4. The taxpayer gave false or misleading information in securing the agreement; or
 5. The taxpayer fails to timely report and pay any other tax due the Commonwealth.
 - (c) The department shall give written notice to the taxpayer at least thirty (30) days prior to modifying or terminating an installment payment agreement unless the department has reason to believe that collection of the amounts owed will be jeopardized in whole or in part by delay;

- (10) The department shall not knowingly authorize, require, or conduct any investigation or surveillance of any person for nontax administration related purposes, except internal security related investigations involving department personnel;
- (11) In addition to the circumstances under which an extension of time for filing reports or returns may be granted pursuant to KRS 131.170, taxpayers shall be entitled to the same extension of the due date of any comparable Kentucky tax report or return for which the taxpayer has secured a written extension from the Internal Revenue Service provided the taxpayer notifies the department in writing and provides a copy of the extension at the time and in the manner which the department may require;
- (12) The department shall bear the cost or, if paid by the taxpayer, reimburse the taxpayer for recording or bank charges as the direct result of any erroneous lien or levy by the department, provided the erroneous lien or levy was caused by department error and, prior to issuance of the erroneous lien or levy, the taxpayer timely responded to all contacts by the department and provided information or documentation sufficient to establish his or her position. When the department releases any erroneous lien or levy, notice of the fact shall be mailed to the taxpayer and, if requested by the taxpayer, a copy of the release, together with an explanation, shall be mailed to the major credit reporting companies located in the county where it was filed;
- (13) (a) The department shall not evaluate individual officers or employees on the basis of taxes assessed or collected or impose or suggest tax assessment or collection quotas or goals.
- (b) No arrangement or contract shall be entered into for the service to:
1. Examine a taxpayer's books and records;
 2. Collect a tax from a taxpayer; or
 3. Provide legal representation of the department;
- if any part of the compensation or other benefits paid or payable for the service is contingent upon or otherwise related to the amount of tax, interest, fee, or penalty assessed against or collected from the taxpayer. Any such arrangement or contract shall be void and unenforceable;
- (14) Taxpayers shall have the right to bring an action for damages against the Commonwealth to the Board of Tax Appeals for actual and direct monetary damages sustained by the taxpayer as a result of willful, reckless, or intentional disregard by department employees of the rights of taxpayers as set out in KRS 131.041 to 131.081 or in the tax laws administered by the department. In the awarding of damages pursuant to this subsection, the board shall take into consideration the negligence or omissions, if any, on the part of the taxpayer which contributed to the damages. If any proceeding brought by a taxpayer is ruled frivolous by the Board of Tax Appeals, the department shall be reimbursed by the taxpayer for its costs in defending the action. Any claims brought pursuant to this subsection shall be in accordance with KRS 49.040 to 49.180; and
- (15) Taxpayers shall have the right to privacy with regard to the information provided on their Kentucky tax returns and reports, including any attached information or documents. Except as provided in KRS 131.190, no information pertaining to the returns, reports, or the affairs of a person's business shall be divulged by the department to any person or be intentionally and without authorization inspected by any present or former commissioner or employee of the department, member of a county board of assessment appeals, property valuation administrator or employee, or any other person.

➔Section 26. KRS 131.130 is amended to read as follows:

Without limitation of other duties assigned to it by law, the following powers and duties are vested in the department{
of Revenue}:

- (1) The department may promulgate administrative regulations, and direct proceedings and actions, for the administration and enforcement of all tax laws of this state. To assist taxpayers in understanding and interpreting the tax laws, the department may, through incorporation by reference, include examples as part of any administrative regulation. The examples may include demonstrative, nonexclusive lists of items if the department determines the lists would be helpful to taxpayers in understanding the application of the tax laws.
- (2) The department, by representatives it appoints in writing, may take testimony or depositions, and may examine hard copy or electronic records, any person's documents, files, and equipment if those records, documents, or equipment will furnish knowledge concerning any taxpayer's tax liability, when it deems this reasonably necessary to the performance of its functions. The department may enforce this right by application to the Circuit Court in the county where the person is domiciled or has his or her principal office, or by application to the Franklin Circuit Court, which courts may compel compliance with the orders of the department.

- (3) The department shall prescribe the style, and determine and enforce the use or manner of keeping, of all assessment and tax forms and records employed by state and county officials, and may prescribe forms necessary for the administration of any revenue law.
- (4) The department shall advise on all questions respecting the construction of state revenue laws and its application to various classes of taxpayers and property.
- (5) Attorneys employed by the Finance and Administration Cabinet and approved by the Attorney General as provided in KRS 15.020 may prosecute all violations of the criminal and penal laws relating to revenue and taxation. If a Finance and Administration Cabinet attorney undertakes any of the actions prescribed in this subsection, that attorney shall be authorized to exercise all powers and perform all duties in respect to the criminal actions or proceedings which the prosecuting attorney would otherwise perform or exercise, including the authority to sign, file, and present any complaints, affidavits, information, presentments, accusations, indictments, subpoenas, and processes of any kind, and to appear before all grand juries, courts, or tribunals.
- (6) In the event of the incapacity of attorneys employed by the Finance and Administration Cabinet or at the request of the secretary of the Finance and Administration Cabinet, the Attorney General or his or her designee shall prosecute all violations of the criminal and penal laws relating to revenue and taxation. If the Attorney General undertakes any of the actions prescribed in this subsection, he or she shall be authorized to exercise all powers and perform all duties in respect to the criminal actions or proceedings which the prosecuting attorney would otherwise perform or exercise, including but not limited to the authority to sign, file, and present any and all complaints, affidavits, information, presentments, accusations, indictments, subpoenas, and processes of any kind, and to appear before all grand juries, courts, or tribunals.
- (7) The department may require the Commonwealth's attorneys and county attorneys to prosecute actions and proceedings and perform other services incident to the enforcement of laws assigned to the department for administration.
- (8)
 - (a) Notwithstanding KRS Chapter 13A, the department may research the fields of taxation, finance, and local government administration, publish its findings, respond to the public's and taxpayers' questions, and publish its responses~~[, as the commissioner may deem wise]~~.
 - (b) To assist taxpayers and the public in understanding and interpreting the tax laws, the department:
 1. May include examples as part of any response or publication. The examples may include demonstrative, nonexclusive lists of items, if the department determines that the list would be helpful to taxpayers in understanding the application of the tax laws; *and*
 2. ***Shall publish its administrative writings, tax forms, and instructions to those tax forms on its official website in accordance with subsection (1)(b) of Section 23 of this Act.***
- (9) The department may promulgate administrative regulations necessary to establish a system of taxpayer identifying numbers for the purpose of securing proper identification of taxpayers subject to any tax laws or other revenue measure of this state, and may require the taxpayer to place on any return, report, statement, or other document required to be filed, any number assigned pursuant to the administrative regulations.
- (10) The department may, when it is in the best interest of the Commonwealth and helpful to the efficient and effective enforcement, administration, or collection of sales and use tax, motor fuels tax, or the petroleum environmental assurance fee, enter into agreements with out-of-state retailers or other persons for the collection and remittance of sales and use tax, the motor fuels tax, or the petroleum environmental assurance fee.
- (11) The department may enter into annual memoranda of agreement with any state agency, officer, board, commission, corporation, institution, cabinet, department, or other state organization to assume the collection duties for any debts due the state entity, except for consumer debt owed for health care goods and services, and may renew that agreement for up to five (5) years. Under such an agreement, the department shall have all the powers, rights, duties, and authority with respect to the collection, refund, and administration of those liquidated debts as provided under:
 - (a) KRS Chapters 131, 134, and 135 for the collection, refund, and administration of delinquent taxes; and
 - (b) Any applicable statutory provisions governing the state agency, officer, board, commission, corporation, institution, cabinet, department, or other state organization for the collection, refund, and administration of any liquidated debts due the state entity.

- (12) Notwithstanding subsection (11) of this section, KRS 45.237, 45.238, 45.241, or 131.030, or any agreement to the contrary, the department shall not collect or continue collection duties of any consumer debts owed for health care goods and services. For the purpose of this section, "consumer debt" shall be defined as a debt incurred by an individual, as defined in KRS 141.010, for a personal or family purpose, regardless of whether an obligation has been reduced to judgment.
- (13) The department may refuse to accept a personal check in payment of taxes due or collected from any person who has ever tendered a check to the state which, when presented for payment, was not honored. Any check so refused shall be considered as never having been tendered.

➔Section 27. KRS 131.131 is amended to read as follows:

Notwithstanding KRS 13A.110, the department ~~of Revenue~~ shall publish tax forms and instructions to those forms ***on its official website in accordance with subsection (1)(b) of Section 23 of this Act*** without promulgation of an administrative regulation.

➔Section 28. KRS 138.472 is amended to read as follows:

(1) As used in this section:

(a) ***"Bad debt" has the same meaning as in 26 U.S.C. sec. 166, except that the following shall be excluded:***

1. ***Financing charges or interest;***
2. ***Excise or sales and use taxes charged on the purchase price;***
3. ***Uncollectible amounts on property that remains in the possession of the person until the full purchase price is paid;***
4. ***Expenses incurred in attempting to collect any debt; or***
5. ***Repossessed property;***

(b) ***"Charged off for income tax purposes" means:***

1. ***The charging off of unpaid balances due on accounts determined to be uncollectable; or***
2. ***Declaring as uncollectable the unpaid balance due on accounts if the person is not required to file federal income tax returns;***

(c) "Department" means the Kentucky Department of Revenue;

~~(d)(b)~~ "Gross receipts" means the total consideration received for the:

1. Rental of a vehicle, including the daily or hourly rental fee, fees charged for using the services, charges for insurance protection plans, fuel charges, pickup and delivery fees, late fees, and any charges for any services necessary to complete the rental transaction made by a:
 - a. Peer-to-peer car sharing company; or
 - b. Motor vehicle rental company; and
2. Charges made to provide the service to a user, including any charges for time or mileage, fees for using the services, and any charges for any services necessary to complete the transaction made by a:
 - a. TNC;
 - b. Taxicab; or
 - c. Limousine service provider;

~~(e)(c)~~ The following terms have the same meaning as in KRS 281.010:

1. "Human service transportation delivery";
2. "Limousine";
3. "Peer-to-peer car sharing certificate";
4. "Peer-to-peer car sharing company";

5. "Peer-to-peer car sharing driver";
 6. "Peer-to-peer car sharing program";
 7. "Shared vehicle";
 8. "Shared vehicle driver";
 9. "Taxicab";
 10. "Transportation network company" or "TNC";
 11. "Transportation network company service" or "TNC service"; and
 12. "U-Drive-It";
- ~~(f)(d)~~ "Motor vehicle rental company" has the same meaning as in KRS 281.687; and
- ~~(g)(e)~~ "Person" means the individual or the entity required to be the holder of any of the following certificates in KRS 281.630:
1. Limousine;
 2. Peer-to-peer car sharing;
 3. Taxicab;
 4. Transportation network; and
 5. U-Drive-It.
- (2) (a) An excise tax is imposed upon every person for the privilege of providing a motor vehicle for sharing or for rent, with or without a driver, within the Commonwealth.
 - (b) The tax is imposed at the rate of six percent (6%) of the gross receipts derived from the:
 1. Rental of a shared vehicle by a peer-to-peer car sharing company;
 2. Rental of a vehicle by a motor vehicle renting company;
 3. Sales of TNC services;
 4. Sales of taxicab services; and
 5. Sales of limousine services.
 - (c) Excluded from the tax are receipts derived from the provision of human service transportation delivery.
- (3) (a) The tax imposed under subsection (2) of this section shall be administered and collected by the department. Revenues generated from the tax shall be deposited into the general fund.
 - (b) On or before the twentieth day of the month following each calendar month, a return for the preceding month shall be filed with the department by every person required to pay the tax in a form prescribed by the department.
- (4) The tax imposed by subsection (2) of this section shall be the direct obligation of the peer-to-peer car sharing company, the motor vehicle renting company, the TNC, the taxicab service provider, and the limousine service provider, but it may be charged to and collected from the user of the service. The tax shall be remitted to the department each month on forms and pursuant to administrative regulations promulgated by the department.
- (5) (a) *A person may deduct as a bad debt the amount found to be worthless and charged off for income tax purposes, provided the person is reporting and remitting this tax on the accrual basis.*
 - (b) *The person may take the deduction on the return for the period during which the bad debt is written off as uncollectable in the person's books and records and is eligible to be charged off for income tax purposes.*
 - (c)
 1. *The person may obtain a refund equal to the amount of bad debt that exceeds the amount of tax due for the period during which the bad debt is written off.*
 2. *The refund claim shall be made within four (4) years from the due date of the return on which the bad debt could first be claimed.*

3. *Notwithstanding KRS 131.183, no interest shall be paid upon any deduction taken or refund made for bad debts.*
- (d) *If any bad debt accounts are thereafter, in whole or in part, collected by the person, the amount collected shall be included in the return filed for the period in which the collection is made and the amount of the tax due shall be paid with the return.*
- (e) *For purposes of computing a bad debt deduction or reporting a payment received on a previously claimed bad debt, any payments made on a debt or account shall be applied first to the price of the service and the excise tax on the service, proportionally, and then to interest, service charges, and any other charges.*
- (6) (a) As soon as practicable after each return is received, the department shall examine and audit the return. If the amount of taxes computed by the department is greater than the amount returned by the person, the excess shall be assessed by the department within four (4) years from the date the return was filed, except as provided in paragraph (c) of this subsection, and except that in the case of a failure to file a return or of a fraudulent return the excess may be assessed at any time. A notice of such assessment shall be mailed to the person.
- (b) For the purpose of paragraphs (a) and (c) of this subsection, a return filed before the last day prescribed by law for the filing thereof shall be considered as filed on such last day.
- (c) Notwithstanding the four (4) year time limitation of paragraph (a) of this subsection, in the case of a return where the amount of taxes computed by the department is greater by twenty-five percent (25%) or more than the amount returned by the person, the excess shall be assessed by the department within six (6) years from the date the return was filed.
- ~~(7)(6)~~ Failure to remit the taxes shall be sufficient cause for the Department of Vehicle Regulation to void the certificate issued to a:
- (a) Limousine certificate holder;
- (b) Peer-to-peer car sharing certificate holder;
- (c) Taxicab certificate holder;
- (d) TNC certificate holder; or
- (e) U-Drive-It certificate holder.
- ~~(8)(7)~~ If a person fails or refuses to file a return or furnish any information requested in writing, the department may, from any information in its possession, make an estimate of the certificate holder's total trip costs and issue an assessment against the certificate holder based on the estimated trip cost charges and add a penalty of ten percent (10%) of the amount of the assessment so determined. This penalty shall be in addition to all other applicable penalties provided by law.
- ~~(9)(8)~~ If the tax imposed by subsection (2) of this section is not paid on or before the date prescribed for its payment, there shall be collected, as a part of the tax, interest upon the unpaid amount at the tax interest rate as defined in KRS 131.010(6) from the date prescribed for its payment until payment is actually made.
- (10) (a) *For purposes of this subsection, "taxes" shall include:*
1. *Interest accrued at the rate provided by KRS 131.183;*
 2. *All applicable penalties imposed under this chapter; and*
 3. *All applicable penalties and fees imposed under KRS 131.180, 131.410 to 131.445, and 131.990.*
- (b) ~~1.(9)~~ Notwithstanding any other provisions of this chapter to the contrary, the president, vice president, secretary, treasurer, or any other person holding any equivalent corporate office of any corporation subject to the provisions of this ~~section~~~~chapter~~ shall be personally and individually liable, both jointly and severally, for the taxes imposed under this ~~section~~~~chapter~~, and neither the corporate dissolution nor withdrawal of the corporation from the state nor the cessation of holding any corporate office shall discharge the foregoing liability of any person.
2. The personal and individual liability shall apply to each and every person holding the corporate office at the time the taxes become or became due.

3. No person will be personally and individually liable pursuant to this section who had no authority in the management of the business or financial affairs of the corporation at the time that the taxes imposed by this ~~section~~~~[chapter]~~ become or became due. ~~["Taxes" as used in this section shall include interest accrued at the rate provided by KRS 139.650 and all applicable penalties imposed under this chapter and all applicable penalties and fees imposed under KRS 131.180, 131.410 to 131.445, and 131.990.]~~
- (c) ~~1.~~~~(10)~~ Notwithstanding any other provisions of this chapter, KRS 275.150, 362.1-306(3) or predecessor law, or 362.2-404(3) to the contrary, the managers of a limited liability company, the partners of a limited liability partnership, and the general partners of a limited liability limited partnership, or any other person holding any equivalent office of a limited liability company, limited liability partnership, or limited liability limited partnership subject to the provisions of this ~~section~~~~[chapter]~~, shall be personally and individually liable, both jointly and severally, for the taxes imposed under this ~~section~~~~[chapter]~~.
2. Dissolution, withdrawal of the limited liability company, limited liability partnership, or limited liability limited partnership from the state, or the cessation of holding any office shall not discharge the liability of any person.
 3. The personal and individual liability shall apply to each and every manager of a limited liability company, partner of a limited liability partnership, and general partner of a limited liability limited partnership at the time the taxes become or became due.
 4. No person shall be personally and individually liable under this subsection who had no authority to collect, truthfully account for, or pay over any tax imposed by this ~~section~~~~[chapter]~~ at the time that the taxes imposed by this ~~section~~~~[chapter]~~ become or became due. ~~["Taxes" as used in this section shall include interest accrued at the rate provided by KRS 131.183, all applicable penalties imposed under this chapter, and all applicable penalties and fees imposed under KRS 131.180, 131.410 to 131.445, and 131.990.]~~
- (11) Any person who violates any of the provisions of this section shall be subject to the uniform civil penalties imposed pursuant to KRS 131.180.

➔Section 29. KRS 154.30-010 is amended to read as follows:

As used in this subchapter:

- (1) "Activation date" means:
 - (a) For all projects except those described in paragraph (b) of this subsection, the date established any time within a two (2) year period after the commencement date. The Commonwealth may extend the two (2) year period to no more than four (4) years upon written application by the agency requesting the extension; and
 - (b) For signature projects approved under KRS 154.30-050(2)(a), the date established any time within a ten (10) year period after the commencement date.

For all projects established after July 14, 2018, the activation date is the date on which the time period for the pledge of incremental revenues shall commence. To implement the activation date, the minimum capital investment must be met and the agency that is a party to the tax incentive agreement shall notify the office;

- (2) "Agency" means:
 - (a) An urban renewal and community development agency established under KRS Chapter 99;
 - (b) A development authority established under KRS Chapter 99;
 - (c) A nonprofit corporation;
 - (d) A housing authority established under KRS Chapter 80;
 - (e) An air board established under KRS 183.132 to 183.160;
 - (f) A local industrial development authority established under KRS 154.50-301 to 154.50-346;
 - (g) A riverport authority established under KRS 65.510 to 65.650; or
 - (h) A designated department, division, or office of a city or county;

- (3) "Approved public infrastructure costs" means costs associated with the acquisition, installation, construction, or reconstruction of public works, public improvements, and public buildings, including planning and design costs associated with the development of such public amenities. "Approved public infrastructure costs" includes but is not limited to costs incurred for the following:
- (a) Land preparation, including demolition and clearance work;
 - (b) Buildings;
 - (c) Sewers and storm drainage;
 - (d) Curbs, sidewalks, promenades, and pedways;
 - (e) Roads;
 - (f) Street lighting;
 - (g) The provision of utilities;
 - (h) Environmental remediation;
 - (i) Floodwalls and floodgates;
 - (j) Public spaces or parks;
 - (k) Parking;
 - (l) Easements and rights-of-way;
 - (m) Transportation facilities;
 - (n) Public landings;
 - (o) Amenities, such as fountains, benches, and sculptures; and
 - (p) Riverbank modifications and improvements;
- (4) "Approved signature project costs" means:
- (a) The acquisition of land for portions of the project that are for infrastructure; and
 - (b) Costs associated with the acquisition, installation, development, construction, improvement, or reconstruction of infrastructure, including planning and design costs associated with the development of infrastructure, including but not limited to parking structures, including portions of parking structures that serve as platforms to support development above;
- that have been determined by the commission to represent a unique challenge in the financing of a project such that the project could not be developed without incentives intended by this chapter to foster economic development;
- (5) "Authority" means the Kentucky Economic Development Finance Authority established by KRS 154.20-010;
- (6) "Capital investment" means:
- (a) Obligations incurred for labor and to contractors, subcontractors, builders, and materialmen in connection with the acquisition, construction, installation, equipping, and rehabilitation of a project;
 - (b) The cost of acquiring land or rights in land within the development area on the footprint of the project, and any cost incident thereto, including recording fees;
 - (c) The cost of contract bonds and of insurance of all kinds that may be required or necessary during the course of acquisition, construction, installation, equipping, and rehabilitation of a project which is not paid by the contractor or contractors or otherwise provided;
 - (d) All costs of architectural and engineering services, including test borings, surveys, estimates, plans, specifications, preliminary investigations, supervision of construction, and the performance of all the duties required by or consequent upon the acquisition, construction, installation, equipping, and rehabilitation of a project;
 - (e) All costs that are required to be paid under the terms of any contract for the acquisition, construction, installation, equipping, and rehabilitation of a project; and

- (f) All other costs of a nature comparable to those described in this subsection that occur after preliminary approval;
- (7) "City" means any city, consolidated local government, or urban-county government;
- (8) "Commencement date" means the final approval date or the date on which a tax incentive agreement is executed;
- (9) "Commonwealth" means the Commonwealth of Kentucky;
- (10) "County" means any county, consolidated local government, charter county, unified local government, or urban-county government;
- (11) "CPI" means the nonseasonally adjusted Consumer Price Index for all urban consumers, all items, base year computed for 1982 to 1984 equals one hundred (100), published by the United States Department of Labor, Bureau of Labor Statistics;
- (12) "Department" means the Department of Revenue;
- (13) "Development area" means an area established under KRS 65.7049, 65.7051, and 65.7053;
- (14) "Economic development projects" means projects which are approved for tax credits under Subchapter 20, 22, 23, 24, 25, 26, 27, 28, 34, or 48 of KRS Chapter 154;
- (15) "Financing costs" means principal, interest, costs of issuance, debt service reserve requirements, underwriting discount, costs of credit enhancement or liquidity instruments, and other costs directly related to the issuance of bonds or debt for approved public infrastructure costs or approved signature project costs for projects approved pursuant to KRS 154.30-050;
- (16) "Footprint" means the actual perimeter of a discrete, identified project within a development area. The footprint shall not include any portion of a development area outside the area for which actual capital investments are made and must be contiguous;
- (17) "Governing body" means the body possessing legislative authority in a city or county;
- (18) "Increment bonds" means bonds and notes issued for the purpose of paying the costs of one (1) or more projects;
- (19) "Incremental revenues" means:
 - (a) The amount of revenues received by a taxing district, as determined by subtracting old revenues from new revenues in a calendar year with respect to a development area, or a project within a development area; or
 - (b) The amount of revenues received by the Commonwealth as determined by subtracting old revenues from new revenues in a calendar year with respect to the footprint;
- (20) "Local participation agreement" means the agreement entered into under KRS 65.7063;
- (21) "Local tax revenues" has the same meaning as in KRS 65.7045;
- (22) "Modified new revenues for income tax" means the amount of individual income tax included in state tax revenues that is:
 - (a) The result of multiplying the portion of state tax revenues from individual income taxes by the modifier;
 - (b) Used for calculating state tax revenues in calendar years 2023 *to 2026*~~and 2024~~; and
 - (c) For projects approved prior to January 1, 2023;
- (23) "Modifier" means the result of dividing the individual income tax rate of five percent (5%), in effect as of December 31, 2022, by the individual income tax rate under KRS 141.020 for the calendar year in which the new revenues for income tax are being computed;
- (24) "New revenues" means:
 - (a) The amount of local tax revenues received by a taxing district with respect to a development area in any calendar year beginning with the year in which the activation date occurred; and

- (b) The amount of state tax revenues received by the Commonwealth with respect to the footprint in any calendar year beginning with the year in which the activation date occurred.

For projects approved prior to January 1, 2023, any state tax revenues received by the Commonwealth from individual income tax shall be computed using modified new revenues for income tax;

(25) "Old revenues" means:

- (a) The amount of local tax revenues received by a taxing district with respect to a development area as of December 31 of the year of preliminary approval; or

- (b) 1. The amount of state tax revenues received by the Commonwealth within the footprint as of December 31 of the year of preliminary approval. If the authority determines that the amount of state tax revenues received as of December 31 of the last calendar year prior to the commencement of preliminary approval does not represent a true and accurate depiction of revenues, the authority may consider revenues for a period of no longer than three (3) calendar years prior to the year of preliminary approval, so as to determine a fair representation of state tax revenues. The amount determined by the authority shall be specified in the tax incentive agreement. If state tax revenues were derived from the footprint prior to the year of preliminary approval, old revenues shall increase each calendar year by:

- a. The percentage increase, if any, of the CPI or a comparable index; or
- b. An alternative percentage increase that is determined to be appropriate by the authority.

The method for increasing old revenues shall be set forth in the tax incentive agreement;

- 2. If state revenues were derived from the footprint prior to the year of preliminary approval, the calculation of incremental revenues shall be based on the value of old revenues as increased using the method prescribed in subparagraph 1. of this paragraph to reflect the same calendar year as is used in the determination of new revenues;

(26) "Outstanding" means increment bonds that have been issued, delivered, and paid for by the purchaser, except any of the following:

- (a) Increment bonds canceled upon surrender, exchange, or transfer, or upon payment or redemption;
- (b) Increment bonds in replacement of which or in exchange for which other increment bonds have been issued; or
- (c) Increment bonds for the payment, redemption, or purchase for cancellation prior to maturity, of which sufficient moneys or investments, in accordance with the ordinance or other proceedings or any applicable law, by mandatory sinking fund redemption requirements, or otherwise, have been deposited, and credited in a sinking fund or with a trustee or paying or escrow agent, whether at or prior to their maturity or redemption, and, in the case of increment bonds to be redeemed prior to their stated maturity, notice of redemption has been given or satisfactory arrangements have been made for giving notice of that redemption, or waiver of that notice by or on behalf of the affected bond holders has been filed with the issuer or its agent;

(27) "Preliminary approval" means the action taken by the authority preliminarily approving an eligible project for incentives under this subchapter;

(28) "Project" means any property, asset, or improvement located in a development area and certified by the governing body as:

- (a) Being for a public purpose; and
- (b) Being for the development of facilities for residential, commercial, industrial, public, recreational, or other uses, or for open space, including the development, rehabilitation, renovation, installation, improvement, enlargement, or extension of real estate and buildings; and
- (c) Contributing to economic development or tourism; and
- (d) Meeting the additional requirements established by KRS 154.30-040, 154.30-050, or 154.30-060;

(29) "Signature project" means a project approved under KRS 154.30-050;

(30) "State real property ad valorem tax" means real property ad valorem taxes levied under KRS 132.020(1)(a);

- (31) "State tax revenues" means revenues received by the Commonwealth from one (1) or more of the following sources:
- (a) State real property ad valorem taxes;
 - (b) Individual income taxes levied under KRS 141.020, other than individual income taxes that have already been pledged to support an economic development project within the development area;
 - (c) Corporation income taxes levied under KRS 141.040, other than corporation income taxes that have already been pledged to support an economic development project within the development area;
 - (d) Limited liability entity taxes levied under KRS 141.0401, other than limited liability entity taxes that have already been pledged to support an economic development project within the development area; and
 - (e) Sales taxes levied under KRS 139.200, excluding sales taxes already pledged for:
 - 1. Approved tourism attraction projects, as defined in KRS 148.851, within the development area; and
 - 2. Projects which are approved for sales tax refunds under Subchapter 20 of KRS Chapter 154 within the development area;

(32) "Tax incentive agreement" means an agreement entered into in accordance with KRS 154.30-070; and

(33) "Termination date" means:

- (a) For a tax incentive agreement satisfying the requirements of KRS 154.30-040 or 154.30-060, a date established by the tax incentive agreement that is no more than twenty (20) years from the activation date. However, the termination date for a tax incentive agreement shall in no event be more than forty (40) years from the establishment date of the development area to which the tax incentive agreement relates; and
- (b) For a project grant agreement satisfying the requirements of KRS 154.30-050, a date established by the tax incentive agreement that is no more than thirty (30) years from the activation date. However, the termination date for a tax incentive agreement shall in no event be more than forty (40) years from the establishment date of the development area to which the tax incentive agreement relates.

➔Section 30. KRS 186.162 is amended to read as follows:

(1) As used in this section and in KRS 186.043, 186.164, 186.166, 186.1722, and 186.174:

- (a) "Special license plate" means a unique license plate issued under this chapter to a group or organization that readily identifies the operator of the motor vehicle or motorcycle bearing the plate as a member of a group or organization, or a supporter of the work, goals, or mission of a group or organization. The term shall not include regular license plates issued under KRS 186.240;
- (b) "Street rod" means a modernized private passenger motor vehicle manufactured prior to the year 1949, or designed or manufactured to resemble a vehicle manufactured prior to 1949;
- (c) "SF" means the portion of an initial or renewal fee to obtain a special license plate that is dedicated for use by the Transportation Cabinet;
- (d) "CF" means the county clerk's fee for issuing a motor vehicle registration as established under KRS 186.040(1). If a CF amount is charged for a license plate listed in this section, the applicant for that plate shall also pay the fees identified in KRS 186.040(6). If a CF amount is not charged, the applicant shall not be required to pay those fees; and
- (e) "EF" means the portion of an initial or renewal fee to obtain a special license plate that is mandated by this chapter to be dedicated for use by a particular group or organization.

(2) The initial purchase fee and renewal fee for a special license plate created under this chapter shall be as established in this subsection and includes the name of group or organization and the total initial and renewal fee required for the plate. The amount in parentheses indicates how the total fee is required to be divided:

- (a) Disabled veterans who receive assistance to purchase a vehicle from the United States Department of Veterans' Affairs, veterans declared by the United States Department of Veterans' Affairs to be one hundred percent (100%) service-connected disabled, and recipients of the Congressional Medal of Honor:

1. Initial Fee: \$0 (\$0 SF/\$0 CF/\$0 EF).
 2. Renewal Fee: \$0 (\$0 SF/\$0 CF/\$0 EF).
- (b) Former prisoners of war and survivors of Pearl Harbor:
1. Initial Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
 2. Renewal Fee: \$6 (\$0 SF/\$6 CF/\$0 EF).
- (c) Members of the Kentucky National Guard and recipients of the Purple Heart:
1. Initial Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
 2. Renewal Fee: \$11 (\$0 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (d) Members of the Civil Air Patrol; active, retired, veteran, reserve, or auxiliary members of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; Merchant Marines who served between December 7, 1941, and August 15, 1945; recipients of the Silver Star Medal, the Distinguished Flying Cross, the Air Medal, the Combat Action Badge, the Combat Infantry Badge, or the Bronze Star Medal; persons who wish to receive Gold Star Mothers, Gold Star Fathers, or Gold Star Spouses license plates beyond the two (2) exempted from fees under KRS 186.041(6); individuals eligible for a special military service academy license plate under KRS 186.041(8); individuals eligible for a special military unit license plate under KRS 186.163; and disabled veterans who have been declared to be between fifty percent (50%) and ninety-nine percent (99%) service-connected disabled by the United States Department of Veterans' Affairs:
1. Initial Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (e) Recipients of the Distinguished Service Cross, Navy Cross, or Air Force Cross:
1. Initial Fee: \$6 (\$0 SF/\$6 CF/\$0 EF).
 2. Renewal Fee: \$6 (\$0 SF/\$6 CF/\$0 EF).
- (f) Disabled license plates:
1. Initial Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).
 2. Renewal Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).
- (g) Historic vehicles:
1. Initial Fee for two plates: \$56 (\$50 SF/\$6 CF/\$0 EF).
 2. Renewal Fee: Do not renew annually.
- (h) Members of Congress:
1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (i) Firefighters:
1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky Firefighters Association).
 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky Firefighters Association).
- (j) Emergency management:
1. Initial Fee: \$31 (\$25 SF/\$6 CF/\$0 EF).

ACTS OF THE GENERAL ASSEMBLY

2. Renewal Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).
- (k) Fraternal Order of Police:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Kentucky FOP Death Benefit Fund).
2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky FOP Death Benefit Fund).
- (l) Law Enforcement Memorial:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Kentucky Law Enforcement Memorial Foundation, Inc.).
2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky Law Enforcement Memorial Foundation, Inc.).
- (m) Personalized plates:
1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
2. Renewal Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
- (n) Street rods:
1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
2. Renewal Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).
- (o) Nature plates:
1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to Kentucky Heritage Land Conservation Fund established under KRS 146.570).
2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to Kentucky Heritage Land Conservation Fund established under KRS 146.570).
- (p) Amateur radio:
1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
2. Renewal Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).
- (q) Kentucky General Assembly:
1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (r) Kentucky Court of Justice:
1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
2. Renewal Fee: \$11 (\$0 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (s) Masons:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Masonic Homes of Kentucky).
2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Masonic Homes of Kentucky).
- (t) Collegiate plates:
1. Initial Fee: \$53 (\$37 SF/\$6 CF/\$10 EF to the general scholarship fund of the university whose name will be borne on the plate).
2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the general scholarship fund of the university whose name will be borne on the plate).
- (u) Independent Colleges:

1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Association of Independent Kentucky Colleges and Universities for distribution to the general scholarship funds of the Association's members).
 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Association of Independent Kentucky Colleges and Universities for distribution to the general scholarship funds of the Association's members).
- (v) Child Victims:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the child victims' trust fund established under KRS 41.400).
 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the child victims' trust fund established under KRS 41.400).
- (w) Kentucky Horse Council:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Kentucky Horse Council).
 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the Kentucky Horse Council).
- (x) Ducks Unlimited:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to Kentucky Ducks Unlimited).
 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to Kentucky Ducks Unlimited).
- (y) Spay neuter:
1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the animal control and care fund established under KRS 258.119).
 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the animal control and care fund established under KRS 258.119).
- (z) Gold Star Mothers, Gold Star Fathers, or Gold Star Spouses:
1. Initial Fee: \$0 (\$0 SF/\$0 CF/ \$0 EF).
 2. Renewal Fee: \$0 (\$0 SF/\$0 CF/ \$0 EF).
 3. A person may receive a maximum of two (2) plates under this paragraph free of charge and may purchase additional plates for fees as established in subsection (2)(d) of this section.
- (aa) I Support Veterans:
1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky Department of Veterans' Affairs).
 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the Kentucky Department of Veterans' Affairs).
- (ab) Gold Star Siblings, Gold Star Sons, or Gold Star Daughters:
1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the veterans' program trust fund established under KRS 40.460).
 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (ac) POW/MIA Awareness:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the veterans' program trust fund established under KRS 40.460).
 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the veterans' program trust fund established under KRS 40.460).
- (ad) Special license plates established under KRS 186.164:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF).

2. Renewal Fee: \$41 (\$25 SF/\$6 CF/\$10 EF).
- (3) Any special license plate may be combined with a personalized license plate for a twenty-five dollar (\$25) state fee in addition to all other fees for the particular special license plate established in this section and in KRS 186.164(3). The twenty-five dollar (\$25) fee required under this subsection shall be divided between the cabinet and the county clerk of the county where the applicant is applying for the license plate with the cabinet receiving twenty dollars (\$20) and the county clerk receiving five dollars (\$5).
- (4) (a) A sponsoring organization of any special license plate issued under this section or any special license plate established under the provisions of KRS 186.164 may petition the cabinet for the production of that special license plate for motorcycles.
- (b) The cabinet shall make all of the special military license plates in this section available for motorcycles owned or leased by eligible individuals.
- (c) Owners and lessees of motorcycles registered under KRS 186.050(2) may be eligible to receive special license plates approved by the cabinet under paragraphs (a) and (b) of this subsection. Applicants for a special license plate for a motorcycle shall be required to pay the fee for a special plate as prescribed in this section or in KRS 186.164. The fee paid for the special plate for a motorcycle shall be in lieu of the registration fee required under KRS 186.050(2).
- (5) ***The Transportation Cabinet shall:***
- (a) ***Identify the cost of issuing a child victims' trust fund special license plate under subsection (2)(v) of this section; and***
- (b) ***Transfer any revenue received from the initial or renewal SF fee that is in excess of the cost identified in paragraph (a) of this subsection to the child victims' trust fund established under KRS 41.400.***

➔Section 31. KRS 68.200 is amended to read as follows:

- (1) As used in this section, unless the context clearly indicates otherwise:
- (a) ***"Designated city" means a city on the registry maintained by the Department for Local Government under subsection (9) of this section;***
- (b) ***"Gross receipts" means the total consideration received for the charges made to provide transportation network company services to a user, including any charges for time or mileage, fees for using the services, and any charges for any services necessary to complete the transaction made by a transportation network company;***
- (c) "Gross rental charge" has the same meaning as in KRS 138.462;
- ~~(d)~~~~(b)~~ "Motor vehicle" has the same meaning as "vehicle" as defined in KRS 186.010(8)(a);
- ~~(e)~~~~(c)~~ "Peer-to-peer car sharing" has the same meaning as in KRS 281.010;
- ~~(f)~~~~(d)~~ "Peer-to-peer car sharing program" has the same meaning as in KRS 281.010;
- ~~(g)~~~~(e)~~ "Peer-to-peer car sharing program agreement":
1. Means the terms and conditions applicable to a shared vehicle owner and a shared vehicle driver that govern the use of a shared vehicle through a peer-to-peer car sharing program; and
 2. Does not include rental or lease agreements entered into with persons operating under a U-Drive-It certificate as defined in KRS 281.010;
- ~~(h)~~~~(f)~~ "Shared vehicle driver" has the same meaning as in KRS 281.010;
- ~~(i)~~~~(g)~~ "Transportation network company" has the same meaning as in KRS 281.010;
- ~~(j)~~~~(h)~~ "Transportation network company service" has the same meaning as in KRS 281.010; and
- ~~(k)~~~~(i)~~ "U-Drive-It" has the same meaning as in KRS 281.010.
- (2) A county containing a designated city, consolidated local government, or urban-county government may levy a license fee on a:
- (a) U-Drive-It;

- (b) Peer-to-peer car sharing program; and
 - (c) Transportation network company.
- (3) The license fee shall not exceed three percent (3%) of the ~~gross rental charges from~~:
- (a) **Gross rental charges from** rental agreements for periods of thirty (30) days or less by a:
 - 1. U-Drive-It; or
 - 2. Peer-to-peer car sharing program; or
 - (b) **Gross receipts derived from** the provision of transportation network company services by a transportation network company.
- (4) The license fee shall not apply to a U-Drive-It who receives less than seventy-five percent (75%) of its gross revenues generated in the county from gross rental charges.
- (5) Any license fee levied pursuant to this subsection shall be collected by a:
- (a) U-Drive-It from the renters of the motor vehicles;
 - (b) Peer-to-peer car sharing program from the shared vehicle driver; and
 - (c) Transportation network company from the purchaser of the transportation network company services.
- (6) Revenues from rental of motor vehicles shall not be included in the gross rental charges on which the license fee is based if:
- (a) The declared gross weight of the motor vehicle exceeds eleven thousand (11,000) pounds; or
 - (b) The rental is part of the services provided by a funeral director for a funeral.
- (7) A fiscal court or the legislative body of an urban-county government shall provide for collection of the license fee in the ordinance by which the license fee is levied. The revenues shall be deposited in an account to be known as the motor vehicle license fee account. The revenues may be shared among local governments pursuant to KRS 65.210 to 65.300.
- (8) The county shall use the proceeds of the license fee for economic development activities. It shall distribute semiannually, by June 30 and December 31, all revenues not shared pursuant to KRS 65.210 to 65.300, to one (1) or more of the following entities if it has established, or contracted with, the entity for the purposes of economic development and is satisfied that the entity is promoting satisfactorily the county's economic development activities:
- (a) A riverport authority established by the county pursuant to KRS 65.520; or
 - (b) An industrial development authority established by the county pursuant to KRS 154.50-316; or
 - (c) A nonprofit corporation as defined in KRS 273.161(4) which has been organized for the purpose of promoting economic development.

The entity shall make a written request for funds from the motor vehicle license fee account by May 31 and November 30, respectively.

- (9) ~~{(a) As used in this section, "designated city" means a city on the registry maintained by the Department for Local Government under this subsection.~~
- ~~(b) On or before January 1, 2015, }The Department for Local Government shall create and maintain a registry of cities that, as of August 1, 2014, were classified as cities of the first, second, and third class. The Department for Local Government shall make the information included on the registry available to the public by publishing it on its *website*~~[Web site]~~.~~

➔Section 32. KRS 224.50-868 is amended to read as follows:

- (1) As used in this section:
- (a) "Motor vehicle" means every vehicle intended primarily for use and operation on the public highways that is self-propelled, including a low-speed motor vehicle as defined in KRS 186.010;
 - (b) "Semitrailer" means any vehicle:
 - 1. Designed:

- a. As temporary living quarters for recreation, camping, or travel; or
 - b. For carrying persons or property;
 - 2. Designed for being drawn by a motor vehicle; and
 - 3. Constructed that:
 - a. Some part of its weight; or
 - b. Some part of its load;
 rests upon or is carried by another vehicle; and
 - (c) "Trailer" means any vehicle:
 - 1. Designed:
 - a. As temporary living quarters for recreation, camping, or travel; or
 - b. For carrying persons or property;
 - 2. Designed for being drawn by a motor vehicle; and
 - 3. Constructed that:
 - a. No part of its weight; and
 - b. No part of its load;
 rests upon or is carried by another vehicle.
- (2) (a) 1. Prior to July 1, 2018, a person purchasing a new motor vehicle tire in Kentucky shall pay to the retailer a one dollar (\$1) fee at the time of the purchase of that tire. The fee shall not be subject to the Kentucky sales tax.
2. Beginning July 1, 2018, but prior to July 1, 2020, a fee is hereby imposed upon a retailer at the rate of two dollars (\$2) for each new motor vehicle tire sold in Kentucky. The fee shall be subject to the Kentucky sales tax.
3. Beginning July 1, 2020, but prior to July 1, ~~2026~~~~2024~~, a fee is hereby imposed upon a retailer at the rate of two dollars (\$2) for each new motor vehicle, trailer, or semitrailer tire sold in Kentucky. The fee shall be subject to the Kentucky sales tax.
4. A retailer may pass the fee imposed by this paragraph on to the purchaser of the new tire.
- (b) 1. A new tire is a tire that has never been placed on a motor vehicle, trailer, or semitrailer wheel rim.
2. A new tire is not a tire placed on a motor vehicle, trailer, or semitrailer prior to its original retail sale or a recapped tire.
- (3) When a retailer sells a new motor vehicle tire in Kentucky to replace another tire, the tire that is replaced becomes a waste tire subject to the waste tire program. The retailer shall encourage the purchaser of the new tire to leave the waste tire with the retailer or meet the following requirements:
- (a) Dispose of the waste tire in accordance with KRS 224.50-856(1);
 - (b) Deliver the waste tire to a person registered in accordance with the waste tire program; or
 - (c) Reuse the waste tire for its original intended purpose or an agricultural purpose.
- (4) (a) A retailer shall report to the Department of Revenue on or before the twentieth day of each month the number of new motor vehicle tires sold during the preceding month and the number of waste tires received from customers that month.
- (b) The report shall be filed on forms and contain information as the Department of Revenue may require.
- (c) The retailer shall be allowed to retain an amount equal to five percent (5%) of the fees due, provided the amount due is not delinquent at the time of payment.
- (5) A retailer shall:

- (a) Accept from the purchaser of a new tire, if offered, for each new motor vehicle tire sold, a waste tire of similar size and type; and
- (b) Post notice at the place where retail sales are made that state law requires:
 - 1. The retailer to accept, if offered, a waste tire for each new motor vehicle tire sold and that a person purchasing a new motor vehicle tire to replace another tire shall comply with subsection (3) of this section; and
 - 2. The two dollar (\$2) new tire fee is used by the state to oversee the management of waste tires, including cleaning up abandoned waste tire piles and preventing illegal dumping of waste tires.
- (6) A retailer shall comply with the requirements of the recordkeeping system for waste tires established by KRS 224.50-874.
- (7) A retailer shall transfer waste tires only to a person who presents a letter from the cabinet approving the registration issued under KRS 224.50-858 or a copy of a solid waste disposal facility permit issued by the cabinet, unless the retailer is delivering the waste tires to a destination outside Kentucky and the waste tires will remain in the retailer's possession until they reach that destination.
- (8) The cabinet shall, in conjunction with the Waste Tire Working Group, develop the informational fact sheet to be made publicly available on the cabinet's ~~website~~ [Web site] and available in print upon request. The fact sheet shall identify ways to properly dispose of the waste tire and present information on the problems caused by improper waste tire disposal.

**➔Section 33. KRS 139.480 (Effective until January 1, 2025) is amended to read as follows:

Any other provision of this chapter to the contrary notwithstanding, the terms "sale at retail," "retail sale," "use," "storage," and "consumption," as used in this chapter, shall not include the sale, use, storage, or other consumption of:

- (1) Locomotives or rolling stock, including materials for the construction, repair, or modification thereof, or fuel or supplies for the direct operation of locomotives and trains, used or to be used in interstate commerce;
- (2) Coal for the manufacture of electricity;
- (3)
 - (a) All energy or energy-producing fuels used in the course of manufacturing, processing, mining, or refining and any related distribution, transmission, and transportation services for this energy that are billed to the user, to the extent that the cost of the energy or energy-producing fuels used, and related distribution, transmission, and transportation services for this energy that are billed to the user exceed three percent (3%) of the cost of production.
 - (b) Cost of production shall be computed on the basis of a plant facility, which shall include all operations within the continuous, unbroken, integrated manufacturing or industrial processing process that ends with a product packaged and ready for sale.
 - (c) A person who performs a manufacturing or industrial processing activity for a fee and does not take ownership of the tangible personal property that is incorporated into, or becomes the product of, the manufacturing or industrial processing activity is a toller. For periods on or after July 1, 2018, the costs of the tangible personal property shall be excluded from the toller's cost of production at a plant facility with tolling operations in place as of July 1, 2018.
 - (d) For plant facilities that begin tolling operations after July 1, 2018, the costs of tangible personal property shall be excluded from the toller's cost of production if the toller:
 - 1. Maintains a binding contract for periods after July 1, 2018, that governs the terms, conditions, and responsibilities with a separate legal entity, which holds title to the tangible personal property that is incorporated into, or becomes the product of, the manufacturing or industrial processing activity;
 - 2. Maintains accounting records that show the expenses it incurs to fulfill the binding contract that include but are not limited to energy or energy-producing fuels, materials, labor, procurement, depreciation, maintenance, taxes, administration, and office expenses;
 - 3. Maintains separate payroll, bank accounts, tax returns, and other records that demonstrate its independent operations in the performance of its tolling responsibilities;

4. Demonstrates one (1) or more substantial business purposes for the tolling operations germane to the overall manufacturing, industrial processing activities, or corporate structure at the plant facility. A business purpose is a purpose other than the reduction of sales tax liability for the purchases of energy and energy-producing fuels; and
 5. Provides information to the department upon request that documents fulfillment of the requirements in subparagraphs 1. to 4. of this paragraph and gives an overview of its tolling operations with an explanation of how the tolling operations relate and connect with all other manufacturing or industrial processing activities occurring at the plant facility;
- (4) Livestock of a kind the products of which ordinarily constitute food for human consumption, provided the sales are made for breeding or dairy purposes and by or to a person regularly engaged in the business of farming;
 - (5) Poultry for use in breeding or egg production;
 - (6) Farm work stock for use in farming operations;
 - (7) Seeds, the products of which ordinarily constitute food for human consumption or are to be sold in the regular course of business, and commercial fertilizer to be applied on land, the products from which are to be used for food for human consumption or are to be sold in the regular course of business; provided ~~the~~ ^{such} sales are made to farmers who are regularly engaged in the occupation of tilling and cultivating the soil for the production of crops as a business, or who are regularly engaged in the occupation of raising and feeding livestock or poultry or producing milk for sale; and provided further that tangible personal property so sold is to be used only by those persons designated above who are so purchasing;
 - (8) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals to be used in the production of crops as a business, or in the raising and feeding of livestock or poultry, the products of which ordinarily constitute food for human consumption;
 - (9) Feed, including pre-mixes and feed additives, for livestock or poultry of a kind the products of which ordinarily constitute food for human consumption;
 - (10) Machinery for new and expanded industry;
 - (11) Farm machinery. As used in this section, the term "farm machinery":
 - (a) Means machinery used exclusively and directly in the occupation of:
 1. Tilling the soil for the production of crops as a business;
 2. Raising and feeding livestock or poultry for sale; or
 3. Producing milk for sale;
 - (b) Includes machinery, attachments, and replacements therefor, repair parts, and replacement parts which are used or manufactured for use on, or in the operation of farm machinery and which are necessary to the operation of the machinery, and are customarily so used, including but not limited to combine header wagons, combine header trailers, or any other implements specifically designed and used to move or transport a combine head; and
 - (c) Does not include:
 1. Automobiles;
 2. Trucks;
 3. Trailers, except combine header trailers; or
 4. Truck-trailer combinations;
 - (12) Tombstones and other memorial grave markers;
 - (13) On-farm facilities used exclusively for grain or soybean storing, drying, processing, or handling. The exemption applies to the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;
 - (14) On-farm facilities used exclusively for raising poultry or livestock. The exemption shall apply to the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities. The exemption shall apply but not be limited to vent board

equipment, waterer and feeding systems, brooding systems, ventilation systems, alarm systems, and curtain systems. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;

- (15) Gasoline, special fuels, liquefied petroleum gas, and natural gas used exclusively and directly to:
 - (a) Operate farm machinery as defined in subsection (11) of this section;
 - (b) Operate on-farm grain or soybean drying facilities as defined in subsection (13) of this section;
 - (c) Operate on-farm poultry or livestock facilities defined in subsection (14) of this section;
 - (d) Operate on-farm ratite facilities defined in subsection (23) of this section;
 - (e) Operate on-farm llama or alpaca facilities as defined in subsection (25) of this section; or
 - (f) Operate on-farm dairy facilities;
- (16) Textbooks, including related workbooks and other course materials, purchased for use in a course of study conducted by an institution which qualifies as a nonprofit educational institution under KRS 139.495. The term "course materials" means only those items specifically required of all students for a particular course but shall not include notebooks, paper, pencils, calculators, tape recorders, or similar student aids;
- (17) Any property which has been certified as an alcohol production facility as defined in KRS 247.910;
- (18) Aircraft, repair and replacement parts therefor, and supplies, except fuel, for the direct operation of aircraft in interstate commerce and used exclusively for the conveyance of property or passengers for hire. Nominal intrastate use shall not subject the property to the taxes imposed by this chapter;
- (19) Any property which has been certified as a fluidized bed energy production facility as defined in KRS 211.390;
- (20)
 - (a)
 1. Any property to be incorporated into the construction, rebuilding, modification, or expansion of a blast furnace or any of its components or appurtenant equipment or structures as part of an approved supplemental project, as defined by KRS 154.26-010; and
 2. Materials, supplies, and repair or replacement parts purchased for use in the operation and maintenance of a blast furnace and related carbon steel-making operations as part of an approved supplemental project, as defined by KRS 154.26-010.
 - (b) The exemptions provided in this subsection shall be effective for sales made:
 1. On and after July 1, 2018; and
 2. During the term of a supplemental project agreement entered into pursuant to KRS 154.26-090;
- (21) Beginning on October 1, 1986, food or food products purchased for human consumption with food coupons issued by the United States Department of Agriculture pursuant to the Food Stamp Act of 1977, as amended, and required to be exempted by the Food Security Act of 1985 in order for the Commonwealth to continue participation in the federal food stamp program;
- (22) Machinery or equipment purchased or leased by a business, industry, or organization in order to collect, source separate, compress, bale, shred, or otherwise handle waste materials if the machinery or equipment is primarily used for recycling purposes;
- (23) Ratite birds and eggs to be used in an agricultural pursuit for the breeding and production of ratite birds, feathers, hides, breeding stock, eggs, meat, and ratite by-products, and the following items used in this agricultural pursuit:
 - (a) Feed and feed additives;
 - (b) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals; and
 - (c) On-farm facilities, including equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities. The exemption shall apply to incubation systems, egg processing equipment, waterer and feeding systems, brooding systems, ventilation systems, alarm systems, and curtain systems. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment,

- machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;
- (24) Embryos and semen that are used in the reproduction of livestock, if the products of these embryos and semen ordinarily constitute food for human consumption, and if the sale is made to a person engaged in the business of farming;
- (25) Llamas and alpacas to be used as beasts of burden or in an agricultural pursuit for the breeding and production of hides, breeding stock, fiber and wool products, meat, and llama and alpaca by-products, and the following items used in this pursuit:
- (a) Feed and feed additives;
 - (b) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals; and
 - (c) On-farm facilities, including equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities. The exemption shall apply to waterer and feeding systems, ventilation systems, and alarm systems. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;
- (26) Baling twine and baling wire for the baling of hay and straw;
- (27) Water sold to a person regularly engaged in the business of farming and used in the:
- (a) Production of crops;
 - (b) Production of milk for sale; or
 - (c) Raising and feeding of:
 1. Livestock or poultry, the products of which ordinarily constitute food for human consumption; or
 2. Ratites, llamas, alpacas, buffalo, cervids or aquatic organisms;
- (28) Buffalos to be used as beasts of burden or in an agricultural pursuit for the production of hides, breeding stock, meat, and buffalo by-products, and the following items used in this pursuit:
- (a) Feed and feed additives;
 - (b) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals; and
 - (c) On-farm facilities, including equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities. The exemption shall apply to waterer and feeding systems, ventilation systems, and alarm systems. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;
- (29) Aquatic organisms sold directly to or raised by a person regularly engaged in the business of producing products of aquaculture, as defined in KRS 260.960, for sale, and the following items used in this pursuit:
- (a) Feed and feed additives;
 - (b) Water;
 - (c) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals; and
 - (d) On-farm facilities, including equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities and, any gasoline, special fuels, liquefied petroleum gas, or natural gas used to operate the facilities. The exemption shall apply, but not be limited to: waterer and feeding systems; ventilation, aeration, and heating systems; processing and storage systems; production systems such as ponds, tanks, and raceways; harvest and transport equipment and systems; and alarm systems. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;

- (30) Members of the genus cervidae permitted by KRS Chapter 150 that are used for the production of hides, breeding stock, meat, and cervid by-products, and the following items used in this pursuit:
- (a) Feed and feed additives;
 - (b) Insecticides, fungicides, herbicides, rodenticides, and other chemicals; and
 - (c) On-site facilities, including equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;
- (31) (a) Repair or replacement parts for the direct operation or maintenance of a motor vehicle, including any towed unit, used exclusively in interstate commerce for the conveyance of property or passengers for hire, provided the motor vehicle is licensed for use on the highway and its declared gross vehicle weight with any towed unit is forty-four thousand and one (44,001) pounds or greater. Nominal intrastate use shall not subject the property to the taxes imposed by this chapter; and
- (b) Repair or replacement parts for the direct operation and maintenance of a motor vehicle operating under a charter bus certificate issued by the Transportation Cabinet under KRS Chapter 281, or under similar authority granted by the United States Department of Transportation.
- (c) For the purposes of this subsection, "repair or replacement parts" means tires, brakes, engines, transmissions, drive trains, chassis, body parts, and their components. "Repair or replacement parts" shall not include fuel, machine oils, hydraulic fluid, brake fluid, grease, supplies, or accessories not essential to the operation of the motor vehicle itself, except when sold as part of the assembled unit, such as cigarette lighters, radios, lighting fixtures not otherwise required by the manufacturer for operation of the vehicle, or tool or utility boxes;
- (32) Food donated by a retail food establishment or any other entity regulated under KRS 217.127 to a nonprofit organization for distribution to the needy;
- (33) Drugs and over-the counter drugs, as defined in KRS 139.472, that are purchased by a person regularly engaged in the business of farming and used in the treatment of cattle, sheep, goats, swine, poultry, ratite birds, llamas, alpacas, buffalo, aquatic organisms, or cervids;
- (34) (a) Building materials, fixtures, or supplies purchased by a construction contractor if:
- 1. Fulfilled by a construction contract for a sewer or water project with:
 - a. A municipally owned water utility organized under KRS Chapter 96;
 - b. A water district or water commission formed or organized under KRS Chapter 74;
 - c. A sanitation district established under KRS Chapter 220 or formed pursuant to KRS Chapter 65;
 - d. A nonprofit corporation created under KRS 58.180 to act on behalf of a governmental agency in the acquisition and financing of public projects;
 - e. Regional wastewater commissions formed under KRS Chapter 278;
 - f. A municipally owned joint sewer agency formed under KRS Chapter 76; or
 - g. Any other governmental agency; and
 - 2. The building materials, fixtures, or supplies:
 - a. Will be permanently incorporated into a structure or improvement to real property, or will be completely consumed, in fulfilling a construction contract for the purpose of furnishing water or sewer services to the general public; and
 - b. Would be exempt if purchased directly by the entities listed in subparagraph 1. of this paragraph.
- (b) As used in this subsection, "construction contract" means a:
- 1. Lump sum contract;

2. Cost plus contract;
 3. Materials only contract;
 4. Labor and materials contract; or
 5. Any other type of contract.
- (c) The exemption provided in this subsection shall apply without regard to the payment arrangement between the construction contractor, the retailer, and the entities listed in paragraph (a)1. of this subsection or to the place of delivery for the building materials, fixtures, or supplies;
- (35) (a) On or after February 25, 2022, the rental of space for meetings, conventions, short-term business uses, entertainment events, weddings, banquets, parties, and other short-term social events, as referenced in KRS 139.200, if the tax established in KRS 139.200 is paid by the primary lessee to the lessor.
- (b) For the purpose of this subsection, "primary lessee" means the person who leases the space and who has a contract with the lessor of the space only if:
1. The contract between the lessor and the lessee specifies that the lessee may sublease, subrent, or otherwise sell the space; and
 2. The space is then sublet, subrented, or otherwise sold to exhibitors, vendors, sponsors, or other entities and persons who will use the space associated with the event to be conducted under the primary lease;~~and~~
- (36) Prewritten computer software access services sold to or purchased by a retailer that develops prewritten computer software for print technology and uses and sells prewritten computer software access services for print technology; *and*
- (37) (a) *Currency or bullion.*
- (b) *As used in this subsection:*
1. *"Bullion":*
 - a. *Means bars, ingots, or coins, which are:*
 - i. *Made of gold, silver, platinum, palladium, or a combination of these metals;*
 - ii. *Valued based on the content of the metal and not its form; and*
 - iii. *Used, or have been used, as a medium of exchange, security, or commodity by any state, the United States government, or a foreign nation; and*
 - b. *Does not include medallions or coins that are incorporated into a pendant or other jewelry; and*
 2. *"Currency":*
 - a. *Means a coin or currency made of gold, silver, platinum, palladium, or other metal or paper money that is or has been used as legal tender and is sold based on its value as a collectible item rather than the value as a medium of exchange; and*
 - b. *Does not include a coin or currency that has been incorporated into jewelry.*

**→Section 34. KRS 139.480 (Effective January 1, 2025) is amended to read as follows:

Any other provision of this chapter to the contrary notwithstanding, the terms "sale at retail," "retail sale," "use," "storage," and "consumption," as used in this chapter, shall not include the sale, use, storage, or other consumption of:

- (1) Locomotives or rolling stock, including materials for the construction, repair, or modification thereof, or fuel or supplies for the direct operation of locomotives and trains, used or to be used in interstate commerce;
- (2) Coal for the manufacture of electricity;
- (3) (a) All energy or energy-producing fuels used in the course of manufacturing, processing, mining, or refining and any related distribution, transmission, and transportation services for this energy that are billed to the user, to the extent that the cost of the energy or energy-producing fuels used, and related

distribution, transmission, and transportation services for this energy that are billed to the user exceed three percent (3%) of the cost of production.

- (b) Cost of production shall be computed on the basis of a plant facility, which shall include all operations within the continuous, unbroken, integrated manufacturing or industrial processing process that ends with a product packaged and ready for sale.
- (c) A person who performs a manufacturing or industrial processing activity for a fee and does not take ownership of the tangible personal property that is incorporated into, or becomes the product of, the manufacturing or industrial processing activity is a toller. For periods on or after July 1, 2018, the costs of the tangible personal property shall be excluded from the toller's cost of production at a plant facility with tolling operations in place as of July 1, 2018.
- (d) For plant facilities that begin tolling operations after July 1, 2018, the costs of tangible personal property shall be excluded from the toller's cost of production if the toller:
 - 1. Maintains a binding contract for periods after July 1, 2018, that governs the terms, conditions, and responsibilities with a separate legal entity, which holds title to the tangible personal property that is incorporated into, or becomes the product of, the manufacturing or industrial processing activity;
 - 2. Maintains accounting records that show the expenses it incurs to fulfill the binding contract that include but are not limited to energy or energy-producing fuels, materials, labor, procurement, depreciation, maintenance, taxes, administration, and office expenses;
 - 3. Maintains separate payroll, bank accounts, tax returns, and other records that demonstrate its independent operations in the performance of its tolling responsibilities;
 - 4. Demonstrates one (1) or more substantial business purposes for the tolling operations germane to the overall manufacturing, industrial processing activities, or corporate structure at the plant facility. A business purpose is a purpose other than the reduction of sales tax liability for the purchases of energy and energy-producing fuels; and
 - 5. Provides information to the department upon request that documents fulfillment of the requirements in subparagraphs 1. to 4. of this paragraph and gives an overview of its tolling operations with an explanation of how the tolling operations relate and connect with all other manufacturing or industrial processing activities occurring at the plant facility;
- (4) Livestock of a kind the products of which ordinarily constitute food for human consumption, provided the sales are made for breeding or dairy purposes and by or to a person regularly engaged in the business of farming;
- (5) Poultry for use in breeding or egg production;
- (6) Farm work stock for use in farming operations;
- (7) Seeds, the products of which ordinarily constitute food for human consumption or are to be sold in the regular course of business, and commercial fertilizer to be applied on land, the products from which are to be used for food for human consumption or are to be sold in the regular course of business; provided ~~the~~^{such} sales are made to farmers who are regularly engaged in the occupation of tilling and cultivating the soil for the production of crops as a business, or who are regularly engaged in the occupation of raising and feeding livestock or poultry or producing milk for sale; and provided further that tangible personal property so sold is to be used only by those persons designated above who are so purchasing;
- (8) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals to be used in the production of crops as a business, or in the raising and feeding of livestock or poultry, the products of which ordinarily constitute food for human consumption;
- (9) Feed, including pre-mixes and feed additives, for livestock or poultry of a kind the products of which ordinarily constitute food for human consumption;
- (10) Machinery for new and expanded industry;
- (11) Farm machinery. As used in this section, the term "farm machinery":
 - (a) Means machinery used exclusively and directly in the occupation of:
 - 1. Tilling the soil for the production of crops as a business;

2. Raising and feeding livestock or poultry for sale; or
3. Producing milk for sale;
- (b) Includes machinery, attachments, and replacements therefor, repair parts, and replacement parts which are used or manufactured for use on, or in the operation of farm machinery and which are necessary to the operation of the machinery, and are customarily so used, including but not limited to combine header wagons, combine header trailers, or any other implements specifically designed and used to move or transport a combine head; and
- (c) Does not include:
 1. Automobiles;
 2. Trucks;
 3. Trailers, except combine header trailers; or
 4. Truck-trailer combinations;
- (12) Tombstones and other memorial grave markers;
- (13) On-farm facilities used exclusively for grain or soybean storing, drying, processing, or handling. The exemption applies to the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;
- (14) On-farm facilities used exclusively for raising poultry or livestock. The exemption shall apply to the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities. The exemption shall apply but not be limited to vent board equipment, waterer and feeding systems, brooding systems, ventilation systems, alarm systems, and curtain systems. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;
- (15) Gasoline, special fuels, liquefied petroleum gas, and natural gas used exclusively and directly to:
 - (a) Operate farm machinery as defined in subsection (11) of this section;
 - (b) Operate on-farm grain or soybean drying facilities as defined in subsection (13) of this section;
 - (c) Operate on-farm poultry or livestock facilities defined in subsection (14) of this section;
 - (d) Operate on-farm ratite facilities defined in subsection (23) of this section;
 - (e) Operate on-farm llama or alpaca facilities as defined in subsection (25) of this section; or
 - (f) Operate on-farm dairy facilities;
- (16) Textbooks, including related workbooks and other course materials, purchased for use in a course of study conducted by an institution which qualifies as a nonprofit educational institution under KRS 139.495. The term "course materials" means only those items specifically required of all students for a particular course but shall not include notebooks, paper, pencils, calculators, tape recorders, or similar student aids;
- (17) Any property which has been certified as an alcohol production facility as defined in KRS 247.910;
- (18) Aircraft, repair and replacement parts therefor, and supplies, except fuel, for the direct operation of aircraft in interstate commerce and used exclusively for the conveyance of property or passengers for hire. Nominal intrastate use shall not subject the property to the taxes imposed by this chapter;
- (19) Any property which has been certified as a fluidized bed energy production facility as defined in KRS 211.390;
- (20)
 - (a)
 1. Any property to be incorporated into the construction, rebuilding, modification, or expansion of a blast furnace or any of its components or appurtenant equipment or structures as part of an approved supplemental project, as defined by KRS 154.26-010; and
 2. Materials, supplies, and repair or replacement parts purchased for use in the operation and maintenance of a blast furnace and related carbon steel-making operations as part of an approved supplemental project, as defined by KRS 154.26-010.
 - (b) The exemptions provided in this subsection shall be effective for sales made:

1. On and after July 1, 2018; and
 2. During the term of a supplemental project agreement entered into pursuant to KRS 154.26-090;
- (21) Beginning on October 1, 1986, food or food products purchased for human consumption with food coupons issued by the United States Department of Agriculture pursuant to the Food Stamp Act of 1977, as amended, and required to be exempted by the Food Security Act of 1985 in order for the Commonwealth to continue participation in the federal food stamp program;
- (22) Machinery or equipment purchased or leased by a business, industry, or organization in order to collect, source separate, compress, bale, shred, or otherwise handle waste materials if the machinery or equipment is primarily used for recycling purposes;
- (23) Ratite birds and eggs to be used in an agricultural pursuit for the breeding and production of ratite birds, feathers, hides, breeding stock, eggs, meat, and ratite by-products, and the following items used in this agricultural pursuit:
- (a) Feed and feed additives;
 - (b) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals; and
 - (c) On-farm facilities, including equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities. The exemption shall apply to incubation systems, egg processing equipment, waterer and feeding systems, brooding systems, ventilation systems, alarm systems, and curtain systems. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;
- (24) Embryos and semen that are used in the reproduction of livestock, if the products of these embryos and semen ordinarily constitute food for human consumption, and if the sale is made to a person engaged in the business of farming;
- (25) Llamas and alpacas to be used as beasts of burden or in an agricultural pursuit for the breeding and production of hides, breeding stock, fiber and wool products, meat, and llama and alpaca by-products, and the following items used in this pursuit:
- (a) Feed and feed additives;
 - (b) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals; and
 - (c) On-farm facilities, including equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities. The exemption shall apply to waterer and feeding systems, ventilation systems, and alarm systems. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;
- (26) Baling twine and baling wire for the baling of hay and straw;
- (27) Water sold to a person regularly engaged in the business of farming and used in the:
- (a) Production of crops;
 - (b) Production of milk for sale; or
 - (c) Raising and feeding of:
 1. Livestock or poultry, the products of which ordinarily constitute food for human consumption; or
 2. Ratites, llamas, alpacas, buffalo, cervids or aquatic organisms;
- (28) Buffalos to be used as beasts of burden or in an agricultural pursuit for the production of hides, breeding stock, meat, and buffalo by-products, and the following items used in this pursuit:
- (a) Feed and feed additives;
 - (b) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals; and

- (c) On-farm facilities, including equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities. The exemption shall apply to waterer and feeding systems, ventilation systems, and alarm systems. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;
- (29) Aquatic organisms sold directly to or raised by a person regularly engaged in the business of producing products of aquaculture, as defined in KRS 260.960, for sale, and the following items used in this pursuit:
- (a) Feed and feed additives;
 - (b) Water;
 - (c) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals; and
 - (d) On-farm facilities, including equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities and, any gasoline, special fuels, liquefied petroleum gas, or natural gas used to operate the facilities. The exemption shall apply, but not be limited to: waterer and feeding systems; ventilation, aeration, and heating systems; processing and storage systems; production systems such as ponds, tanks, and raceways; harvest and transport equipment and systems; and alarm systems. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;
- (30) Members of the genus cervidae permitted by KRS Chapter 150 that are used for the production of hides, breeding stock, meat, and cervid by-products, and the following items used in this pursuit:
- (a) Feed and feed additives;
 - (b) Insecticides, fungicides, herbicides, rodenticides, and other chemicals; and
 - (c) On-site facilities, including equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;
- (31) (a) Repair or replacement parts for the direct operation or maintenance of a motor vehicle, including any towed unit, used exclusively in interstate commerce for the conveyance of property or passengers for hire, provided the motor vehicle is licensed for use on the highway and its declared gross vehicle weight with any towed unit is forty-four thousand and one (44,001) pounds or greater. Nominal intrastate use shall not subject the property to the taxes imposed by this chapter; and
- (b) Repair or replacement parts for the direct operation and maintenance of a motor vehicle operating under a charter bus certificate issued by the Transportation Cabinet under KRS Chapter 281, or under similar authority granted by the United States Department of Transportation.
- (c) For the purposes of this subsection, "repair or replacement parts" means tires, brakes, engines, transmissions, drive trains, chassis, body parts, and their components. "Repair or replacement parts" shall not include fuel, machine oils, hydraulic fluid, brake fluid, grease, supplies, or accessories not essential to the operation of the motor vehicle itself, except when sold as part of the assembled unit, such as cigarette lighters, radios, lighting fixtures not otherwise required by the manufacturer for operation of the vehicle, or tool or utility boxes;
- (32) Food donated by a retail food establishment or any other entity regulated under KRS 217.127 to a nonprofit organization for distribution to the needy;
- (33) Drugs and over-the counter drugs, as defined in KRS 139.472, that are purchased by a person regularly engaged in the business of farming and used in the treatment of cattle, sheep, goats, swine, poultry, ratite birds, llamas, alpacas, buffalo, aquatic organisms, or cervids;
- (34) (a) Building materials, fixtures, or supplies purchased by a construction contractor if:
- 1. Fulfilled by a construction contract for a sewer or water project with:

- a. A municipally owned water utility organized under KRS Chapter 96;
 - b. A water district or water commission formed or organized under KRS Chapter 74;
 - c. A sanitation district established under KRS Chapter 220 or formed pursuant to KRS Chapter 65;
 - d. A nonprofit corporation created under KRS 58.180 to act on behalf of a governmental agency in the acquisition and financing of public projects;
 - e. Regional wastewater commissions formed under KRS Chapter 278;
 - f. A municipally owned joint sewer agency formed under KRS Chapter 76; or
 - g. Any other governmental agency; and
2. The building materials, fixtures, or supplies:
- a. Will be permanently incorporated into a structure or improvement to real property, or will be completely consumed, in fulfilling a construction contract for the purpose of furnishing water or sewer services to the general public; and
 - b. Would be exempt if purchased directly by the entities listed in subparagraph 1. of this paragraph.
- (b) As used in this subsection, "construction contract" means a:
- 1. Lump sum contract;
 - 2. Cost plus contract;
 - 3. Materials only contract;
 - 4. Labor and materials contract; or
 - 5. Any other type of contract.
- (c) The exemption provided in this subsection shall apply without regard to the payment arrangement between the construction contractor, the retailer, and the entities listed in paragraph (a)1. of this subsection or to the place of delivery for the building materials, fixtures, or supplies;
- (35) (a) On or after February 25, 2022, the rental of space for meetings, conventions, short-term business uses, entertainment events, weddings, banquets, parties, and other short-term social events, as referenced in KRS 139.200, if the tax established in KRS 139.200 is paid by the primary lessee to the lessor.
- (b) For the purpose of this subsection, "primary lessee" means the person who leases the space and who has a contract with the lessor of the space only if:
- 1. The contract between the lessor and the lessee specifies that the lessee may sublease, subrent, or otherwise sell the space; and
 - 2. The space is then sublet, subrented, or otherwise sold to exhibitors, vendors, sponsors, or other entities and persons who will use the space associated with the event to be conducted under the primary lease;
- (36) Prewritten computer software access services sold to or purchased by a retailer that develops prewritten computer software for print technology and uses and sells prewritten computer software access services for print technology;~~and~~
- (37) (a) ***Currency or bullion.***
- (b) ***As used in this subsection:***
- 1. ***"Bullion":***
 - a. ***Means bars, ingots, or coins, which are:***
 - i. ***Made of gold, silver, platinum, palladium, or a combination of these metals;***
 - ii. ***Valued based on the content of the metal and not its form; and***
 - iii. ***Used, or have been used, as a medium of exchange, security, or commodity by any state, the United States government, or a foreign nation; and***

- b. *Does not include medallions or coins that are incorporated into a pendant or other jewelry; and*
2. "Currency":
- a. *Means a coin or currency made of gold, silver, platinum, palladium, or other metal or paper money that is or has been used as legal tender and is sold based on its value as a collectible item rather than the value as a medium of exchange; and*
- b. *Does not include a coin or currency that has been incorporated into jewelry; and*
- (38)(37) Medicinal cannabis as defined in KRS 218B.010 when sold, used, stored, or consumed in accordance with KRS Chapter 218B.
- ➔Section 35. KRS 140.040 is amended to read as follows:
- (1) *As used in this section, "power of appointment":*
- (a) *Means only a general power of appointment that may be exercised in favor of:*
1. *The individual holding the power of appointment;*
 2. *That individual's estate;*
 3. *That individual's creditors; or*
 4. *The creditors of that individual's estate;*
- (b) *Does not include a power that is:*
1. *Limited by an ascertainable standard relating to the health, education, maintenance, and support of the individual holding the power of appointment; or*
 2. *Exercisable only by the individual holding the power of appointment in conjunction with another person having a substantial interest in the property subject to the power of appointment which is adverse to the exercise in favor of:*
 - a. *The individual holding the power of appointment;*
 - b. *That individual's estate;*
 - c. *That individual's creditors; or*
 - d. *The creditors of that individual's estate; and*
- (c) *Shall be administered by the Department of Revenue as nearly as practicable identical to a general power of appointment as defined in 26 U.S.C. sec. 2041(b).*
- (2) (a) Whenever any person ~~exercises~~~~shall exercise~~ a power of appointment derived from any disposition of property:
1. ~~{(Whether by will, deed, trust agreement, contract, insurance policy or other instrument; and)}~~
 2. Regardless of when *the person exercises the power of appointment;*~~{made,}~~
- the power of*~~{such}~~ appointment shall be deemed a transfer taxable under the provisions of this chapter in the same manner as though the property to which *the*~~{such}~~ appointment relates belonged absolutely to the donee of *the*~~{such}~~ power and had been bequeathed or devised by *the*~~{such}~~ donee by will.~~{; and}~~
- (b) Whenever any person possessing~~{such}~~ a power of appointment ~~omits or fails~~~~{so derived shall omit or fail}~~ to exercise the *power of appointment*,~~{same}~~ in whole or in part, within the time provided therefor, a transfer taxable under the provisions of this chapter shall be deemed to take place to the person~~{or persons}~~ receiving *the*~~{such}~~ property as a result of *the*~~{such}~~ omission or failure to the same extent that *the*~~{such}~~ property would have been subject to taxation if it had passed under the will of the donee~~{of such power}~~.
- (c) The time at which *a*~~{such}~~ transfer shall be deemed to take place, for the purpose of taxation, shall be governed by the provisions of subsections (3) to (5)~~{(2) to (4)}~~ of this section.
- (3)(2) (a) In the case of a power of appointment which passes to the donee~~{thereof}~~ at the death of the donor, under any instrument:~~{; and if the donor dies on or after April 24, 1936,}~~

1. The transfer shall be deemed to take place, for the purpose of taxation, at the time of the death of the donor;~~and~~
 2. The assessment *shall* be made at that time against the life interest of the donee and the remainder against the corpus;~~;~~
 3. The value of the property ~~to which the power of appointment relates~~ shall be determined as of the date of the death of the donor;~~and~~
 4. *The donee of the property* shall be taxed at the rates and be subject to the exemptions in effect at the death of the donor; *and*~~;~~
 5. The determination of the applicable rates and exemptions, ~~(in effect at the death of the donor,)~~ shall be governed by the relationship of the beneficiary to the donee of the power of appointment.
- (b) In the event the payment of the tax at the death of the donor should operate to provide an exemption for any beneficiary of a donee not authorized by KRS 140.080, then ~~the~~~~such~~ exemption shall be retrospectively disallowed at the time of the death of the donee. ~~It is further provided that~~
- (c) The remainder interest passing under the donee's power of appointment, whether exercised or not, shall be added to and made a part of the distributable share of the donee's estate for the purpose of determining the *applicable* exemption and rates ~~applicable thereto~~.
- ~~(4)(3)~~ In all cases other than that described in subsection (3) of this section:~~(2)~~
- (a) The transfer shall be deemed to take place, for the purpose of taxation, at the time of the death of the donee; ~~In such cases,~~
 - (b) The value of the property to which the power of appointment relates shall be determined as of the date of the death of the donee and shall be taxed at the rates and be subject to the exemptions in effect at the death of the donee; *and*~~;~~
 - (c) The determination of the applicable rates and exemptions, ~~(in effect at the death of the donee,)~~ shall be governed by the relationship of the beneficiary to the donee of the power of appointment.
- ~~(5)(4)~~ (a) The provisions of subsection (3) of this section~~(2)~~ shall not preclude the taxation, at the death of the donee, of any transfer made by means of a power of appointment if ~~the~~~~such~~ transfer was not in fact reported to or a tax assessed ~~thereon~~ by the Department of Revenue within the period of limitation prescribed by KRS 140.160.
- (b) If the transfer by the power of appointment is not ~~so~~ reported or a tax *is not* assessed ~~thereon~~, the period of limitation prescribed in KRS 140.160 shall not begin to run until the death of the donee of ~~the~~~~such~~ power of appointment.
- ~~(5) The amendments to this section, adopted by the 1948 General Assembly, shall apply to all powers of appointment whether created before or after the effective date of said amendments. It is the declared intention of the General Assembly to impose a tax upon every transfer of property by means of a power of appointment, regardless of when or how created, and it is the declared intention of the General Assembly that the use of the power of appointment device shall not permit the transfer of property, to which such a power relates, to escape thereby the payment of state inheritance taxes.~~
- ➔Section 36. KRS 141.040 is amended to read as follows:
- (1) Every corporation doing business in this state, except those corporations listed in paragraphs (a) and (b) of this subsection, shall pay for each taxable year a tax to be computed by the taxpayer on taxable net income at the rates specified in this section:
 - (a) For taxable years beginning prior to January 1, 2021:
 1. Financial institutions, as defined in KRS 136.500, except bankers banks organized under KRS 286.3-135;
 2. Savings and loan associations organized under the laws of this state and under the laws of the United States and making loans to members only;
 3. Banks for cooperatives;
 4. Production credit associations;

5. Insurance companies, including farmers' or other mutual hail, cyclone, windstorm, or fire insurance companies, insurers, and reciprocal underwriters;
 6. Corporations or other entities exempt under Section 501 of the Internal Revenue Code;
 7. Religious, educational, charitable, or like corporations not organized or conducted for pecuniary profit; and
 8. Corporations whose only owned or leased property located in this state is located at the premises of a printer with which it has contracted for printing, provided that:
 - a. The property consists of the final printed product, or copy from which the printed product is produced; and
 - b. The corporation has no individuals receiving compensation in this state as provided in KRS 141.120(8)(b); and
- (b) For taxable years beginning on or after January 1, 2021:
1. Insurance companies, including farmers' or other mutual hail, cyclone, windstorm, or fire insurance companies, insurers, and reciprocal underwriters;
 2. Corporations or other entities exempt under Section 501 of the Internal Revenue Code;
 3. Religious, educational, charitable, or like corporations not organized or conducted for pecuniary profit;
 4. Corporations whose only owned or leased property located in this state is located at the premises of a printer with which it has contracted for printing, provided that:
 - a. The property consists of the final printed product, or copy from which the printed product is produced; and
 - b. The corporation has no individuals receiving compensation in this state as provided in KRS 141.120(8)(b); and
 5. For taxable years beginning before January 1, ~~2027~~~~{2025}~~, a disaster response business.
- (2) For taxable years beginning on or after January 1, 2018, the rate of five percent (5%) of taxable net income shall apply.
- (3) For taxable years beginning on or after January 1, 2007, and before January 1, 2018, the following rates shall apply:
- (a) Four percent (4%) of the first fifty thousand dollars (\$50,000) of taxable net income;
 - (b) Five percent (5%) of taxable net income over fifty thousand dollars (\$50,000) up to one hundred thousand dollars (\$100,000); and
 - (c) Six percent (6%) of taxable net income over one hundred thousand dollars (\$100,000).
- (4) (a) An S corporation shall pay income tax on the same items of income and in the same manner as required for federal purposes, except to the extent required by differences between this chapter and the federal income tax law and regulations.
- (b) 1. If the S corporation is required under Section 1363(d) of the Internal Revenue Code to submit installments of tax on the recapture of LIFO benefits, installments to pay the Kentucky tax due shall be paid on or before the due date of the S corporation's return, as extended, if applicable.
2. Notwithstanding KRS 141.170(3), no interest shall be assessed on the installment payment for the period of extension.
- (c) If the S corporation is required under Section 1374 or 1375 of the Internal Revenue Code to pay tax on built-in gains or on passive investment income, the amount of tax imposed by this subsection shall be computed by applying the highest rate of tax for the taxable year.

➔SECTION 37. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

As used in Sections 37 to 41 of this Act:

(I) *"Affiliate" means the following:*

- (a) *Members of a family, including only brothers and sisters of the whole or half blood, spouse, ancestors, and lineal descendants of an individual;*
- (b) *An individual, and a corporation more than fifty percent (50%) in value of the outstanding stock of which is owned, directly or indirectly, by or for that individual;*
- (c) *An individual, and a limited liability company of which more than fifty percent (50%) of the capital interest or profits are owned or controlled, directly or indirectly, by or for that individual;*
- (d) *Two (2) corporations which are members of the same controlled group, which includes and is limited to:*
 - 1. *One (1) or more chains of corporations connected through stock ownership with a common parent corporation if:*
 - a. *Stock possessing more than fifty percent (50%) of the total combined voting power of all classes of stock entitled to vote or more than fifty percent (50%) of the total value of shares of all classes of stock of each of the corporations, except the common parent corporation, is owned by one (1) or more of the other corporations; and*
 - b. *The common parent corporation owns stock possessing more than fifty percent (50%) of the total combined voting power of all classes of stock entitled to vote or more than fifty percent (50%) of the total value of shares of all classes of stock of at least one (1) of the other corporations, excluding, in computing the voting power or value, stock owned directly by the other corporations; or*
 - 2. *Two (2) or more corporations if five (5) or fewer persons who are individuals, estates, or trusts own stock possessing more than fifty percent (50%) of the total combined voting power of all classes of stock entitled to vote or more than fifty percent (50%) of the total value of shares of all classes of stock of each corporation, taking into account the stock ownership of each person only to the extent the stock ownership is identical with respect to each corporation;*
- (e) *A grantor and a fiduciary of any trust;*
- (f) *A fiduciary of a trust and a fiduciary of another trust, if the same person is a grantor of both trusts;*
- (g) *A fiduciary of a trust and a beneficiary of that trust;*
- (h) *A fiduciary of a trust and a beneficiary of another trust, if the same person is a grantor of both trusts;*
- (i) *A fiduciary of a trust and a corporation more than fifty percent (50%) in value of the outstanding stock of which is owned, directly or indirectly, by or for the trust or by or for a person who is a grantor of the trust;*
- (j) *A fiduciary of a trust and a limited liability company more than fifty percent (50%) of the capital interest, or the interest in profits, of which is owned directly or indirectly, by or for the trust or by or for a person who is a grantor of the trust;*
- (k) *A corporation, a partnership, or a limited partnership if the same persons own:*
 - 1. *More than fifty percent (50%) in value of the outstanding stock of the corporation; and*
 - 2. *More than fifty percent (50%) of the capital interest, or the profits interest, in the partnership or limited partnership;*
- (l) *A corporation and a limited liability company if the same persons own:*
 - 1. *More than fifty percent (50%) in value of the outstanding stock of the corporation; and*
 - 2. *More than fifty percent (50%) of the capital interest or the profits in the limited liability company;*
- (m) *A partnership or limited partnership and a limited liability company if the same persons own:*
 - 1. *More than fifty percent (50%) of the capital interest or profits in the partnership or limited partnership; and*

2. *More than fifty percent (50%) of the capital interest or the profits in the limited liability company; and*
- (n) *Two (2) or more limited liability companies, if the same persons own more than fifty percent (50%) of the capital interest or are entitled to more than fifty percent (50%) of the capital profits in the limited liability companies;*
- (2) *"Approved company" means an eligible company that has received final approval from the authority;*
 - (3) *"Authority" means the Kentucky Economic Development Finance Authority established by KRS 154.20-010;*
 - (4) *"Colocation tenant" means an entity that contracts with the owner or operator for space within a qualified data center project;*
 - (5) *"Commonwealth" means the Commonwealth of Kentucky;*
 - (6) *"Data center equipment":*
 - (a) *Means computer equipment and software for the processing, storage, retrieval, or communication of data, used directly and exclusively in a qualified data center project, including but not limited to:*
 1. *a. Servers;*
 - b. Routers;*
 - c. Connections;*
 - d. Monitoring and security systems for the data center equipment;*
 - e. Fiber optic cabling and network equipment leading to and from the data center project; and*
 - f. Other enabling machinery, equipment, and hardware;**regardless of whether the property is affixed to or incorporated into real property;*
 2. *Equipment used in the operation of computer equipment or software or for the benefit of the data center project, including component parts, installations, refreshments, replacements, and upgrades, regardless of whether the property is affixed to or incorporated into real property;*
 3. *All equipment necessary for the transformation, generation, distribution, or management of electricity that is required to operate computer server equipment, including substations, generators, uninterruptible energy equipment, supplies, conduit, fuel piping and storage, cabling, duct banks, switches, switchboards, batteries, testing equipment, and backup generators;*
 4. *All equipment necessary to cool and maintain a controlled environment for the operation of the computer servers and other components of the data center project, including chillers, mechanical equipment, refrigerant piping, fuel piping and storage, adiabatic and free cooling systems, cooling towers, water softeners, air handling units, indoor direct exchange units, fans, ducting, and filters;*
 5. *All water conservation systems for the equipment, including facilities or mechanisms that are designed to collect, conserve, and reuse water;*
 6. *All computer server equipment, chassis, networking equipment, switches, racks, fiber optic and copper cabling, trays, and conduit;*
 7. *All monitoring equipment and security systems for the data center project, including security system monitoring services;*
 8. *All software and prewritten computer software access services;*
 9. *Extended warranty services with respect to data center equipment; and*
 10. *Any other tangible personal property that is essential to the operations of the qualified data center project, excluding:*
 - a. *Electricity used by a qualified data center project; and*

- b. *Property used for administrative purposes at the data center project, including office equipment; and*
- (b) *Does not include:*
 - 1. *Construction equipment; or*
 - 2. *Building and construction materials permanently incorporated as an improvement to real property;*
- (7) *"Department" means the Department of Revenue;*
- (8) *"Eligible company":*
 - (a) *Means any corporation, limited liability company, partnership, limited partnership, sole proprietorship, business trust, or any other entity with a qualified data center project; and*
 - (b) *Includes an operator, an owner, a project organizer, and a colocation tenant;*
- (9) *"Eligible costs" means expenditures made by the preliminarily approved company or approved company after preliminary approval for the purchase, installation, repair, and replacement of data center equipment for the qualified data center project;*
- (10) *"Final approval" means the action taken by the authority to verify that, on or before the fifth anniversary of the preliminary approval, the minimum capital investment has been made, with respect to the data center project;*
- (11) *"Memorandum of agreement" means the agreement between the eligible company and the authority executed under Section 41 of this Act;*
- (12) *"Operator":*
 - (a) *Means any entity, other than an owner, a project organizer, or a colocation tenant:*
 - 1. *Operating a qualified data center project pursuant to a lease or other contract with the owner; and*
 - 2. *Is responsible for the control, oversight, or maintenance of a data center project; and*
 - (b) *Includes:*
 - 1. *An affiliate of an operator;*
 - 2. *A licensed property management company;*
 - 3. *A property lessor; or*
 - 4. *Any other individual or entity responsible for the control, oversight, or maintenance of a data center project;*
- (13) *"Owner" means an entity, other than a project organizer, holding fee title to a data center project and includes an affiliate of an owner;*
- (14) *"Preliminary approval" means the action taken by the authority to enter into a memorandum of agreement with an eligible company;*
- (15) *"Project organizer" means an entity that:*
 - (a) *Solely provides qualified data center infrastructure for a qualified data center project; and*
 - (b) *Will enter into or has entered into a separate agreement with another entity for the purchase, use, or operation of the qualified data center infrastructure;*
- (16) *"Qualified data center infrastructure" means providing site development and organization for a qualified data center project, including but not limited to:*
 - (a) *An uninterruptible power supply, including electrical substations and back-up generators for safety against power disruptions;*
 - (b) *Availability of water and natural gas service, including any necessary infrastructure; and*
 - (c) *Multiple layers of security, including:*

1. *Physical security at the data center project, including fencing, entry control and monitoring, or security guards;*
 2. *Infrastructure monitoring, including monitoring for water, power, telecommunications, and internet connectivity; and*
 3. *Environmental control measures, including sensors or responsive equipment for detecting fire, flood, or other natural disasters;*
- (17) *"Qualified data center project":*
- (a) *Means:*
 1. *Providing qualified data center infrastructure;*
 2. *Acquiring, leasing, rehabilitating, expanding, or constructing one (1) or more buildings that:*
 - a. *House a group of networked server computers in order to centralize the storage, management, and dissemination of data and information for a single project; and*
 - b. *Contain:*
 - i. *Dedicated cooling equipment for the computing machines and related infrastructure;*
 - ii. *Extra capacity for data redundancy, including the ability to maintain or replace equipment without a system shutdown; and*
 - iii. *Physically isolated systems to avoid disruption from both planned and unplanned events; or*
 3. *Any combination of the activities described in subparagraphs 1. and 2. of this paragraph;*
 - (b) *Has the following minimum capital investment on or before the fifth anniversary of the preliminary approval:*
 1. *For an owner, operator, or colocation tenant, at least four hundred fifty million dollars (\$450,000,000); or*
 2. *For a project organizer, at least one hundred fifty million dollars (\$150,000,000);*
 - (c) *Is located within a consolidated local government having a population equal to or greater than five hundred thousand (500,000), determined using the county's population estimate from the most recently available five (5) year American Community Survey as published by the United States Census Bureau at the time of application by the eligible company;*
 - (d) *Does not include any data center project that:*
 1. *Will result in the replacement of data centers existing in the Commonwealth;*
 2. *Applies for or accepts any other economic development incentives under KRS Chapter 154; or*
 3. *Benefits from the sales and use tax exemption for the sale or purchase of electricity used in commercial mining of cryptocurrency; and*
- (18) *"Term" means the period of time for which a memorandum of agreement may be in effect, which shall not exceed:*
- (a) *Fifteen (15) years for a qualified data center project of a project organizer; and*
 - (b) *For any other qualified data center project:*
 1. *Fifty (50) years for a data center project having a capital investment equal to or greater than four hundred fifty million dollars (\$450,000,000); or*
 2. *Twenty-five (25) years for a data center project having a capital investment less than four hundred fifty million dollars (\$450,000,000).*

➔SECTION 38. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

- (1) *The purposes of Sections 37 to 41 are to:*
- (a) *Provide incentives for an approved company with a qualified data center project;*
 - (b) *Encourage the location of data centers within the Commonwealth; and*
 - (c) *Advance the public purposes of the:*
 1. *Creation of new jobs that would not exist within the Commonwealth;*
 2. *Creation of new sources of tax revenues for the support of public services provided by the Commonwealth;*
 3. *Improvement in the quality of life for Kentucky citizens through the creation of sustainable jobs with higher salaries; and*
 4. *Provision of an economic stimulus to the Commonwealth.*
- (2) *To qualify for the sales and use tax exemption provided in Section 42 of this Act, an eligible company shall enter into a memorandum of agreement with the authority and incur eligible costs for a qualified data center project.*
- (3) *The General Assembly finds and declares that the authority granted in Sections 37 to 41 and the purposes accomplished are proper governmental and public purposes for which public moneys may be expended, and that the inducement of the location of data center projects within the Commonwealth is of paramount importance to the economic well-being of the Commonwealth.*

➔SECTION 39. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

- (1) *The application, approval, and review process under Sections 37 to 41 of this Act shall be as follows.*
- (a) *An eligible company with a proposed data center project may submit an application to the authority detailing the proposed data center project;*
 - (b) *Upon review of the application and any additional information submitted, the authority may, by resolution, give preliminary approval to an eligible company and authorize the negotiation and execution of a memorandum of agreement;*
 - (c) *The memorandum of agreement shall establish the estimated eligible costs for the qualified data center project;*
 - (d) *Upon preliminary approval:*
 1. *The preliminarily approved company may:*
 - a. *Undertake the project in accordance with the memorandum of agreement;*
 - b. *Begin to make the capital investment; and*
 - c. *Begin to purchase or lease data center equipment exempt from sales and use tax as provided in Section 42 of this Act.*
 2. *The authority shall:*
 - a. *Notify the department of the preliminary approval, provide the department with the information contained in the memorandum of agreement, and authorize the department to issue a certificate of exemption to the preliminarily approved company under Section 42 of this Act; and*
 - b. *Post the preliminarily approved company's name, the location of the qualified data center project, and the amount of investment costs on the cabinet's website.*
 3. *The preliminarily approved company shall submit any documentation required by the authority upon request of the authority;*
 - (e) *If, on or before the fifth anniversary of the memorandum of agreement, the preliminarily approved company fails to meet the minimum capital investment as established in the memorandum of agreement:*
 1. *The authority shall notify the department;*

2. *The department shall revoke the certificate of exemption; and*
3. *The preliminarily approved company shall immediately pay the tax that was not paid as a result of the sales tax exemption upon receipt of the notice of assessment issued by the department under Section 42 of this Act; and*
- (f)
 1. *To obtain final approval, a preliminarily approved company shall submit documentation required by the authority to confirm that the requirements established in the memorandum of agreement have been met.*
 2. *Upon review and confirmation of the documentation, the authority may, by resolution, give final approval to the preliminarily approved company.*
 3. *Upon final approval, the approved company shall be finally approved for the exemption provided by Section 42 of this Act for the term of the memorandum of agreement.*
- (2) (a) *The authority may establish procedures and standards for the review and approval of eligible companies and their data center projects through the promulgation of administrative regulations in accordance with KRS Chapter 13A.*
- (b) *Standards to be used by the authority in reviewing and approving an eligible company and its data center project shall include but not be limited to:*
 1. *The creditworthiness of the eligible company;*
 2. *The proposed capital investment to be made; and*
 3. *The likelihood of the economic success of the proposed data center project.*
- (3) *The application shall include but not be limited to:*
 - (a) *The name of the applicant for the proposed data center project;*
 - (b) *A description of the proposed data center project, including its location, the total proposed capital investment in the proposed project, and total proposed eligible costs; and*
 - (c) *Any other information the authority may require.*

➔SECTION 40. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

- (1) *The authority shall not approve a proposed data center project that otherwise meets the requirements of Sections 37 to 41 of this Act if the proposed data center project will result in the replacement of facilities existing in the state, except as provided in this section.*
- (2) *The authority may approve a proposed data center project that:*
 - (a) *Rehabilitates an existing data center used for activities of an eligible company, if:*
 1. *The data center to be rehabilitated has not been in operation for a period of ninety (90) or more consecutive days;*
 2.
 - a. *The current occupant of the data center to be rehabilitated has advertised a notice of closure; and*
 - b. *The eligible company proposing the data center project is not an affiliate of the current occupant of the data center to be rehabilitated; or*
 3.
 - a. *The data center to be rehabilitated is sold or transferred pursuant to a foreclosure ordered by a court of competent jurisdiction or an order of a bankruptcy court of competent jurisdiction; and*
 - b. *The title to the data center to be rehabilitated prior to the sale is not vested in the eligible company;*
 - (b) *Replaces an existing data center of an eligible company if:*
 1.
 - a. *Title to the data center to be replaced:*
 - i. *Is held by exercise of the power of eminent domain; or*
 - ii. *May be taken pursuant to a nonappealable judgment granting authority to*

exercise the power of eminent domain; and

- b. *Normal operations at the data center to be replaced cannot be resumed within twelve (12) months; or*
 - 2. *The data center to be replaced has been damaged or destroyed by fire or other casualty to the extent that normal operations cannot be resumed at the facility within twelve (12) months; or*
 - (c) *Replaces an existing data center located in the same county if the existing data center cannot be expanded due to the unavailability of real estate at or adjacent to the data center to be replaced. Any qualifying data center project satisfying the requirements of this paragraph shall be eligible for incentives under this subchapter only to the extent of the expansion. No incentives shall be available for the equivalent of the facility to be replaced or rehabilitated.*
- (3) *The authority shall not approve a proposed data center project under this section which results in a lease abandonment or lease termination by the eligible company without the consent of the lessor.*

➔SECTION 41. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

The authority, with preliminary approval of an eligible company, may execute a memorandum of agreement with the eligible company. The terms and conditions of the memorandum of agreement shall be negotiated between the authority and the company. The terms of the memorandum of agreement shall include but not be limited to the following provisions:

- (1) *The estimated capital investment for the qualified data center project;*
- (2) *That the preliminarily approved company shall provide the authority with all documentation requested in a manner acceptable to the authority and within the timeframes required by the authority related to the minimum capital investment requirement to be used in monitoring compliance of the memorandum of agreement;*
- (3) *That failure of a preliminarily approved company to meet the minimum capital investment on or before the fifth anniversary of the preliminary approval shall result in cancellation of the memorandum of agreement with the preliminarily approved company;*
- (4) *The term of the agreement, which shall not exceed:*
 - (a) *Fifteen (15) years for a qualified data center project of a project organizer; or*
 - (b) *1. Fifty (50) years for a qualified data center project having a capital investment of at least four hundred fifty million dollars (\$450,000,000); or*
 - 2. *Twenty-five (25) years for any other qualified data center project;*
- (5) *A provision requiring the preliminarily approved company to notify the authority immediately if the eligible company sells or otherwise transfers or disposes of the land on which a qualified data center project is located;*
- (6) *Authorization for the department to issue a certificate of exemption to the preliminarily approved company under Section 42 of this Act;*
- (7) *A provision detailing the elimination of the sales and use tax exemption and the notice of assessment by the department provided under Section 42 of this Act that shall occur if the preliminarily approved company fails to make the minimum capital investment;*
- (8) (a) *A statement that the memorandum of agreement may remain in effect, even if there is a future transfer, sale, or disposition, directly or indirectly, of the qualified data center project, upon the adoption of a resolution by the authority to that effect.*
 - (b) *If continuation of the sales and use tax exemption is desired by the subsequent owner:*
 - 1. *The memorandum of agreement may be assigned to that owner under paragraph (a) of this subsection provided the subsequent owner assumes the prior owner's obligations under that agreement; or*
 - 2. *The subsequent owner shall enter into a memorandum of agreement with the authority for the remainder of the eligibility period.*

- (c) *The authority shall notify the department regarding the events that transpire under paragraphs (a) and (b) of this subsection;*
- (9) *That the approved company shall make available to the authority all of its records pertaining to the qualified data center project, including but not limited to records relating to eligible costs and any other records pertaining to the project that the authority may require;*
- (10) (a) *That the authority may share information with the department; and*
 (b) *That the department may share information with the authority;*
for the purposes of monitoring and enforcing the terms of the memorandum of agreement;
- (11) *That, if the preliminarily approved company fails to comply with its obligations under the memorandum of agreement by the fifth anniversary of the preliminary approval, the authority shall:*
 - (a) *Suspend the memorandum of agreement;*
 - (b) *Terminate the incentives available to the preliminarily approved company under the memorandum of agreement;*
 - (c) *Notify the department of the authority's actions;*
 - (d) *Instruct the department to proceed with the notice of assessment; and*
 - (e) *Pursue any other remedy set forth in the memorandum of agreement or to which it may be entitled by law; and*
- (12) *Any other provisions not inconsistent with this subchapter and determined to be necessary or appropriate by the parties to the memorandum of agreement.*

➔SECTION 42. A NEW SECTION OF KRS CHAPTER 139 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
 - (a) 1. *"Approved company";*
 2. *"Authority";*
 3. *"Data center equipment";*
 4. *"Eligible costs";*
 5. *"Memorandum of agreement";*
 6. *"Preliminarily approved company";*
 7. *"Qualified data center project"; and*
 8. *"Term";*
have the same meaning as in Section 37 of this Act;
 - (b) *"Certificate of exemption" means a completed form provided by the department stating at least:*
 - 1. *The name, address, and federal employer identification number of the approved company or preliminarily approved company;*
 - 2. *That the approved company or preliminarily approved company is exempt from sales and use tax on data center equipment purchased for use in a qualified data center project in the Commonwealth; and*
 - 3. *The date of expiration based on the term of the memorandum of agreement; and*
 - (c) *"Fiscal year" means a period beginning on July 1 and continuing until the following June 30.*
- (2) *The taxes imposed by this chapter shall not apply to the sale, purchase, use, storage, consumption, installation, repair, and replacement of data center equipment to or by a preliminarily approved company or an approved company in accordance with the memorandum of agreement with the preliminarily approved company or the approved company as provided in subsection (4) of this section.*

- (3) (a) *The exemption provided in subsection (2) of this section shall apply whether or not the seller is under contract to deliver, assemble, and incorporate the data center equipment into real estate for the qualified data center project.*
- (b) *An approved company or preliminarily approved company may provide the seller the certificate of exemption issued by the department to claim the exemption. The certificate may be executed by either:*
1. *An approved company or preliminarily approved company; or*
 2. *Jointly by a contractor and an approved company or preliminarily approved company in any case in which a contractor under contract with the approved company or preliminarily approved company purchases the data center equipment.*
- (4) *Upon notification that the authority has executed a memorandum of agreement with a preliminarily approved company, the department shall issue a certificate of exemption to the preliminarily approved company or the approved company.*
- (5) (a) *Upon notification that the authority has terminated the sales and use tax exemptions available to the preliminarily approved company or the approved company as provided in Section 41 of this Act, the department shall issue a notice of assessment to the approved company or preliminarily approved company.*
- (b) *The aggregate amount of sales and use tax recovered shall not exceed the sum of the aggregate value of tax not paid as a result of the tax exemption under this section together with interest required under KRS Chapter 131.*
- (c) *If the notice of assessment is issued to:*
1. *A preliminarily approved company, notwithstanding KRS 139.620, the notice of assessment under paragraph (b) of this subsection shall be considered timely if the department issues the notice of assessment the later of:*
 - a. *One hundred eighty (180) days from the date the department is notified by the authority related to termination of the memorandum of agreement; or*
 - b. *The date on which a notice of assessment could otherwise be issued in a timely manner under KRS 139.620;*
 2. *An approved company, the notice of assessment shall be assessed on the open periods and subject to KRS 139.620; and*
 3. *A subsequent owner under subsection (8)(b)1. of Section 41 of this Act, the notice of assessment shall include the tax assumed by the subsequent owner and the open periods for assessment shall be determined under subparagraphs 1. and 2. of this paragraph and depend solely on whether the subsequent owner is a preliminarily approved company or an approved company.*
- (6) *Beginning September 1, 2025, and on or before September 1 for each year thereafter, a preliminarily approved company shall report to the department annually:*
- (a) *The name, address, and any other identifying information the department may require for the qualified data center project;*
 - (b) *The county in which the qualified data center project is located; and*
 - (c) *An itemized schedule of qualified data center equipment purchased during the fiscal year and the applicable sales and use tax that was not paid as a result of the sales and use tax exemption, including verification and certification by an independent third party unrelated to the preliminarily approved company.*
- (7) *Beginning November 1, 2025, and on or before November 1 of each year thereafter, the department shall report to the authority and the Interim Joint Committee on Appropriations and Revenue the data reported for data center project under subsection (6) of this section.*
- (8) *All information required to be reported under this section shall not be considered confidential taxpayer information and shall not be subject to KRS Chapter 131 or any other provisions of the Kentucky Revised Statutes prohibiting disclosure or reporting of information.*

➔Section 43. KRS 131.400 is amended to read as follows:

- (1) KRS 131.410 to 131.445 shall be known as and may be cited as the "Kentucky Tax Amnesty Act."
- (2) As used in KRS 131.410 to 131.445:
 - (a) "Account receivable" means an amount of state or federal tax, penalty, fee, or interest which has been recorded as due and entered in the account records of the department, or which the taxpayer should reasonably expect to become due as a direct or indirect result of any pending or completed audit or investigation which the taxpayer knows is being conducted by any federal or state government taxing authority;
 - (b) "Amnesty period" means the period of time established pursuant to subsection (3) of this section during which a taxpayer may apply for tax amnesty;
 - (c) "Due and owing" means an assessment which has become final and is owed to the Commonwealth due to either the expiration of the taxpayer's appeal rights pursuant to KRS 131.110 or, if an assessment has been appealed, the issuance of a final order by the board or by any court of this Commonwealth. For the purposes of KRS 131.410 to 131.445, assessments that have been appealed shall be final, due and owing fifteen (15) days after the last unappealed or unappealable order sustaining the assessment or any part thereof has become final;
 - (d) "Federal government" means either the United States Department of the Treasury or the Internal Revenue Service; and
 - (e) "Taxpayer" means any individual, partnership, joint venture, association, corporation, receiver, trustee, guardian, executor, administrator, fiduciary, limited liability company, limited liability partnership, or any other entity of any kind subject to any tax set forth in subsection (3) of this section or any person required to collect any such tax under subsection (3) of this section.
- (3) Notwithstanding the provisions of any other law to the contrary, a tax amnesty program shall be conducted for a period of sixty (60) days, beginning on October 1, ~~2024~~~~{2022}~~, and ending on November 29, ~~2024~~~~{2022}~~. The program shall be available to all taxpayers owing:
 - (a) Taxes, penalties, fees, or interest subject to the administrative jurisdiction of the department, with the exception of:
 1. Ad valorem taxes levied on real property pursuant to KRS Chapter 132;
 2. Ad valorem taxes on motor vehicles and motorboats collected by the county clerks;
 3. Ad valorem taxes on personal property levied pursuant to KRS Chapter 132 that are payable to local officials; and
 4. Any penalties imposed under KRS 131.630 or 138.205; and
 - (b) Federal taxes, penalties, fees, or interest referred to the department from the federal government for collection purposes.
- (4) If the department is unable to secure a successful bid for the procurement of services under KRS 131.435, the department shall implement a tax amnesty program during a sixty (60) day period similar to the period established in subsection (3) of this section, except that the sixty (60) day period shall be held during the calendar year ~~2025~~~~{2023}~~.
- (5) The program shall apply to tax liabilities for taxable periods ending or transactions occurring on or after October 1, 2011, but prior to December 1, ~~2023~~~~{2021}~~, and any federal tax liability referred to the department.

**➔Section 44. KRS 131.420 is amended to read as follows:

- (1) The provisions of KRS 131.400 to 131.445 shall apply to any eligible taxpayer who files an application for amnesty within the time prescribed under KRS 131.400(3) and does the following:
 - (a) Files completed tax returns for all years or tax reporting periods as stated on the application for which returns have not previously been filed and files completed amended tax returns for all years or tax reporting periods as stated on the application for which the tax liability was underreported, except in cases in which the tax liability has been established through audit;

- (b) Pays in full the taxes due for the periods and taxes applied for at the time the application or amnesty tax returns are filed within the amnesty period and pays the amount of any additional tax owed within thirty (30) days of notification by the department;
 - (c) Pays in full within the amnesty period all taxes previously assessed by the department that are due and owing at the time the application or amnesty tax returns are filed;
 - (d) Pays in full within the amnesty period all taxes, penalties, fees, and interest assessed by the federal government and referred to the department for collection purposes; and
 - (e) With regard to the program described in KRS 131.400(3), agrees to file all tax returns when due and make all tax payments when due for three (3) years following the date amnesty is granted to the taxpayer.
- (2) An eligible taxpayer may participate in the amnesty program whether or not the taxpayer is under audit, notwithstanding the fact that the amount due is included in a proposed assessment or an assessment, bill, notice, or demand for payment issued by the department, and without regard to whether the amount due is subject to a pending administrative or judicial proceeding. An eligible taxpayer may participate in the amnesty program to the extent of the uncontested portion of any assessed liability. However, participation in the program shall be conditioned upon the taxpayer's agreement that the right to protest or initiate an administrative or judicial proceeding or to claim any refund of moneys paid under the program is barred with respect to the amounts paid under the amnesty programs.
- (3) (a) The department may enter into an installment payment agreement as provided in KRS 131.081(9) in cases of severe hardship in lieu of the complete payment required under subsection (1) of this section.
- (b) Failure of the taxpayer to make timely payments shall void the amnesty granted the taxpayer.
- (c) All agreements and payments under the program described in KRS 131.400(3) shall include interest as provided under KRS 131.425(3).
- (d) All required payments under an installment payment agreement under the program described in KRS 131.400(3) shall be made on or before May 31, ~~2025~~~~2023~~.
- (e) 1. If a taxpayer fails to make all required payments under paragraph (d) of this subsection by May 31, ~~2025~~~~2023~~, the amnesty received by the taxpayer shall be invalidated, and all civil penalties, fees, and interest waived under the amnesty agreement shall:
- a. Be reinstated;
 - b. Be subject to immediate collection by the department; and
 - c. Not be subject to protest under KRS 131.110.
2. The department may utilize any remedy allowed by law to recover the amounts reinstated, and no statute of limitations shall apply.
- (4) If, following the termination of the tax amnesty period, the department issues a deficiency assessment based upon information independent of that shown on a return filed pursuant to subsection (1) of this section, the department shall have the authority to impose penalties and criminal action may be brought where authorized by law only with respect to the difference between the amount shown on the amnesty tax return and the correct amount of tax due. The imposition of penalties or criminal action shall not invalidate any waiver granted under KRS 131.410. With the exception of the cost-of-collection fee imposed under KRS 131.440(1), all assessments issued by the department under KRS 131.410 to 131.445 may be protested by the taxpayer in the same manner as other assessments pursuant to the terms of this chapter.

**➔Section 45. KRS 131.435 is amended to read as follows:

- (1) The department and the Finance and Administration Cabinet shall begin procurement for services necessary to implement the tax amnesty program under KRS Chapter 45A, except as provided under subsection (2) of this section.
- (2) (a) The department shall issue a request for proposal, which complies with KRS 131.081, to solicit sufficient information for evaluating firms submitting statements of interest in providing tax amnesty services according to the following criteria:
 - 1. The qualifications of the firm to:

ACTS OF THE GENERAL ASSEMBLY

- a. Provide advertising services prior to the start of the program described in KRS 131.400(3) and a toll-free telephone number for taxpayers to call for assistance;
 - b. Provide a customer-service approach and strategy to ensure a positive relationship with each taxpayer;
 - c. Contact every amnesty-eligible taxpayer, including by written correspondence and other forms of electronic and nonelectronic communication delivery channels, using contact and account receivable data supplied by the department related to tax amnesty and the tax amnesty period;
 - d. Employ the use of contact information correction sources, including data for all undeliverable mail, updated telephone numbers, and electronic mail addresses;
 - e. Assist any amnesty-eligible taxpayer by using tax-specific data, billing codes, or other information provided by the department;
 - f. Maintain the confidentiality of all data under KRS 131.190 which is supplied by the department or the taxpayer; and
 - g. Remit daily to the department all amnesty applications and tax payments received and all data corrections for the department's databases;
2. The ability of all professional personnel employed by the firm that will provide tax amnesty services, including:
 - a. The total number of personnel that will provide tax amnesty services to taxpayers leading up to and during the amnesty period;
 - b. The title of each specific position type and total number of personnel filling each specific position type; and
 - c. The minimum qualifications for each specific position type;
 3. The past record and experience of the firm in performing tax amnesty services or other tax-related services;
 4. Performance data related to past tax amnesty services or other tax-related services performed by the firm;
 5. Certification that the firm will meet the time requirements for the tax amnesty program and will conclude all services in a timely manner as required by the department or pay to the department a fee for failure to meet the timeframe;
 6. Verification of the location of all employees providing tax amnesty services;
 7. An agreement by the firm to provide a report to the department for posting to the department's ~~website~~~~Web site~~ related to the following items:
 - a. A report of the public information campaign performed by the firm, including an itemized cost incurred;
 - b. The number of incoming telephone calls answered by week;
 - c. The number of mailings sent to taxpayers;
 - d. The number of returned mail items received;
 - e. The number of amnesty applications received from taxpayers by week;
 - f. The number of amnesty applications that were approved by taxpayer type;
 - g. The number of amnesty applications that were denied by taxpayer type and the number of denied amnesty applications by reason for denial;
 - h. According to the address listed on the amnesty application, information related to the absolute number and percentage of total for:
 - i. Amnesty applications received from businesses or individuals and whether the taxpayer was in-state or out-of-state;

- ii. Amounts collected from businesses or individuals and whether the taxpayer was in-state or out-of-state; and
 - iii. The total amount collected by county, including the number of applications received by a business, individual, or office or member and the total amount paid for each category;
 - i. The number of amnesty applications received by appropriate payment ranges for the population of applications;
 - j. The payment amount received by type of tax;
 - k. The amount of tax collected by tax year;
 - l. The amount of federal tax collected by tax year;
 - m. The number of newly registered taxpayers; and
 - n. The amount of tax collected on protested audits by tax type and whether the amnesty payment paid the tax protested in full or was a partial payment on the audit; and
 - 8. Any other information required by the department.
- (b) When evaluating firms submitting statements of interest in providing tax amnesty services, the department shall use a weighted-evaluation approach to select a firm, including:
- 1. The ability of the firm to:
 - a. Provide a customer-service and taxpayer-assistance approach in providing amnesty services, including communication with taxpayers before and during the amnesty period, weighted no more than thirty percent (30%) of the evaluation score; and
 - b. Maintain lines of communication with the department related to strategy for and delivery of amnesty services and report to the department regarding the results from the firm delivering amnesty services, weighted no more than twenty-five percent (25%) of the evaluation score;
 - 2. The bid of the firm to provide amnesty services, weighted no more than fifteen percent (15%) of the evaluation score; and
 - 3. The past performance of the firm with other states, including how well the firm met goals established by the other states, weighted no more than thirty percent (30%) of the evaluation score.
- (3) For purposes of accounting for the revenues received pursuant to KRS 131.410 to 131.445, the department shall establish within the general fund a separate and distinct tax amnesty receipt account. All receipts collected as a result of the amnesty program shall be paid into this account, and all transactions involving this account shall be accounted for and reported as such.
- (4) Following receipt of the report required by subsection (2) of this section and the disposition of moneys as required by subsection (3) of this section, the department shall provide a report summarizing the amnesty program results to the Interim Joint Committee on Appropriations and Revenue no later than July 1, ~~2025~~~~[2023]~~.

**➔Section 46. KRS 131.440 is amended to read as follows:

- (1) For purposes of the program described in KRS 131.400(3):
- (a) In addition to all other penalties provided under KRS 131.180, 131.410 to 131.445, 131.990 and any other law, there are hereby imposed after the expiration of the tax amnesty period the following cost-of-collection fees:
 - 1. A cost-of-collection fee of twenty-five percent (25%) on all taxes which are or become due and owing to the department for any reporting period, regardless of when due. This fee shall be in addition to any other applicable fee provided in this paragraph;
 - 2. Taxes which are assessed and collected after the amnesty period for taxable periods ending or transactions occurring prior to December 1, ~~2023~~~~[2024]~~, shall be charged a cost-of-collection fee of twenty-five percent (25%) at the time of assessment; and

3. For any taxpayer who failed to file a return for any previous tax period for which amnesty is available and fails to file the return during the amnesty period, the cost-of-collection fee shall be fifty percent (50%) of any tax deficiency assessed after the amnesty period.
- (b) After expiration of the tax amnesty period, an amnesty-eligible tax liability that remains unpaid and that is not covered by an installment agreement as provided in KRS 131.420 shall accrue interest at a rate that is two percent (2%) above the interest rate established by KRS 131.183 or other applicable provisions of the Kentucky Revised Statutes, beginning on the day after the tax amnesty period ends.
- (2) The commissioner shall have the right to waive any penalties or collection fees when it is demonstrated that any deficiency of the taxpayer was due to reasonable cause as defined in KRS 131.010(9). However, any taxes that cannot be paid under the amnesty program because of the exclusions under KRS 131.410(2) shall not be subject to these fees.
- (3) The provisions of subsection (1) of this section shall not relate to any account which has been protested pursuant to KRS 131.110 as of the expiration of the amnesty period and which does not become due and owing, or to any account on which the taxpayer is remitting timely payments under a payment agreement negotiated with the department prior to or during the amnesty period.
- (4) The fee levied under subsection (1) of this section shall not apply to taxes paid pursuant to the terms of the amnesty program nor shall the judgment penalty of twenty percent (20%) levied under KRS 135.060(3) apply in any case in which the fee levied under this section is applicable.

**➔Section 47. KRS 131.445 is amended to read as follows:

- (1) After the expiration of the tax amnesty period, the department shall vigorously pursue all civil, administrative, and criminal penalties authorized by state and federal law for all taxes found to be due the Commonwealth.
- (2) In addition to all other penalties provided under KRS 131.180, 131.410 to 131.445, 131.990, and any other law, any taxpayer who willfully fails to make a return or willfully makes a false return, or who willfully fails to pay taxes owing or collected, with intent to evade payment of the tax or amount collected, or any part thereof, shall be guilty of a Class D felony.
- (3) (a) Amnesty received by a taxpayer under the program described in KRS 131.400(3) shall be invalidated if:
 1. The taxpayer fails to timely file any tax return or timely pay any tax and interest due for any period ending on or after October 1, 2011, but prior to December 1, ~~2023~~~~2024~~; or
 2. The taxpayer fails to timely file any tax return or timely pay any tax for any period beginning December 1, ~~2023~~~~2024~~, and ending within three (3) years of the date amnesty was granted to the taxpayer.
- (b) Except as provided in paragraph (d) of this subsection, if the provisions of paragraph (a) of this subsection apply, then the civil penalties, fees, and interest waived pursuant to KRS 131.410 shall:
 1. Be reinstated;
 2. Be subject to immediate collection by the department; and
 3. Not be subject to protest under KRS 131.110.
- (c) The department may utilize any remedy permitted under the law to collect amounts due under this subsection, and no statute of limitations shall apply.
- (d) If paragraph (a) of this subsection applies to a taxpayer as the result of an audit or other investigation by the department, the amnesty shall not be invalidated until the taxpayer has had the opportunity to protest as provided in KRS 131.110, and has failed to pay the tax within thirty (30) days of the date on which the assessment becomes final, due, and owing as provided in KRS 131.500(1).

➔Section 48. **Revenue Replacement:** Notwithstanding KRS 43.070(3), during the 2024-2026 fiscal biennium, counties shall bear one-half of the actual expense of audits conducted pursuant to KRS 43.070(1)(a)2. and (2)(a).

➔Section 49. **Authority to Sell:** Notwithstanding KRS 154.15-020, the Kentucky Communications Network Authority shall have the authority to enter into contracts with public and private entities to carry out its duties and responsibilities, which may include the sale of all or portions of the Commonwealth's open-access broadband network known as KentuckyWired. A contract or other agreement involving the acquisition or disposition of a

property interest by the Commonwealth shall be signed by the Secretary of the Finance and Administration Cabinet. KRS Chapters 45A and 56 may require the Secretary's signature on other contracts or agreements.

→Section 50. **Sale of Properties:** Notwithstanding KRS 45A.045(4), the Finance and Administration Cabinet may sell, trade, or otherwise dispose of the three properties used by the Education and Labor Cabinet located in the cities of Winchester, Morehead, and Hazard at a selling price that is below the appraised value by July 1, 2025. Notwithstanding KRS 45.777, up to \$3,000,000 of proceeds from the disposal of the above-mentioned properties shall be used to reduce the Wagner-Peyser deficit.

→Section 51. **Kentucky Group Self-Insurance Guaranty Fund:** Notwithstanding KRS 342.908(4), no assessments from the members of the Kentucky Group Self-Insurance Guaranty Fund shall exceed an amount in excess of \$5,000,000 at any given time. Notwithstanding KRS 342.908(4) and (5), the Board of Directors shall raise assessments to a percentage of the premium for each member of the Kentucky Group Self-Insurance Guaranty Fund sufficient to pay outstanding claims.

→Section 52. **Billing for Security Services:** Notwithstanding any statute to the contrary, the Department of Kentucky State Police shall bill and accept payment from nonstate-operated event sponsors for security services provided by the Department.

→Section 53. **Jailer Canteen Accounts:** Notwithstanding KRS 67.0802(6)(a), any compensation resulting from the disposal of real or personal property that was purchased from a canteen account under KRS 441.135 shall be returned to the canteen account from which the real or personal property was originally purchased. All proceeds resulting from the disposal of real or personal property purchased from a canteen account shall be reported to the Interim Joint Committee on Appropriations and Revenue by December 1 of each fiscal year.

→Section 54. **Administrative Fee on Infrastructure for Economic Development Fund Projects:** A one-half of one percent administrative fee is authorized to be paid to the Kentucky Infrastructure Authority for the administration of each project funded by the Infrastructure for Economic Development Fund for Coal-Producing Counties and the Infrastructure for Economic Development Fund for Tobacco Counties. These administrative fees shall be paid, upon inception of the project, out of the fund from which the project was allocated.

→Section 55. **Charges for Federal, State, and Local Audits:** Any additional expenses incurred by the Auditor of Public Accounts for required audits of Federal Funds shall be charged to the government or agency that is the subject of the audit. The Auditor of Public Accounts receives General Fund appropriations for audits of the statewide systems of personnel and payroll, cash and investments, revenue collection, and the state accounting system. Any expenses incurred by the Auditor of Public Accounts for any other audits shall be charged to the agency that is the subject of such audit. The Auditor of Public Accounts shall maintain a record of all time and expenses for each audit or investigation.

Any expenses incurred by the Auditor of Public Accounts for auditing individual governmental entities when mandated by a legislative committee shall be charged to the agency or entity receiving audit services.

→Section 56. **Personnel Board Operating Assessment:** Each Agency of the Executive Branch with employees covered by KRS Chapter 18A shall be assessed each fiscal year the amount required for the operation of the Personnel Board. The agency assessment shall be determined by the Secretary of the Finance and Administration Cabinet based on the authorized full-time positions of each agency on July 1 of each year of the biennium. The Secretary of the Finance and Administration Cabinet shall collect the assessment.

→Section 57. **Water Withdrawal Fees:** The water withdrawal fees imposed by the Kentucky River Authority shall not be subject to state and local taxes. Notwithstanding KRS 151.710(10), Tier 1 water withdrawal fees shall be used to support the operations of the Authority and for contractual services for water supply and quality studies.

→Section 58. **Urgent Needs School Assistance:** If a school district receives an allotment for an Urgent Needs School authorized in 2014 Ky. Acts ch. 117, Part I, A., 28., (5), 2014 Ky. Acts ch. 117, Part I, C., 1., (19)(b), 2016 Ky. Acts ch. 149, Part I, A., 28., (4) and (5), 2018 Ky. Acts ch. 169, Part I, A., 27., (3), or 2021 Ky. Acts ch. 169, Part I, A., 28., (3), and subsequently, as a result of litigation or insurance, receives funds for the original facility, the school district shall reimburse the Commonwealth an amount equal to that received for such purposes. If the litigation or insurance receipts are less than the amount received, the district shall reimburse the Commonwealth an amount equal to that received as a result of litigation or insurance less the district's costs and legal fees in securing the judgment or payment. Any funds received in this manner shall be deposited in the General Fund.

➔Section 59. **Premium and Retaliatory Taxes:** Notwithstanding KRS 304.17B-021(4)(d), premium taxes collected under KRS Chapter 136 from any insurer and retaliatory taxes collected under KRS 304.3-270 from any insurer shall be credited to the General Fund.

➔Section 60. **Monthly Per Employee Health Insurance Benefits Assessment:** The Personnel Cabinet shall collect a benefits assessment per month per employee eligible for health insurance coverage in the state group for duly authorized use by the Personnel Cabinet in administering its statutory and administrative responsibilities, including but not limited to administration of the Commonwealth's health insurance program.

➔Section 61. **Executive Branch Ethics Commission:** The Executive Branch Ethics Commission may increase the amount of the registration fee provided under KRS 11A.211(6) for the purpose of funding a new online filing system.

➔Section 62. **Tax Expenditure Analysis:** (1) By September 1, 2024, and September 1, 2025, in conjunction with the publication of the Tax Expenditure Analysis and with the assistance of the Department of Revenue, the Office of State Budget Director shall provide, to the Legislative Research Commission and the Interim Joint Committee on Appropriations and Revenue, recommendations of tax expenditures which may be considered by the General Assembly.

(2) The recommendations shall:

(a) Contain two lists, each containing 20 tax expenditures for consideration by the General Assembly, one of which is for immediate sunset and one of which may be sunset within five years;

(b) Consider all tax expenditures within the Tax Expenditure Analysis; and

(c) Include a description of the tax expenditure recommended for sunset, the estimated fiscal impact of sunseting the tax expenditure, and a list of specific taxpayers which will be impacted if the General Assembly acts upon the recommendations.

(3) The information required to be reported under this section shall not be considered confidential taxpayer information and shall not be subject to KRS Chapter 131 or any other provisions of the Kentucky Revised Statutes prohibiting disclosure or reporting of information.

➔Section 63. Sections 10, 18, 19, 20, and 34 of this Act take effect January 1, 2025.

➔Section 64. Section 15 of this Act applies to the fiscal year 2023-2024 calculation of GF appropriations.

➔Section 65. Sections 21, 28, and 33 of this Act take effect August 1, 2024.

➔Section 66. Section 30 of this Act applies to fiscal years beginning or after July 1, 2020.

➔Section 67. Sections 48 to 60 of this Act apply to the fiscal year beginning July 1, 2024, and ending June 30, 2025, and the fiscal year beginning July 1, 2025, and ending June 30, 2026, and shall expire at the end of June 30, 2026.

➔Section 68. Whereas fiscal matters are necessary in the growth and stability of the Commonwealth's economy, an emergency is declared to exist, and Sections 4, 15, and 48 to 60 of this Act take effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Vetoed in part, partial vetoes ruled invalid by House of Representatives, and became law without Governor's signature April 10, 2024.

CHAPTER 167

(SB 16)

AN ACT relating to agricultural key infrastructure assets.

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

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

(1) As used in this section:

(a) "Key infrastructure assets" means:

1. Any critical node of a system used in the production or generation of electrical energy;
 2. A petroleum refinery;
 3. A rubber or hazardous chemical manufacturing facility;
 4. A petroleum or hazardous chemical storage facility or terminal;
 5. Natural gas processing, fractionation, stabilization, and compressor station facilities, as well as above-ground natural gas or petroleum pipelines and related facilities;
 6. Railroad yards and railroad tunnel portals;
 7. A drinking water collection, treatment, or storage facility;
 8. Grounds or property of a state prison, juvenile justice facility, jail, or other facility for the detention of persons charged with or convicted of crimes;
 9. A facility used for research, development, design, production, delivery, or maintenance of military weapons systems, subsystems, and components or parts to meet military requirements of the United States;
 10. A wireless communications facility, including the tower, antennae, support structures and all associated ground-based equipment, and a telecommunications central switching office;~~[-or]~~
 11. A cable television headend;~~[-and]~~
 12. ***A commercial food manufacturing or processing facility in which food is manufactured, processed, or packaged, commercially, for human consumption, but not including retail food establishments, home-based processors, or home-based microprocessors as those terms are defined in KRS 217.015;***
 13. ***An animal feeding operation as defined in 40 C.F.R. sec. 122.23; or***
 14. ***A concentrated animal feeding operation as defined in 40 C.F.R. sec. 122.23; and***
- (b) "Unmanned aircraft system" means an aircraft that is operated without the possibility of direct human interaction from within or on the aircraft and includes everything that is on board or otherwise attached to the aircraft and all associated elements, including communication links and the components that control the small unmanned aircraft, that are required for the safe and efficient operation of the unmanned aircraft in the national airspace system.
- (2) (a) A person commits the offense of trespass upon key infrastructure assets if he or she knowingly enters or remains unlawfully in or upon real property on which key infrastructure assets are located.
- (b) A person commits the offense of trespass upon key infrastructure assets if he or she knowingly uses, or retains or authorizes a person to use, an unmanned aircraft system to fly above real property on which key infrastructure assets are located with the intent to cause harm or damage to or conduct surveillance of the key infrastructure asset without the prior consent of the owner, tenant, or lessee of the real property.
- (c) ***A person commits the offense of trespass upon key infrastructure assets if he or she knowingly, without consent of the owner or authorized representative:***
1. ***Operates an unmanned aircraft system, video recording device, audio recording device, or photography equipment on or above property containing a key infrastructure asset referenced in subsection (1)(a)12., 13., or 14. of this section; or***
 2. ***Records or distributes, photographically, electronically, or otherwise, any part, procedure, or action of a key infrastructure asset referenced in subsection (1)(a)12., 13., or 14. of this section.***
- (3) Trespass upon key infrastructure assets is a Class B misdemeanor for the first offense, and a Class A misdemeanor for a second or subsequent offense.
- (4) This section does not apply to:
- (a) An unmanned aircraft system used by the federal government or by the Commonwealth, or by a person acting pursuant to a contract with the federal government or the Commonwealth;

- (b) An unmanned aircraft system used by:
 - 1. The owner of the real property or key infrastructure asset;
 - 2. A person under a valid lease, servitude, right-of-way, right of use, permit, license, or other right granted by the owner of the real property or key infrastructure asset; or
 - 3. A third party who is retained or authorized by a person specified in subparagraph 1. or 2. of this paragraph;
- (c) An unmanned aircraft system used by a law enforcement agency, emergency medical service agency, hazardous material response team, disaster management agency, or other emergency management agency for the purpose of incident command, area reconnaissance, personnel and equipment deployment monitoring, training, or a related purpose;
- (d) Operation of an unmanned aircraft system by a person or entity for a commercial purpose in compliance with applicable Federal Aviation Administration authorization, regulations, or exemptions;
- (e) A satellite orbiting the earth;
- (f) An unmanned aircraft system used by an insurance company or a person acting on behalf of an insurance company for purposes of underwriting an insurance risk or investigating damage to insured property;~~[-or-]~~
- (g) An unmanned aircraft system used strictly in accordance with an order of a court of competent jurisdiction;
- (h) *Any electric, water, or natural gas utility company or a person acting on behalf of any electric, water, or natural gas utility company for legitimate business purposes; or*
- (i) *Any federal, state, or local government law enforcement or regulatory officer or employee while the officer or employee is engaged in the performance of his or her official duties.*

Veto Overridden April 12, 2024.

CHAPTER 168

(SB 65)

AN ACT relating to deficient administrative regulations and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 13A IS CREATED TO READ AS FOLLOWS:

- (1) *The General Assembly finds that the proposed administrative regulation, 201 KAR 23:170, Telehealth and Social Work Practice, was found deficient pursuant to KRS 13A.030, on or after March 30, 2023, and before April 15, 2024, as evidenced by the records of the Legislative Research Commission.*
- (2) *Contrary provisions of any section of the Kentucky Revised Statutes notwithstanding:*
 - (a) *If the proposed administrative regulation referenced in subsection (1) of this section has not been adopted on or before the effective date of this Act, the proposed administrative regulation shall expire as of the effective date of this Act; or*
 - (b) *If the proposed administrative regulation referenced in subsection (1) of this section has been adopted on or before the effective date of this Act, the administrative regulation shall be null, void, and unenforceable as of the effective date of this Act.*
- (3) *Contrary provisions of any section of the Kentucky Revised Statutes notwithstanding, the administrative body shall be prohibited from promulgating an administrative regulation that is identical to, or substantially the same as, the proposed administrative regulation referenced in subsection (1) of this section for a period beginning on January 2, 2024, and concluding on June 1, 2025.*

- (4) *The proposed administrative regulation referenced in subsection (1) of this section shall be available to the public, in the office of the Legislative Research Commission's regulations compiler.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 13A IS CREATED TO READ AS FOLLOWS:

- (1) *The General Assembly finds that the following emergency administrative regulations were found deficient pursuant to KRS 13A.030, on or after March 30, 2023, and before April 15, 2024, as evidenced by the records of the Legislative Research Commission:*
- (a) *907 KAR 1:038E, Hearing Program Coverage Provisions and Requirements;*
 - (b) *907 KAR 1:126E, Dental Services' Coverage Provisions and Requirements; and*
 - (c) *907 KAR 1:632E, Vision Program Coverage Provisions and Requirements.*
- (2) *Contrary provisions of any section of the Kentucky Revised Statutes notwithstanding, the emergency administrative regulations referenced in subsection (1) of this section shall be null, void, and unenforceable as of the effective date of this Act.*
- (3) *Contrary provisions of any section of the Kentucky Revised Statutes notwithstanding, the administrative body shall be prohibited from promulgating administrative regulations that are identical to, or substantially the same as, the emergency administrative regulations referenced in subsection (1) of this section for a period beginning on January 2, 2024, and concluding on June 1, 2025.*
- (4) *The emergency administrative regulations referenced in subsection (1) of this section shall be available to the public, in the office of the Legislative Research Commission's regulations compiler.*

➔Section 3. Whereas it is crucial that the Commonwealth's regulatory policy reflect the statutory intent of the General Assembly, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Veto Overridden April 12, 2024.

CHAPTER 169

(SB 198)

AN ACT relating to nuclear energy development.

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

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

- (1) *The Kentucky Nuclear Energy Development Authority is hereby established and attached to the University of Kentucky Center for Applied Energy Research for administrative purposes. The mission of the Kentucky Nuclear Energy Development Authority shall be to:*
- (a) *Serve as the nonregulatory, trusted state government agency on nuclear energy issues and development in the Commonwealth; and*
 - (b) *Support and facilitate the development of the nuclear energy ecosystem across the Commonwealth in a collaborative manner that:*
 - 1. *Enhances the Commonwealth's economy;*
 - 2. *Offers energy production and economic development opportunities that are safe;*
 - 3. *Protects the environment across the Commonwealth;*
 - 4. *Supports community voices, especially in underrepresented or historically impacted areas;*
 - 5. *Increases energy education; and*
 - 6. *Prepares a future workforce.*
- (2) *The Kentucky Nuclear Energy Development Authority shall be governed by an advisory board consisting of the following twenty-two (22) voting members and eight (8) nonvoting members:*

- (a) *Seven (7) state government members or their designees who shall be voting members:*
1. *The director of the University of Kentucky Center for Applied Energy Research, who shall serve as chair;*
 2. *The secretary of the Energy and Environment Cabinet;*
 3. *The secretary of the Cabinet for Economic Development;*
 4. *The chair of the Public Service Commission;*
 5. *The president of the Council on Postsecondary Education;*
 6. *The secretary of the Education and Labor Cabinet; and*
 7. *The director of the Division of Emergency Management;*
- (b) *Fifteen (15) at-large members who shall be voting members:*
1. *A representative from each of the four (4) investor-owned electric utilities operating in the Commonwealth, designated by the president of each investor-owned electric utility, unless two (2) or more of the investor-owned electric utilities are operated under common ownership, in which case only one (1) representative shall be designated for the commonly owned utilities;*
 2. *Three (3) representatives of electric cooperatives designated by the chief operating officer of the Kentucky Association of Electric Cooperatives, as follows:*
 - a. *One (1) of whom shall represent distribution cooperatives; and*
 - b. *Two (2) of whom shall represent each of the generation and transmission electric cooperatives operating in the Commonwealth, unless they are operated under common ownership, in which case only one (1) representative shall be designated for the commonly owned generation and transmission electric cooperatives;*
 3. *A representative of the Tennessee Valley Authority, designated by its chief nuclear officer;*
 4. *A representative of municipal utilities, designated by the executive director of the Kentucky League of Cities;*
 5. *A representative of nuclear site remediation services, designated by the director of business services for the Four Rivers Nuclear Partnership or by another organization that provides nuclear site remediation services;*
 6. *A representative for environmental interests, designated by the executive director of the Kentucky Conservation Committee;*
 7. *A representative of manufacturers, designated by the president of the Kentucky Association of Manufacturers;*
 8. *A representative for commercial interests, designated by the president of the Kentucky Chamber of Commerce;*
 9. *A mayor of a city, designated by the executive director of the Kentucky League of Cities, who lives in an "energy community" as that term is used in the Inflation Reduction Act of 2022, Pub. L. No. 117-169, and as it is defined in the latest guidance by the Internal Revenue Service; and*
 10. *A county judge/executive, designated by the executive director of the Kentucky Association of Counties, who lives in an "energy community" as that term is used in the Inflation Reduction Act of 2022, Pub. L. No. 117-169, and as it is defined in the latest guidance by the Internal Revenue Service; and*
- (c) *Eight (8) nonvoting members:*
1. *The president of the Nuclear Energy Institute, or designee;*
 2. *A representative from a national nuclear educational nonprofit organization, designated by the chair and confirmed by a majority of the voting members;*

3. *A representative from a United States Department of Energy National Laboratory with expertise in nuclear energy policy issues, designated by the chair and confirmed by a majority of the voting members;*
 4. *A representative from a nongovernmental nuclear policy advocacy organization, designated by the chair and confirmed by a majority of the voting members;*
 5. *Two (2) members of the Senate, who shall serve as ex officio members, designated by the President of the Senate; and*
 6. *Two (2) members of the House of Representatives, who shall serve as ex officio members, designated by the Speaker of the House of Representatives.*
- (3) *State government members named in subsection (2)(a) of this section and members of the General Assembly named in subsection (2)(c)5. and 6. of this section shall serve on the advisory board during the terms of their appointed or elected state government positions. After the initial appointments, all other members of the advisory board shall serve terms of four (4) years. Members shall be eligible to succeed themselves and shall serve until their successors are appointed. A vacancy occurring during the term of any member shall be filled in the same manner as the original appointment.*
- (4) *A majority of the voting members of the advisory board shall constitute a quorum for the purposes of conducting business. The advisory board shall meet at least quarterly, or more often at the call of the chair.*
- (5) *Members of the advisory board shall not be paid for their service as board members, and they shall not be reimbursed for any expenses relating to their attendance of board meetings.*
- (6) *The advisory board shall hire a director of the authority who shall possess the skills and experience necessary to lead the authority effectively, promote the safe and responsible development of nuclear energy, and achieve the authority's purposes described in subsection (7) of this section.*
- (7) *The purposes of the authority shall be to:*
- (a) *Assist interested communities in understanding advanced nuclear opportunities, including the importance of secure, firm, cost-competitive power for customers and for economic development opportunities, as well as the potential for direct and indirect economic benefits associated with the employment and tax revenue generated from nuclear energy projects;*
 - (b) *Provide information to the public on the history of nuclear energy technologies in the Commonwealth, the status of existing nuclear energy projects within the Commonwealth, and the potential benefits and concerns associated with nuclear energy technologies;*
 - (c) *Develop the capacity for nuclear energy economic development in the Commonwealth, which shall include providing information to educational institutions on the types of career opportunities that will be available with the development of nuclear energy, building strong relationships with economic development professionals, promoting existing economic development incentives applicable to nuclear energy development, and seeking out new grants and other financial support for nuclear energy development;*
 - (d) *Seek greater clarity and certainty with stakeholders on financial support for early nuclear site permitting, the process for obtaining a nuclear power facility certificate of public convenience and necessity, and the recovery of construction work in progress for nuclear energy projects;*
 - (e) *Work with communities that have previously hosted nuclear-related activities and other communities facing a transition away from fossil fuels to empower those communities with the resources and information necessary to engage with regulators, developers, and decisionmakers on new nuclear power facilities, nuclear component manufacturing facilities, and fuel cycle facilities;*
 - (f) *Strengthen engagement with the federal Nuclear Regulatory Commission by reviewing current safety and security practices implemented at different types of nuclear energy facilities under their purview, promoting the streamlining of permitting efforts, and supporting the siting of interim and permanent nuclear storage facilities via the continued use of consent-based siting;*
 - (g) *Build the organizational capacity to engage and potentially convene a consortium of stakeholders interested in nuclear energy technologies that would consist of utilities, environmental advocates, electric cooperatives, and major industrial companies in order to share best practices, including how*

to share risk associated with developing and constructing new nuclear power plants within the Commonwealth;

- (h) *Engage with the United States Department of Energy National Laboratories, academic institutions, and private companies on efforts to develop deployable technologies to reprocess or recycle spent nuclear fuel; and*
 - (i) *Maintain awareness of potential events that could initiate or accelerate the development of new nuclear energy technologies within the Commonwealth to allow the public to benefit from these projects.*
- (8) *The authority, with the approval of the advisory board, shall:*
- (a) *Propose and adopt bylaws for the management and operation of the authority;*
 - (b) *Develop and adopt a strategic plan for carrying out the purposes of the authority described in subsection (7) of this section;*
 - (c) *Create and update at least once every two (2) years a nuclear energy economic impact analysis for the Commonwealth;*
 - (d) *Employ necessary staff to carry out the functions of the authority; and*
 - (e) *By December 1, 2025, and each December 1 thereafter, submit a report to the Governor and the Legislative Research Commission for referral to the Interim Joint Committees on Natural Resources and Energy, Appropriations and Revenue, and Economic Development and Workforce Investment providing a summary of the authority's activities and achievements since its last report and offering recommendations for the support and expansion of the nuclear energy ecosystem in the Commonwealth.*

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

- (1) *The Kentucky Nuclear Energy Development Authority, with the approval of its advisory board, shall develop and adopt criteria for awarding a nuclear-ready community designation to demonstrate a community's readiness to welcome nuclear energy-related development. The criteria to attain the designation shall include but not be limited to:*
- (a) *The holding of local public educational meetings to educate the community on advanced nuclear energy technologies, the nuclear ecosystem, and the role that nuclear energy-related development could play in the community;*
 - (b) *The availability of sites within the community that have been recognized by the Cabinet for Economic Development as being suitable for nuclear energy-related projects; and*
 - (c) *The adoption of resolutions from the county and all cities in the county or a successful county ballot initiative declaring the community's readiness for nuclear energy-related projects to be developed and sited there.*
- (2) *Communities may voluntarily apply to the Kentucky Nuclear Energy Development Authority for a nuclear-ready community designation in the form and manner as the authority may require, and the authority shall evaluate the application and award the designation based on the criteria established under subsection (1) of this section.*

➔SECTION 3. A NEW SECTION OF SUBCHAPTER 12 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

- (1) *The Cabinet for Economic Development shall create and implement a financial assistance program for the development and location of nuclear energy-related projects to support the entire nuclear energy ecosystem in the Commonwealth, including utility and private sector economic development activities. The nuclear energy ecosystem includes but is not limited to:*
- (a) *The nuclear fuel cycle, which includes fuel conversion, enrichment, and fabrication, as well as potential future spent fuel recycling and reprocessing;*
 - (b) *Reactor design and component manufacturing;*
 - (c) *Component supply chain manufacturing and distribution;*
 - (d) *Facility siting and development;*

- (e) *Radioisotope production;*
 - (f) *Facility operation and maintenance;*
 - (g) *Decommissioning waste storage, transport, and management; and*
 - (h) *End uses of nuclear energy and co-products.*
- (2) *The cabinet, in consultation with the Kentucky Nuclear Energy Development Authority established in Section 1 of this Act, shall verify and process eligible financial assistance requests for nuclear energy-related projects under the grant program, similar to the application, approval, and oversight process for the economic development fund program outlined in KRS 154.12-100. The authority shall promulgate administrative regulations in accordance with KRS Chapter 13A to effectuate this section.*

➔Section 4. Members named to the advisory board of the Kentucky Nuclear Energy Development Authority in subsection (2)(b) of Section 1 of this Act shall serve initial terms of three years. Members named to the advisory board in subsection (2)(c)1. to 4. of Section 1 of this Act shall serve initial terms of two years.

➔Section 5. The Kentucky Nuclear Energy Development Authority shall conduct a study to identify the workforce and educational needs to develop and support the nuclear ecosystem in the Commonwealth. The Kentucky Nuclear Energy Development Authority shall submit the findings of the study to the Governor and to the Legislative Research Commission on or before December 1, 2024.

➔Section 6. The Kentucky Nuclear Energy Development Authority shall contract for services to produce a site suitability study to identify the best potential locations for nuclear reactors and other facilities related to the nuclear ecosystem in the Commonwealth. The Kentucky Nuclear Energy Development Authority shall submit the findings of the study to the Governor and to the Legislative Research Commission on or before December 1, 2025.

➔Section 7. The Kentucky Nuclear Energy Development Authority shall contract for services to develop and implement an education and marketing plan to educate the public on modern nuclear energy technology and to provide information on the potential benefits of nuclear power generation and other applications of nuclear energy technologies.

Veto Overridden April 12, 2024.

CHAPTER 170

(SB 259)

AN ACT relating to the board of the West End Opportunity Partnership.

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

- ➔Section 1. KRS 65.503 is amended to read as follows:
- (1) The West End Opportunity Partnership shall be governed by a board. The board shall initially consist of the following members:
- (a) One (1) member appointed by the Governor for a term of two (2) years;
 - (b) One (1) member appointed by the mayor of a consolidated local government for a term of two (2) years;
 - (c) One (1) member of the legislative council of the consolidated local government appointed by its members for a term of three (3) years;
 - (d) A representative of the University of Louisville appointed by its board of trustees for a term of three (3) years;
 - (e) A representative of Simmons College of Kentucky appointed by its board of trustees for a term of three (3) years; and
 - (f) 1. The following shall be appointed by the Governor:
 - a. One (1) member from the NAACP of Louisville;
 - b. One (1) member from OneWest in Louisville;

- c. One (1) member from Louisville Urban League;
 - d. One (1) member from the Federal Reserve Bank in Louisville;
 - e. One (1) member from the Volunteers of America Mid States in Louisville;
 - f. One (1) member from a locally based foundation with assets over one hundred million dollars (\$100,000,000); and
 - g. One (1) member from a bank with local assets greater than one billion dollars (\$1,000,000,000).
2. The initial appointments of the members described in subparagraph 1. of this paragraph shall be for terms as follows:
 - a. Two (2) members for a term of one (1) year;
 - b. Two (2) members for a term of two (2) years;
 - c. Two (2) members for a term of three (3) years; and
 - d. One (1) member for a term of four (4) years.
- (2) The board shall include in its bylaws a process for appointing one (1) member from each of the nine (9) neighborhoods in the development area as additional members. The process shall:
 - (a) Ensure the nine (9) members are each from a different neighborhood;
 - (b) Require that, at all times, at least one (1) of the nine (9) members representing the neighborhoods shall be between the ages of eighteen (18) and thirty (30) at the time of appointment or reappointment; and
 - (c) Provide that the initial appointment of the members be for terms as follows:
 1. Four (4) members for a term of two (2) years; and
 2. Five (5) members for a term of three (3) years.
 - (3) If a member appointed under subsection (1) of this section is unable or unwilling to serve on the board, the board may substitute an appointed member by majority vote to serve on the board for the remainder of the appointee's term. The board shall identify an entity that is located in or has a history of service to the West End Opportunity Partnership area from which a potential substitute appointee can be selected.
 - (4) After expiration of the term limits provided in subsections (1) and (2) of this section, the board shall self-perpetuate. ***The board shall have the authority to set its own procedures to determine successors, and may require more than one (1) nominee from each of the institutions described in paragraph (f) of subsection (1) of this section.*** The overall makeup of the board shall remain the same unless an institution ceases to exist, ~~for~~ changes corporate form, ***or refuses to comply with the procedures adopted by the board to determine its successors, in which event the institution shall be deemed to have forfeited its membership, and a successor member may be appointed pursuant to subsection (3) of this section.*** All successors of the representatives described in subsection (1) of this section shall serve four (4) year terms and all successors of the representatives described in subsection (2) of this section shall serve three (3) year terms. No individual shall serve more than two (2) consecutive terms.
 - (5) The head of economic development for the consolidated local government, or his or her designee, and the secretary of the Cabinet for Economic Development, or his or her designee, shall be nonvoting, ex officio members of the West End Opportunity Partnership.
 - (6) The membership of the board shall not exceed twenty-one (21) voting members.
 - (7) The majority of the board's membership shall reflect the racial majority of the residents living in the development area.
 - (8) A chair of the board shall be selected annually from its members and shall have responsibility for board meeting agendas and presiding at board meetings.
 - (9) Members of the board shall be entitled only to reimbursement from the West End Opportunity Partnership for actual expenses incurred in the performance of their duties as board members.
 - (10) A majority of the entire voting members of the board shall constitute a quorum, and all actions of the board shall be by vote of a majority of its entire voting membership.

- (11) A member of the board shall abstain from action on an official decision in which he or she has or may have a personal or private interest, or if the member is affiliated with any party conducting business with the West End Opportunity Partnership, shall disclose the existence of that personal or private interest or affiliation in writing to the other members of the board on the same day on which the member becomes aware that the interest or affiliation exists or that an official decision may be under consideration by the board. The member which has or may have a personal or private interest or affiliation shall be absent from all meetings and votes in relation to the matter.
- (12) As a prerequisite to service, each appointee to the board and each member of the West End Louisville Advisory Council established in KRS 65.506 shall participate in a board-sanctioned training program on the topics of community and economic development, finance, equity and community engagement, gentrification, and the implications of these concepts.

Veto Overridden April 12, 2024.

CHAPTER 171

(SB 299)

AN ACT relating to the Kentucky Horse Racing Commission and declaring an emergency.

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

➔SECTION 1. KRS 230.210 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

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

- (1) *"Advance deposit account wagering" means a form of pari-mutuel wagering in which an individual may establish an account with a person or entity licensed by the corporation, and may place a pari-mutuel wager through that account that is permitted by law;*
- (2) *"Advance deposit account wagering licensee" means a person or entity licensed by the corporation to conduct advance deposit account wagering and accept deposits and wagers, issue a receipt or other confirmation to the account holder evidencing such deposits and wagers, and transfer credits and debits to and from accounts;*
- (3) *"Amateur youth sporting event" means any sporting event in which an individual:*
- (a) *Shall be less than eighteen (18) years of age to participate; and*
- (b) *Is prohibited, as a condition of participating in the sporting event, from receiving direct or indirect compensation for the use of the individual's athletic skill in any manner with respect to the sport in which the particular sporting event is conducted;*
- (4) *"Appaloosa race" or "Appaloosa racing" means that form of horse racing in which each horse participating in the race is registered with the Appaloosa Horse Club of Moscow, Idaho, and is mounted by a jockey;*
- (5) *"Arabian" means a horse that is registered with the Arabian Horse Registry of Denver, Colorado;*
- (6) *"Association" means any person licensed by the Kentucky Horse Racing and Gaming Corporation under Section 56 of this Act and engaged in the conduct of a recognized horse race meeting;*
- (7) *"Charitable gaming" means gaming licensed by the corporation on and after July 1, 2025, as authorized under this chapter and KRS Chapter 238;*
- (8) *"Corporation" means the Kentucky Horse Racing and Gaming Corporation;*
- (9) *"Geofence" means a virtual geographic boundary defined by Global Positioning System (GPS) or Radio Frequency Identification (RFID) technology;*
- (10) *"Harness race" or "harness racing" means trotting and pacing races of the standardbred horses;*

- (11) *"Horse race meeting" means horse racing run at an association licensed and regulated by the Kentucky Horse Racing and Gaming Corporation, and may include Thoroughbred, harness, Appaloosa, Arabian, paint, and quarter horse racing;*
- (12) *"Host track" means the track conducting racing and offering its racing for intertrack wagering, or, in the case of interstate wagering, means the Kentucky track conducting racing and offering simulcasts of races conducted in other states or foreign countries;*
- (13) *"Intertrack wagering" means pari-mutuel wagering on simulcast horse races from a host track by patrons at a receiving track;*
- (14) *"Interstate wagering" means pari-mutuel wagering on simulcast horse races from a track located in another state or foreign country by patrons at a receiving track or simulcast facility;*
- (15) *"Kentucky quarter horse, paint horse, Appaloosa, and Arabian purse fund" means a purse fund established to receive funds as specified in Section 77 of this Act for purse programs established in Section 85 of this Act to supplement purses for quarter horse, paint horse, Appaloosa, and Arabian horse races. The purse program shall be administered by the Kentucky Horse Racing and Gaming Corporation;*
- (16) *"Kentucky resident" means:*
 - (a) *An individual domiciled within this state;*
 - (b) *An individual who maintains a place of abode in this state and spends, in the aggregate, more than one hundred eighty-three (183) days of the calendar year in this state; or*
 - (c) *An individual who lists a Kentucky address as his or her principal place of residence when applying for an account to participate in advance deposit account wagering;*
- (17) *"Licensed facility for sports wagering" means the designated areas to conduct sports wagering for a track licensed to conduct sports wagering pursuant to Section 98 of this Act;*
- (18) *"Licensed premises" means a track or simulcast facility licensed by the corporation under this chapter;*
- (19) *"Paint horse" means a horse registered with the American Paint Horse Association of Fort Worth, Texas;*
- (20) *"Pari-mutuel wagering," "pari-mutuel system of wagering," or "mutuel wagering" each means any method of wagering previously or hereafter approved by the corporation in which one (1) or more patrons wager on a horse race or races, whether live, simulcast, or previously run. Wagers shall be placed in one (1) or more wagering pools, and wagers on different races or sets of races may be pooled together. Patrons may establish odds or payouts, and winning patrons share in amounts wagered including any carryover amounts, plus any amounts provided by an association less any deductions required, as approved by the corporation and permitted by law. Pools may be paid out incrementally over time as approved by the corporation;*
- (21) *"Person" means an individual, sole proprietorship, partnership, association, fiduciary, corporation, limited liability company, or any other business entity;*
- (22) *"President" means the president of the Kentucky Horse Racing and Gaming Corporation, who shall serve as chief executive officer of the corporation;*
- (23) *"Principal" means any of the following individuals associated with a partnership, trust, association, limited liability company, or corporation that is licensed to conduct a horse race meeting or an applicant for a license to conduct a horse race meeting:*
 - (a) *The chairman and all members of the board of directors of a corporation;*
 - (b) *All partners of a partnership and all participating members of a limited liability company;*
 - (c) *All trustees and trust beneficiaries of an association;*
 - (d) *The president or chief executive officer and all other officers, managers, and employees who have policymaking or fiduciary responsibility within the organization;*
 - (e) *All stockholders or other individuals who own, hold, or control, either directly or indirectly, five percent (5%) or more of stock or financial interest in the collective organization; and*
 - (f) *Any other employee, agent, guardian, personal representative, or lender or holder of indebtedness who has the power to exercise a significant influence over the applicant's or licensee's operation;*

- (24) *"Quarter horse" means a horse that is registered with the American Quarter Horse Association of Amarillo, Texas;*
- (25) *"Receiving track" means a track where simulcasts are displayed for wagering purposes. A track that submits an application for intertrack wagering shall meet all the regulatory criteria for granting an association license of the same breed as the host track, and shall have a heated and air-conditioned facility that meets all state and local life safety code requirements and seats a number of patrons at least equal to the average daily attendance for intertrack wagering on the requested breed in the county in which the track is located during the immediately preceding calendar year;*
- (26) *"Simulcast facility" means any facility approved pursuant to Section 81 of this Act to simulcast live racing and conduct pari-mutuel wagering on live racing;*
- (27) *"Simulcasting" means the telecast of live audio and visual signals of horse races for the purpose of pari-mutuel wagering;*
- (28) *"Sporting event" means an event at which two (2) or more persons participate in athletic contests, or an event that takes place in relation to athletic contests as approved by the corporation, but shall not include horse racing or amateur youth sports or athletic events in which the majority of participants are under the age of eighteen (18) years;*
- (29) *"Sports governing body" means the organization, league, or association that oversees a sport, prescribes final rules, and enforces codes of conduct with respect to such sport and participants therein;*
- (30) *"Sports wagering" means the wagering conducted under this chapter on sporting events or portions of sporting events, or on the individual performance statistics of athletes in a sporting event or combination of sporting events, in conformance with federal law and as authorized by the corporation pursuant to this chapter;*
- (31) *"Sports wagering device":*
- (a) *Means a mechanical, electrical, or computerized contrivance, terminal, device, apparatus, software, piece of equipment, or supply approved by the corporation for conducting sports wagering under this chapter; and*
 - (b) *Includes a personal computer, mobile device, or other device used in connection with sports wagering not conducted at a licensed facility for sports wagering;*
- (32) *"Sports wagering service provider" or "service provider" means a person authorized to conduct or manage sports wagering through an agreement with a track and provide these services at a licensed facility for sports wagering, simulcast facility, or through a website or mobile interface approved by the corporation;*
- (33) *"Telephone account wagering" means a form of pari-mutuel wagering where an individual may deposit money in an account at a track and may place a wager by direct telephone call or by communication through other electronic media owned by the holder of the account to the track;*
- (34) *"Thoroughbred race" or "Thoroughbred racing" means a form of horse racing in which each horse participating in the race is a Thoroughbred, (i.e., meeting the requirements of and registered with The Jockey Club of New York) and is mounted by a jockey; and*
- (35) *"Track" means any association duly licensed by the Kentucky Horse Racing and Gaming Corporation to conduct horse racing and includes:*
- (a) *For facilities in operation as of 2010, the location and physical plant described in the "Commonwealth of Kentucky Initial/Renewal Application for License to Conduct Live Horse Racing, Simulcasting, and Pari-Mutuel Wagering," filed for racing to be conducted in 2010;*
 - (b) *Real property of an association, if the association received or receives approval from the corporation after 2010 for a location at which live racing is to be conducted; or*
 - (c) *One (1) facility or real property that is:*
 - 1. *Owned, leased, or purchased by an association within a sixty (60) mile radius of the association's racetrack but not contiguous to racetrack premises, upon corporation approval; and*
 - 2. *Not within a sixty (60) mile radius of another licensed track premise where live racing is conducted and not within a forty (40) mile radius of a simulcast facility, unless any affected*

track or simulcast facility agrees in writing to permit a noncontiguous facility within the protected geographic area.

➔Section 2. KRS 230.215 is amended to read as follows:

- (1) (a) It is the policy of the Commonwealth of Kentucky, in furtherance of its responsibility to foster and to encourage legitimate occupations and industries in the Commonwealth and to promote and to conserve the public health, safety, and welfare, and it is hereby declared the intent of the Commonwealth to foster and to encourage the horse breeding industry within the Commonwealth and to encourage the improvement of the breeds of horses.
- (b) Further, it is the policy and intent of the Commonwealth to foster and to encourage the business of legitimate horse racing with pari-mutuel wagering thereon in the Commonwealth on the highest possible plane. Further, it hereby is declared the policy and intent of the Commonwealth that all racing not licensed under this chapter is a public nuisance and may be enjoined as such.
- (c) Further, it is hereby declared the policy and intent of the Commonwealth that the conduct of horse racing, or the participation in any way in horse racing, or the entrance to or presence where horse racing is conducted, is a privilege and not a personal right; and that this privilege may be granted or denied by the **corporation**~~[racing commission]~~ or its duly approved representatives acting in its behalf.
- (d) Further, it is hereby declared the policy and intent of the Commonwealth that citizens shall be allowed to enjoy wagering on sporting events in a controlled environment that protects the citizens from cheating and fraud, and that such wagering shall be best controlled and overseen by the Kentucky Horse Racing **and Gaming Corporation**~~Commission~~, which has demonstrated a long and successful history of regulating wagering.
- (2) (a) It is hereby declared the purpose and intent of this chapter in the interest of the public health, safety, and welfare, to vest in the **corporation**~~[racing commission]~~ forceful control of horse racing in the Commonwealth with plenary power to promulgate administrative regulations prescribing conditions under which all legitimate horse racing and wagering thereon is conducted in the Commonwealth so as to encourage the improvement of the breeds of horses in the Commonwealth, to regulate and maintain horse racing at horse race meetings in the Commonwealth of the highest quality and free of any corrupt, incompetent, dishonest, or unprincipled horse racing practices, and to regulate and maintain horse racing at race meetings in the Commonwealth so as to dissipate any cloud of association with the undesirable and maintain the appearance as well as the fact of complete honesty and integrity of horse racing in the Commonwealth.
- (b) In addition, it is hereby declared the purpose and intent of this chapter to vest in the **corporation**~~[racing commission]~~ exclusive jurisdiction over sports wagering in the Commonwealth, with plenary power to promulgate administrative regulations prescribing conditions under which all sports wagering is to be conducted.
- (c) In addition to the general powers and duties vested in the **corporation**~~[racing commission]~~ by this chapter, it is the intent hereby to vest in the **corporation**~~[racing commission]~~ the power to eject or exclude from association grounds or any part thereof any person, licensed or unlicensed, whose conduct or reputation is such that his or her presence on association grounds may, in the opinion of the **corporation**~~[racing commission]~~, reflect on the honesty and integrity of horse racing or interfere with either the orderly conduct of horse racing or the orderly conduct of sports wagering.

➔Section 3. KRS 230.215 is amended to read as follows:

- (1) (a) It is the policy of the Commonwealth of Kentucky, in furtherance of its responsibility to foster and to encourage legitimate occupations and industries in the Commonwealth and to promote and to conserve the public health, safety, and welfare, and it is hereby declared the intent of the Commonwealth to foster and to encourage the horse breeding industry within the Commonwealth and to encourage the improvement of the breeds of horses.
- (b) Further, it is the policy and intent of the Commonwealth to foster and to encourage the business of legitimate horse racing with pari-mutuel wagering thereon in the Commonwealth on the highest possible plane. Further, it hereby is declared the policy and intent of the Commonwealth that all racing not licensed under this chapter is a public nuisance and may be enjoined as such.
- (c) Further, it is hereby declared the policy and intent of the Commonwealth that the conduct of horse racing, or the participation in any way in horse racing, or the entrance to or presence where horse racing

is conducted, is a privilege and not a personal right; and that this privilege may be granted or denied by the **corporation**~~[racing commission]~~ or its duly approved representatives acting in its behalf.

- (d) Further, it is hereby declared the policy and intent of the Commonwealth that citizens shall be allowed to enjoy wagering on sporting events in a controlled environment that protects the citizens from cheating and fraud, and that such wagering shall be best controlled and overseen by the Kentucky Horse Racing **and Gaming Corporation**~~[Commission]~~, which has demonstrated a long and successful history of regulating wagering.
 - (e) ***Further, it is hereby declared the policy and intent of the Commonwealth that charitable gaming conducted by charitable organizations is an important method of raising funds for legitimate charitable purposes and is in the public interest. The intent of this chapter and KRS Chapter 238 is to prevent the commercialization of charitable gaming, to prevent participation in charitable gaming by criminal and other undesirable elements, and to prevent the diversion of funds from legitimate charitable purposes, and that charitable gaming shall be best controlled and overseen by the Kentucky Horse Racing and Gaming Corporation.***
- (2) (a) It is hereby declared the purpose and intent of this chapter in the interest of the public health, safety, and welfare, to vest in the **corporation**~~[racing commission]~~ forceful control of horse racing in the Commonwealth with plenary power to promulgate administrative regulations prescribing conditions under which all legitimate horse racing and wagering thereon is conducted in the Commonwealth so as to encourage the improvement of the breeds of horses in the Commonwealth, to regulate and maintain horse racing at horse race meetings in the Commonwealth of the highest quality and free of any corrupt, incompetent, dishonest, or unprincipled horse racing practices, and to regulate and maintain horse racing at race meetings in the Commonwealth so as to dissipate any cloud of association with the undesirable and maintain the appearance as well as the fact of complete honesty and integrity of horse racing in the Commonwealth.
- (b) In addition, it is hereby declared the purpose and intent of this chapter to vest in the **corporation**~~[racing commission]~~ exclusive jurisdiction over sports wagering in the Commonwealth, with plenary power to promulgate administrative regulations prescribing conditions under which all sports wagering is to be conducted.
- (c) In addition to the general powers and duties vested in the **corporation**~~[racing commission]~~ by this chapter, it is the intent hereby to vest in the **corporation**~~[racing commission]~~ the power to eject or exclude from association grounds or any part thereof any person, licensed or unlicensed, whose conduct or reputation is such that his or her presence on association grounds may, in the opinion of the **corporation**~~[racing commission]~~, reflect on the honesty and integrity of horse racing or interfere with either the orderly conduct of horse racing or the orderly conduct of sports wagering.
- (d) ***In addition, it is hereby declared the purpose and intent of this chapter to vest in the corporation exclusive jurisdiction over charitable gaming in the Commonwealth, with plenary power to promulgate administrative regulations prescribing conditions under which all charitable gaming is to be conducted.***
- (e) ***In addition to the general powers and duties vested in the corporation by this chapter, it is the intent hereby to vest in the corporation the power to eject or exclude from charitable gaming facilities or any part thereof any person, licensed or unlicensed, whose conduct or reputation is such that his or her presence at a charitable gaming facility may, in the opinion of the corporation, reflect on the honesty and integrity of charitable gaming or interfere with the orderly conduct of charitable gaming.***

➔SECTION 4. KRS 230.225 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

- (1) ***There is hereby created and established the Kentucky Horse Racing and Gaming Corporation to regulate all forms of live horse racing, pari-mutuel wagering, sports wagering, breed integrity and development, and on and after July 1, 2025, charitable gaming, in the Commonwealth, exclusive of the state lottery established under KRS Chapter 154A. It shall be an independent, de jure municipal corporation and political subdivision of the Commonwealth of Kentucky which shall be a public body corporate and politic. The corporation shall be deemed a public agency within the meaning of KRS 61.805 and 61.870. The corporation shall be managed in such a manner that enables the people of the Commonwealth to benefit from its actions and to enjoy the best possible racing and gaming experiences. The General Assembly hereby recognizes that the operations of racing and gaming are unique activities for state government and***

that a corporate structure will best enable racing and gaming to be managed in a businesslike manner. It is the intent of the General Assembly that the Kentucky Horse Racing and Gaming Corporation shall be accountable to the Governor, the General Assembly, and the people of the Commonwealth.

- (2) (a) *The Auditor of Public Accounts shall perform an annual audit of the corporation, a copy of which shall be sent to the Governor and the Legislative Research Commission.*
- (b) *The corporation shall submit a written annual report to the Governor and the Legislative Research Commission on or before July 1 of each year. The first report shall be due July 1, 2025. The corporation shall file any additional reports requested by the Governor or the Legislative Research Commission. The annual report shall include the following information:*
 1. *The receipts and disbursements of the corporation; and*
 2. *Actions taken by the corporation.*
- (c) *The corporation may submit any additional information and recommendations that the corporation considers useful or that the Governor or the Legislative Research Commission requests.*
- (3) *The Kentucky Horse Racing and Gaming Corporation shall be administered by a board of directors to regulate the conduct of:*
 - (a) *Live horse racing;*
 - (b) *Pari-mutuel wagering;*
 - (c) *Sports wagering;*
 - (d) *Charitable gaming on and after July 1, 2025;*
 - (e) *Breed integrity and development; and*
 - (f) *Related activities within the Commonwealth of Kentucky.*
- (4) (a) *The corporation shall establish and maintain a general office for the transaction of its business and may, in its discretion, establish a branch office or offices.*
- (b) *The corporation may hold meetings at any of its offices or at any other place at its convenience.*
- (c) *A majority of the voting members of the corporation shall constitute a quorum for the transaction of its business or exercise of any of its powers.*
- (5) *Except as otherwise provided, the corporation shall be responsible for the following:*
 - (a) *Developing and implementing programs designed to ensure the safety and well-being of horses, jockeys, and drivers;*
 - (b) *Developing programs and procedures that will aggressively fulfill its oversight and regulatory role on such matters as medical practices and integrity issues;*
 - (c) *Recommending tax incentives and implementing incentive programs to ensure the strength and growth of the equine industry;*
 - (d) *Designing and implementing programs that strengthen the ties between Kentucky's horse industry and the state's universities, with the goal of significantly increasing the economic impact of the horse industry on Kentucky's economy, improving research for the purpose of promoting the enhanced health and welfare of the horse, and other related industry issues;*
 - (e) *Developing and supporting programs which ensure that Kentucky remains in the forefront of equine research;*
 - (f) *Designing and implementing programs that support and ensure breed integrity and development;*
 - (g) *Developing monitoring programs to ensure the highest integrity of sporting events and sports wagering;*
 - (h) *Developing a program to share wagering information with sports governing bodies upon which sports wagering may be conducted. The program shall be designed to assist the corporation in determining potential problems or questionable activity and provide reports to sports governing bodies effectively;*

- (i) *Developing programs and procedures that will aggressively fulfill its oversight and regulatory role to ensure the highest integrity in charitable gaming;*
 - (j) *Developing programs and procedures that will aggressively provide oversight and regulation for all current forms of gaming and wagering; and*
 - (k) *Ensuring that the correct responsibilities are assigned to each of its offices as established in Section 5 of this Act.*
- (6) (a) *The corporation shall:*
- 1. *Conduct all procurements in accordance with procedures which are not inconsistent with the provisions of KRS Chapter 45A and this chapter; provided, however, that this chapter shall control if and to the extent that any provision in this chapter is expressly inconsistent with any provision of KRS Chapter 45A; or*
 - 2. *Promulgate administrative regulations establishing its procurement procedures. If the corporation elects to promulgate administrative regulations establishing its procurement procedures rather than conduct procurements in accordance with KRS Chapter 45A, the corporation may include sections of KRS Chapter 45A as part of its administrative regulations.*
- (b) *Major procurements for personal service contracts shall not be subject to the requirements of KRS 45A.695(2)(b) due to the unique operational activities conducted for state government by the corporation. The corporation's procurement procedures or administrative regulations shall be designed to provide for the purchase of supplies, equipment, services, and construction items that provide the greatest long-term benefit to the state and the greatest integrity for the corporation and the public.*
- (c) *In its bidding and negotiation processes, the corporation may do its own bidding and procurement, or may utilize the services of the Finance and Administration Cabinet, or a combination thereof. The president of the corporation may, in lieu of the secretary of the Finance and Administration Cabinet, declare an emergency for purchasing purposes.*
- (7) *Corporation records shall be open and subject to public inspection in accordance with KRS 61.870 to 61.884 unless:*
- (a) *A record is exempted from inspection under KRS 61.878;*
 - (b) *A record involves a trade secret or other legally protected intellectual property or confidential proprietary information of the corporation or of an applicant, licensee, individual, or entity having submitted information of such character to the corporation, in which case, the portion of the record relating to these subjects may be closed; or*
 - (c) *The disclosure of the record could impair or adversely affect the operational security of the corporation in the regulation of matters within its jurisdiction or could impair or adversely impact the operational security of applicants or licensees.*
- (8) *Meetings of the corporation through its board of directors shall be open to the public in accordance with KRS 61.800 to 61.850 unless the exceptions set forth in KRS 61.810 apply or the meeting addresses trade secrets, confidential or proprietary information, or operational security issues as described in subsection (7)(c) of this section. If this is the case, the corporation may meet in closed session and shall follow the procedures set forth in KRS 61.815.*
- (9) (a) *The corporation is hereby authorized to accept and expend such moneys as may be appropriated by the General Assembly or such moneys as may be received from any source for effectuating its purposes, including without limitation the payment of the initial expenses of administration and operation of the corporation.*
- (b) *After the transfer to the corporation of any funds appropriated in fiscal year 2024-2025 and fiscal year 2025-2026 for the administration of this chapter and KRS Chapter 238, the corporation shall be self-sustaining and self-funded and moneys in the state general fund shall not be used or obligated to pay the expenses of the corporation.*
- (10) *On July 1, 2024:*
- (a) *The Kentucky Horse Racing and Gaming Corporation shall assume all responsibilities of the Kentucky Horse Racing Commission;*

- (b) *The Kentucky Horse Racing Commission shall be abolished and all employees of the Kentucky Horse Racing Commission are transferred to the corporation; and*
- (c) *All personnel, equipment, and funding shall be transferred from the Kentucky Horse Racing Commission to the Kentucky Horse Racing and Gaming Corporation.*

(11) *On July 1, 2025:*

- (a) *The office regulating charitable gaming in the Kentucky Horse Racing and Gaming Corporation shall assume all responsibilities of the Department of Charitable Gaming;*
- (b) *The Department of Charitable Gaming shall be abolished and all employees of the Department of Charitable Gaming are transferred to the corporation; and*
- (c) *All personnel, equipment, and funding shall be transferred from the Department of Charitable Gaming to the Kentucky Horse Racing and Gaming Corporation.*

(12) *Notwithstanding any other law to the contrary, nothing in this chapter shall authorize the corporation to:*

- (a) *Regulate or control horse sales;*
- (b) *Require the licensure of horse breeders in their capacity as breeders; or*
- (c) *Exercise jurisdiction over matters within the exclusive national authority of entities designated by the laws of the United States of America.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 230 IS CREATED TO READ AS FOLLOWS:

(1) *The president of the Kentucky Horse Racing and Gaming Corporation shall establish offices within the corporation. Each office shall have specific duties assigned by the president. Topics addressed by the offices shall include but not be limited to the following:*

- (a) *Pari-mutuel wagering;*
- (b) *Live horse racing;*
- (c) *Breed development and integrity;*
- (d) *Sports wagering;*
- (e) *Licensing, compliance, and investigations; and*
- (f) *Charitable gaming.*

(2) *Each office shall be led by an office manager, and the president shall appoint the manager of each office.*

(3) *Each office may propose the promulgation of administrative regulations related to its area of jurisdiction, but the corporation shall have final authority to promulgate administrative regulations under this chapter and on and after July 1, 2025, final authority to promulgate administrative regulations under KRS Chapter 238.*

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 230 IS CREATED TO READ AS FOLLOWS:

(1) (a) *The affairs and responsibilities of the corporation shall be administered by a board of directors composed of fifteen (15) members. All fifteen (15) members shall be appointed by the Governor.*

- (b) *The Governor shall appoint a chair and vice chair of the board, subject to the advice and consent of the Senate. A chair or vice chair appointed when the Senate is not in session shall serve only until the next regular session, or special session if such matter is included in the call therefor of the General Assembly, at which time the chair or vice chair shall be subject to confirmation by the Senate. If the Senate is not in session, the appointments shall be subject to review by the Interim Joint Committee on State Government, which shall hold a public hearing and shall transmit its recommendations to the Senate. If the Senate refuses to confirm the chair or vice chair, then the chair or vice chair shall forfeit the office as of the date on which the Senate refuses to confirm the chair or vice chair.*

- (c) *Members of the board appointed by the Governor shall serve a term of four (4) years, except as otherwise provided in this section.*

(2) *For appointments of the board of directors:*

- (a) *Any member appointed to fill a vacancy occurring other than by expiration of a term shall be appointed for the remainder of the unexpired term.*
- (b) *In making appointments, the Governor shall appoint members who meet the following qualifications:*
1. *Three (3) members who represent the Thoroughbred industry:*
 - a. *One (1) member shall serve a one (1) year term, with any subsequent terms lasting four (4) years;*
 - b. *One (1) member shall serve a two (2) year term, with any subsequent terms lasting four (4) years; and*
 - c. *One (1) member shall serve a three (3) year term, with any subsequent terms lasting four (4) years;*
 2. *One (1) member who represents the standardbred industry;*
 3. *One (1) equine veterinarian who currently practices with race horses;*
 4. *One (1) member shall be selected based on his or her training and experience in the fields of investigation and law enforcement;*
 5. *Three (3) experts in the gaming industry, with knowledge about the technical and logistical sides of the wagering experience. At least one (1) of these experts shall have expertise in the technical and logistical sides of pari-mutuel wagering on previously run horse races;*
 6. *One (1) expert in the operational aspects of the horse industry, with particular knowledge of horse breeding;*
 7. *One (1) expert in the operational aspects of the horse industry, with particular knowledge of horse racing;*
 8. *One (1) horse trainer licensed under this chapter;*
 9. *Two (2) charitable gaming representatives; and*
 10. *One (1) at-large member with no financial interest in the business or industry regulated.*
- (3) (a) *A member of the board of directors, by himself or herself or through others, shall not knowingly:*
1. *Use or attempt to use the member's influence in any manner which involves a substantial conflict between his or her personal or private interest and the member's duties to the corporation;*
 2. *Use or attempt to use any means to influence the corporation in derogation of the corporation;*
 3. *Use the member's official position or office to obtain financial gain for himself or herself, or any spouse, parent, brother, sister, or child of the director; or*
 4. *Use or attempt to use his or her official position to secure or create privileges, exemptions, advantages, or treatment for the member or others in derogation of the interests of the corporation or of the Commonwealth.*
- (b) *A director shall not appear before the board or the corporation in any manner other than as a director.*
- (c) *A director shall abstain from action on an official decision in which he or she has or may have a personal or private interest, and shall disclose the existence of that personal or private interest in writing to each other member of the board on the same day on which the director becomes aware that the interest exists or that an official decision may be under consideration by the board. This disclosure shall cause the decision on these matters to be made in a meeting of the members of the board who do not have the conflict from which meeting the director shall be absent and from all votes on which matters the director shall abstain.*
- (d) *In determining whether to abstain from action on an official decision because of a possible conflict of interest, a director shall consider the following guidelines:*
1. *Whether a substantial threat to the director's independence of judgment has been created by his or her personal or private interest;*

2. *The effect of the director's participation on public confidence in the integrity of the corporation and of racing and gaming;*
3. *Whether the director's participation is likely to have any significant effect on the disposition of the matter;*
4. *The need for the director's particular contribution, such as special knowledge of the subject matter, to the effective functioning of the corporation; and*
5. *Whether the official decision will affect the director in a manner differently from the public, or will affect him or her as a member of a business, profession, occupation, or group to no greater extent generally than other members of the director's business, profession, occupation, or group.*

Any director may request a vote of the disinterested members of the board on whether any director shall abstain from action on an official decision.

- (e) *A director shall not knowingly disclose or use confidential information acquired in the course of his or her official duties in order to further the director's own economic interests, or those of any person.*
 - (f) *A director shall not knowingly receive, directly or indirectly, any interest or profit arising from the use or loan of corporation funds or funds to be raised through the corporation.*
 - (g) *A director shall not knowingly accept compensation, other than that provided in this section for directors, for performance of his or her official duties.*
 - (h) *A present or former director shall not, within one (1) year following termination of the director's membership on the board, accept employment, compensation, or other economic benefit from any person or business that contracts or does business with the corporation in matters in which he or she was directly involved during the director's tenure. This provision shall not prohibit an individual from continuing in the same business, firm, occupation, or profession in which he or she was involved prior to becoming a director, provided that, for a period of one (1) year following termination of his or her position as a director, the director personally refrains from working on any matter in which the director was directly involved as a director. A director's involvement in an official decision or other action of the corporation impacting a broad class of persons or entities, and affecting the director to no greater extent generally than the members of the class, shall not prohibit the director's employment or engagement as a member of the class for any period after service as a director.*
 - (i) *A director, or a spouse, child, brother, sister, or parent of that director shall not have a financial interest of more than five percent (5%) of the total value of any vendor, other supplier of goods or services to the corporation, retailer, or related entity. The corporation shall provide each member of the board with a list of all current vendors, which shall be updated on at least a quarterly basis.*
- (4) *The board of directors shall provide the president with private-sector perspectives on the operation of a large marketing enterprise. The board shall:*
- (a) *Approve, disapprove, amend, or modify the budget recommended by the president for the operation of the corporation;*
 - (b) *Approve, disapprove, amend, or modify the terms of major procurements recommended by the president;*
 - (c) *Serve as a board of appeal for any denial, revocation, or cancellation by the president of a contract with a retailer;*
 - (d) *Promulgate administrative regulations to carry out and implement its powers and duties, the operation of the corporation, the conduct of live horse racing, pari-mutuel wagering, sports wagering, breed integrity and development, and on and after July 1, 2025, charitable gaming, and any other matters necessary or desirable for the efficient and effective operation of the corporation or convenience of the public; and*
 - (e) *Review the performance of the corporation and:*
 1. *Advise the president and make recommendations to him or her regarding operations of the corporation;*

2. *Identify potential improvements in this chapter, the administrative regulations of the corporation, and the management of the corporation; and*
 3. *Request from the corporation any information the board determines to be relevant to its duties.*
- (5) *In all other matters, the board shall advise and make recommendations.*
- (6) (a) *The initial members of the board shall be the members of the Kentucky Horse Racing Commission serving as of July 1, 2024. Those members shall continue to serve as board members of the corporation for two (2) additional years until July 1, 2026.*
- (b) *Any board member vacancy that occurs between July 1, 2024, and July 1, 2026, shall be filled by appointment for the remainder of that time period. An appointment of the chair or vice chair created by a vacancy between July 1, 2024, and July 1, 2026, shall require confirmation of the appointment by the Senate as provided in KRS 11.160 and subsection (1) of this section.*
- (c) *Beginning on July 1, 2026, board members shall be appointed for regular terms in accordance with this section.*
- (7) (a) *Members of the board shall receive no compensation for serving on the board, but shall be reimbursed for travel expenses for attending meetings and performing other official functions consistent with the reimbursement policy for state employees established by KRS 45.101 and administrative regulations promulgated thereunder.*
- (b) *The vice chair may act in the absence of the chair.*
- (c) *Before entering upon the discharge of their duties, all members of the board of directors of the Kentucky Horse Racing and Gaming Corporation shall take the constitutional oath of office.*
- (8) (a) *All persons appointed to the corporation shall be of good moral character and shall not have been convicted of, or under indictment for, a felony in Kentucky, in any other state, in federal court, or in a foreign country.*
- (b) *A board member of the corporation, or any family member of a member of the corporation, at the time of appointment or during the member's tenure on the corporation, shall not be a member of the legislature, a person holding any elective office in the state government, or any officer or official of any political party.*
- (9) *Each appointed board member of the corporation shall be required to undergo a national and state criminal background investigation. The criminal background investigation shall be by means of a fingerprint check by the Department of Kentucky State Police or equivalent state police body in the member's home state and the Federal Bureau of Investigation, pursuant to the following requirements:*
- (a) *The member shall provide his or her fingerprints to the Department of Kentucky State Police, or equivalent state police body in the member's home state, for submission to the Federal Bureau of Investigation after a state criminal background check is conducted;*
- (b) *The results of the national and state criminal background check shall be sent to the corporation;*
- (c) *The corporation shall be prohibited from releasing any criminal history record information to any private or public entity, or authorizing receipt by such private or public entity; and*
- (d) *Any fee charged by the Department of Kentucky State Police or the Federal Bureau of Investigation shall be an amount no greater than the actual cost of processing the request and conducting the background check. The corporation may charge this fee to the member.*
- (10) (a) *The Governor may remove any board member for misfeasance, malfeasance, or nonfeasance in office.*
- (b) *The removal may be made after the member has been served with a copy of the charges against him or her and the member has a public hearing, if requested.*
- (c) *The member charged may request a public hearing. The request shall be in writing and shall be submitted to the Governor's office within ten (10) days of the service of charges upon the member.*
- (d) *If a public hearing is timely requested, the hearing shall be held before a hearing officer appointed by the Governor. The hearing officer shall make findings of fact and conclusions of law based upon the record of the hearing, and shall provide the Governor with a recommendation for action. The*

Governor's final decision, after recommendation by the hearing officer, may be appealed to the Circuit Court of the county in which the cause of action arose.

- (11) *Members of the board of directors shall be subject to all applicable provisions of KRS Chapter 11A.*
- (12) *The provisions of KRS Chapters 18A and 64 shall not apply to the board, president, managers, or staff of the corporation.*

➔SECTION 7. KRS 230.230 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

- (1) *The Governor shall appoint a president, who shall act as chief executive officer of the corporation, from a list of three (3) names provided by the board of directors of the corporation. The president shall serve at the pleasure of the Governor. The president shall have the powers and duties described in this section and other duties directed or prescribed by the corporation.*
- (2) *The president shall be compensated at a level determined by the board.*
- (3) *The president shall have proven successful experience for a period of at least five (5) years at the management level in horse racing or gaming.*
- (4) *The president shall conduct the day-to-day operations of the corporation for the purpose of carrying out the policies and procedures of this chapter and the board. The duties of the president include but are not limited to:*
- (a) *Administering and supervising all operations of the corporation in accordance with the direction of the board and administrative regulations promulgated by the board;*
- (b) *1. Preparing, submitting, and recommending to the board a proposed biennial budget of the corporation covering the operations of the corporation and, upon approval, submitting the budget, financial status, and actuarial condition of the corporation to the Governor and the General Assembly for their examination; and*
- 2. With the approval of the board, amending or modifying the budget at any time in any manner deemed necessary for the proper operation of the corporation;*
- (c) *Directing and controlling all expenditures of the approved budget;*
- (d) *Recommending to the board and administering a system of personnel administration that includes benefits, grievance procedures, training, and compensation;*
- (e) *Preparing and administering fiscal, payroll, accounting, data processing, and procurement procedures for the operation of the corporation;*
- (f) *Recommending to the board bylaws and uniform procedures for the management of the corporation;*
- (g) *Within the limitations of the budget, employing necessary personnel in accordance with the personnel policies of the board;*
- (h) *Maintaining appropriate levels of property, casualty, and liability insurance as approved by the board to protect the president, managers, employees, and assets of the corporation;*
- (i) *Attending meetings of the board or appointing a designee to attend on his or her behalf;*
- (j) *Preparing annual reports of the corporation's program of work; and*
- (k) *Performing all other duties and responsibilities required by law.*
- (5) (a) *The president may hire a chief operating officer for the corporation.*
- (b) *The president shall hire a chief financial officer for the corporation, who shall:*
- 1. a. Be a certified public accountant licensed by the Commonwealth of Kentucky or by another state; or*
- b. Be a public accountant qualified to practice public accounting under KRS Chapter 325; and*
- 2. a. Have at least five (5) years of progressively responsible experience in general accounting and a comprehensive knowledge of the principles and practices of corporate finance; or*

- b. *Possess the qualifications of an expert in the fields of corporate finance, auditing, general finance, gaming, or economics.*
- (6) *The president shall give an official bond in an amount and with sureties approved by the board. The premium for the bond shall be paid by the corporation.*
- (7) *Following the president's confirmation, and during his or her entire term of office, the president shall reside in Kentucky.*
- (8) *The president and the board may conduct an ongoing study of the operation and administration of racing and gaming in other states or countries, of available literature on the subject, of federal laws and regulations which may affect the operation of the corporation, and of the reaction of citizens of this state to existing or proposed racing and gaming, with a view toward implementing improvements that will tend to serve the purposes of this chapter and, on and after July 1, 2025, KRS Chapter 238.*
- (9) *The president may:*
 - (a) *Require bond from corporate employees with access to corporate funds or racing or gaming funds, in an amount promulgated in the administrative regulations of the board. The president may also require bond from other employees; and*
 - (b) *For good cause, suspend, revoke, or refuse to renew any contract entered into in accordance with:*
 - 1. *This chapter;*
 - 2. *On and after July 1, 2025, KRS Chapter 238; or*
 - 3. *The administrative regulations of the board.*
- (10) *The president shall be subject to all applicable provisions of KRS Chapter 11A.*

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 230 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *Notwithstanding any provision of KRS 61.520 to the contrary, the corporation shall participate in the Kentucky Employees Retirement System effective July 1, 2024, and all eligible employees shall participate in the Kentucky Employees Retirement System effective July 1, 2024.*
- (b) *Notwithstanding any provision of KRS 18A.205 to 18A.275 to the contrary, employees of the corporation shall be:*
 - 1. *Provided the same health insurance coverage as all other state government employees as provided in KRS 18A.225 to 18A.2287;*
 - 2. *Provided the same life insurance coverage provided all state employees as provided in KRS 18A.205 to 18A.220; and*
 - 3. *Eligible to participate in the deferred compensation system provided for all state government employees as provided in KRS 18A.230 to 18A.275.*
- (c) *The Personnel Cabinet and the Kentucky Public Pensions Authority shall assist in the transfer of employees of the Kentucky Horse Racing Commission to the corporation by July 1, 2024, and the Department of Charitable Gaming to the corporation by July 1, 2025.*
- (2) *A manager or employee of the corporation shall not have a financial interest in any vendor doing business or proposing to do business with the corporation.*
- (3) *A manager or employee of the corporation with decision-making authority shall not participate in any decision involving a retailer with whom the manager or employee has a financial interest of five percent (5%) or more of the total value thereof.*
- (4) *A manager or employee of the corporation who leaves the employ of the corporation shall not represent any vendor, retailer, or related entity before the corporation for a period of two (2) years following termination of employment with the corporation.*
- (5) *A background investigation shall be conducted on every applicant who has reached the final selection process prior to employment by the corporation. Applicants may be fingerprinted as a condition of employment. In addition, all office managers of the corporation and employees of the corporation performing duties primarily related to security matters, prior to employment, shall be subject to a background investigation report conducted by the Department of Kentucky State Police. The Department of*

Kentucky State Police shall be reimbursed by the corporation for the cost of investigations conducted pursuant to this section. A person who has been convicted of a felony, bookmaking or other forms of illegal gambling, or of a crime where dishonesty is a necessary element shall not be employed by the corporation. Any employee of the corporation who is or has been convicted of a felony, bookmaking or any other form of illegal gambling, or of a crime where dishonesty is a necessary element shall be terminated from employment by the corporation, except that this requirement shall not be interpreted to limit the right of the corporation to terminate the employment of any employee, at will, prior to any conviction.

- (6) *Employees of the corporation shall be subject to all applicable provisions of KRS Chapter 11A.*

➔SECTION 9. KRS 230.260 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The corporation shall have all powers necessary and proper to carry out and effectuate the purposes and provisions of this chapter on and after July 1, 2024, and the purposes and provisions of KRS Chapter 238 on and after July 1, 2025, including but not limited to the following:

- (1) *The corporation is vested with jurisdiction and supervision over all live horse racing, pari-mutuel wagering, sports wagering, breed integrity and development, and on and after July 1, 2025, charitable gaming, except for lottery games authorized under KRS Chapter 154A, in this Commonwealth and over all associations and all persons on association grounds and may eject or exclude therefrom or any part thereof, any person, licensed or unlicensed, whose conduct or reputation is such that the person's presence on association grounds may, in the opinion of the corporation, negatively reflect on the honesty and integrity of horse racing, or on sporting events upon which sports wagers may be placed, or interfere with the orderly conduct of horse racing or racing at horse race meetings, but no persons shall be excluded or ejected from association grounds solely on the ground of race, color, creed, national origin, ancestry, or sex;*
- (2) *The corporation is vested with jurisdiction over any person or entity that offers advance deposit account wagering to Kentucky residents. Any such person or entity under the jurisdiction of the corporation shall be licensed by the corporation, and the corporation may impose a license fee not to exceed ten thousand dollars (\$10,000) annually. The corporation shall, by administrative regulation promulgated in accordance with KRS Chapter 13A, establish conditions and procedures for the licensing of advance deposit account wagering providers to include but not be limited to:*
 - (a) *A fee schedule for applications for licensure; and*
 - (b) *Reporting requirements to include quarterly reporting on:*
 1. *The amount wagered on Kentucky races; and*
 2. *The total amount wagered by Kentuckians;*
- (3) *The corporation is vested with jurisdiction over any totalisator company that provides totalisator services to a racing association located in the Commonwealth. A totalisator company under the jurisdiction of the corporation shall be licensed by the corporation, regardless of whether a totalisator company is located in the Commonwealth or operates from a location or locations outside of the Commonwealth, and the corporation may impose a license fee on a totalisator company. The corporation shall, by administrative regulation promulgated in accordance with KRS Chapter 13A, establish conditions and procedures for the licensing of totalisator companies, and a fee schedule for applications for licensure;*
- (4) *The corporation is vested with jurisdiction over any manufacturer, wholesaler, distributor, or vendor of any equine drug, medication, therapeutic substance, or metabolic derivative which is purchased by or delivered to a licensee or other person participating in Kentucky horse racing by means of the internet, mail delivery, in-person delivery, or other means;*
- (5) *The corporation is vested with jurisdiction over any horse training center or facility in the Commonwealth that records official timed workouts for publication;*
- (6) *The corporation may require an applicant for a license under subsection (2) or (3) of this section to submit to a background check of the applicant, or of any individual or organization associated with the applicant. An applicant shall be required to reimburse the corporation for the cost of any background check conducted;*
- (7) *The corporation, its representatives and employees, may visit, investigate, and have free access to the office, track, facilities, or other places of business of any licensee, or any person owning a horse or performing services regulated by this chapter on a horse registered to participate in a breeders incentive fund under the jurisdiction of the corporation;*

- (8) *The corporation shall have full authority to prescribe necessary and reasonable administrative regulations and conditions under which horse racing at a horse race meeting shall be conducted in this state and to fix and regulate the minimum amount of purses, stakes, or awards to be offered for the conduct of any horse race meeting;*
- (9) *Applications for licenses shall be made in the form and manner and contain information as required by the corporation through the promulgation of administrative regulations. Fees for all licenses issued under Section 10 of this Act shall be prescribed by and paid to the corporation;*
- (10) *The corporation shall establish by administrative regulation minimum fees for jockeys to be effective in the absence of a contract between an employing owner or trainer and a jockey. The minimum fees shall be no less than those of July 1, 1985;*
- (11) *The corporation may refuse to issue or renew a license, revoke or suspend a license, impose probationary conditions on a license, issue a written reprimand or admonishment, impose fines or penalties, deny purse money, require the forfeiture of purse money, or any combination thereof with regard to a licensee or other person participating in Kentucky horse racing for violation of any federal or state statute, regulation, or steward's or corporation's directive, ruling, or order to preserve the integrity of Kentucky horse racing or to protect the racing public. The corporation shall, by administrative regulation, establish the criteria for taking the actions described in this subsection;*
- (12) *The corporation may issue subpoenas for the attendance of witnesses before it and for the production of documents, records, papers, books, supplies, devices, equipment, and all other instrumentalities related to live horse racing, pari-mutuel wagering, sports wagering, breed integrity and development, and on and after July 1, 2025, charitable gaming, within the Commonwealth. The corporation may administer oaths to witnesses and require witnesses to testify under oath whenever, in the judgment of the corporation, it is necessary to do so for the effectual discharge of its duties;*
- (13) *The corporation shall have authority to compel any racing association licensed under this chapter to file with the corporation at the end of its fiscal year, a balance sheet, showing assets and liabilities, and an earnings statement, together with a list of its stockholders or other persons holding a beneficial interest in the association;*
- (14) *The corporation shall promulgate administrative regulations establishing safety standards for jockeys, which shall include the use of rib protection equipment. Rib protection equipment shall not be included in a jockey's weight;*
- (15)
 - (a) *The corporation shall promulgate administrative regulations establishing a self-exclusion list for individuals who self-identify as being problem or compulsive gamblers.*
 - (b) *Self-exclusion information collected by each racing association shall be forwarded to the corporation, and the information from the racing associations shall be compiled into a comprehensive list that shall be provided to all racing associations.*
 - (c) *Pursuant to KRS 61.878(1)(a), information collected under this subsection shall be excluded from the application of KRS 61.870 to 61.884;*
- (16)
 - (a) *The corporation shall promulgate administrative regulations to establish standards for the conduct of sports wagering, including standards for receiving and paying out wagers, offering sports wagering through a website or mobile application, maintaining and auditing books and financial records, securely maintaining records of bets and wagers, integrity requirements for sports wagering and related data, suitability requirements for providers of associated equipment, geofence standards for wager placement, designated areas for sports wagering, surveillance and monitoring systems, and other reasonable technical criteria related to conducting sports wagering.*
 - (b) *The corporation shall promulgate administrative regulations related to age requirements for placing sports wagers, availability of information related to sports wagers, and licensing requirements, including temporary authorizations, for service providers, vendors, and suppliers; and*
- (17)
 - (a) *On and after July 1, 2025, the corporation is vested with jurisdiction and supervision over all charitable gaming and shall promulgate administrative regulations to establish standards for the conduct of charitable gaming consistent with the guidelines established in this chapter and KRS Chapter 238. The corporation may eject or exclude therefrom or any part thereof, any person, licensed or unlicensed, whose conduct or reputation is such that the person's presence at a charitable gaming facility may, in the opinion of the corporation, negatively reflect on the honesty and integrity*

of charitable gaming, or interfere with the orderly conduct of charitable gaming at a charitable gaming facility, but no persons shall be excluded or ejected from a charitable gaming facility solely on the ground of race, color, creed, national origin, ancestry, or sex.

- (b) *The administrative regulations of the Kentucky Horse Racing Commission that are in effect on July 1, 2024, shall remain in effect as the initial administrative regulations of the corporation until the corporation amends or repeals the administrative regulations pursuant to KRS Chapter 13A, except as provided by KRS 13A.3102, 13A.3104, and 13A.330.*
- (c) *The administrative regulations of the Department of Charitable Gaming that are in effect on July 1, 2025, shall remain in effect as the initial administrative regulations of the corporation until the corporation amends or repeals the administrative regulations pursuant to KRS Chapter 13A, except as provided by KRS 13A.3102, 13A.3104, and 13A.330.*

➔Section 10. KRS 230.310 is amended to read as follows:

- (1) (a) Every person not required to be licensed under KRS 230.300 who desires to participate in horse racing in the Commonwealth as a horse owner, trainer, jockey, apprentice jockey, agent, stable employee, racing official, association employee, or employee of a person or concern contracting with the association to provide a service or commodity and which requires their presence on association grounds during a race meeting, or veterinarian, farrier, horse dentist, or supplier of food, tack, medication, or horse feed, or in any other capacity as the ~~corporation~~~~racing commission~~ shall ~~from time to time~~ establish by administrative regulation, shall first apply to the ~~corporation~~~~racing commission~~ for a license to participate in the activity on association grounds during a race meeting. No person required to be licensed by this section may participate in any activity required to be licensed on association grounds during a race meeting without a valid license therefor.
- (b) An applicant for a license shall submit to the ~~corporation~~~~racing commission~~ fingerprints as may be required and other information necessary and reasonable for processing a license application. The ~~corporation~~~~racing commission~~ is authorized to exchange fingerprint data with the Department of Kentucky State Police and the Federal Bureau of Investigation in order to conduct a criminal history background check of an applicant.
- (c) The ~~corporation~~~~racing commission~~ may issue a license if it finds that the financial responsibility, age, experience, reputation, competence, and general fitness of the applicant to perform the activity permitted by a license are consistent with the best interest of racing and the maintenance of the honesty, integrity, and high quality thereof.
- (2) (a) Every person who desires to participate in sports wagering in the Commonwealth working in a licensed facility for sports wagering, directly supervising individuals who have the capability of affecting the outcome of sports wagering, or having the capability to affect the outcome of sports wagering through deployment of code to production for any critical component of a sports wagering system or the capability to deploy code to production shall first apply to the ~~corporation~~~~commission~~ for a valid occupational license to participate in that activity.
- (b) An applicant for an occupational license shall submit to the ~~corporation~~~~racing commission~~ fingerprints as may be required and other information necessary and reasonable for processing a license application. The ~~corporation~~~~racing commission~~ is authorized to exchange fingerprint data with the Department of Kentucky State Police and the Federal Bureau of Investigation in order to conduct a criminal history background check of an applicant.
- (c) The ~~corporation~~~~racing commission~~ may issue a license if it finds that the financial responsibility, age, experience, reputation, competence, and general fitness of the applicant to perform the activity permitted by a license are consistent with the best interest of sports wagering in the Commonwealth, and the maintenance of the honesty, integrity, and high quality thereof.
- (3) A license may be issued for the calendar year for which an applicant applies or, if authorized by administrative regulation, a license may be issued that expires on the last day of the birth month of the licensee. A license may be renewed by the ~~corporation~~~~racing commission~~. The license shall be valid at all horse race meetings in the Commonwealth during the period for which it is issued unless suspended or revoked under the administrative regulations promulgated by the ~~corporation~~~~racing commission~~ under this chapter. The occupational license to participate in sports wagering may be suspended or revoked pursuant to administrative regulations promulgated by the ~~corporation~~~~racing commission~~ under this chapter. With respect to horse

owners and trainers, the *corporation*~~[racing commission]~~ may promulgate administrative regulations to facilitate and promote uniform, reciprocal licensing with other states.

➔Section 11. KRS 230.310 is amended to read as follows:

- (1) (a) Every person not required to be licensed under KRS 230.300 who desires to participate in horse racing in the Commonwealth as a horse owner, trainer, jockey, apprentice jockey, agent, stable employee, racing official, association employee, or employee of a person or concern contracting with the association to provide a service or commodity and which requires their presence on association grounds during a race meeting, or veterinarian, farrier, horse dentist, or supplier of food, tack, medication, or horse feed, or in any other capacity as the *corporation*~~[racing commission]~~ shall~~[from time to time]~~ establish by administrative regulation, shall first apply to the *corporation*~~[racing commission]~~ for a license to participate in the activity on association grounds during a race meeting. No person required to be licensed by this section may participate in any activity required to be licensed on association grounds during a race meeting without a valid license therefor.
- (b) An applicant for a license shall submit to the *corporation*~~[racing commission]~~ fingerprints as may be required and other information necessary and reasonable for processing a license application. The *corporation*~~[racing commission]~~ is authorized to exchange fingerprint data with the Department of Kentucky State Police and the Federal Bureau of Investigation in order to conduct a criminal history background check of an applicant.
- (c) The *corporation*~~[racing commission]~~ may issue a license if it finds that the financial responsibility, age, experience, reputation, competence, and general fitness of the applicant to perform the activity permitted by a license are consistent with the best interest of racing and the maintenance of the honesty, integrity, and high quality thereof.
- (2) (a) Every person who desires to participate in sports wagering in the Commonwealth working in a licensed facility for sports wagering, directly supervising individuals who have the capability of affecting the outcome of sports wagering, or having the capability to affect the outcome of sports wagering through deployment of code to production for any critical component of a sports wagering system or the capability to deploy code to production shall first apply to the *corporation*~~[commission]~~ for a valid occupational license to participate in that activity.
- (b) An applicant for an occupational license shall submit to the *corporation*~~[racing commission]~~ fingerprints as may be required and other information necessary and reasonable for processing a license application. The *corporation*~~[racing commission]~~ is authorized to exchange fingerprint data with the Department of Kentucky State Police and the Federal Bureau of Investigation in order to conduct a criminal history background check of an applicant.
- (c) The *corporation*~~[racing commission]~~ may issue a license if it finds that the financial responsibility, age, experience, reputation, competence, and general fitness of the applicant to perform the activity permitted by a license are consistent with the best interest of sports wagering in the Commonwealth, and the maintenance of the honesty, integrity, and high quality thereof.
- (3) ***Every person who desires to be licensed to participate in charitable gaming shall first meet the standards of this chapter and the standards established in KRS Chapter 238.***
- (4) A license may be issued for the calendar year for which an applicant applies or, if authorized by administrative regulation, a license may be issued that expires on the last day of the birth month of the licensee. A license may be renewed by the *corporation*~~[racing commission]~~. The license shall be valid at all horse race meetings in the Commonwealth during the period for which it is issued unless suspended or revoked under the administrative regulations promulgated by the *corporation*~~[racing commission]~~ under this chapter. The occupational license to participate in sports wagering may be suspended or revoked pursuant to administrative regulations promulgated by the *corporation*~~[racing commission]~~ under this chapter. With respect to horse owners and trainers, the *corporation*~~[racing commission]~~ may promulgate administrative regulations to facilitate and promote uniform, reciprocal licensing with other states.

➔Section 12. KRS 230.817 is amended to read as follows:

- (1) (a) There is hereby established in the State Treasury a restricted account to be known as the sports wagering administration fund. The fund shall consist of moneys received from the moneys collected under KRS 138.552, 230.811, and 230.814 and state appropriations.
- (b) 1. The amounts deposited in the fund shall be used as follows:

- a. For administrative expenses relating to or associated with the purposes of sports wagering which shall be disbursed by the Finance and Administration Cabinet upon the warrant of the ***Kentucky Horse Racing and Gaming Corporation***~~[Public Protection Cabinet]~~; and
 - b. Two and one-half percent (2.5%) of the funds shall be deposited in the Kentucky problem gambling assistance account established in KRS 230.826.
2. The remaining funds shall be deposited in the Kentucky permanent pension fund established in KRS 42.205.
 3. Any interest accruing to the fund shall become a part of the fund and shall not lapse.
- (2) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward into the next fiscal year.
 - (3) Moneys deposited in the fund are hereby appropriated for the purposes set forth in this section and shall not be appropriated or transferred by the General Assembly for any other purposes.

➔Section 13. KRS 238.505 is amended to read as follows:

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

- (1) "~~Office~~[~~Department~~]" means the ***office regulating***~~[~~Department of~~]~~ charitable gaming within the ***Kentucky Horse Racing and Gaming Corporation established by the president under KRS Chapter 230***~~[~~Public Protection Cabinet~~]~~;
- (2) "Charitable gaming" means bingo, charity game tickets, raffles, and charity fundraising events conducted for fundraising purposes by charitable organizations licensed and regulated under the provisions of this chapter. "Charitable gaming" shall not include slot machines, electronic video gaming devices, wagering on live sporting events, or simulcast broadcasts of horse races;
- (3) "Charitable organization" means a nonprofit entity organized for charitable, religious, educational, literary, civic, fraternal, or patriotic purposes;
- (4) "Bingo" means a specific game of chance in which participants use cards or paper sheets, or card-minding device representations thereof, divided into horizontal and vertical spaces, each of which is designated by a letter and a number, and prizes are awarded on the basis of the letters and numbers on the card conforming to a predetermined and preannounced configuration of letters and numbers selected at random;
- (5) "Charity game ticket" means a game of chance using a folded or banded paper ticket, or a paper card with perforated break-open tabs, or electronic pulltab device representations thereof, the face of which is covered or otherwise hidden from view to conceal a number, letter, symbol, or set of numbers, letters, or symbols, some of which have been designated in advance as prize winners and shall include charity game tickets that utilize a seal card. "Charity game ticket" shall include pulltabs, both paper and electronic representations thereof;
- (6) "Seal card" means a board or placard used in conjunction with charity game tickets, that contains a seal or seals which, when removed or opened, reveal predesignated winning numbers, letters, or symbols;
- (7) "Raffle" means a game of chance in which a participant is required to purchase a ticket for a chance to win a prize, with the winner to be determined by a random drawing;
- (8) "Charity fundraising event" means an activity of limited duration at which games of chance approved by the ~~office~~[~~department~~] are conducted, including bingo, raffles, charity game tickets, special limited charitable games, and wagering on prerecorded horse races, KRS Chapter 230 notwithstanding. Examples of such activities include events that attract patrons for community, social, and entertainment purposes apart from charitable gaming, such as fairs, festivals, carnivals, licensed charitable gaming organization conventions, bazaars, and banquets. For the purposes of this subsection, "banquet" shall mean a formal meal or feast held by a charitable organization for community, social, or entertainment purposes apart from charitable gaming;
- (9) "Manufacturer" means a person who assembles from raw materials or subparts any charitable gaming equipment or supplies used in the conduct of charitable gaming, including a person who converts, modifies, and adds to or removes parts from, charitable gaming equipment and supplies. The term shall not include:
 - (a) Any person who services or repairs charitable gaming supplies and equipment, so long as that person replaces or repairs an incidental, malfunctioning, or nonfunctioning part with a similar or identical part; and

- (b) Any distributor who cuts, collates, and packages for distribution any gaming supplies and equipment purchased in bulk;
- (10) "Distributor" means a person who sells, markets, leases, or otherwise furnishes to a charitable organization charitable gaming equipment or supplies, or both, used in the conduct of charitable gaming. "Distributor" shall not include:
 - (a) A resident printer who prints raffle tickets at the request of a licensed charitable organization; and
 - (b) A licensed charitable organization that affects a one-time donation of charitable gaming supplies or equipment to another licensed charitable organization if the donation is first approved by the ~~office~~~~department~~.
- (11) "Charitable gaming facility" means the premises on which charitable gaming is conducted;
- (12) "Gross receipts" means all moneys collected or received from the conduct of charitable gaming;
- (13) "Adjusted gross receipts" means gross receipts less all cash prizes and the amount paid for merchandise prizes purchased;
- (14) "Net receipts" means adjusted gross receipts less all expenses, charges, fees, and deductions authorized under this chapter;
- (15) "Charitable gaming supplies and equipment" means any material, device, apparatus, or paraphernalia customarily used in the conduct of charitable gaming, including bingo cards and paper, charity game tickets, and other apparatus or paraphernalia used in conducting games of chance at charity fundraising events subject to regulation under this chapter. The term shall not include any material, device, apparatus, or paraphernalia incidental to the game, such as pencils, daubers, playing cards, or other supplies that may be purchased from normal sources of supply;
- (16) "Door prize" means a prize awarded to a person based solely upon the person's attendance at an event or the purchase of a ticket to attend an event;
- (17) "Special limited charitable game" means roulette; blackjack; poker; keno; money wheel; baccarat; pusher-type games; any dice game where the player competes against the house; and any other game of chance as identified, defined, and approved by administrative regulation of the ~~corporation~~~~department~~;
- (18) "Special limited charity fundraising event" means any type of charity fundraising event, commonly known as and operated as a "casino night," "Las Vegas night," or "Monte Carlo night," at which the predominant number or types of games offered for play are special limited charitable games;
- (19) "Session" or "bingo session" means a single gathering at which a bingo game or series of successive bingo games are played, excluding bingo played at a charity fundraising event;
- (20) "Immediate family" means:
 - (a) Spouse and parents-in-law;
 - (b) Parents and grandparents;
 - (c) Children and their spouses; and
 - (d) Siblings and their spouses;
- (21) "Affiliate" means any corporation, partnership, association, or other business or professional entity or any natural person that directly or indirectly, through one or more intermediaries, controls, or is controlled by, or is under common control with a licensed manufacturer, distributor, or charitable gaming facility;
- (22) "~~Board~~~~Secretary~~" means the ~~board of directors~~~~secretary~~ of the *Kentucky Horse Racing and Gaming Corporation*~~Public Protection Cabinet~~;
- (23) "*Corporation*" means the *Kentucky Horse Racing and Gaming Corporation*;
- (24) "~~Manager~~~~Commissioner~~" means the ~~manager~~~~commissioner~~ of the ~~office regulating~~~~Department of~~ charitable gaming *established by the president* within the *Kentucky Horse Racing and Gaming Corporation*~~Public Protection Cabinet~~;
- (25) "*President*" means the *president of the Kentucky Horse Racing and Gaming Corporation*;

- (26)~~(24)~~ "Chairperson" means the chief executive officer and any officer, member, or employee of a licensed charitable organization who will be involved in the management and supervision of charitable gaming as designated in the organization's charitable gaming license application under KRS 238.535(13)(g);
- (27)~~(25)~~ "Year" means calendar year except as used in ~~subsection (11) of this section and~~ KRS 238.535(11), 238.545(4), 238.547(1), and 238.555(7), when "year" means the licensee's license year;
- (28)~~(26)~~ "Card-minding device" means any mechanical, electronic, electromechanical, or computerized device that is interfaced with or connected to equipment used to conduct a game of bingo and that allows a player to store, display, and mark a bingo card face. A card-minding device shall not be designed and manufactured to resemble any electronic gaming device that utilizes a video display monitor, such as a video lottery terminal, video slot machine, video poker machine, or any similar video gaming device;
- (29)~~(27)~~ "Electronic pulltab device" means an electronic device used only for charitable gaming to facilitate the play of an electronic pulltab. An electronic pulltab device shall be a tablet or other personal computing device, other than a mobile phone or similar handheld device, as approved by the ~~office~~~~department~~. An electronic pulltab device may only operate on a closed network or intranet that is confined to the licensee's premises, and shall not be Internet accessible by patrons, but shall be connected to a central server system solely for the purposes of monitoring, reporting, accounting, and software maintenance. An electronic pulltab device shall not be designed and manufactured to resemble any electronic gaming device that utilizes a video display monitor, such as a video lottery terminal, video slot machine, video poker machine, or any similar video gaming device; and
- (30)~~(28)~~ "Electronic video gaming device," as used in this chapter and the related administrative regulations, means any device that possesses a video display and computer mechanism for playing a game. Electronic video gaming device shall not mean any electronic representation of charitable gaming games identified, defined, and approved by statute and by administrative regulation of the ~~corporation~~~~department~~.

➔Section 14. KRS 238.510 is amended to read as follows:

- (1) The ~~Office~~~~Department~~ of Charitable Gaming is created as *an office*~~a department~~ within the *Kentucky Horse Racing and Gaming Corporation*~~Public Protection Cabinet~~. The ~~office~~~~department~~ shall license and regulate the conduct of charitable gaming and license and regulate charitable organizations that desire to engage in charitable gaming, charitable gaming facilities, manufacturers, and distributors in the Commonwealth of Kentucky in accordance with the provisions of this chapter.
- (2) The ~~office~~~~department~~ shall be headed by a *manager*~~commissioner~~ who shall be appointed by the *president*~~Governor~~. The *president*~~commissioner~~ shall employ staff as may be necessary to administer and enforce the provisions of this chapter.
- (3) All ~~office~~~~department~~ staff shall be classified and employed in accordance with applicable personnel requirements of the Personnel Cabinet in accordance with KRS Chapter 18A.
- (4) No employee of the ~~office~~~~department~~ during his or her term of employment shall be an officer in a charitable organization that is licensed to conduct charitable gaming or be involved in the conduct of charitable gaming as a member of a licensed charitable organization. No employee of the ~~office~~~~department~~ during his or her term of employment shall be licensed as a manufacturer, distributor, or charitable gaming facility, or have a financial interest in any business that is licensed as a manufacturer, distributor, or charitable gaming facility.
- (5) The *president*~~commissioner~~ shall appoint charitable gaming investigators who shall have the powers of peace officers throughout the Commonwealth; however, those powers shall be limited to:
 - (a) Enforcement of the provisions of KRS Chapter 238, relating to charitable gaming;
 - (b) Violations of KRS Chapter 528, relating to:
 1. Unlicensed and illegal charitable gaming;
 2. Gambling offenses committed on licensed charitable gaming premises; and
 3. Gambling offenses committed in conjunction with charitable gaming;
 - (c) Violations of KRS Chapter 514, relating to theft, embezzlement, or other illegal diversions of charitable gaming proceeds;
 - (d) Violations of KRS Chapters 516 and 517, relating to forgery and fraud in the conduct of charitable gaming;

- (e) Violations relating to the damage or destruction of real or personal property owned or leased by a charitable gaming licensee; and
- (f) Violation of any criminal felony offense committed:
 - 1. On licensed charitable gaming premises; and
 - 2. In the presence of a charitable gaming investigator.
- (6) Charitable gaming investigators shall satisfy the certification standards established by the Department of Criminal Justice Training pursuant to KRS Chapter 15. The ~~manager~~~~commissioner~~ may possess peace officer powers granted under subsection (5) of this section, if he or she is duly qualified. Charitable gaming investigators shall not qualify for hazardous duty coverage under the Kentucky Employees Retirement System.
- (7) Charitable gaming investigators so appointed shall not possess peace officer powers other than those provided in subsection (5) of this section.

➔Section 15. KRS 238.515 is amended to read as follows:

The ~~office~~~~department~~ shall license and regulate the conduct of charitable gaming in the Commonwealth of Kentucky. In discharging this responsibility, the ~~office~~~~department~~ shall have the following powers and duties:

- (1) Licensing charitable organizations, charitable gaming facilities, manufacturers, and distributors that desire to engage in charitable gaming;
- (2) Establishing and enforcing reasonable standards for the conduct of charitable gaming and the operation of charitable gaming facilities;
- (3) Prescribing reasonable fees for licenses;
- (4) Establishing standards of accounting, recordkeeping, and reporting to insure charitable gaming receipts are properly accounted for;
- (5) Establishing a process for reviewing complaints and allegations of wrongdoing, and for investigating complaints with merit. In furtherance of this duty, the ~~office may~~~~department shall have the authority to~~ issue administrative subpoenas and summonses. The ~~office~~~~department~~ shall also establish toll-free telephone service for receiving complaints and inquiries;
- (6) Taking appropriate disciplinary action, *subject to the final order of the board*, and making referrals for criminal prosecution of persons who do not operate in compliance with this chapter;
- (7) Collecting and depositing all fees and fines in the charitable gaming regulatory account and administering the account;
- (8) Employing necessary staff, securing adequate office space, and executing other administrative and logistical matters ~~as may be necessary~~ to assure proper functioning of the ~~office~~~~department~~; and
- (9) ~~Proposing~~~~Promulgating~~ administrative regulations~~, in accordance with KRS Chapter 13A,~~ which are necessary to carry out the purposes and intent of this chapter. Any administrative regulation proposed by the ~~office~~~~department~~ that changes the manner in which a charitable organization conducts charitable gaming or is likely to cause a charitable organization to incur new or additional costs shall be subject to the requirements of KRS 238.522. In ~~proposing~~~~promulgating~~ administrative regulations under this subsection, the ~~office~~~~department~~ shall submit any proposed regulations to the *Kentucky Horse Racing and Gaming Corporation and the advisory council*~~commission~~ established under KRS 238.520, and shall ~~give~~~~not promulgate the administrative regulations without giving~~ the advisory ~~council~~~~commission~~ the opportunity to produce written comments in accordance with KRS 238.522 *prior to submitting the proposed administrative regulations to the Kentucky Horse Racing and Gaming Corporation*. If the advisory ~~council~~~~commission~~ chooses to produce written comments, the comments shall be attached to any public submission of the administrative regulation, including any filing under KRS Chapter 13A.

➔Section 16. KRS 238.520 is amended to read as follows:

- (1) The Charitable Gaming Advisory ~~Council~~~~Commission~~ is created to be composed of nine (9) members consisting of:
 - (a) The ~~president~~~~secretary~~ of the *Kentucky Horse Racing and Gaming Corporation*~~Public Protection Cabinet~~ or ~~his~~ designee;
 - (b) The Attorney General or ~~his~~ designee;

- (c) One (1) representative from the Kentucky Commonwealth's Attorneys Association;
- (d) One (1) representative from the Kentucky Charitable Gaming Association;
- (e) One (1) certified public accountant;
- (f) One (1) member selected from the public at large;
- (g) One (1) representative selected from the Joint Executive Council of Veterans Organizations of Kentucky;
- (h) One (1) representative from Catholic organizations; and
- (i) One (1) representative from Kentucky's volunteer firefighter organizations.

The certified public accountant, the one (1) at-large member, and the representatives from the Kentucky Commonwealth's Attorneys Association and the Kentucky Charitable Gaming Association shall be appointed by the Governor. The representative from each of the two (2) associations, the one (1) representative from the Joint Executive Council of Veterans Organizations of Kentucky, the one (1) representative from the Catholic organizations, and the one (1) representative from the volunteer firefighter organizations shall be selected from a list of at least three (3) names submitted to the Governor by the respective association.

- (2) ~~Initial appointments to the commission shall be for staggered terms as follows: one (1) member for a term of one (1) year; two (2) members for a term of two (2) years; two (2) members for a term of three (3) years; and two (2) members for a term of four (4) years. Thereafter,]~~ Each member shall be appointed for a term of four (4) years. No member from the public at large shall be appointed in the same year. Vacancies shall be filled in the same manner as the original appointment for the unexpired portion of the term. No member of the ~~council[commission]~~ may serve more than two (2) full terms.
- (3) The Charitable Gaming Advisory ~~Council[Commission]~~ shall provide ongoing advice and input to the ~~office[department]~~ and to the General Assembly but shall not become directly involved in the licensing and regulation of charitable gaming by the ~~office or corporation[department]~~.
- (4) The ~~council[commission]~~ shall meet quarterly, upon the request of the chair or four (4) of its members or as otherwise directed by the ~~office[department]~~. Five (5) members shall constitute a quorum for conducting business. The ~~council[commission]~~ shall annually elect a ~~chair[chairman]~~ from its membership, and no person elected ~~chair[chairman]~~ shall serve more than two (2) consecutive terms of one (1) year each. Members shall receive no compensation for serving on the ~~council[commission]~~, but shall be reimbursed for travel expenses for attending meetings and performing other official functions, consistent with state reimbursement policy for state employees.

➔Section 17. KRS 238.522 is amended to read as follows:

- (1) *The corporation shall promulgate all administrative regulations relating to charitable gaming. Any administrative regulation filing may be proposed by the office, but it shall only be approved and filed by the corporation. Authority over administrative regulations promulgated under this chapter shall be transferred to and vested in the corporation on and after July 1, 2025, as authorized by KRS 13A.312.*
- (2)~~(4)~~
 - (a) If the ~~office[department]~~ has proposed a new or amended administrative regulation that changes the manner in which a charitable organization conducts charitable gaming or is likely to cause a charitable organization to incur new or additional costs, the ~~office[department]~~ shall not ~~propose[promulgate]~~ the proposed administrative regulation *to the corporation* without first receiving comments from the Charitable Gaming Advisory ~~Council[Commission]~~ established in KRS 238.520, subject to the restrictions of paragraph (b) of this subsection.
 - (b)
 - 1. If the proposed administrative regulation qualifies under paragraph (a) of this subsection, the ~~office[department]~~ shall distribute the proposed administrative regulation to the advisory ~~council[commission]~~.
 - 2. The advisory ~~council[commission]~~ shall be granted a maximum of sixty (60) days to submit its comments on the proposed regulatory change. If the administrative regulation is a new emergency regulation, the advisory ~~council[commission]~~ shall be granted a maximum of thirty (30) days to submit its comments on the proposed regulatory change.
 - 3. The time limits in this paragraph shall begin from the day the ~~office[department]~~ submits the regulatory change and sets a date for a proposed hearing for the comments of the advisory ~~council[commission]~~. If the advisory ~~council[commission]~~ is already scheduled to meet at a time

that will give it an adequate opportunity to review the *administrative* regulation and respond, the hearing may be held at that meeting.

4. If ~~the~~^{an} advisory *council*~~commission~~ is not scheduled to meet, the *office*~~department~~ shall arrange for the advisory *council*~~commission~~ to meet at a time that will provide the advisory *council*~~commission~~ an adequate opportunity to review and comment on the *administrative* regulation within the time limit. If the advisory *council*~~commission~~ fails to comment within the time limit, the *office*~~department~~ may proceed with the administrative changes at ~~the~~^{its} discretion *of the corporation*.
 - (c) To the extent that any other statute relating to the *office's*~~department's~~ authority to *propose*~~promulgate~~ administrative regulations conflicts with this section, this section shall take precedence.
 - (d) If the advisory *council*~~commission~~ chooses to produce written comments, these comments shall be attached to any public submission of the administrative regulation, including any filing under KRS Chapter 13A, and may include majority or minority comments or both.
- (3)~~(2)~~ Any power or limitation relating to administrative regulations *proposed*~~promulgated~~ by the *office*~~department~~ that are subject to subsection (2)~~(1)~~ of this section shall also apply to administrative regulations *proposed*~~promulgated~~ by the *manager*~~commissioner~~ of the *office*~~department~~.

➔Section 18. KRS 238.525 is amended to read as follows:

- (1) Licenses shall be issued by the *office*~~department~~ on an annual or biennial basis, except as otherwise permitted in KRS 238.530 and 238.545. A license term may be determined by the *office*~~department~~ in any manner it deems appropriate to facilitate efficient licensing. The *office*~~department~~ shall charge a renewal fee not to exceed the maximum amounts established in KRS 238.530, 238.535, and 238.555.
- (2) The *office*~~department~~ may issue a temporary license to an applicant who has met the requirements for a license. A temporary license shall be valid from the date of issuance until the regular license is issued or for a period of sixty (60) days, whichever is shorter. A temporary license shall not be renewed, except for good cause and shall not exceed a total of nine (9) months in length.
- (3) An applicant for any license to be issued under KRS 238.530 and 238.555 shall be subjected to a state and national criminal history background check by the *office*~~department~~, with the assistance of the Department of Kentucky State Police and the Federal Bureau of Investigation. An applicant for any license to be issued under KRS 238.535 shall be subjected to a state criminal history background check and may, if deemed reasonably necessary, be subjected to a national criminal history background check by the *office*~~department~~ with the assistance of the Department of Kentucky State Police and the Federal Bureau of Investigation. The criminal history background check shall apply to the chief executive officer and the chief financial officer or director of an applicant; any employee or member of an applicant who has been designated as chairperson of the charitable gaming activity; the applicant itself; and any individual with a ten percent (10%) or more financial interest in the applicant. The *office*~~department~~ shall require the fingerprinting of all applicants for licensure under KRS 238.530 and 238.555 and may require, if deemed reasonably necessary, the fingerprints of all applicants for licensure under KRS 238.535, who are natural persons in connection with the national criminal history background check to assure the identity of the applicant or applicants. The *office*~~department~~ may charge a reasonable fee not to exceed the actual cost of fingerprinting and records searching.
- (4) No applicant shall be licensed and no license holder shall be able to maintain a license if an individual associated with the applicant or license holder in a capacity listed in subsection (3) of this section or the applicant or license holder itself has been convicted of a felony, gambling offense, criminal fraud, forgery, theft, falsifying business records, violation of KRS 238.995(7), or any two (2) misdemeanor crimes in federal court or the courts of any state, the District of Columbia, or any territory, consistent with the provisions of KRS Chapter 335B within ten (10) years preceding the application for licensure.
- (5) No applicant shall be licensed unless all applicants required to be fingerprinted under the provision of subsection (3) of this section have been fingerprinted. The Department of Kentucky State Police may submit fingerprints of any applicant to the Federal Bureau of Investigation for the national criminal history background check. The *corporation*~~department~~ may by administrative regulation impose additional qualifications to meet the requirements of Pub. L. No. 92-544.
- (6) If a change occurs in any information submitted during the license application process, the applicant or licensee shall notify the *office*~~department~~ in writing within thirty (30) days of the date the change occurred.

➔Section 19. KRS 238.530 is amended to read as follows:

- (1) No person shall sell, offer to sell, rent, lease, or otherwise furnish charitable gaming supplies or equipment unless the person is licensed by the *office{department}* as a distributor. The *office{department}* shall charge a license fee not to exceed one thousand dollars (\$1,000).
- (2) No person shall sell, offer to sell, rent, lease, or otherwise furnish charitable gaming supplies and equipment unless the person is licensed by the *office{department}* as a manufacturer. The *office{department}* shall charge a license fee not to exceed one thousand dollars (\$1,000).
- (3) No person who is licensed as a charitable organization, and no owner, officer, employee, or member of the immediate family of an owner, officer, or employee of a licensed charitable gaming facility shall be eligible for licensure as a distributor or manufacturer. No affiliate of an owner, officer, or employee, or member of the immediate family of an owner, officer, or employee of a licensed charitable gaming facility shall be licensed as a distributor or manufacturer. No person who is a licensed wholesaler or distributor of alcoholic beverages shall be licensed as a distributor or manufacturer. No person who is licensed as a distributor shall be licensed as a manufacturer, and no person licensed as a manufacturer shall be licensed as a distributor.
- (4) An applicant for a license as a manufacturer or distributor shall apply for license on forms provided by the *office{department}* and shall submit as part of the application process the following:
 - (a) The full name, address, date of birth, and Social Security number of the applicant;
 - (b) If the applicant is a corporation or other business entity, the names, addresses, dates of birth, and Social Security numbers of all officers and management personnel;
 - (c) The name, address, date of birth, and Social Security number of any individual who has ten percent (10%) or more financial interest in the applicant organization;
 - (d) Federal employer tax number;
 - (e) A sworn statement by the applicant or the appropriate officer that all information provided is true and correct and that the applicant agrees to comply with the applicable provisions of this chapter and all applicable administrative regulations promulgated thereunder;
 - (f) The name, address, and telephone number of a registered agent within the Commonwealth of Kentucky, if the applicant is not a resident; and
 - (g) Any other information the *office{department}* deems appropriate.
- (5) Each licensed manufacturer and distributor shall maintain a complete set of records as may be required by the *office{department}* to document all activities related to the sale, rental, lease, or furnishing of charitable gaming supplies and equipment in the Commonwealth of Kentucky. These records shall be available for inspection by the *office{department}* at reasonable times, and all records shall be maintained for a minimum of three (3) years. The *office{department}* may require a licensed manufacturer and distributor to report on its activity, with the content and frequency of these reports to be prescribed by administrative regulation promulgated by the *corporation{department}*.
- (6) A distributor who does not receive payment in accordance with the terms of its sales or lease agreement from a licensed charitable organization within thirty (30) days of the delivery of charitable gaming supplies and equipment shall notify the *office{department}* of the delinquency in writing in a form and manner prescribed by the *office{department}*. A manufacturer who does not receive payment in full from a distributor within sixty (60) days of the delivery of charitable gaming supplies and equipment shall notify the *office{department}* of the delinquency in writing in a form and manner prescribed by the *office{department}*.
- (7) A licensed manufacturer shall not sell charitable gaming supplies and equipment to any person not licensed as a distributor in the Commonwealth of Kentucky.
- (8) A licensed distributor shall not sell charitable gaming supplies and equipment to any person not licensed as a distributor or a charitable organization in the Commonwealth of Kentucky, unless the organization is exempted from licensure under the provisions of this chapter.
- (9) A licensed distributor shall not purchase charitable gaming supplies and equipment from any person not licensed as a manufacturer or distributor in the Commonwealth of Kentucky.

- (10) No officer, owner, employee, or contractee of a licensed distributor or licensed manufacturer or their affiliates and no member of the immediate family of an owner, officer, employee, or contractee of a licensed distributor or licensed manufacturer or their affiliates, shall, with respect to a licensed charitable organization:
- (a) Manage or otherwise be involved in the conduct of charitable gaming;
 - (b) Provide bookkeeping or other accounting services related to the conduct of charitable gaming;
 - (c) Handle any moneys generated in the conduct of charitable gaming;
 - (d) Advise a licensed charitable organization on the expenditure of net receipts;
 - (e) Provide transportation services in any manner to patrons of a charitable gaming activity;
 - (f) Provide advertisement or marketing services in any manner to a licensed charitable organization;
 - (g) Provide, coordinate, or solicit the services of personnel or volunteers in any manner;
 - (h) Provide training or consulting on the conduct of charitable gaming, except in connection with the use of its own equipment or supplies;
 - (i) Store its charitable gaming equipment or supplies in or on the premises of a licensed charitable gaming facility; or
 - (j) Donate or give any prize to be awarded in the conduct of charitable gaming.

➔Section 20. KRS 238.535 is amended to read as follows:

- (1) Any charitable organization conducting charitable gaming in the Commonwealth of Kentucky shall be licensed by the ~~office~~~~department~~. A charitable organization qualifying under subsection (12) of this section but not exceeding the limitations provided in this subsection shall be exempt from the licensure requirements when conducting the following charitable gaming activities:
- (a) Bingo in which the gross receipts do not exceed a total of twenty-five thousand dollars (\$25,000) per year;
 - (b) A raffle or raffles for which the gross receipts do not exceed twenty-five thousand dollars (\$25,000) per year; and
 - (c) A charity fundraising event or events that do not involve special limited charitable games and the gross gaming receipts for which do not exceed twenty-five thousand dollars (\$25,000) per year.

However, at no time shall a charitable organization's total limitations under this subsection exceed twenty-five thousand dollars (\$25,000).

- (2) (a) Any charitable organization exempt from the process of applying for a license under subsection (1) of this section, shall notify the ~~office~~~~department~~ in writing, on a simple form issued by the ~~office~~~~department~~, of its intent to engage in exempt charitable gaming and the address at which the gaming is to occur. Any charitable organization exempt from the process of applying for a license under subsection (1) of this section, shall comply with all other provisions of this chapter relating to the conduct of charitable gaming, except:
1. Payment of the fee imposed under the provisions of KRS 238.570; and
 2. The quarterly reporting requirements imposed under the provisions of KRS 238.550(7), unless the exempt charitable organization obtains a retroactive license pursuant to subsection (9) of this section.
- (b) Before January 31 of the year immediately following the year of exemption, a charitable organization exempt from licensure under the provisions of subsection (1) of this section shall file a financial report with the ~~office~~~~department~~, on a form issued by the ~~office~~~~department~~, that contains the following information:
1. The type of gaming activity in which it engaged during that year;
 2. The total gross receipts derived from gaming;
 3. The amount of charitable gaming expenses paid;
 4. The amount of net receipts derived; and

5. The disposition of those net receipts.
- (3) An exemption that has been granted to a charitable organization for the preceding calendar year shall be automatically renewed on January 1 of the following year.
- (4) If upon receipt of the financial report the ~~office~~~~department~~ determines that the information appearing on the financial report renders the charitable organization ineligible to possess an exemption, the ~~office~~~~department~~ shall notify the charitable organization that its exemption is rescinded. The organization may request an appeal of this rescission pursuant to KRS 238.565.
- (5) If the annual financial report is not received by January 31, the exemption is automatically rescinded unless an extension of no more than thirty (30) days is granted by the ~~office~~~~department~~. The organization may request an appeal of this rescission pursuant to KRS 238.565.
- (6) If an exemption is revoked because an organization has exceeded the limit imposed in subsection (1) of this section, the organization shall apply for a retroactive license in accordance with subsection (7) of this section.
- (7) If an organization exceeds the limit imposed by any subsection of this section it shall:
 - (a) Report the amount to the ~~office~~~~department~~; and
 - (b) Apply for a retroactive charitable gaming license.
- (8) Upon receipt of a report and application for a retroactive charitable gaming license, the ~~office~~~~department~~ shall investigate to determine if the organization is otherwise qualified to hold the license.
- (9) If the ~~office~~~~department~~ determines that the applicant is qualified, it shall issue a charitable gaming license retroactive to the date on which the exemption limit was exceeded. The retroactive charitable gaming license shall be issued in the same manner as regular charitable gaming licenses.
- (10) If the ~~office~~~~department~~ determines that the applicant is not qualified it shall deny the license and take enforcement action, if appropriate.
- (11) Once a retroactive or regular gaming license is issued to an organization, that organization shall not be eligible for exempt status in the future and shall maintain a charitable gaming license if it intends to continue charitable gaming activities, unless the charitable organization has not exceeded the exemption limitations of subsection (1) of this section for a period of two (2) years prior to its exemption request.
- (12) (a) In order to qualify for licensure, a charitable organization shall:
 1.
 - a. Possess a tax exempt status under 26 U.S.C. secs. 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 501(c)(19), or be covered under a group ruling issued by the Internal Revenue Service under authority of those sections; or
 - b. Be organized within the Commonwealth of Kentucky as a common school as defined in KRS 158.030, as an institution of higher education as defined in KRS 164A.305, or as a state college or university as provided for in KRS 164.290;
 2. Have been established and continuously operating within the Commonwealth of Kentucky for charitable purposes, other than the conduct of charitable gaming, for a period of three (3) years prior to application for licensure. For purposes of this paragraph, an applicant shall demonstrate establishment and continuous operation in Kentucky by its conduct of charitable activities from an office physically located within Kentucky both during the three (3) years immediately preceding its application for licensure and at all times during which it possesses a charitable gaming license. However, a charitable organization that operates for charitable purposes in more than ten (10) states and whose principal place of business is physically located in a state other than Kentucky may satisfy the requirements of this paragraph if it can document that it has:
 - a. Been actively engaged in charitable activities and has made reasonable progress, as defined in subparagraph 3. of this paragraph, in the conduct of charitable activities or the expenditure of funds within Kentucky for a period of three (3) years prior to application for licensure; and
 - b. Operated for charitable purposes from an office or place of business in the Kentucky county where it proposes to conduct charitable gaming for at least one (1) year prior to application for licensure, in accordance with subparagraph 4. of this paragraph and paragraph (c) of this subsection;

3. Have been actively engaged in charitable activities during the three (3) years immediately prior to application for licensure and be able to demonstrate, to the satisfaction of the ~~office~~~~department~~, reasonable progress in accomplishing its charitable purposes during this period. As used in this paragraph, "reasonable progress in accomplishing its charitable purposes" means the regular and uninterrupted conduct of activities within the Commonwealth or the expenditure of funds within the Commonwealth to accomplish relief of poverty, advancement of education, protection of health, relief from disease, relief from suffering or distress, protection of the environment, conservation of wildlife, advancement of civic, governmental, or municipal purposes, or advancement of those purposes delineated in KRS 238.505(3). In order to demonstrate reasonable progress in accomplishing its charitable purposes when applying to renew an existing license, a licensed charitable organization shall additionally provide to the ~~office~~~~department~~ a detailed accounting regarding its expenditure of charitable gaming net receipts for the purposes described in this paragraph; and
 4. Have maintained an office or place of business, other than for the conduct of charitable gaming, for at least one (1) year in the county in which charitable gaming is to be conducted. The office or place of business shall be a separate and distinct address and location from that of any other licensee of the ~~Office~~~~Department~~ of Charitable Gaming; except that up to three (3) licensed charitable organizations may have the same address if they legitimately share office space.
 - (b) 1. A charitable organization that has established and maintained an office or place of business in the county for a period of at least one (1) year may hold a raffle drawing or a charity fundraising event, including special limited charity fundraising events, in a Kentucky county other than that in which the organization's office or place of business is located.
 2. For raffles, the organization shall notify the ~~Office~~~~Department~~ of Charitable Gaming in writing of the organization's intent to change the drawing's location at least thirty (30) days before the drawing takes place. This written notification:
 - a. May be transmitted in any commercially reasonable means, authorized by the ~~office~~~~department~~, including facsimile and electronic mail; and
 - b. Shall set out the place and the county in which the drawing will take place.Approval by the ~~office~~~~department~~ shall be received prior to the conduct of the raffle drawing at the new location.
 - (c) Any charitable organization that was registered with the county clerk to conduct charitable gaming in a county on or before March 31, 1992, shall satisfy the requirement contained in paragraph (a)4. of this subsection if it maintained a place of business or operation, other than for the conduct of charitable gaming, for one (1) year prior to application in a Kentucky county adjoining the county in which they were registered.
- (13) In applying for a license, the information to be submitted shall include but not be limited to the following:
- (a) The name and address of the charitable organization;
 - (b) The date of the charitable organization's establishment in the Commonwealth of Kentucky and the date of establishment in the county or counties in which charitable gaming is to be conducted;
 - (c) A statement of the charitable purpose or purposes for which the organization was organized. If the charitable organization is incorporated, a copy of the articles of incorporation shall satisfy this requirement;
 - (d) A statement explaining the organizational structure and management of the organization. For incorporated entities, a copy of the organizations' bylaws shall satisfy this requirement;
 - (e) A detailed accounting of the charitable activities in which the charitable organization has been engaged for the three (3) years preceding application for licensure;
 - (f) The names, addresses, dates of birth, and Social Security numbers of all officers of the organization;
 - (g) The names, addresses, dates of birth, and Social Security numbers of all employees and members of the charitable organization who will be involved in the management and supervision of charitable gaming. No fewer than two (2) employees or members of the charitable organization who are involved in the

management and supervision of charitable gaming, along with the chief executive officer or the director of the applicant organization, shall be designated as chairpersons;

- (h) The address of the location at which charitable gaming will be conducted and the name and address of the owner of the property, if it is owned by a person other than the charitable organization;
 - (i) A copy of the letter or other legal document issued by the Internal Revenue Service to grant tax-exempt status;
 - (j) A statement signed by the presiding or other responsible officer of the charitable organization attesting that the information submitted in the application is true and correct and that the organization agrees to comply with all applicable laws and administrative regulations regarding charitable gaming;
 - (k) An agreement that the charitable organization's records may be released by the Federal Internal Revenue Service to the *office*{~~department~~}; and
 - (l) Any other information the *office*{~~department~~} deems appropriate.
- (14) (a) An organization or a group of individuals that does not meet the licensing requirements of subsection (12) of this section may hold a raffle if:
- 1. The gross receipts do not exceed five hundred dollars (\$500);
 - 2. All proceeds from the raffle are distributed to a charitable organization; and
 - 3. The organization or group of individuals holds no more than three (3) raffles each year;
- and shall be exempt from complying with the notification, application, and reporting requirements of subsections (2) and (13) of this section.
- (b) An organization or a group of individuals that does not meet the licensing requirements of subsection (12) of this section may hold a raffle if:
- 1. The organization holds a special event raffle license issued by the *office*{~~department~~} and complies with the regulatory requirements in this chapter, including but not limited to the quarterly reporting requirements of KRS 238.550(7), the retention requirements of KRS 238.536, and payment of the fee imposed by KRS 238.570;
 - 2. The organization possesses a tax-exempt status under 26 U.S.C. sec. 501(c)(7);
 - 3. The organization holds no more than twelve (12) raffles per year;
 - 4. Each raffle complies with the *office's*{~~department's~~} raffle standards in KRS 238.545 and administrative regulations promulgated thereunder and is approved by the *office*{~~department~~} in writing prior to the sale of the first raffle ticket;
 - 5. The gross receipts of each raffle do not exceed five hundred thousand dollars (\$500,000); and
 - 6. One hundred percent (100%) of the net receipts of each raffle shall be distributed to a charitable organization licensed by the *office*{~~department~~} pursuant to subsection (12) of this section to conduct charitable gaming as follows:
 - a. All distributed net receipts shall be maintained by the recipient licensed charitable organization in a separate account to be designated as the "raffle recipient account";
 - b. All distributed net receipts shall be expended by the recipient licensed charitable organization to further the charitable purpose of the recipient licensed charitable organization as required by KRS 238.550(4); and
 - c. All distributed net receipts, and the expenditure thereof, shall be reported to the *office*{~~department~~} and be subject to the *office's*{~~department's~~} auditing and investigative authority consistent with the provisions of this chapter.
- (c) An applicant qualifying under paragraph (b) of this subsection shall submit an application for a special event raffle license, and the information to be submitted shall include but not be limited to the following:
- 1. The name and address of the organization;

2. The date of the organization's establishment in the Commonwealth of Kentucky and the date of the organization's establishment in the county or counties in which charitable gaming is to be conducted;
 3. A statement of the purpose or purposes for which the organization was organized and identification of the licensed charitable organization to which the applicant will distribute its net receipts. If the organization is incorporated, a copy of the articles of incorporation shall satisfy this requirement;
 4. A statement explaining the organizational structure and management of the organization. For incorporated entities, a copy of the organization's bylaws shall satisfy this requirement;
 5. The names, addresses, dates of birth, and Social Security numbers of all officers of the organization;
 6. The names, addresses, dates of birth, and Social Security numbers of all employees and members of the organization who will be involved in the management and supervision of charitable gaming. No fewer than two (2) employees or members of the organization who are involved in the management and supervision of charitable gaming, along with the chief executive officer or the director of the applicant organization, shall be designated as chairpersons;
 7. The address of the location at which charitable gaming will be conducted and the name and address of the owner of the property, if it is owned by a person other than the organization;
 8. A copy of the letter or other legal document issued by the Internal Revenue Service to grant tax-exempt status;
 9. A statement signed by the presiding or other responsible officer of the organization attesting that the information submitted in the application is true and correct and that the organization agrees to comply with all applicable laws and administrative regulations regarding charitable gaming;
 10. An agreement that the organization's records may be released by the federal Internal Revenue Service to the *office*~~{department}~~; and
 11. Any other information as determined by the *corporation*~~{department}~~ through the promulgation of administrative regulations.
- (15) The *office*~~{department}~~ may issue a license for a specified period of time, based on the type of charitable gaming involved and the desired duration of the activity.
- (16) The *office*~~{department}~~ shall charge a fee for each license issued and renewed, not to exceed three hundred dollars (\$300). Specific fees to be charged shall be prescribed in a graduated scale promulgated by administrative regulations and based on type of license, type of charitable gaming, actual or projected gross receipts, or other applicable factors, or combination of factors.
- (17) (a) A licensed charitable organization may place its charitable gaming license in escrow if:
1. The licensee notifies the *office*~~{department}~~ in writing that it desires to place its license in escrow; and
 2. The license is in good standing and the *office*~~{department}~~ has not initiated disciplinary action against the licensee.
- (b) During the escrow period, the licensee shall not engage in charitable gaming, and the escrow period shall not be included in calculating the licensee's retention rate under KRS 238.536.
- (c) A charitable organization may apply for reinstatement of its active license and the license shall be reinstated provided:
1. The charitable organization continues to qualify for licensure;
 2. The charitable organization has not engaged in charitable gaming during the escrow period; and
 3. The charitable organization pays a reinstatement fee established by the *office*~~{department}~~.
- ➔Section 21. KRS 238.536 is amended to read as follows:

- (1) The net receipts from charitable gaming retained by a charitable organization for the previous calendar year, provided the charitable organization was licensed at the start of the calendar year, shall be equal to or greater

than forty percent (40%) of the adjusted gross receipts of the charitable organization for the same period. A licensed charitable organization shall expend net receipts exclusively for purposes consistent with the charitable, religious, educational, literary, civic, fraternal, or patriotic functions or objectives for which the licensed charitable organization received and maintains federal tax-exempt status, or consistent with its status as a common school, an institution of higher education, or a state college or university. No net receipts shall inure to the benefits or financial gain of an individual. Any charitable organization which permits its license to expire or otherwise lapse shall still be subject to the retention requirement. The following fees and taxes shall be excluded from the calculation of the percentage retained, retroactive to calculations made for calendar year 1999:

- (a) All fees paid to the *office*{department} during the calendar year;
 - (b) Any sales or use taxes levied under KRS Chapter 139 on charitable gaming supplies and equipment that are paid by a licensed charitable organization during the calendar year; and
 - (c) Any federal excise taxes levied under 26 U.S.C. secs. 4401 and 4411 and paid by a licensed charitable organization during the calendar year.
- (2) The following actions shall be imposed on a licensed charitable organization that fails to retain the requisite percentage of adjusted gross receipts required in subsection (1) of this section. The calculation of percentages shall be rounded to the nearest tenth of a percent:
- (a) If the percentage retained is between thirty-five percent (35%) and thirty-nine and nine-tenths percent (39.9%), the licensee shall be placed on probation for a period of six (6) months and shall be required to submit to the *office*{department} an acceptable financial plan detailing corrective actions to be taken by the licensee to achieve the forty percent (40%) threshold by the end of the calendar year in which the probation is imposed;
 - (b) If the percentage retained is between thirty percent (30%) and thirty-four and nine-tenths percent (34.9%), the licensee shall be placed on probation for a period of one (1) year and shall be required to submit to the *office*{department} a financial plan as described in paragraph (a) of this subsection. The *office*{department} shall conduct a six (6) month review of the charitable gaming activities of a licensee placed on probation pursuant to this subsection to evaluate the licensee's compliance with its financial plan;
 - (c) If the percentage retained falls between twenty-nine and nine-tenths percent (29.9%) and twenty-five percent (25%), the licensee shall be placed on probation for a period of one (1) year, shall submit to the *office*{department} an acceptable financial plan as described in paragraph (a) of this subsection, and shall participate in a mandatory training program designed by the *office*{department}. The *office*{department} shall conduct a quarterly review of the licensee's activities to evaluate the licensee's compliance with its financial plan and its progress toward achievement of the forty percent (40%) threshold during the probationary period;
 - (d) If the percentage falls below twenty-five percent (25%) or if the licensee fails to attain the forty percent (40%) threshold for a second consecutive calendar year, the licensee shall have its license suspended for a period of one (1) year; and
 - (e) For purposes of paragraphs (a), (b), (c), and (d) of this subsection, periods of probation and suspension shall commence, unless appealed, from the date the *office*{department} notifies the licensee of its failure to satisfy the retention requirement for the previous calendar year. If a probation or suspension is appealed, the action shall commence on the date final adjudication of the matter is complete.
- (3) Any licensee that has had its license suspended under the provisions of subsection (2)(d) of this section shall be required to submit to the *office*{department} an acceptable financial plan as described in subsection (2)(a) of this section, upon applying for reinstatement of its license. As a condition of reinstatement, the licensee shall be on probation for a period of one (1) year and shall be subject to quarterly review by the *office*{department} in accordance with subsection (2)(c) of this section.

➔Section 22. KRS 238.540 is amended to read as follows:

- (1) Charitable gaming shall be conducted by a licensed charitable organization at the location, date, and time which shall be stated on the license. The licensee shall request a change in the date, time, or location of a charitable gaming event by mail, electronic mail, or facsimile transmission, and shall submit a lease and an original signature of an officer. The *office*{department} shall process this request and issue or deny a license within ten (10) days.

- (2) All premises or facilities on which or in which charitable gaming is conducted shall meet all applicable federal, state, and local code requirements relating to life, safety, and health.
- (3) A license to conduct charitable gaming shall be prominently displayed on or in the premises where charitable gaming is conducted, in a conspicuous location that is readily accessible to gaming patrons as well as employees of the ~~office~~ department, law enforcement officials, and other interested officials.
- (4) At least one (1) chairperson who is listed on the application for licensure shall be at each charitable gaming activity conducted by the charitable organization and shall be responsible for the administration and conduct of the charitable gaming activity. No person shall serve as chairperson for more than one (1) charitable organization. The chairperson shall be readily identifiable as the chairperson and shall be present on the premises continuously during the charitable gaming activity. Charitable gaming shall be conducted and administered solely by officers, members, and bona fide employees of the licensed charitable organization. Volunteer personnel, who may or may not be members of the licensed charitable organization, may be utilized if each volunteer is readily identifiable as a volunteer. No person engaged in the conduct and administration of charitable gaming shall receive any compensation for services related to the charitable gaming activities, including tipping. No net receipts derived from charitable gaming shall inure to the private benefit or financial gain of any individual. Any effort or attempt to disguise any other type of compensation or private inurement shall be considered an unauthorized diversion of funds and shall be actionable under KRS 238.995.
- (5) No licensed charitable organization shall contract with, or otherwise utilize the services of, any management company, service company, or consultant in managing or conducting any aspect of charitable gaming.
- (6) A licensed charitable organization shall not purchase or lease charitable gaming supplies and equipment from any person not licensed as a distributor in the Commonwealth of Kentucky.
- (7) A licensed charitable organization shall not accept any merchandise prizes donated by any owner, officer, employee, or contractee of a licensed manufacturer, distributor, charitable gaming facility, or any of their affiliates, or any member of their immediate families.
- (8)
 - (a) Each organization's gaming supplies shall be maintained in a location separate from another organization's gaming supplies.
 - (b) This location shall also be locked and access shall be controlled.
 - (c) Unless otherwise directed by the ~~office~~ department, an organization's supplies and equipment remain the property of the organization regardless of where they are stored and must be accessible to the organization at all reasonable times upon request.
- (9) Any advertisement of charitable gaming, regardless of the medium used, shall contain the name of the charitable organization conducting the charitable gaming and its license number. An advertisement for a bingo session or sessions shall not advertise a bingo prize in excess of the limitation of five thousand dollars (\$5,000) per twenty-four (24) hour period set forth in KRS 238.545(1).

➔Section 23. KRS 238.545 is amended to read as follows:

- (1) A licensed charitable organization shall be limited by the following:
 - (a) In the conduct of bingo, to one (1) session per day, two (2) sessions per week, for a period not to exceed five (5) consecutive hours in any day and not to exceed ten (10) total hours per week:
 1. No licensed charitable organization shall conduct bingo at more than one (1) location during the same twenty-four (24) hour period;
 2. No licensed charitable organization shall award prizes for bingo that exceed five thousand dollars (\$5,000) in fair market value per twenty-four (24) hour period, including the value of door prizes; and
 3. No person under the age of eighteen (18) shall be permitted to purchase bingo supplies or play bingo unless he or she is playing for noncash prizes and is accompanied by a parent or legal guardian and only if the value of any noncash prize awarded does not exceed ten dollars (\$10);
 - (b)
 1. A licensed charitable organization may provide card-minding devices for use by players of bingo games.
 2. If a licensed charitable organization offers card-minding devices for use by players, the devices shall be capable of being used in conjunction with bingo cards or paper sheets at all times.

3. The *office*{department} shall have broad authority to define and regulate the use of card-minding devices and *the corporation* shall promulgate an administrative regulation concerning use and control of them;
- (c) Charity game tickets shall be sold only at the address of the location designated on the license to conduct charitable gaming;
- (d) Charity game tickets may be sold, with prior approval of the *office*{department}:
 1. At any authorized special charity fundraising event conducted by a licensed charitable organization at any off-site location; or
 2. By a licensed charitable organization possessing a special limited charitable gaming license at any off-site location; and
- (e) An automated charity game ticket dispenser may be utilized by a licensed charitable organization, with the prior approval of the *office*{department}, only at the address of the location designated on the license to conduct charitable gaming. The *corporation*{department} shall promulgate administrative regulations regulating the use and control of approved automated charity game ticket dispensers.
- (2) (a) No prize for an individual charity game ticket shall exceed five hundred ninety-nine dollars (\$599) in value, not including the value of cumulative or carryover prizes awarded in seal card games.
- (b) Cumulative or carryover prizes in seal card games shall not exceed two thousand four hundred dollars (\$2,400).
- (c) Information concerning rules of the particular game and prizes that are to be awarded in excess of fifty dollars (\$50) in each separate package or series of packages with the same serial number and all rules governing the handling of cumulative or carryover prizes in seal card games shall be posted prominently in an area where charity game tickets are sold. A legible poster that lists prizes to be awarded, and on which prizes actually awarded are posted at the completion of the sale of each separate package shall satisfy this requirement.
- (d) Any unclaimed money or prize shall return to the charitable organization.
- (e) No paper charity game ticket shall be sold in the Commonwealth of Kentucky that does not conform to the standards for opacity, randomization, minimum information, winner protection, color, and cutting established by the *office*{department}.
- (f) No electronic pulltab device representation of a charity game ticket shall be sold in the Commonwealth of Kentucky that does not conform to the construction standards set forth in an administrative regulation promulgated by the *corporation*{department}. Electronic pulltab devices shall only be used for charitable gaming.
- (g) No person under the age of eighteen (18) shall be permitted to purchase, or open in any manner, a charity game ticket.
- (3) (a) Tickets for a raffle shall be sold separately, and each ticket shall constitute a separate and equal chance to win.
- (b) All raffle tickets shall be sold for the price stated on the ticket, and no person shall be required to purchase more than one (1) ticket or to pay for anything other than a ticket to enter a raffle.
- (c) Raffle tickets and tickets for charity fundraising raffle games approved by the *office*{department} which are offered exclusively at charity fundraising events and special limited charity fundraising events are not required to be sold separately and may be sold at discounted package rates.
- (d) Raffle tickets shall have a unique identifier on each ticket.
- (e) Winners shall be drawn at random at a date, time, and place announced in advance or printed on the ticket.
- (f) All prizes for a raffle shall be identified in advance of the drawing and all prizes identified shall be awarded.
- (4) With respect to charity fundraising events, a licensed charitable organization shall be limited as follows:
 - (a) No licensed charitable organization shall conduct a charity fundraising event or a special limited charity fundraising event unless they have a license for the respective event issued by the *office*{department};

- (b) No special license shall be required for any wheel game, such as a cake wheel, that awards only noncash prizes the value of which does not exceed one hundred dollars (\$100);
 - (c) The ~~office~~~~department~~ may grant approval for a licensed charitable organization to play bingo games at a charity fundraising event. Cash prizes for bingo games played during a charity fundraising event may not exceed five thousand dollars (\$5,000) for the entire event. No person under the age of eighteen (18) shall be permitted to play bingo at a charity fundraising event unless accompanied by a parent or legal guardian;
 - (d) The ~~office~~~~department~~ may grant approval for a licensed charitable organization to play special limited charitable games at a charity fundraising event authorized under this section. The ~~office~~~~department~~ shall not grant approval for the playing of special limited charitable games under the provisions of a charity fundraising event license unless the proposed event meets the definition of a charity fundraising event held for community, social, or entertainment purposes apart from charitable gaming in accordance with KRS 238.505(8);
 - (e) Except for state, county, city fairs, and special limited charity fundraising events, a charity fundraising event license issued under this section shall not exceed seventy-two (72) consecutive hours. A licensed charitable organization shall not be eligible for more than eight (8) total charity fundraising event licenses per year, including two (2) special limited charity fundraising event licenses. No person under eighteen (18) years of age shall be allowed to play or conduct any special limited charitable game. The ~~office~~~~department~~ shall have broad authority to regulate the conduct of special limited charity fundraising events in accordance with the provisions of KRS 238.547; and
 - (f) Charity fundraising events may be held:
 - 1. On or in the premises of a licensed charitable organization;
 - 2. In a licensed charitable gaming facility, subject to restrictions contained in KRS 238.555(7); or
 - 3. At an unlicensed facility which shall be subject to the requirements stipulated in KRS 238.555(3), and subject to the restrictions contained in KRS 238.547(2).
- (5) Presentation of false, fraudulent, or altered identification by a minor shall be an affirmative defense in any disciplinary action or prosecution that may result from a violation of age restrictions contained in this section, if the appearance and character of the minor were such that his or her age could not be reasonably ascertained by other means.

➔Section 24. KRS 238.550 is amended to read as follows:

- (1) All adjusted gross receipts from charitable gaming shall be handled only by chairpersons, officers, or employees of the licensed charitable organization.
- (2) Except as authorized by subsection (11) of this section, within two (2) business days after the completion of a charitable gaming event or session, all gross receipts and adjusted gross receipts shall be deposited into one checking account devoted exclusively to charitable gaming. This checking account shall be designated the "charitable gaming account," and the licensed charitable organization shall maintain its account at a financial institution located in the Commonwealth of Kentucky. No other funds may be deposited or transferred into the charitable gaming account.
- (3) All payments for charitable gaming expenses, payments made for prizes purchased, and any charitable donations from charitable gaming receipts shall be made from the charitable gaming account and the payments or donations shall be made only by bona fide officers of the organization by checks having preprinted consecutive numbers and made payable to specific persons or organizations. No check drawn on the charitable gaming account may be made payable to "cash," or "bearer," except that a licensed charitable organization may withdraw start-up funds for a charitable gaming event or session from the charitable gaming account by check made payable to "cash" or "bearer," if these start-up funds are redeposited into the charitable gaming account together with all adjusted gross receipts derived from the particular event or session. Checks shall be imprinted with the words "charitable gaming account" and shall contain the organization's license number on the face of each check. Payments for charitable gaming expenses, prizes purchased, and charitable donations may be made by electronic funds transfer if the payments are made to specific persons or organizations. The ~~corporation~~~~department~~ may by administrative regulation adopt alternative reporting requirements for charitable gaming of limited scope or duration, if these requirements are sufficient to ensure accountability for all moneys handled.

- (4) A licensed charitable organization shall expend net receipts exclusively for purposes consistent with the charitable, religious, educational, literary, civic, fraternal, or patriotic functions or objectives for which the licensed charitable organization received and maintains federal tax-exempt status, or consistent with its status as a common school, an institution of higher education, or a state college or university. No net receipts shall inure to the private benefit or financial gain of any individual.
- (5) Accurate records and books shall be maintained by each organization exempt from licensure under KRS 238.535(1) and each licensed charitable organization for a period of three (3) years. ~~Office~~~~Department~~ staff shall have access to these records at reasonable times. Licensed charitable organizations and exempt organizations shall maintain their charitable gaming records at their offices or places of business within the Commonwealth of Kentucky as identified in their license applications or applications for exempt status. An exempt organization shall submit a yearly financial report in accordance with KRS 238.535(2), and failure to file this report shall constitute grounds for revocation of the organization's exempt status.
- (6) All licensed charitable organizations that have annual gross receipts of two hundred thousand dollars (\$200,000) or less and do not have a weekly bingo session shall report to the ~~office~~~~department~~ annually at the time and on a form established in administrative regulations promulgated by the ~~corporation~~~~department~~.
- (7) All other licensed charitable organizations shall submit reports to the ~~office~~~~department~~ at least quarterly at the time and on a form established in administrative regulations promulgated by the ~~corporation~~~~department~~.
- (8) Failure by a licensed charitable organization to file reports required under this chapter shall constitute grounds for revocation of the organization's license or denial of the organization's application to renew its license in accordance with KRS 238.560(3). Reports filed by a licensed charitable organization shall include but shall not be limited to the following information:
 - (a) All gross receipts received from charitable gaming for the reporting period, classified by type of gaming activity;
 - (b) The names and addresses of all persons who are winners of prizes having a fair market value of six hundred dollars (\$600) or more;
 - (c) All expenses paid and the names and addresses of all persons to whom expenses were paid;
 - (d) All net receipts retained and the names and addresses of all charitable endeavors that received money from the net receipts; and
 - (e) Any other information the ~~office~~~~department~~ deems appropriate.
- (9) No licensed charitable organization shall incur charitable gaming expenses, except as provided in this chapter. No licensed charitable organization shall be permitted to expend amounts in excess of prevailing market rates for the following charitable gaming expenses:
 - (a) Charitable gaming supplies and equipment;
 - (b) Rent;
 - (c) Utilities;
 - (d) Insurance;
 - (e) Advertising;
 - (f) Janitorial services;
 - (g) Bookkeeping and accounting services;
 - (h) Security services;
 - (i) Membership dues for its participation in any charitable gaming trade organization; and
 - (j) Any other expenses the ~~corporation~~~~department~~ may determine by administrative regulation to be legitimate.
- (10) No licensed charitable organization shall expend receipts from charitable gaming activities nor incur expenses to form, maintain, or operate as a labor organization.
- (11) For the purposes of deposits under subsection (2) of this section, a licensed charitable organization conducting charitable gaming events or sessions shall only be required to deposit its gross receipts and adjusted gross receipts one (1) time per week if the following conditions are met:

- (a) The charitable gaming involves only games using charity game tickets;
- (b) The charitable gaming is not part of a charity fundraising event; and
- (c) The licensed charitable organization's deposits of gross receipts and adjusted gross receipts from charitable gaming total less than two thousand five hundred dollars (\$2,500) in the week prior to the deposit.

➔Section 25. KRS 238.555 is amended to read as follows:

- (1)
 - (a) No person or organization shall operate a charitable gaming facility unless the person or organization is licensed under the provisions of this chapter, except that facilities that are utilized by two (2) or fewer charitable organizations for the purpose of conducting charitable gaming, and facilities that only host charity fundraising events, shall be exempt from licensure.
 - (b) The ~~office~~~~department~~ shall charge a license fee not to exceed two thousand five hundred dollars (\$2,500). Specific license fees to be charged shall be:
 - 1. Prescribed in a graduated scale promulgated by administrative regulation; and
 - 2. Based on the number of sessions which the facility holds per week or other applicable factors or combination of factors.
 - (c) Charitable gaming may be conducted in a charitable gaming facility only by a licensed charitable organization in accordance with the provisions of this chapter.
- (2) In the application process, an applicant for a charitable gaming facility license shall submit the following information:
 - (a) The address of the facility;
 - (b) A description of the facility to include square footage of the gaming area, capacity levels, and available parking;
 - (c) The names, addresses, dates of birth, and Social Security numbers of all individuals employed by or contracted with the applicant to manage the facility or provide other authorized services;
 - (d) The name, address, date of birth, and Social Security number of any individual who has a ten percent (10%) or greater financial interest in the facility;
 - (e) A copy of the lease agreement used by the applicant; and
 - (f) Any other information the ~~office~~~~department~~ deems appropriate.
- (3) No owner, officer, employee, or contractee of a licensed charitable gaming facility or an affiliate, or any member of the immediate family of any officer, employee, or contractee of a licensed charitable gaming facility or an affiliate shall, concerning a lessee:
 - (a) Manage or otherwise be involved in the conduct of charitable gaming;
 - (b) Provide bookkeeping or other accounting services related to the conduct of charitable gaming;
 - (c) Handle any moneys generated in the conduct of charitable gaming;
 - (d) Advise a licensed charitable organization on the expenditure of net receipts;
 - (e) Provide transportation services in any manner to patrons of a charitable gaming activity;
 - (f) Provide advertisement or marketing services in any manner to a licensed charitable organization;
 - (g) Provide, coordinate, or solicit the services of personnel or volunteers in any manner;
 - (h) Influence or require a licensed charitable organization to use a certain distributor or any particular gaming supplies; or
 - (i) Donate or give any prize to be awarded in the conduct of charitable gaming.
- (4) A licensed charitable gaming facility shall execute a lease agreement with each licensed charitable organization that desires to conduct charitable gaming at the facility. The amount of rent, goods, and services charged shall be reasonable and shall be based on prevailing market values in the general locality for the goods and services to be provided. The amount charged to rent a charitable gaming facility, whether the facility is licensed or unlicensed, shall not be based in whole or in part on a percentage of gross receipts, net proceeds

derived from the conduct of charitable gaming, or by reference to the number of people in attendance. A licensed charitable gaming facility shall file a copy of each signed lease agreement with the ~~office~~~~department~~.

- (5) The number of bingo sessions conducted at a charitable gaming facility shall be limited to the following:
 - (a) No more than eighteen (18) sessions per week if the charitable gaming facility is located in one (1) of the following:
 1. A city containing a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census;
 2. An urban-county government;
 3. A consolidated local government;
 4. A charter county government; or
 5. A county containing a city of the first class or a city containing a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census; or
 - (b) No more than eight (8) sessions per week if the charitable gaming facility is located in a city other than those listed in paragraph (a) of this subsection, or in a county that does not contain a city that is listed in paragraph (a) of this subsection.
- (6) A licensed charitable gaming facility shall report at least quarterly to the ~~office~~~~department~~ and shall provide any information concerning its operation that the ~~office~~~~department~~ may require.
- (7) A charity fundraising event at which special limited charitable games are played may be conducted at a licensed charitable gaming facility, but no licensed charitable gaming facility shall be permitted to hold more than one (1) such event per week or more than seven (7) per year.
- (8) A licensed charitable gaming facility shall conspicuously display a sign bearing the name and the license number of the charitable organization that is conducting charitable gaming activities in the facility.
- (9) The license to operate the charitable gaming facility shall be prominently displayed on or in the premises where charitable gaming activity is being conducted, in a conspicuous location that is readily accessible to gaming patrons as well as employees of the ~~office~~~~department~~, law enforcement officials, and other interested officials.

➔Section 26. KRS 238.560 is amended to read as follows:

- (1) The ~~office~~~~department~~ may investigate allegations of wrongdoing upon complaint or upon its own volition. The ~~corporation~~~~department~~ by administrative regulation shall establish procedures for receiving and investigating complaints in an expeditious manner.
- (2) In carrying out its enforcement responsibilities, the ~~office~~~~department~~ may:
 - (a) Inspect and examine all premises in which or on which charitable gaming is conducted or charitable gaming supplies or equipment are manufactured or distributed;
 - (b) Seize and remove from premises and impound charitable gaming supplies and equipment for the purposes of examination and inspection pursuant to an appropriate court order;
 - (c) Demand access to, inspect, and audit books and records of licensees for the purpose of determining compliance with laws and administrative regulations relative to charitable gaming; and
 - (d) Conduct in-depth audits and investigations, when warranted.
- (3)
 - (a) As used in this subsection, "willful" means that the conduct constituting the violation was committed with intent, not accidentally or inadvertently.
 - (b) The ~~office~~~~department~~ may take appropriate administrative action against any person licensed under this chapter for any violation of the provisions of this chapter or administrative regulations promulgated thereunder subject to the conditions established by this subsection.
 - (c) The ~~office~~~~department~~ may deny a license, suspend or revoke a license, issue a cease and desist order, place a license holder on probation, issue a letter of reprimand or letter of warning, and levy a fine. An administrative fine shall not exceed one thousand dollars (\$1,000) for each offense. The ~~office~~~~department~~ may deny the issuance of a license or a license renewal if the applicant or licensee

has failed to pay a fine levied by the *office*{department}. The *corporation*{department} shall by administrative regulation classify types of offenses and the recommended administrative action. The type of action to be taken shall be based on the history of previous violations and the nature, severity, and frequency of the offense. Administrative action authorized in this section shall be in addition to any criminal penalties provided in this chapter or under other provisions of law.

- (d) 1. Notwithstanding any other provisions of this section, the *office*{department} shall review, within two (2) months of receipt, timely filed organization quarterly reports that include payment of the fee due as reflected on the organization quarterly report. If the *office*{department} discovers reporting errors that are not willful, the *office*{department} shall, prior to taking any other administrative action, issue a letter of warning to the licensee and allow the licensee thirty (30) days from the issuance of the letter to correct the identified violation. The purpose of this subparagraph is for the *office*{department} to identify correctable reporting errors in a timely manner, and to notify the licensee of the errors prior to the due date of the next organization quarterly report so that the errors are corrected and are not repeated in subsequent organization quarterly reports.
2. A review conducted under subparagraph 1. of this paragraph shall not be considered an audit or final review and acceptance of an organization quarterly report and payment. The *office*{department} shall have four (4) years from the date of filing to fully audit and review an organization quarterly report, and may pursue administrative actions against the licensee related to an organization quarterly report or the information reported on an organization quarterly report within the four (4) year period if violations or errors that are not willful are discovered. This subparagraph shall not be construed to require records that are not needed to audit or review an organization quarterly report to be kept longer than is required elsewhere in this chapter or in any related administrative regulations.
3. Notwithstanding the provisions of subparagraph 2. of this paragraph, for a violation that is determined to be willful, the *office*{department} may pursue the administrative actions authorized by this section at any time.
4. A letter of warning issued under this section shall:
- a. Identify the violation;
 - b. Describe the corrective action necessary;
 - c. Identify the administrative actions that can be taken if the violation is not addressed; and
 - d. Provide that the person shall have thirty (30) days to correct the action leading to the violation.
- (4) The *office*{department} may reinstate a license that has been revoked at any time after two (2) years from the date of revocation. A license may be reinstated only upon a finding that the violations for which the license was revoked have been corrected.
- (5) All departments, divisions, boards, agencies, officers, and institutions of the Commonwealth of Kentucky and all subdivisions thereof, in particular local law enforcement entities, shall cooperate with the *office*{department} in carrying out its enforcement responsibilities.
- (6) The *office*{department} shall report any activity or action which would constitute a criminal offense to the appropriate authorities in the county where the activity or action occurred and to the Attorney General.
- (7) ***All administrative actions taken under this section shall be subject to the final order of the board.***

➔Section 27. KRS 238.565 is amended to read as follows:

- (1) A license holder may appeal any administrative action taken under KRS 238.560. A license holder shall be notified in writing of any action to be taken against him *or her*. The notification may be delivered in person or mailed by certified mail, return receipt requested, to the last known address of the license holder. Service of notification of administrative action, whether by hand delivery or by certified mail, shall be deemed complete if the license holder fails or refuses to accept delivery. For service by hand delivery, notification shall be deemed received upon acceptance of delivery or upon failure or refusal to accept delivery, and the person affecting service on behalf of the *office*{department} shall record the fact of the failure or refusal. For service by certified mail, the notification of administrative action shall be deemed received when the license holder accepts delivery or fails or refuses to accept delivery at the last known address. The notification shall specify

the charges against the license holder, specify the proposed administrative sanction, and advise *the license holder* ~~him~~ of ~~the~~ ~~his~~ right to appeal the decision within ten (10) days of the date of receipt of the notification.

- (2) Upon receipt of an appeal, the *board* ~~department~~ shall schedule the matter for an administrative hearing that shall be conducted in accordance with KRS Chapter 13B.
- (3) Any provisions of KRS Chapter 13B notwithstanding, within twenty (20) days after the conclusion of a hearing, the hearing officer shall prepare and present to the *board* ~~commissioner~~ a recommended order based on findings of fact and conclusions of law. Within thirty (30) days of receipt of the recommended order, the *board* ~~commissioner~~ shall affirm, reject, or modify, in whole or in part, the recommended order and shall issue a final order. The final order shall be the final administrative action on the matter and a copy of the final order shall be mailed to the license holder, by certified mail, return receipt requested.
- (4) *Pursuant to KRS 13B.120(7), the board shall automatically hear and issue a final order regarding any decision of the office that would otherwise be subject to appeal.*
- (5) Any administrative action taken under this section shall, upon appeal, be stayed until a final order is issued, with the exception of a summary suspension. The *board* ~~department~~ may issue an emergency order pursuant to KRS 13B.125 to summarily suspend a license upon finding that continued operation of the license holder pending a hearing would constitute a threat to the public health, safety, or welfare.
- (6) ~~(5)~~ A final order of the *board* ~~commissioner~~ may be appealed to ~~the~~ ~~Franklin~~ Circuit Court *of the county where the appellant works or resides* in accordance with KRS Chapter 13B. If the license holder against whom administrative action is proposed does not request an appeal of the action, the *board* ~~department~~ shall enter a final order imposing the proposed administrative action.

➔Section 28. KRS 238.570 is amended to read as follows:

- (1) A fee is imposed on charitable gaming in the amount of fifty-three hundredths of one percent (0.53%) of gross receipts derived from all charitable gaming conducted by charitable organizations required to be licensed in the Commonwealth of Kentucky. The amount of the fee shall be adjusted by October 1 of each odd-numbered year in accordance with subsection (3) of this section. Each licensed charitable organization shall remit to the *office* ~~department~~ all moneys due as set forth in administrative regulations promulgated by the *corporation* ~~department~~. Failure by a licensed charitable organization to timely remit the fee required under this subsection upon notice of delinquency shall constitute grounds for disciplinary action in accordance with KRS 238.560.
- (2) The charitable gaming regulatory account is hereby created as a revolving account within the agency revenue fund and under the control of the *Kentucky Horse Racing and Gaming Corporation* ~~Public Protection Cabinet~~. All revenues generated from the fee levied in subsection (1) of this section from license fees and from administrative fines imposed by the *office* ~~department~~ shall be deposited in this account. Fund amounts attributable to the fee levied in subsection (1) of this section that are not expended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year.
- (3) (a) No later than July 31 of each odd-numbered year, the *Kentucky Horse Racing and Gaming Corporation* ~~Public Protection Cabinet~~ shall determine:
 1. The amount of gross receipts during the prior biennium against which the fee collected under subsection (1) of this section was assessed; and
 2. The final budgeted amount as determined by the enacted budget for the upcoming biennium for the administration and enforcement of the provisions of this chapter. If a budget is not enacted, the amount shall be the corresponding amount in the last enacted budget.
- (b) On October 1 of each odd-numbered year, the fee assessed under subsection (1) of this section shall be proportionally adjusted by the *Kentucky Horse Racing and Gaming Corporation* ~~Public Protection Cabinet~~. The new rate shall be calculated by multiplying one hundred ten percent (110%) by the amount determined in paragraph (a)2. of this subsection, and subtracting from that amount one-half (1/2) of any remaining balance in the account. The total shall then be divided by the amount determined in paragraph (a)1. of this subsection. The result shall be expressed as a percentage and shall be rounded to the nearest thousandth of a percent (0.000%).

➔Section 29. KRS 11A.010 is amended to read as follows:

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

- (1) "Business" means any corporation, limited liability company, partnership, limited partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, or any legal entity through which business is conducted, whether or not for profit;
- (2) "Commission" means the Executive Branch Ethics Commission;
- (3) "Compensation" means any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or herself or another;
- (4) "Family" means spouse and children, as well as a person who is related to a public servant as any of the following, whether by blood or adoption: parent, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister;
- (5) "Gift" means a payment, loan, subscription, advance, deposit of money, services, or anything of value, unless consideration of equal or greater value is received; "gift" does not include gifts from family members, campaign contributions, the waiver of a registration fee for a presenter at a conference or training described in KRS 45A.097(5), or door prizes available to the public;
- (6) "Income" means any money or thing of value received or to be received as a claim on future services, whether in the form of a fee, salary, expense allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of compensation or any combination thereof;
- (7) "Officer" means:
 - (a) All major management personnel in the executive branch of state government, including the secretary of the cabinet, the Governor's chief executive officers, cabinet secretaries, deputy cabinet secretaries, general counsels, commissioners, deputy commissioners, executive directors, executive assistants, policy advisors, special assistants, administrative coordinators, executive advisors, staff assistants, and division directors;
 - (b) Members and full-time chief administrative officers of:
 1. The Parole Board;
 2. Office of Claims and Appeals;
 3. Board of Tax Appeals;
 4. Board of Claims;
 5. Crime Victims Compensation Board;
 6. Kentucky Retirement Systems board of trustees;
 7. Kentucky Teachers' Retirement System board of trustees;
 8. The Kentucky Public Employees Deferred Compensation Authority board of trustees;
 9. Public Service Commission;
 10. Worker's Compensation Board and its administrative law judges;
 11. The Kentucky Occupational Safety and Health Review Commission;
 12. The Kentucky Board of Education;
 13. The Council on Postsecondary Education;
 14. County Employees Retirement System board of trustees;
 15. Kentucky Public Pensions Authority; and
 16. The Kentucky Horse Racing *and Gaming Corporation*~~[Commission]~~;
 - (c) Salaried members of executive branch boards and commissions; and
 - (d) Any person who, through a personal service contract or any other contractual employment arrangement with an agency, performs on a full-time, nonseasonal basis a function of any major management position listed in this subsection;

- (8) "Official duty" means any responsibility imposed on a public servant by virtue of his or her position in the state service;
- (9) "Public servant" means:
- (a) The Governor;
 - (b) The Lieutenant Governor;
 - (c) The Secretary of State;
 - (d) The Attorney General;
 - (e) The Treasurer;
 - (f) The Commissioner of Agriculture;
 - (g) The Auditor of Public Accounts;
 - (h) All employees in the executive branch including officers as defined in subsection (7) of this section and merit employees; and
 - (i) Any person who, through any contractual arrangement with an agency, is employed to perform a function of a position within an executive branch agency on a full-time, nonseasonal basis;
- (10) "Agency" means every state office, cabinet, department, board, commission, public corporation, or authority in the executive branch of state government. A public servant is employed by the agency by which his or her appointing authority is employed, unless his or her agency is attached to the appointing authority's agency for administrative purposes only, or unless the agency's characteristics are of a separate independent nature distinct from the appointing authority and it is considered an agency on its own, such as an independent department;
- (11) "Lobbyist" means any person employed as a legislative agent as defined in KRS 6.611(23) or any person employed as an executive agency lobbyist as defined in KRS 11A.201(9);
- (12) "Lobbyist's principal" means the entity in whose behalf the lobbyist promotes, opposes, or acts;
- (13) "Candidate" means those persons who have officially filed candidacy papers or who have been nominated by their political party pursuant to KRS 118.105, 118.115, 118.325, or 118.760 for any of the offices enumerated in subsections (9)(a) to (g) of this section;
- (14) "Does business with" or "doing business with" means contracting, entering into an agreement, leasing, or otherwise exchanging services or goods with a state agency in return for payment by the state, including accepting a grant, but not including accepting a state entitlement fund disbursement;
- (15) "Public agency" means any governmental entity;
- (16) "Appointing authority" means the agency head or any person whom he or she has authorized by law to act on behalf of the agency with respect to employee appointments;
- (17) "Represent" means to attend an agency proceeding, write a letter, or communicate with an employee of an agency on behalf of someone else;
- (18) "Directly involved" means to work on personally or to supervise someone who works on personally;
- (19) "Sporting event" means any professional or amateur sport, athletic game, contest, event, or race involving machines, persons, or animals, for which admission tickets are offered for sale and that is viewed by the public;
- (20) "Person" means an individual, proprietorship, firm, partnership, limited partnership, joint venture, joint stock company, syndicate, business or statutory trust, donative trust, estate, company, corporation, limited liability company, association, club, committee, organization, or group of persons acting in concert; and
- (21) "Salaried" means receiving a fixed compensation or benefit reserved for full-time employees, which is paid on a regular basis without regard to the actual number of hours worked.

➔Section 30. KRS 11A.040 is amended to read as follows:

- (1) A public servant, in order to further his or her own economic interests, or those of any other person, shall not knowingly disclose or use confidential information acquired in the course of his or her official duties.

- (2) A public servant shall not knowingly receive, directly or indirectly, any interest or profit arising from the use or loan of public funds in his or her hands or to be raised through any state agency.
- (3) A public servant shall not knowingly act as a representative or agent for the Commonwealth or any agency in the transaction of any business or regulatory action with himself or herself, or with any business in which he or she or a member of his or her family has any interest greater than five percent (5%) of the total value thereof.
- (4) A public servant shall not knowingly himself or herself or through any business in which he or she owns or controls an interest of more than five percent (5%), or by any other person for his or her use or benefit or on his or her account, undertake, execute, hold, bid on, negotiate, or enjoy, in whole or in part, any contract, agreement, lease, sale, or purchase made, entered into, awarded, or granted by the agency by which he or she is employed or which he or she supervises, subject to the provisions of KRS 45A.340. This provision shall not apply to:
 - (a) A contract, purchase, or good faith negotiation made pursuant to KRS Chapter 416 relating to eminent domain; or
 - (b) Agreements which may directly or indirectly involve public funds disbursed through entitlement programs; or
 - (c) A public servant's spouse or child doing business with any state agency other than the agency by which the public servant is employed or which he supervises; or
 - (d) Purchases from a state agency that are available on the same terms to the general public or that are made at public auction; or
 - (e) Sales of craft items to a state park by interim state employees designated as craftspeople under KRS 148.257.
- (5) A public servant shall not knowingly accept compensation, other than that provided by law for public servants, for performance of his or her official duties without the prior approval of the commission.
- (6) A former officer or public servant listed in KRS 11A.010(9)(a) to (g) shall not, within one (1) year of termination of his or her employment, knowingly by himself or herself or through any business in which he or she owns or controls an interest of at least five percent (5%), or by any other person for his or her use or benefit or on his or her account, undertake, execute, hold, bid on, negotiate, or enjoy, in whole or in part, any contract, agreement, lease, sale, or purchase made, entered into, awarded, or granted by the agency by which he or she was employed. This provision shall not apply to a contract, purchase, or good-faith negotiation made under KRS Chapter 416 relating to eminent domain or to agreements that may directly or indirectly involve public funds disbursed through entitlement programs. This provision shall not apply to purchases from a state agency that are available on the same terms to the general public or that are made at public auction. This provision shall not apply to former officers of the Department of Public Advocacy whose continued representation of clients is necessary in order to prevent an adverse effect on the client.
- (7) A present or former officer or public servant listed in KRS 11A.010(9)(a) to (g) shall not, within one (1) year following termination of his or her office or employment, accept employment, compensation, or other economic benefit from any person or business that contracts or does business with, or is regulated by, the state in matters in which he or she was directly involved during the last thirty-six (36) months of his or her tenure. This provision shall not prohibit an individual from returning to the same business, firm, occupation, or profession in which he or she was involved prior to taking office or beginning his or her term of employment, or for which he or she received, prior to his or her state employment, a professional degree or license, provided that, for a period of one (1) year, he or she personally refrains from working on any matter in which he or she was directly involved during the last thirty-six (36) months of his or her tenure in state government. This subsection shall not prohibit the performance of ministerial functions, including but not limited to filing tax returns, filing applications for permits or licenses, or filing incorporation papers, nor shall it prohibit the former officer or public servant from receiving public funds disbursed through entitlement programs.
- (8) A former public servant shall not act as a lobbyist or lobbyist's principal in matters in which he or she was directly involved during the last thirty-six (36) months of his or her tenure for a period of one (1) year after the latter of:
 - (a) The date of leaving office or termination of employment; or
 - (b) The date the term of office expires to which the public servant was elected.

- (9) A former public servant shall not represent a person or business before a state agency in a matter in which the former public servant was directly involved during the last thirty-six (36) months of his or her tenure, for a period of one (1) year after the latter of:
- (a) The date of leaving office or termination of employment; or
 - (b) The date the term of office expires to which the public servant was elected.
- (10) Without the approval of his appointing authority, a public servant shall not accept outside employment from any person or business that does business with or is regulated by the state agency for which the public servant works or which he or she supervises, unless the outside employer's relationship with the state agency is limited to the receipt of entitlement funds.
- (a) The appointing authority shall review administrative regulations established under KRS Chapter 11A when deciding whether to approve outside employment for a public servant.
 - (b) The appointing authority shall not approve outside employment for a public servant if the public servant is involved in decision-making or recommendations concerning the person or business from which the public servant seeks outside employment or compensation.
 - (c) The appointing authority, if applicable, shall file quarterly with the Executive Branch Ethics Commission a list of all employees who have been approved for outside employment along with the name of the outside employer of each.
- (11) The prohibitions imposed by subsection (5) or (10) of this section shall not apply to Professional Golfers' Association class A members who teach golf lessons and receive a fee or lesson charge at golf courses owned and operated by the Kentucky Department of Parks. Instruction provided by an employee of the Commonwealth shall only be given while the employee is on his or her own personal time. The commissioner of the Department of Parks shall promulgate administrative regulations to establish guidelines for the process by which Professional Golfers' Association class A members are approved to teach golf lessons at Kentucky Department of Parks-owned golf courses. The exception granted by this subsection is in recognition of the benefits that will accrue to the Kentucky Department of Parks due to increased participation at state-owned golf courses.
- (12) The prohibitions imposed by subsections (6) to (10) of this section shall not apply to members of the Kentucky Horse Racing *and Gaming Corporation*~~Commission~~.

➔Section 31. KRS 12.020 (Effective between July 1, 2024, and July 1, 2025) is amended to read as follows:

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

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

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

- (a) Treasurer.
 - (6) Department of Agriculture.
 - (a) Commissioner of Agriculture.
 - (b) Agricultural Development Board.
 - (c) Kentucky Agricultural Finance Corporation.
 - (7) Auditor of Public Accounts.
 - (a) Commonwealth Office of the Ombudsman.
- II. Program cabinets headed by appointed officers:
- (1) Justice and Public Safety Cabinet:
 - (a) Department of Kentucky State Police.
 - 1. Office of Administrative Services.
 - a. Division of Operational Support.
 - b. Division of Management Services.
 - 2. Office of Operations.
 - a. Division of West Troops.
 - b. Division of East Troops.
 - c. Division of Special Enforcement.
 - d. Division of Commercial Vehicle Enforcement.
 - 3. Office of Technical Services.
 - a. Division of Forensic Sciences.
 - b. Division of Electronic Services.
 - c. Division of Records Management.
 - (b) Department of Criminal Justice Training.
 - (c) Department of Corrections.
 - (d) Department of Juvenile Justice.
 - (e) Office of the Secretary.
 - (f) Office of Drug Control Policy.
 - (g) Office of Legal Services.
 - (h) Office of the Kentucky State Medical Examiner.
 - (i) Parole Board.
 - (j) Kentucky State Corrections Commission.
 - (k) Office of Legislative and Intergovernmental Services.
 - (l) Office of Human Resource Management.
 - 1. Division of Human Resource Administration.
 - 2. Division of Employee Management.
 - (m) Department of Public Advocacy.
 - (n) Office of Communications.
 - 1. Information Technology Services Division.
 - (o) Office of Financial Management Services.

1. Division of Financial Management.
- (p) Grants Management Division.
- (2) Energy and Environment Cabinet:
 - (a) Office of the Secretary.
 1. Office of Legislative and Intergovernmental Affairs.
 2. Office of Legal Services.
 - a. Legal Division I.
 - b. Legal Division II.
 3. Office of Administrative Hearings.
 4. Office of Communication.
 5. Mine Safety Review Commission.
 6. Office of Kentucky Nature Preserves.
 7. Kentucky Public Service Commission.
 - (b) Department for Environmental Protection.
 1. Office of the Commissioner.
 2. Division for Air Quality.
 3. Division of Water.
 4. Division of Environmental Program Support.
 5. Division of Waste Management.
 6. Division of Enforcement.
 7. Division of Compliance Assistance.
 - (c) Department for Natural Resources.
 1. Office of the Commissioner.
 2. Division of Mine Permits.
 3. Division of Mine Reclamation and Enforcement.
 4. Division of Abandoned Mine Lands.
 5. Division of Oil and Gas.
 6. Division of Mine Safety.
 7. Division of Forestry.
 8. Division of Conservation.
 9. Office of the Reclamation Guaranty Fund.
 - (d) Office of Energy Policy.
 1. Division of Energy Assistance.
 - (e) Office of Administrative Services.
 1. Division of Human Resources Management.
 2. Division of Financial Management.
 3. Division of Information Services.
- (3) Public Protection Cabinet.
 - (a) Office of the Secretary.

1. Office of Communications and Public Outreach.
 2. Office of Legal Services.
 - a. Insurance Legal Division.
 - b. Charitable Gaming Legal Division.
 - c. Alcoholic Beverage Control Legal Division.
 - d. Housing, Buildings and Construction Legal Division.
 - e. Financial Institutions Legal Division.
 - f. Professional Licensing Legal Division.
 3. Office of Administrative Hearings.
 4. Office of Administrative Services.
 - a. Division of Human Resources.
 - b. Division of Fiscal Responsibility.
- (b) Office of Claims and Appeals.
1. Board of Tax Appeals.
 2. Board of Claims.
 3. Crime Victims Compensation Board.
- (c) Kentucky Boxing and Wrestling Commission.
- (d) ~~Kentucky Horse Racing Commission.~~
1. ~~Office of Executive Director.~~
 - a. ~~Division of Pari-mutuel Wagering and Compliance.~~
 - b. ~~Division of Stewards.~~
 - c. ~~Division of Licensing.~~
 - d. ~~Division of Enforcement.~~
 - e. ~~Division of Incentives and Development.~~
 - f. ~~Division of Veterinary Services.~~
- (e) Department of Alcoholic Beverage Control.
1. Division of Distilled Spirits.
 2. Division of Malt Beverages.
 3. Division of Enforcement.
- (e) ~~(f)~~ Department of Charitable Gaming.
1. Division of Licensing and Compliance.
 2. Division of Enforcement.
- (f) ~~(g)~~ Department of Financial Institutions.
1. Division of Depository Institutions.
 2. Division of Non-Depository Institutions.
 3. Division of Securities.
- (g) ~~(h)~~ Department of Housing, Buildings and Construction.
1. Division of Fire Prevention.
 2. Division of Plumbing.

ACTS OF THE GENERAL ASSEMBLY

- 3. Division of Heating, Ventilation, and Air Conditioning.
- 4. Division of Building Code Enforcement.
- ~~(h)(4)~~ Department of Insurance.
 - 1. Division of Health and Life Insurance and Managed Care.
 - 2. Division of Property and Casualty Insurance.
 - 3. Division of Administrative Services.
 - 4. Division of Financial Standards and Examination.
 - 5. Division of Licensing.
 - 6. Division of Insurance Fraud Investigation.
 - 7. Division of Consumer Protection.
- ~~(i)(j)~~ Department of Professional Licensing.
 - 1. Real Estate Authority.
- (4) Transportation Cabinet:
 - (a) Department of Highways.
 - 1. Office of Project Development.
 - 2. Office of Project Delivery and Preservation.
 - 3. Office of Highway Safety.
 - 4. Highway District Offices One through Twelve.
 - (b) Department of Vehicle Regulation.
 - (c) Department of Aviation.
 - (d) Department of Rural and Municipal Aid.
 - 1. Office of Local Programs.
 - 2. Office of Rural and Secondary Roads.
 - (e) Office of the Secretary.
 - 1. Office of Public Affairs.
 - 2. Office for Civil Rights and Small Business Development.
 - 3. Office of Budget and Fiscal Management.
 - 4. Office of Inspector General.
 - 5. Secretary's Office of Safety.
 - (f) Office of Support Services.
 - (g) Office of Transportation Delivery.
 - (h) Office of Audits.
 - (i) Office of Human Resource Management.
 - (j) Office of Information Technology.
 - (k) Office of Legal Services.
- (5) Cabinet for Economic Development:
 - (a) Office of the Secretary.
 - 1. Office of Legal Services.
 - 2. Department for Business and Community Development.

- a. Development and Retention Division – West Kentucky.
 - b. Development, Retention, and Administrative Division – Central and East Kentucky.
 - c. Community and Workforce Development Division.
 3. Department for Financial Services.
 - a. Kentucky Economic Development Finance Authority.
 - b. Finance and Personnel Division.
 - c. IT and Resource Management Division.
 - d. Compliance Division.
 - e. Program Administration Division.
 - f. Bluegrass State Skills Corporation.
 4. Office of Strategy and Public Affairs.
 - a. Marketing and Communications Division.
 - b. Research and Strategy Division.
 5. Office of Entrepreneurship and Innovation.
 - a. Commission on Small Business Innovation and Advocacy.
- (6) Cabinet for Health and Family Services:
- (a) Office of the Secretary.
 1. Office of Public Affairs.
 2. Office of Legal Services.
 3. Office of Inspector General.
 4. Office of Human Resource Management.
 5. Office of Finance and Budget.
 6. Office of Legislative and Regulatory Affairs.
 7. Office of Administrative Services.
 8. Office of Application Technology Services.
 9. Office of Data Analytics.
 - (b) Department for Public Health.
 - (c) Department for Medicaid Services.
 - (d) Department for Behavioral Health, Developmental and Intellectual Disabilities.
 - (e) Department for Aging and Independent Living.
 - (f) Department for Community Based Services.
 - (g) Department for Income Support.
 - (h) Department for Family Resource Centers and Volunteer Services.
- (7) Finance and Administration Cabinet:
- (a) Office of the Secretary.
 - (b) Office of the Inspector General.
 - (c) Office of Legislative and Intergovernmental Affairs.
 - (d) Office of General Counsel.

- (e) Office of the Controller.
 - (f) Office of Administrative Services.
 - (g) Office of Policy and Audit.
 - (h) Department for Facilities and Support Services.
 - (i) Department of Revenue.
 - (j) Commonwealth Office of Technology.
 - (k) State Property and Buildings Commission.
 - (l) Office of Equal Employment Opportunity and Contract Compliance.
 - (m) Kentucky Employees Retirement Systems.
 - (n) Commonwealth Credit Union.
 - (o) State Investment Commission.
 - (p) Kentucky Housing Corporation.
 - (q) Kentucky Local Correctional Facilities Construction Authority.
 - (r) Kentucky Turnpike Authority.
 - (s) Historic Properties Advisory Commission.
 - (t) Kentucky Higher Education Assistance Authority.
 - (u) Kentucky River Authority.
 - (v) Kentucky Teachers' Retirement System Board of Trustees.
 - (w) Executive Branch Ethics Commission.
 - (x) Office of Fleet Management.
- (8) Tourism, Arts and Heritage Cabinet:
- (a) Kentucky Department of Tourism.
 - 1. Division of Tourism Services.
 - 2. Division of Marketing and Administration.
 - 3. Division of Communications and Promotions.
 - (b) Kentucky Department of Parks.
 - 1. Division of Information Technology.
 - 2. Division of Human Resources.
 - 3. Division of Financial Operations.
 - 4. Division of Purchasing.
 - 5. Division of Facilities.
 - 6. Division of Park Operations.
 - 7. Division of Sales, Marketing, and Customer Service.
 - 8. Division of Engagement.
 - 9. Division of Food Services.
 - 10. Division of Rangers.
 - (c) Department of Fish and Wildlife Resources.
 - 1. Division of Law Enforcement.
 - 2. Division of Administrative Services.

3. Division of Engineering, Infrastructure, and Technology.
 4. Division of Fisheries.
 5. Division of Information and Education.
 6. Division of Wildlife.
 7. Division of Marketing.
- (d) Kentucky Horse Park.
1. Division of Support Services.
 2. Division of Buildings and Grounds.
 3. Division of Operational Services.
- (e) Kentucky State Fair Board.
1. Office of Administrative and Information Technology Services.
 2. Office of Human Resources and Access Control.
 3. Division of Expositions.
 4. Division of Kentucky Exposition Center Operations.
 5. Division of Kentucky International Convention Center.
 6. Division of Public Relations and Media.
 7. Division of Venue Services.
 8. Division of Personnel Management and Staff Development.
 9. Division of Sales.
 10. Division of Security and Traffic Control.
 11. Division of Information Technology.
 12. Division of the Louisville Arena.
 13. Division of Fiscal and Contract Management.
 14. Division of Access Control.
- (f) Office of the Secretary.
1. Office of Finance.
 2. Office of Government Relations and Administration.
- (g) Office of Legal Affairs.
- (h) Office of Human Resources.
- (i) Office of Public Affairs and Constituent Services.
- (j) Office of Arts and Cultural Heritage.
- (k) Kentucky African-American Heritage Commission.
- (l) Kentucky Foundation for the Arts.
- (m) Kentucky Humanities Council.
- (n) Kentucky Heritage Council.
- (o) Kentucky Arts Council.
- (p) Kentucky Historical Society.
1. Division of Museums.
 2. Division of Oral History and Educational Outreach.

3. Division of Research and Publications.
 4. Division of Administration.
 - (q) Kentucky Center for the Arts.
 1. Division of Governor's School for the Arts.
 - (r) Kentucky Artisans Center at Berea.
 - (s) Northern Kentucky Convention Center.
 - (t) Eastern Kentucky Exposition Center.
- (9) Personnel Cabinet:
- (a) Office of the Secretary.
 - (b) Department of Human Resources Administration.
 - (c) Office of Employee Relations.
 - (d) Kentucky Public Employees Deferred Compensation Authority.
 - (e) Office of Administrative Services.
 - (f) Office of Legal Services.
 - (g) Governmental Services Center.
 - (h) Department of Employee Insurance.
 - (i) Office of Diversity, Equality, and Training.
 - (j) Office of Public Affairs.
- (10) Education and Labor Cabinet:
- (a) Office of the Secretary.
 1. Office of Legal Services.
 - a. Workplace Standards Legal Division.
 - b. Workers' Claims Legal Division.
 - c. Workforce Development Legal Division.
 2. Office of Administrative Services.
 - a. Division of Human Resources Management.
 - b. Division of Fiscal Management.
 - c. Division of Operations and Support Services.
 3. Office of Technology Services.
 - a. Division of Information Technology Services.
 4. Office of Policy and Audit.
 5. Office of Legislative Services.
 6. Office of Communications.
 7. Office of the Kentucky Center for Statistics.
 8. Board of the Kentucky Center for Statistics.
 9. Early Childhood Advisory Council.
 10. Governors' Scholars Program.
 11. Governor's School for Entrepreneurs Program.
 12. Foundation for Adult Education.

- (b) Department of Education.
 - 1. Kentucky Board of Education.
 - 2. Kentucky Technical Education Personnel Board.
 - 3. Education Professional Standards Board.
- (c) Board of Directors for the Center for School Safety.
- (d) Department for Libraries and Archives.
- (e) Kentucky Environmental Education Council.
- (f) Kentucky Educational Television.
- (g) Kentucky Commission on the Deaf and Hard of Hearing.
- (h) Department of Workforce Development.
 - 1. Career Development Office.
 - 2. Office of Vocational Rehabilitation.
 - a. Division of Kentucky Business Enterprise.
 - b. Division of the Carl D. Perkins Vocational Training Center.
 - c. Division of Blind Services.
 - d. Division of Field Services.
 - e. Statewide Council for Vocational Rehabilitation.
 - f. Employment First Council.
 - 3. Office of Employer and Apprenticeship Services.
 - a. Division of Apprenticeship.
 - 4. Kentucky Apprenticeship Council.
 - 5. Division of Technical Assistance.
 - 6. Office of Adult Education.
 - 7. Office of the Kentucky Workforce Innovation Board.
- (i) Department of Workplace Standards.
 - 1. Division of Occupational Safety and Health Compliance.
 - 2. Division of Occupational Safety and Health Education and Training.
 - 3. Division of Wages and Hours.
- (j) Office of Unemployment Insurance.
- (k) Kentucky Unemployment Insurance Commission.
- (l) Department of Workers' Claims.
 - 1. Division of Workers' Compensation Funds.
 - 2. Office of Administrative Law Judges.
 - 3. Division of Claims Processing.
 - 4. Division of Security and Compliance.
 - 5. Division of Specialist and Medical Services.
 - 6. Workers' Compensation Board.
- (m) Workers' Compensation Funding Commission.
- (n) Kentucky Occupational Safety and Health Standards Board.

- (o) State Labor Relations Board.
- (p) Employers' Mutual Insurance Authority.
- (q) Kentucky Occupational Safety and Health Review Commission.
- (r) Workers' Compensation Nominating Committee.
- (s) Office of Educational Programs.
- (t) Kentucky Workforce Innovation Board.
- (u) Kentucky Commission on Proprietary Education.
- (v) Kentucky Work Ready Skills Advisory Committee.
- (w) Kentucky Geographic Education Board.
- (x) Disability Determination Services Program.

III. Other departments headed by appointed officers:

- (1) Council on Postsecondary Education.
- (2) Department of Military Affairs.
- (3) Department for Local Government.
- (4) Kentucky Commission on Human Rights.
- (5) Kentucky Commission on Women.
- (6) Department of Veterans' Affairs.
- (7) Kentucky Commission on Military Affairs.
- (8) Office of Minority Empowerment.
- (9) Governor's Council on Wellness and Physical Activity.
- (10) Kentucky Communications Network Authority.

➔Section 32. KRS 12.020 (Effective July 1, 2025) is amended to read as follows:

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

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

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

- (6) Department of Agriculture.
 - (a) Commissioner of Agriculture.
 - (b) Agricultural Development Board.
 - (c) Kentucky Agricultural Finance Corporation.
 - (7) Auditor of Public Accounts.
 - (a) Commonwealth Office of the Ombudsman.
- II. Program cabinets headed by appointed officers:
- (1) Justice and Public Safety Cabinet:
 - (a) Department of Kentucky State Police.
 - 1. Office of Administrative Services.
 - a. Division of Operational Support.
 - b. Division of Management Services.
 - 2. Office of Operations.
 - a. Division of West Troops.
 - b. Division of East Troops.
 - c. Division of Special Enforcement.
 - d. Division of Commercial Vehicle Enforcement.
 - 3. Office of Technical Services.
 - a. Division of Forensic Sciences.
 - b. Division of Electronic Services.
 - c. Division of Records Management.
 - (b) Department of Criminal Justice Training.
 - (c) Department of Corrections.
 - (d) Department of Juvenile Justice.
 - (e) Office of the Secretary.
 - (f) Office of Drug Control Policy.
 - (g) Office of Legal Services.
 - (h) Office of the Kentucky State Medical Examiner.
 - (i) Parole Board.
 - (j) Kentucky State Corrections Commission.
 - (k) Office of Legislative and Intergovernmental Services.
 - (l) Office of Human Resource Management.
 - 1. Division of Human Resource Administration.
 - 2. Division of Employee Management.
 - (m) Department of Public Advocacy.
 - (n) Office of Communications.
 - 1. Information Technology Services Division.
 - (o) Office of Financial Management Services.
 - 1. Division of Financial Management.

- (p) Grants Management Division.
- (2) Energy and Environment Cabinet:
 - (a) Office of the Secretary.
 - 1. Office of Legislative and Intergovernmental Affairs.
 - 2. Office of Legal Services.
 - a. Legal Division I.
 - b. Legal Division II.
 - 3. Office of Administrative Hearings.
 - 4. Office of Communication.
 - 5. Mine Safety Review Commission.
 - 6. Office of Kentucky Nature Preserves.
 - 7. Kentucky Public Service Commission.
 - (b) Department for Environmental Protection.
 - 1. Office of the Commissioner.
 - 2. Division for Air Quality.
 - 3. Division of Water.
 - 4. Division of Environmental Program Support.
 - 5. Division of Waste Management.
 - 6. Division of Enforcement.
 - 7. Division of Compliance Assistance.
 - (c) Department for Natural Resources.
 - 1. Office of the Commissioner.
 - 2. Division of Mine Permits.
 - 3. Division of Mine Reclamation and Enforcement.
 - 4. Division of Abandoned Mine Lands.
 - 5. Division of Oil and Gas.
 - 6. Division of Mine Safety.
 - 7. Division of Forestry.
 - 8. Division of Conservation.
 - 9. Office of the Reclamation Guaranty Fund.
 - (d) Office of Energy Policy.
 - 1. Division of Energy Assistance.
 - (e) Office of Administrative Services.
 - 1. Division of Human Resources Management.
 - 2. Division of Financial Management.
 - 3. Division of Information Services.
- (3) Public Protection Cabinet.
 - (a) Office of the Secretary.
 - 1. Office of Communications and Public Outreach.

2. Office of Legal Services.
 - a. Insurance Legal Division.
 - b. ~~Charitable Gaming Legal Division.~~
 - e. Alcoholic Beverage Control Legal Division.
 - c. ~~Housing, Buildings and Construction Legal Division.~~
 - d. ~~Financial Institutions Legal Division.~~
 - e. ~~Professional Licensing Legal Division.~~
3. Office of Administrative Hearings.
4. Office of Administrative Services.
 - a. Division of Human Resources.
 - b. Division of Fiscal Responsibility.
- (b) Office of Claims and Appeals.
 1. Board of Tax Appeals.
 2. Board of Claims.
 3. Crime Victims Compensation Board.
- (c) Kentucky Boxing and Wrestling Commission.
- (d) ~~Kentucky Horse Racing Commission.~~
 1. ~~Office of Executive Director.~~
 - a. ~~Division of Pari-mutuel Wagering and Compliance.~~
 - b. ~~Division of Stewards.~~
 - e. ~~Division of Licensing.~~
 - d. ~~Division of Enforcement.~~
 - e. ~~Division of Incentives and Development.~~
 - f. ~~Division of Veterinary Services.~~
- (e) Department of Alcoholic Beverage Control.
 1. Division of Distilled Spirits.
 2. Division of Malt Beverages.
 3. Division of Enforcement.
- ~~(f) Department of Charitable Gaming.~~
 1. ~~Division of Licensing and Compliance.~~
 2. ~~Division of Enforcement.]~~
- (e) ~~(g)~~ Department of Financial Institutions.
 1. Division of Depository Institutions.
 2. Division of Non-Depository Institutions.
 3. Division of Securities.
- (f) ~~(h)~~ Department of Housing, Buildings and Construction.
 1. Division of Fire Prevention.
 2. Division of Plumbing.
 3. Division of Heating, Ventilation, and Air Conditioning.

- 4. Division of Building Code Enforcement.
- (g)~~(i)~~ Department of Insurance.
 - 1. Division of Health and Life Insurance and Managed Care.
 - 2. Division of Property and Casualty Insurance.
 - 3. Division of Administrative Services.
 - 4. Division of Financial Standards and Examination.
 - 5. Division of Licensing.
 - 6. Division of Insurance Fraud Investigation.
 - 7. Division of Consumer Protection.
- (h)~~(j)~~ Department of Professional Licensing.
 - 1. Real Estate Authority.
- (4) Transportation Cabinet:
 - (a) Department of Highways.
 - 1. Office of Project Development.
 - 2. Office of Project Delivery and Preservation.
 - 3. Office of Highway Safety.
 - 4. Highway District Offices One through Twelve.
 - (b) Department of Vehicle Regulation.
 - (c) Department of Aviation.
 - (d) Department of Rural and Municipal Aid.
 - 1. Office of Local Programs.
 - 2. Office of Rural and Secondary Roads.
 - (e) Office of the Secretary.
 - 1. Office of Public Affairs.
 - 2. Office for Civil Rights and Small Business Development.
 - 3. Office of Budget and Fiscal Management.
 - 4. Office of Inspector General.
 - 5. Secretary's Office of Safety.
 - (f) Office of Support Services.
 - (g) Office of Transportation Delivery.
 - (h) Office of Audits.
 - (i) Office of Human Resource Management.
 - (j) Office of Information Technology.
 - (k) Office of Legal Services.
- (5) Cabinet for Economic Development:
 - (a) Office of the Secretary.
 - 1. Office of Legal Services.
 - 2. Department for Business and Community Development.
 - a. Development and Retention Division – West Kentucky.

- b. Development, Retention, and Administrative Division – Central and East Kentucky.
 - c. Community and Workforce Development Division.
 - 3. Department for Financial Services.
 - a. Kentucky Economic Development Finance Authority.
 - b. Finance and Personnel Division.
 - c. IT and Resource Management Division.
 - d. Compliance Division.
 - e. Program Administration Division.
 - f. Bluegrass State Skills Corporation.
 - 4. Office of Strategy and Public Affairs.
 - a. Marketing and Communications Division.
 - b. Research and Strategy Division.
 - 5. Office of Entrepreneurship and Innovation.
 - a. Commission on Small Business Innovation and Advocacy.
- (6) Cabinet for Health and Family Services:
 - (a) Office of the Secretary.
 - 1. Office of Public Affairs.
 - 2. Office of Legal Services.
 - 3. Office of Inspector General.
 - 4. Office of Human Resource Management.
 - 5. Office of Finance and Budget.
 - 6. Office of Legislative and Regulatory Affairs.
 - 7. Office of Administrative Services.
 - 8. Office of Application Technology Services.
 - 9. Office of Data Analytics.
 - (b) Department for Public Health.
 - (c) Department for Medicaid Services.
 - (d) Department for Behavioral Health, Developmental and Intellectual Disabilities.
 - (e) Department for Aging and Independent Living.
 - (f) Department for Community Based Services.
 - (g) Department for Family Resource Centers and Volunteer Services.
- (7) Finance and Administration Cabinet:
 - (a) Office of the Secretary.
 - (b) Office of the Inspector General.
 - (c) Office of Legislative and Intergovernmental Affairs.
 - (d) Office of General Counsel.
 - (e) Office of the Controller.
 - (f) Office of Administrative Services.

- (g) Office of Policy and Audit.
 - (h) Department for Facilities and Support Services.
 - (i) Department of Revenue.
 - (j) Commonwealth Office of Technology.
 - (k) State Property and Buildings Commission.
 - (l) Office of Equal Employment Opportunity and Contract Compliance.
 - (m) Kentucky Employees Retirement Systems.
 - (n) Commonwealth Credit Union.
 - (o) State Investment Commission.
 - (p) Kentucky Housing Corporation.
 - (q) Kentucky Local Correctional Facilities Construction Authority.
 - (r) Kentucky Turnpike Authority.
 - (s) Historic Properties Advisory Commission.
 - (t) Kentucky Higher Education Assistance Authority.
 - (u) Kentucky River Authority.
 - (v) Kentucky Teachers' Retirement System Board of Trustees.
 - (w) Executive Branch Ethics Commission.
 - (x) Office of Fleet Management.
- (8) Tourism, Arts and Heritage Cabinet:
- (a) Kentucky Department of Tourism.
 - 1. Division of Tourism Services.
 - 2. Division of Marketing and Administration.
 - 3. Division of Communications and Promotions.
 - (b) Kentucky Department of Parks.
 - 1. Division of Information Technology.
 - 2. Division of Human Resources.
 - 3. Division of Financial Operations.
 - 4. Division of Purchasing.
 - 5. Division of Facilities.
 - 6. Division of Park Operations.
 - 7. Division of Sales, Marketing, and Customer Service.
 - 8. Division of Engagement.
 - 9. Division of Food Services.
 - 10. Division of Rangers.
 - (c) Department of Fish and Wildlife Resources.
 - 1. Division of Law Enforcement.
 - 2. Division of Administrative Services.
 - 3. Division of Engineering, Infrastructure, and Technology.
 - 4. Division of Fisheries.

5. Division of Information and Education.
 6. Division of Wildlife.
 7. Division of Marketing.
- (d) Kentucky Horse Park.
1. Division of Support Services.
 2. Division of Buildings and Grounds.
 3. Division of Operational Services.
- (e) Kentucky State Fair Board.
1. Office of Administrative and Information Technology Services.
 2. Office of Human Resources and Access Control.
 3. Division of Expositions.
 4. Division of Kentucky Exposition Center Operations.
 5. Division of Kentucky International Convention Center.
 6. Division of Public Relations and Media.
 7. Division of Venue Services.
 8. Division of Personnel Management and Staff Development.
 9. Division of Sales.
 10. Division of Security and Traffic Control.
 11. Division of Information Technology.
 12. Division of the Louisville Arena.
 13. Division of Fiscal and Contract Management.
 14. Division of Access Control.
- (f) Office of the Secretary.
1. Office of Finance.
 2. Office of Government Relations and Administration.
- (g) Office of Legal Affairs.
- (h) Office of Human Resources.
- (i) Office of Public Affairs and Constituent Services.
- (j) Office of Arts and Cultural Heritage.
- (k) Kentucky African-American Heritage Commission.
- (l) Kentucky Foundation for the Arts.
- (m) Kentucky Humanities Council.
- (n) Kentucky Heritage Council.
- (o) Kentucky Arts Council.
- (p) Kentucky Historical Society.
1. Division of Museums.
 2. Division of Oral History and Educational Outreach.
 3. Division of Research and Publications.
 4. Division of Administration.

- (q) Kentucky Center for the Arts.
 - 1. Division of Governor's School for the Arts.
- (r) Kentucky Artisans Center at Berea.
- (s) Northern Kentucky Convention Center.
- (t) Eastern Kentucky Exposition Center.
- (9) Personnel Cabinet:
 - (a) Office of the Secretary.
 - (b) Department of Human Resources Administration.
 - (c) Office of Employee Relations.
 - (d) Kentucky Public Employees Deferred Compensation Authority.
 - (e) Office of Administrative Services.
 - (f) Office of Legal Services.
 - (g) Governmental Services Center.
 - (h) Department of Employee Insurance.
 - (i) Office of Diversity, Equality, and Training.
 - (j) Office of Public Affairs.
- (10) Education and Labor Cabinet:
 - (a) Office of the Secretary.
 - 1. Office of Legal Services.
 - a. Workplace Standards Legal Division.
 - b. Workers' Claims Legal Division.
 - c. Workforce Development Legal Division.
 - 2. Office of Administrative Services.
 - a. Division of Human Resources Management.
 - b. Division of Fiscal Management.
 - c. Division of Operations and Support Services.
 - 3. Office of Technology Services.
 - a. Division of Information Technology Services.
 - 4. Office of Policy and Audit.
 - 5. Office of Legislative Services.
 - 6. Office of Communications.
 - 7. Office of the Kentucky Center for Statistics.
 - 8. Board of the Kentucky Center for Statistics.
 - 9. Early Childhood Advisory Council.
 - 10. Governors' Scholars Program.
 - 11. Governor's School for Entrepreneurs Program.
 - 12. Foundation for Adult Education.
 - (b) Department of Education.
 - 1. Kentucky Board of Education.

2. Kentucky Technical Education Personnel Board.
3. Education Professional Standards Board.
- (c) Board of Directors for the Center for School Safety.
- (d) Department for Libraries and Archives.
- (e) Kentucky Environmental Education Council.
- (f) Kentucky Educational Television.
- (g) Kentucky Commission on the Deaf and Hard of Hearing.
- (h) Department of Workforce Development.
 1. Career Development Office.
 2. Office of Vocational Rehabilitation.
 - a. Division of Kentucky Business Enterprise.
 - b. Division of the Carl D. Perkins Vocational Training Center.
 - c. Division of Blind Services.
 - d. Division of Field Services.
 - e. Statewide Council for Vocational Rehabilitation.
 - f. Employment First Council.
 3. Office of Employer and Apprenticeship Services.
 - a. Division of Apprenticeship.
 4. Kentucky Apprenticeship Council.
 5. Division of Technical Assistance.
 6. Office of Adult Education.
 7. Office of the Kentucky Workforce Innovation Board.
- (i) Department of Workplace Standards.
 1. Division of Occupational Safety and Health Compliance.
 2. Division of Occupational Safety and Health Education and Training.
 3. Division of Wages and Hours.
- (j) Office of Unemployment Insurance.
- (k) Kentucky Unemployment Insurance Commission.
- (l) Department of Workers' Claims.
 1. Division of Workers' Compensation Funds.
 2. Office of Administrative Law Judges.
 3. Division of Claims Processing.
 4. Division of Security and Compliance.
 5. Division of Specialist and Medical Services.
 6. Workers' Compensation Board.
- (m) Workers' Compensation Funding Commission.
- (n) Kentucky Occupational Safety and Health Standards Board.
- (o) State Labor Relations Board.
- (p) Employers' Mutual Insurance Authority.

- (q) Kentucky Occupational Safety and Health Review Commission.
- (r) Workers' Compensation Nominating Committee.
- (s) Office of Educational Programs.
- (t) Kentucky Workforce Innovation Board.
- (u) Kentucky Commission on Proprietary Education.
- (v) Kentucky Work Ready Skills Advisory Committee.
- (w) Kentucky Geographic Education Board.
- (x) Disability Determination Services Program.

III. Other departments headed by appointed officers:

- (1) Council on Postsecondary Education.
- (2) Department of Military Affairs.
- (3) Department for Local Government.
- (4) Kentucky Commission on Human Rights.
- (5) Kentucky Commission on Women.
- (6) Department of Veterans' Affairs.
- (7) Kentucky Commission on Military Affairs.
- (8) Office of Minority Empowerment.
- (9) Governor's Council on Wellness and Physical Activity.
- (10) Kentucky Communications Network Authority.

➔Section 33. KRS 12.252 is amended to read as follows:

- (1) There is established within the Public Protection Cabinet a Department of Financial Institutions, a Department of Insurance, a Department of Housing, Buildings and Construction, a Department of Charitable Gaming, a Department of Professional Licensing, and a Department of Alcoholic Beverage Control. Each department shall be headed by a commissioner appointed by the Governor as required by KRS 12.040 and, where appropriate, by KRS 238.510, 241.015, and 304.2-020. Commissioners shall be directly responsible to the secretary and shall perform the functions, powers, and duties provided by law and prescribed by the secretary.
- (2) The secretary of the Public Protection Cabinet shall be appointed by the Governor in accordance with KRS 12.255. The Office of the Secretary shall contain the following entities:
 - (a) The Office of Communications and Public Outreach, which shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050;
 - (b) The Office of Legal Services, which shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050 and 12.210;
 - (c) The Office of Administrative Hearings, which shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050 and 12.210; and
 - (d) The Office of Administrative Services, which shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050.
- (3) There is established within the Public Protection Cabinet the Office of Claims and Appeals pursuant to KRS 49.010.
- ~~(4) The Kentucky Horse Racing Commission is attached to the Public Protection Cabinet for administrative purposes only, except as provided in KRS 131.330.~~
- ~~(5)~~ There is established within the Public Protection Cabinet the Kentucky Boxing and Wrestling Commission, which shall be headed by an executive director appointed by the secretary with the approval of the Governor as required by KRS 12.050. The executive director shall be directly responsible to the secretary and shall perform the functions, powers, and duties provided by law and prescribed by the secretary.

➔Section 34. KRS 12.252 is amended to read as follows:

- (1) There is established within the Public Protection Cabinet a Department of Financial Institutions, a Department of Insurance, a Department of Housing, Buildings and Construction, ~~[- a Department of Charitable Gaming,]~~ a Department of Professional Licensing, and a Department of Alcoholic Beverage Control. Each department shall be headed by a commissioner appointed by the Governor as required by KRS 12.040 and, where appropriate, by KRS ~~[- 238.510,]~~ 241.015~~[-,]~~ and 304.2-020. Commissioners shall be directly responsible to the secretary and shall perform the functions, powers, and duties provided by law and prescribed by the secretary.
- (2) The secretary of the Public Protection Cabinet shall be appointed by the Governor in accordance with KRS 12.255. The Office of the Secretary shall contain the following entities:
 - (a) The Office of Communications and Public Outreach, which shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050;
 - (b) The Office of Legal Services, which shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050 and 12.210;
 - (c) The Office of Administrative Hearings, which shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050 and 12.210; and
 - (d) The Office of Administrative Services, which shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050.
- (3) There is established within the Public Protection Cabinet the Office of Claims and Appeals pursuant to KRS 49.010.
- ~~(4) [The Kentucky Horse Racing Commission is attached to the Public Protection Cabinet for administrative purposes only, except as provided in KRS 131.330.]~~
- ~~(5)]~~ There is established within the Public Protection Cabinet the Kentucky Boxing and Wrestling Commission, which shall be headed by an executive director appointed by the secretary with the approval of the Governor as required by KRS 12.050. The executive director shall be directly responsible to the secretary and shall perform the functions, powers, and duties provided by law and prescribed by the secretary.

➔Section 35. KRS 15.380 is amended to read as follows:

- (1) The following officers employed or appointed as full-time, part-time, or auxiliary officers, whether paid or unpaid, shall be certified by the council if all minimum standards set forth in KRS 15.380 to 15.404 have been met:
 - (a) Department of Kentucky State Police officers, but for the commissioner of the Department of Kentucky State Police;
 - (b) City, county, and urban-county police officers;
 - (c) Deputy sheriffs, except those identified in KRS 70.045 and 70.263(3);
 - (d) State or public university police officers appointed pursuant to KRS 164.950;
 - (e) School resource officers as defined in KRS 158.441 and employed or appointed under KRS 158.4414;
 - (f) Airport safety and security officers appointed under KRS 183.880;
 - (g) Department of Alcoholic Beverage Control investigators appointed under KRS 241.090;
 - (h) Division of Insurance Fraud Investigation investigators appointed under KRS 304.47-040; and
 - (i) Fire investigators appointed or employed under KRS 95A.100 or 227.220.
- (2) The requirements of KRS 15.380 to 15.404 for certification may apply to all state peace officers employed pursuant to KRS Chapter 18A and shall, if adopted, be incorporated by the Personnel Cabinet for job specifications.
- (3) Additional training in excess of the standards set forth in KRS 15.380 to 15.404 for all peace officers possessing arrest powers who have specialized law enforcement responsibilities shall be the responsibility of the employing agency.
- (4) The following officers may, upon request of the employing agency, be certified by the council if all minimum standards set forth in KRS 15.380 to 15.404 have been met:

- (a) Deputy coroners;
 - (b) Deputy constables;
 - (c) Deputy jailers;
 - (d) Deputy sheriffs under KRS 70.045 and 70.263(3);
 - (e) Officers appointed under KRS 61.360;
 - (f) Officers appointed under KRS 61.902, except those who are school resource officers as defined in KRS 158.441 and who shall be certified under subsection (1)(e) of this section;
 - (g) Private security officers;
 - (h) Employees of a correctional services division created pursuant to KRS 67A.028 and employees of a metropolitan correctional services department created pursuant to KRS 67B.010 to 67B.080;
 - (i) Investigators employed by the Department of Charitable Gaming in accordance with KRS 238.510; and
 - (j) Commonwealth detectives employed under KRS 69.110 and county detectives employed under KRS 69.360.
- (5) The following officers shall be exempted from the certification requirements but may upon their request be certified by the council:
- (a) Sheriffs;
 - (b) Coroners;
 - (c) Constables;
 - (d) Jailers;
 - (e) Kentucky Horse Racing *and Gaming Corporation*~~{Commission}~~ security officers employed under KRS 230.240; and
 - (f) Commissioner of the State Police.
- (6) Federal peace officers cannot be certified under KRS 15.380 to 15.404.
- (7) Local alcoholic beverage control investigators appointed under KRS Chapter 241 on or after April 1, 2019, shall be certified by the council if all minimum standards set forth in KRS 15.380 to 15.404 have been met. Local alcoholic beverage control investigators appointed under KRS Chapter 241 before April 1, 2019, may be certified by the council if all minimum standards set forth in KRS 15.380 to 15.404 have been met.
- ➔Section 36. KRS 15.380 is amended to read as follows:
- (1) The following officers employed or appointed as full-time, part-time, or auxiliary officers, whether paid or unpaid, shall be certified by the council if all minimum standards set forth in KRS 15.380 to 15.404 have been met:
- (a) Department of Kentucky State Police officers, but for the commissioner of the Department of Kentucky State Police;
 - (b) City, county, and urban-county police officers;
 - (c) Deputy sheriffs, except those identified in KRS 70.045 and 70.263(3);
 - (d) State or public university police officers appointed pursuant to KRS 164.950;
 - (e) School resource officers as defined in KRS 158.441 and employed or appointed under KRS 158.4414;
 - (f) Airport safety and security officers appointed under KRS 183.880;
 - (g) Department of Alcoholic Beverage Control investigators appointed under KRS 241.090;
 - (h) Division of Insurance Fraud Investigation investigators appointed under KRS 304.47-040; and
 - (i) Fire investigators appointed or employed under KRS 95A.100 or 227.220.
- (2) The requirements of KRS 15.380 to 15.404 for certification may apply to all state peace officers employed pursuant to KRS Chapter 18A and shall, if adopted, be incorporated by the Personnel Cabinet for job specifications.

- (3) Additional training in excess of the standards set forth in KRS 15.380 to 15.404 for all peace officers possessing arrest powers who have specialized law enforcement responsibilities shall be the responsibility of the employing agency.
- (4) The following officers may, upon request of the employing agency, be certified by the council if all minimum standards set forth in KRS 15.380 to 15.404 have been met:
 - (a) Deputy coroners;
 - (b) Deputy constables;
 - (c) Deputy jailers;
 - (d) Deputy sheriffs under KRS 70.045 and 70.263(3);
 - (e) Officers appointed under KRS 61.360;
 - (f) Officers appointed under KRS 61.902, except those who are school resource officers as defined in KRS 158.441 and who shall be certified under subsection (1)(e) of this section;
 - (g) Private security officers;
 - (h) Employees of a correctional services division created pursuant to KRS 67A.028 and employees of a metropolitan correctional services department created pursuant to KRS 67B.010 to 67B.080;
 - (i) Investigators employed by the ~~Office~~~~Department~~ of Charitable Gaming in accordance with KRS 238.510; and
 - (j) Commonwealth detectives employed under KRS 69.110 and county detectives employed under KRS 69.360.
- (5) The following officers shall be exempted from the certification requirements but may upon their request be certified by the council:
 - (a) Sheriffs;
 - (b) Coroners;
 - (c) Constables;
 - (d) Jailers;
 - (e) Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ security officers employed under KRS 230.240; and
 - (f) Commissioner of the State Police.
- (6) Federal peace officers cannot be certified under KRS 15.380 to 15.404.
- (7) Local alcoholic beverage control investigators appointed under KRS Chapter 241 on or after April 1, 2019, shall be certified by the council if all minimum standards set forth in KRS 15.380 to 15.404 have been met. Local alcoholic beverage control investigators appointed under KRS Chapter 241 before April 1, 2019, may be certified by the council if all minimum standards set forth in KRS 15.380 to 15.404 have been met.

➔Section 37. KRS 15.728 is amended to read as follows:

All law enforcement agencies and investigative bodies shall notify the ~~Office~~~~Department~~ of Charitable Gaming of any investigation or prosecution of any violation of the charitable gaming laws as soon as reasonably possible after commencing the investigation or prosecution and shall coordinate any investigation with the ~~office~~~~department~~.

➔Section 38. KRS 18A.115 is amended to read as follows:

- (1) The classified service to which KRS 18A.005 to 18A.200 shall apply shall comprise all positions in the state service now existing or hereafter established, except the following:
 - (a) The General Assembly and employees of the General Assembly, including the employees of the Legislative Research Commission;
 - (b) Officers elected by popular vote and persons appointed to fill vacancies in elective offices;
 - (c) Members of boards and commissions;

- (d) Officers and employees on the staff of the Governor, the Lieutenant Governor, the Office of the Secretary of the Governor's Cabinet, and the Office of Program Administration;
- (e) Cabinet secretaries, commissioners, office heads, and the administrative heads of all boards and commissions, including the executive director of Kentucky Educational Television;
- (f) Employees of Kentucky Educational Television who have been determined to be exempt from classified service by the Kentucky Authority for Educational Television, which shall have sole authority over such exempt employees for employment, dismissal, and setting of compensation, up to the maximum established for the executive director and his principal assistants;
- (g) One (1) principal assistant or deputy for each person exempted under subsection (1)(e) of this section;
- (h) One (1) additional principal assistant or deputy as may be necessary for making and carrying out policy for each person exempted under subsection (1)(e) of this section in those instances in which the nature of the functions, size, or complexity of the unit involved are such that the secretary approves such an addition on petition of the relevant cabinet secretary or department head and such other principal assistants, deputies, or other major assistants as may be necessary for making and carrying out policy for each person exempted under subsection (1)(e) of this section in those instances in which the nature of the functions, size, or complexity of the unit involved are such that the board may approve such an addition or additions on petition of the department head approved by the secretary. Effective August 1, 2010:
 - 1. All positions approved under this paragraph prior to August 1, 2010, shall be abolished effective December 31, 2010, unless reapproved under subparagraph 2. of this paragraph; and
 - 2. A position approved under this paragraph on or after August 1, 2010, shall be approved for a period of five (5) years, after which time the position shall be abolished unless reapproved under this subparagraph for an additional five (5) year period;
- (i) Division directors subject to the provisions of KRS 18A.170. Division directors in the classified service as of January 1, 1980, shall remain in the classified service;
- (j) Physicians employed as such;
- (k) One (1) private secretary for each person exempted under subsection (1)(e), (g), and (h) of this section;
- (l) The judicial department, referees, receivers, jurors, and notaries public;
- (m) Officers and members of the staffs of state universities and colleges and student employees of such institutions; officers and employees of the Teachers' Retirement System; and officers, teachers, and employees of local boards of education;
- (n) Patients or inmates employed in state institutions;
- (o) Persons employed in a professional or scientific capacity to make or conduct a temporary or special inquiry, investigation, or examination on behalf of the General Assembly, or a committee thereof, or by authority of the Governor, and persons employed by state agencies for a specified, limited period to provide professional, technical, scientific, or artistic services under the provisions of KRS 45A.690 to 45A.725;
- (p) Interim employees;
- (q) Officers and members of the state militia;
- (r) Department of Kentucky State Police troopers;
- (s) University or college engineering students or other students employed part-time or part-year by the state through special personnel recruitment programs; provided that while so employed such aides shall be under contract to work full-time for the state after graduation for a period of time approved by the commissioner or shall be participants in a cooperative education program approved by the commissioner;
- (t) Superintendents of state mental institutions, including heads of centers for individuals with an intellectual disability, and penal and correctional institutions as referred to in KRS 196.180(2);
- (u) Staff members of the Kentucky Historical Society, if they are hired in accordance with KRS 171.311;
- (v) County and Commonwealth's attorneys and their respective appointees;

- (w) Chief district engineers and the state highway engineer;
 - (x) Veterinarians employed as such by the Kentucky Horse Racing *and Gaming Corporation*~~[Commission]~~;
 - (y) Employees of the Kentucky Peace Corps;
 - (z) Employees of the Council on Postsecondary Education;
 - (aa) Executive director of the Commonwealth Office of Technology;
 - (ab) Employees of Serve Kentucky;
 - (ac) Persons employed in certified teaching positions at the Kentucky School for the Blind and the Kentucky School for the Deaf;
 - (ad) Federally funded time-limited employees as defined in KRS 18A.005; and
 - (ae) Employees of the Department of Agriculture who are employed to support the Agricultural Development Board and the Kentucky Agricultural Finance Corporation.
- (2) Nothing in KRS 18A.005 to 18A.200 is intended, or shall be construed, to alter or amend the provisions of KRS 150.022 and 150.061.
 - (3) Nothing in KRS 18A.005 to 18A.200 is intended or shall be construed to affect any nonmanagement, nonpolicy-making position which must be included in the classified service as a prerequisite to the grant of federal funds to a state agency.
 - (4) Career employees within the classified service promoted to positions exempted from classified service shall, upon termination of their employment in the exempted service, revert to a position in that class in the agency from which they were terminated if a vacancy in that class exists. If no such vacancy exists, they shall be considered for employment in any vacant position for which they were qualified pursuant to KRS 18A.130 and 18A.135.
 - (5) Nothing in KRS 18A.005 to 18A.200 shall be construed as precluding appointing officers from filling unclassified positions in the manner in which positions in the classified service are filled except as otherwise provided in KRS 18A.005 to 18A.200.
 - (6) The positions of employees who are transferred, effective July 1, 1998, from the Cabinet for Workforce Development to the Kentucky Community and Technical College System shall be abolished and the employees' names removed from the roster of state employees. Employees that are transferred, effective July 1, 1998, to the Kentucky Community and Technical College System under KRS Chapter 164 shall have the same benefits and rights as they had under KRS Chapter 18A and have under KRS 164.5805; however, they shall have no guaranteed reemployment rights in the KRS Chapter 151B or KRS Chapter 18A personnel systems. An employee who seeks reemployment in a state position under KRS Chapter 151B or KRS Chapter 18A shall have years of service in the Kentucky Community and Technical College System counted towards years of experience for calculating benefits and compensation.
 - (7) On August 15, 2000, all certified and equivalent personnel, all unclassified personnel, and all certified and equivalent and unclassified vacant positions in the Department for Adult Education and Literacy shall be transferred from the personnel system under KRS Chapter 151B to the personnel system under KRS Chapter 18A. The positions shall be deleted from the KRS Chapter 151B personnel system. All records shall be transferred including accumulated annual leave, sick leave, compensatory time, and service credit for each affected employee. The personnel officers who administer the personnel systems under KRS Chapter 151B and KRS Chapter 18A shall exercise the necessary administrative procedures to effect the change in personnel authority. No certified or equivalent employee in the Department for Adult Education and Literacy shall suffer any penalty in the transfer.
 - (8) On August 15, 2000, secretaries and assistants attached to policymaking positions in the Department for Technical Education and the Department for Adult Education and Literacy shall be transferred from the personnel system under KRS Chapter 151B to the personnel system under KRS Chapter 18A. The positions shall be deleted from the KRS Chapter 151B system. All records shall be transferred including accumulated annual leave, sick leave, compensatory time, and service credit for each affected employee. No employee shall suffer any penalty in the transfer.
 - (9) On May 1, 2017, all contract employees of Eastern Kentucky University who are engaged in providing instructional and support services to the Department of Criminal Justice Training shall be transferred to the

personnel system under KRS Chapter 18A. All records shall be transferred, including accumulated annual leave, sick leave, compensatory time, and service credit for each affected employee. The personnel officers who administer the personnel systems for Eastern Kentucky University and under KRS Chapter 18A shall exercise the necessary administrative procedures to effect the change in personnel authority. No employee shall suffer any penalty in the transfer.

➔Section 39. KRS 68.182 is amended to read as follows:

- (1) Occupational license fees levied under KRS 67.083, 68.180, and 68.197 by the fiscal court of a county, consolidated local government, urban-county government, charter county government, or unified local government may apply to racetrack extensions.
- (2) As used in this section:
 - (a) "Historical horse race" has the same meaning as in KRS 138.511; and
 - (b) 1. "Racetrack extension" means any facility:
 - a. Owned, leased, or purchased by an association licensed by the Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ under KRS 230.300;
 - b. That meets the definition of "track" under KRS 230.210(35)~~((33))~~(c); and
 - c. Where pari-mutuel wagering on historical horse races is conducted on terminals approved by the Kentucky Horse Racing *and Gaming Corporation*~~Commission~~.
 2. "Racetrack extension" does not include a facility or real property used for training horses or at which live horse races are run for stakes, purses, or prizes under the jurisdiction of the Kentucky Horse Racing *and Gaming Corporation*~~Commission~~.

➔Section 40. KRS 91.202 is amended to read as follows:

- (1) Occupational license fees levied under KRS 91.200 by the legislative body of a city of the first class may apply to racetrack extensions.
- (2) As used in this section:
 - (a) "Historical horse race" has the same meaning as in KRS 138.511; and
 - (b) 1. "Racetrack extension" means any facility:
 - a. Owned, leased, or purchased by an association licensed by the Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ under KRS 230.300;
 - b. That meets the definition of "track" under KRS 230.210(35)~~((33))~~(c); and
 - c. Where pari-mutuel wagering on historical horse races is conducted on terminals approved by the Kentucky Horse Racing *and Gaming Corporation*~~Commission~~.
 2. "Racetrack extension" does not include a facility or real property used for training horses or at which live horse races are run for stakes, purses, or prizes under the jurisdiction of the Kentucky Horse Racing *and Gaming Corporation*~~Commission~~.

➔Section 41. KRS 92.282 is amended to read as follows:

- (1) Occupational license fees levied under KRS 92.281 by the legislative body of a city may apply to racetrack extensions.
- (2) As used in this section:
 - (a) "Historical horse race" has the same meaning as in KRS 138.511; and
 - (b) 1. "Racetrack extension" means any facility:
 - a. Owned, leased, or purchased by an association licensed by the Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ under KRS 230.300;
 - b. That meets the definition of "track" under KRS 230.210(35)~~((33))~~(c); and
 - c. Where pari-mutuel wagering on historical horse races is conducted on terminals approved by the Kentucky Horse Racing *and Gaming Corporation*~~Commission~~.

2. "Racetrack extension" does not include a facility or real property used for training horses or at which live horse races are run for stakes, purses, or prizes under the jurisdiction of the Kentucky Horse Racing *and Gaming Corporation*~~Commission~~.

➔Section 42. KRS 137.170 is amended to read as follows:

- (1) Every person engaged in the business of conducting a race meeting at which live horse races are run for stakes, purses, or prizes, under the jurisdiction of the Kentucky Horse Racing *and Gaming Corporation*~~Commission~~, shall pay a tentative license tax to the state, as provided in subsection (2) of this section.
- (2) Any race track for any year commencing December 1 and ending the following November 30 for the days upon which races are actually conducted for any stake, purse, or prize, shall pay a license tax based on the average daily mutuel handle for the preceding year as follows:

Average Daily Mutuel Handle	License Tax
\$0 - \$25,000	\$ 0
\$25,000 - \$250,000	\$ 175
\$250,001 - \$450,000	\$ 500
\$450,001 - \$700,000	\$1,000
\$700,001 - \$800,000	\$1,500
\$800,001 - \$900,000	\$2,000
\$900,001 and above	\$2,500

- (3) As used in subsection (2) of this section the term "daily mutuel handle" shall mean the total gross amount of money bet or wagered by a race track's patrons by means of pari-mutuel, combination, or French pools on live races conducted by the track.

➔Section 43. KRS 138.510 is amended to read as follows:

- (1) (a) Before August 1, 2022, except as provided in paragraph (e) of this subsection and subsection (3) of this section, an excise tax is imposed on all tracks conducting pari-mutuel wagering on live racing under the jurisdiction of the *corporation*~~commission~~ as follows:
1. For each track with a daily average live handle of one million two hundred thousand dollars (\$1,200,000) or above, the tax shall be in the amount of three and one-half percent (3.5%) of all money wagered on live races at the track during the fiscal year; and
 2. For each track with a daily average live handle under one million two hundred thousand dollars (\$1,200,000), the tax shall be one and one-half percent (1.5%) of all money wagered on live races at the track during the fiscal year.
- (b) Beginning August 1, 2022, the excise tax imposed on all tracks conducting pari-mutuel wagering on live racing under jurisdiction of the *corporation*~~commission~~ shall be one and one-half percent (1.5%) of all money wagered on live races at the track during the fiscal year.
- (c) Beginning on April 1, 2014, an excise tax is imposed on all tracks conducting pari-mutuel wagering on historical horse races under the jurisdiction of the *corporation*~~commission~~ at a rate of one and one-half percent (1.5%) of all money wagered on historical horse races at the track during the fiscal year.
- (d) Money shall be deducted from the tax paid under paragraphs (a), (b), and (c) of this subsection and deposited as follows:
1. a. Before August 1, 2022, an amount equal to three-quarters of one percent (0.75%) of all money wagered on live races and historical horse races at the track for Thoroughbred racing shall be deposited in the Thoroughbred development fund established in KRS 230.400; and
 - b. Beginning August 1, 2022, an amount equal to three-quarters of one percent (0.75%) of all money wagered on live races and historical horse races at the track for Thoroughbred racing shall be deposited in the Thoroughbred development fund established in KRS 230.400 until forty-five million dollars (\$45,000,000) has been deposited during a fiscal

year, at which point the amount deposited in the fund shall decrease to four-tenths of one percent (0.4%) of all money wagered on live and historical horse races at the track for Thoroughbred racing for the remainder of the fiscal year;

2. a. Before August 1, 2022, an amount equal to one percent (1%) of all money wagered on live races and historical horse races at the track for harness racing shall be deposited in the Kentucky standardbred development fund established in KRS 230.770. Beginning August 1, 2022, an amount equal to one percent (1%) of all money wagered on live races at the track for harness racing shall be deposited in the Kentucky standardbred development fund until a total of twenty million dollars (\$20,000,000) has been deposited during a fiscal year from this subparagraph, at which point the amount deposited shall decrease to four-tenths of one percent (0.4%) of all money wagered for the remainder of the fiscal year; and
- b. Beginning August 1, 2022, an amount equal to one percent (1%) of all money wagered on historical horse races at the track for harness racing shall be distributed in the exact amounts based upon contracts between the parties that have been filed with the ~~corporation~~~~commission~~, but at least one-half (1/2) of the funds shall be deposited into the Kentucky standardbred development fund established in KRS 230.770 until a total of twenty million dollars (\$20,000,000) has been deposited into the Kentucky standardbred development fund during a fiscal year from this subparagraph, at which point the amount deposited in this subdivision shall decrease to four-tenths of one percent (0.4%) of all money wagered for the remainder of the fiscal year. The ~~corporation~~~~commission~~ shall provide the department all information necessary from the contracts in order for the funds in this subparagraph to be distributed;
3. An amount equal to one percent (1%) of all money wagered on live races and historical horse races at the track for quarter horse, paint horse, Appaloosa, and Arabian horse racing shall be deposited in the Kentucky quarter horse, paint horse, Appaloosa, and Arabian development fund established by KRS 230.445;
4. An amount equal to two-tenths of one percent (0.2%) of all money wagered on live races and historical horse races at the track shall be paid out in equal amounts as follows:
 - a. To the equine industry program trust and revolving fund established by KRS 230.550 to support the Equine Industry Program at the University of Louisville, except that the amount deposited from money wagered on historical horse races in any fiscal year shall not exceed eight hundred fifty thousand dollars (\$850,000);
 - b. To the University of Kentucky for equine industry programs at the university, except that the amount paid from money wagered on historical horse races in any fiscal year shall not exceed four hundred thousand dollars (\$400,000);
 - c. To the Bluegrass Community and Technical College for the provision of equine industry programs by the system, except that the amount paid from money wagered on historical horse races in any fiscal year shall not exceed two hundred fifty thousand dollars (\$250,000);
 - d. Amounts remaining from money wagered on historical horse races in a fiscal year after payments are made in accordance with subdivisions a., b., and c. of this subparagraph shall be distributed in equal amounts to:
 - i. The Kentucky Thoroughbred breeders incentive fund established in KRS 230.800, in an amount not to exceed four hundred thousand dollars (\$400,000); and
 - ii. The Kentucky standardbred breeders incentive fund established in KRS 230.802, in an amount not to exceed one hundred thousand dollars (\$100,000); and
 - e. Any amounts remaining from money wagered on historical horse races in a fiscal year after payments are made in accordance with subdivisions a., b., c., and d. of this subparagraph shall be paid to the general fund;
5. a. An amount equal to one-tenth of one percent (0.1%) of all money wagered on live races and historical horse races at the track shall be deposited in a trust and revolving fund to be used for the construction, expansion, or renovation of facilities or the purchase of

equipment for equine programs at state universities, except that the amount deposited from money wagered on historical horse races in any fiscal year shall not exceed three hundred twenty thousand dollars (\$320,000).

- b. These funds shall not be used for salaries or for operating funds for teaching, research, or administration. Funds allocated under this subparagraph shall not replace other funds for capital purposes or operation of equine programs at state universities.
 - c. The Kentucky Council on Postsecondary Education shall serve as the administrative agent and shall establish an advisory committee of interested parties, including all universities with established equine programs, to evaluate proposals and make recommendations for the awarding of funds.
 - d. The Kentucky Council on Postsecondary Education may promulgate administrative regulations to establish procedures for administering the program and criteria for evaluating and awarding grants; and
6. An amount equal to one-tenth of one percent (0.1%) of all money wagered on live races and historical horse races shall be distributed to the **corporation**~~commission~~ to support equine drug testing as provided in KRS 230.265(3), except that the amount deposited from money wagered on historical horse races in any fiscal year shall not exceed three hundred twenty thousand dollars (\$320,000).
- (e) The excise tax imposed by paragraphs (a) and (b) of this subsection shall not apply to pari-mutuel wagering on live harness racing at a county fair.
- (2) (a) Except as provided in paragraph (c) of this subsection, an excise tax is imposed on:
1. All tracks conducting telephone account wagering;
 2. All tracks participating as receiving tracks in intertrack wagering under the jurisdiction of the **corporation**~~commission~~; and
 3. All tracks participating as receiving tracks displaying simulcasts and conducting interstate wagering thereon.
- (b) 1. Before August 1, 2022, the tax shall be three percent (3%) of all money wagered on races as provided in paragraph (a) of this subsection during the fiscal year.
2. Beginning August 1, 2022, the tax shall be one and one-half percent (1.5%) of all money wagered on races as provided in paragraph (a) of this subsection during the fiscal year.
- (c) A noncontiguous track facility approved by the **corporation**~~commission~~ on or after January 1, 1999, shall be exempt from the tax imposed under this subsection, if the facility is established and operated by a licensed track which has a total annual handle on live racing of two hundred fifty thousand dollars (\$250,000) or less. The amount of money exempted under this paragraph shall be retained by the noncontiguous track facility, KRS 230.3771 and 230.378 notwithstanding.
- (d) Money shall be deducted from the tax paid under paragraphs (a) and (b) of this subsection as follows:
1. An amount equal to one percent (1%) of the amount wagered shall be deposited as follows:
 - a. In the Thoroughbred development fund established in KRS 230.400 if the host track is conducting a Thoroughbred race meeting or the interstate wagering is conducted on a Thoroughbred race meeting;
 - b. In the Kentucky standardbred development fund established in KRS 230.770, if the host track is conducting a harness race meeting or the interstate wagering is conducted on a harness race meeting; or
 - c. In the Kentucky quarter horse, paint horse, Appaloosa, and Arabian development fund established by KRS 230.445, if the host track is conducting a quarter horse, paint horse, Appaloosa, or Arabian horse race meeting or the interstate wagering is conducted on a quarter horse, paint horse, Appaloosa, or Arabian horse race meeting;
 2. An amount equal to twenty-five thousandths of one percent (0.025%) of the amount wagered shall be allocated to the equine industry program trust and revolving fund established by KRS 230.550 to be used to support the Equine Industry Program at the University of Louisville;

3. An amount equal to one-twentieth of one percent (0.05%) of the amount wagered shall be deposited in a trust and revolving fund to be used for the construction, expansion, or renovation of facilities or the purchase of equipment for equine programs at state universities, as detailed in subsection (1)(d)5. of this section; and
 4. An amount equal to one-twentieth of one percent (0.05%) of the amount wagered shall be distributed to the ~~corporation~~~~commission~~ to support equine drug testing as provided in KRS 230.265(3).
- (3) If a host track in this state is the location for the conduct of a two (2) day international horse racing event that distributes in excess of a total of twenty million dollars (\$20,000,000) in purses and awards:
- (a) The excise tax imposed by subsection (1)(a) and (b) of this section shall not apply to money wagered at the track on live races conducted at the track during the two (2) day international horse racing event; and
 - (b) Amounts wagered at the track on live races conducted at the track during the two (2) day international horse racing event shall not be included in calculating the daily average live handle for purposes of subsection (1) of this section.
- (4) The taxes imposed by this section shall be paid, collected, and administered as provided in KRS 138.530.

➔Section 44. KRS 138.511 is amended to read as follows:

As used in KRS 138.510 to 138.550:

- (1) "Advanced deposit account wagering" has the same meaning as in KRS 230.210;
- (2) "Advanced deposit account wagering license" has the same meaning as in KRS 230.210;
- (3) "Association" has the same meaning as in KRS 230.210;
- (4) "~~Corporation~~~~Commission~~" means the Kentucky Horse Racing *and Gaming Corporation*~~Commission~~;
- (5) "Daily average live handle" means:
 - (a) The handle from wagers made at a track on live racing during the fiscal year, excluding amounts wagered:
 1. At a receiving track;
 2. At a simulcast facility;
 3. On telephone account wagering;
 4. Through advance deposit account wagering;
 5. At a track participating as a receiving track or simulcast facility displaying simulcasts and conducting interstate wagering as permitted by KRS 230.3771 and 230.3773; and
 6. Beginning April 1, 2014, on historical horse races;
 divided by:
 - (b) The total number of days that live racing was conducted at the track during the fiscal year;
- (6) "Department" means the Department of Revenue;
- (7) "Fiscal year" means a time frame beginning 12:01 a.m. July 1, and ending 12 midnight June 30;
- (8) "Handle" means total wagers made on a race;
- (9) (a) "Historical horse race" means any horse race that:
 1. Was previously run at a licensed pari-mutuel facility in the United States;
 2. Concluded with official results; and
 3. Concluded without scratches, disqualifications, or dead-heat finishes.
 (b) As used in this subsection, the terms "pari-mutuel," "scratch," "disqualification," and "dead heat" have the same meaning as established by the ~~corporation~~~~commission~~ pursuant to an administrative regulation promulgated under KRS Chapter 13A;

- (10) "Host track" has the same meaning as in KRS 230.210;
- (11) "Interstate wagering" has the same meaning as in KRS 230.210;
- (12) "Intertrack wagering" has the same meaning as in KRS 230.210;
- (13) "Kentucky resident" means:
 - (a) An individual domiciled within this state;
 - (b) An individual who maintains a place of abode in this state and spends, in the aggregate, more than one hundred eighty-three (183) days of the taxable year in this state; or
 - (c) An individual who lists a Kentucky address as his or her principal place of residence when applying for an account to participate in advance deposit account wagering;
- (14) "Receiving track" has the same meaning as in KRS 230.210;
- (15) "Simulcast facility" has the same meaning as in KRS 230.210;
- (16) "Takeout" means that portion of the handle which is distributed to persons other than those making wagers;
- (17) "Telephone account wagering" has the same meaning as in KRS 230.210; and
- (18) "Track" has the same meaning as in KRS 230.210.

➔Section 45. KRS 138.513 is amended to read as follows:

- (1) (a) Beginning August 1, 2014, but before August 1, 2022, an excise tax is imposed on all advance deposit account wagering licensees licensed under KRS 230.260 at a rate of one-half of one percent (0.5%) of all amounts wagered through the licensee by Kentucky residents; and
- (b) Beginning August 1, 2022, an excise tax is imposed on all advance deposit account wagering licensees licensed under *Section 9 of this Act* ~~[KRS 138.675]~~ at a rate of one and one-half percent (1.5%) of all amounts wagered through the licensee by Kentucky residents.
- (2) The tax imposed by this section shall be paid, collected, administered, and distributed as provided in KRS 138.530.

➔Section 46. KRS 138.530 is amended to read as follows:

- (1) The department shall enforce the provisions of and collect the tax and penalties imposed and other payments required by KRS 138.510 to 138.550, and in doing so it shall have the general powers and duties granted it in KRS Chapters 131 and 135, including the power to enforce, by an action in the Franklin Circuit Court, the collection of the tax, penalties and other payments imposed or required by KRS 138.510 to 138.550.
- (2) (a) The remittance of the taxes imposed by KRS 138.510 shall be made weekly to the department no later than the fifth business day, excluding Saturday and Sunday, following the close of each week of racing, during each race meeting, and following the close of each week when historical horse races are conducted, and shall be accompanied by reports as prescribed by the department.
- (b) Except as otherwise provided in KRS 138.510 to 138.550, all funds received by the department from the taxes imposed by KRS 138.510 shall be paid into the State Treasury and shall be credited to the general fund.
- (c) The supervisor of pari-mutuel betting appointed by the *corporation* ~~[commission]~~ shall weekly, during each race meeting, and during each week when historical horse races are conducted, report to the department the total amount bet or handled the preceding week and the amount of tax due the state thereon, under the provisions of KRS 138.510 to 138.550.
- (d) The supervisor of pari-mutuel betting appointed by the *corporation* ~~[commission]~~ or his or her duly authorized representatives shall, at all reasonable times, have access to all books, records, issuing or vending machines, adding machines, and all other pari-mutuel equipment for the purpose of examining and checking the same and ascertaining whether or not the proper amount or amounts due the state are being or have been paid.
- (e) Every person, corporation, or association required to pay the tax imposed by KRS 138.510 shall keep its books and records so as to clearly show by a separate record the total amount of money contributed to every pari-mutuel pool.

- (3) (a) The remittance of the tax imposed by KRS 138.513 shall be made weekly to the department no later than the first business day of the week next succeeding the week during which the wagers forming the base of the tax were received.
- (b) Along with the remittance of the tax, each advance deposit account wagering licensee shall file a return that includes the information required by the department.
- (c) Every advance deposit account wagering licensee shall keep its books and records in such a manner that:
1. Kentucky residents having accounts with the advance deposit account wagering licensee can be individually identified and their identity and residence verified; and
 2. The amount wagered through each account held by a Kentucky resident and the date of each wager can be determined and verified.
- (d) All books and records of the advance deposit account wagering licensee required by paragraph (c) of this subsection and any books and records that the department requires a licensee to maintain through promulgation of an administrative regulation shall be open to inspection by the department and the **corporation**~~commission~~.
- (e) All revenue received by the department from the tax imposed by KRS 138.513 shall be distributed as follows:
1. Fifteen percent (15%) shall be distributed to the Commonwealth and credited to the general fund; and
 2.
 - a. Eighty-five percent (85%) of revenue received from a wager placed on a race conducted at a track in Kentucky shall be distributed to the association that conducted the race;
 - b. Eighty-five percent (85%) of revenue received from a wager placed on a race conducted at a track outside Kentucky shall be distributed to the Kentucky track that is recognized as the host track by the **corporation**~~commission~~ at the time the wager is placed. However, if a wager subject to the tax imposed by KRS 138.513 is placed on a race conducted at a track outside Kentucky, and the individual placing the wager has registered an address with the advance deposit account wagering licensee that is within twenty-five (25) miles of a Kentucky track, the association licensed by the **corporation**~~commission~~ to operate that track shall receive the tax revenue derived from that wager; and
 - c. An association receiving distributions under subdivisions a. and b. of this subparagraph shall allocate one-half (1/2) of the amount distributed to its purse account.

➔Section 47. KRS 138.550 is amended to read as follows:

In addition to all other penalties provided in KRS 138.510 to 138.540:

- (1) When the pari-mutuel system of betting is operated at a track licensed under KRS Chapter 230, the license may be suspended, revoked, or renewal refused by the **corporation**~~commission~~ upon the failure of the operator to comply with KRS 138.510 to 138.540 or the rules and regulations promulgated by the department pursuant thereto, even though the pari-mutuel system of betting and the track are operated by different persons, corporations, or associations; and
- (2) Any advance deposit account wagering licensee that fails to remit the tax imposed by KRS 138.513, to remit returns required by KRS 138.530, or to maintain the records required by KRS 138.530 or administrative regulations promulgated by the department, may have the license granted under KRS 230.260 suspended, revoked, or not renewed by the **corporation**~~commission~~.

➔Section 48. KRS 138.552 is amended to read as follows:

- (1) As used in this section:
 - (a) "Adjusted gross revenue" means the total sum of wagers collected on all sporting events, less winnings paid to participants in the contest and all excise taxes paid pursuant to federal law;
 - (b) "Department" means Department of Revenue;
 - (c) "Sporting event" has the same meaning as in KRS 230.210;
 - (d) "Sports wagering" has the same meaning as in KRS 230.210; and

- (e) "Taxpayer" means any person liable for tax under this section.
- (2) An excise tax is imposed on persons licensed to conduct sports wagering under KRS 230.811 and 230.814 at a rate of:
- (a) Nine and three-quarters percent (9.75%) on the adjusted gross revenue on wagers placed at the licensed track; and
 - (b) Fourteen and one-quarter percent (14.25%) on the adjusted gross revenue on wagers placed online via websites or mobile applications or other off-site technology approved by the Kentucky Horse Racing *and Gaming Corporation*~~Commission~~;
- and shall be appropriated to the sports wagering administration fund established in KRS 230.817 and appropriated for the purposes established in that section.
- (3) The department shall enforce the provisions of and collect the taxes and penalties imposed in this section, and in doing so it shall have the general powers and duties granted it in KRS Chapters 131 and 135, including the power to enforce, by an action in the Franklin Circuit Court, the collection of the taxes, penalties, and other payments imposed or required by this section.
- (4) The tax imposed by this section is due and payable to the department monthly and shall be remitted on or before the twentieth day of the next succeeding calendar month. If a taxpayer's adjusted gross revenue for a month is a negative number, the taxpayer may carry over the negative amount to the return filed for the subsequent month. However, no amount shall be carried over in any period more than twelve (12) months after the month in which the amount carried over was originally due.
- (5) (a) Payment shall be accompanied by a return prescribed by the department.
- (b) The return form shall report, at a minimum:
1. The total sum of wagers collected in person and electronically through a mobile application;
 2. Winnings paid in person and electronically through a mobile application;
 3. Adjusted gross revenue in person and electronically through a mobile application;
 4. Tax rates applied to adjusted gross revenue in person and electronically through a mobile application;
 5. The tax due from adjusted gross revenues in person and electronically through a mobile application;
 6. Federal excise taxes paid; and
 7. The total wagering tax due.
- (6) Wagering taxes due and payable in accordance with this section shall be paid via electronic funds transfer. The taxpayer shall provide the department with all protocol documentation and electronic funds transfer data necessary to facilitate the timely transfer of funds.
- (7) Any taxpayer who violates any provision of this section shall be subject to the uniform civil penalties imposed pursuant to KRS 131.180 and interest at the tax interest rate as defined in KRS 131.010(6).
- (8) The Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ may suspend, revoke, or decline to renew a license upon the taxpayer's failure to timely submit payment of taxes due under this section or the administrative regulations promulgated by the department.
- (9) The taxes imposed by this section shall be in lieu of all other state and local taxes and fees imposed on the operation of, or the proceeds from, the operation of sports wagering.

➔Section 49. KRS 139.200 is amended to read as follows:

A tax is hereby imposed upon all retailers at the rate of six percent (6%) of the gross receipts derived from:

- (1) Retail sales of:
 - (a) Tangible personal property, regardless of the method of delivery, made within this Commonwealth; and
 - (b) Digital property regardless of whether:
 1. The purchaser has the right to permanently use the property;

2. The purchaser's right to access or retain the property is not permanent; or
 3. The purchaser's right of use is conditioned upon continued payment; and
- (2) The furnishing of the following services:
- (a) The rental of any room or rooms, lodgings, campsites, or accommodations furnished by any hotel, motel, inn, tourist camp, tourist cabin, campgrounds, recreational vehicle parks, or any other place in which rooms, lodgings, campsites, or accommodations are regularly furnished to transients for a consideration. The tax shall not apply to rooms, lodgings, campsites, or accommodations supplied for a continuous period of thirty (30) days or more to a person;
 - (b) Sewer services;
 - (c) The sale of admissions, except:
 1. Admissions to enter the grounds or enclosure of any track licensed under KRS Chapter 230 at which live horse racing or historical horse racing is being conducted under the jurisdiction of the Kentucky Horse Racing *and Gaming Corporation*~~[Commission]~~;
 2. Admissions taxed under KRS 229.031;
 3. Admissions that are charged by nonprofit educational, charitable, or religious institutions and for which an exemption is provided under KRS 139.495; and
 4. Admissions that are charged by nonprofit civic, governmental, or other nonprofit organizations and for which an exemption is provided under KRS 139.498;
 - (d) Prepaid calling service and prepaid wireless calling service;
 - (e) Intrastate, interstate, and international communications services as defined in KRS 139.195, except the furnishing of pay telephone service as defined in KRS 139.195;
 - (f) Distribution, transmission, or transportation services for natural gas that is for storage, use, or other consumption in this state, excluding those services furnished:
 1. For natural gas that is classified as residential use as provided in KRS 139.470(7); or
 2. To a seller or reseller of natural gas;
 - (g) Landscaping services, including but not limited to:
 1. Lawn care and maintenance services;
 2. Tree trimming, pruning, or removal services;
 3. Landscape design and installation services;
 4. Landscape care and maintenance services; and
 5. Snow plowing or removal services;
 - (h) Janitorial services, including but not limited to residential and commercial cleaning services, and carpet, upholstery, and window cleaning services;
 - (i) Small animal veterinary services, excluding veterinary services for equine, cattle, poultry, swine, sheep, goats, llamas, alpacas, ratite birds, buffalo, and cervids;
 - (j) Pet care services, including but not limited to grooming and boarding services, pet sitting services, and pet obedience training services;
 - (k) Industrial laundry services, including but not limited to industrial uniform supply services, protective apparel supply services, and industrial mat and rug supply services;
 - (l) Non-coin-operated laundry and dry cleaning services;
 - (m) Linen supply services, including but not limited to table and bed linen supply services and nonindustrial uniform supply services;
 - (n) Indoor skin tanning services, including but not limited to tanning booth or tanning bed services and spray tanning services;
 - (o) Non-medical diet and weight reducing services;

- (p) Extended warranty services;
- (q) Photography and photofinishing services;
- (r) Telemarketing services;
- (s) Public opinion and research polling services;
- (t) Lobbying services;
- (u) Executive employee recruitment services;
- (v) Website design and development services;
- (w) Website hosting services;
- (x) Facsimile transmission services;
- (y) Private mailroom services, including:
 - 1. Presorting mail and packages by postal code;
 - 2. Address barcoding;
 - 3. Tracking;
 - 4. Delivery to postal service; and
 - 5. Private mailbox rentals;
- (z) Bodyguard services;
- (aa) Residential and nonresidential security system monitoring services, excluding separately stated onsite security guard services;
- (ab) Private investigation services;
- (ac) Process server services;
- (ad) Repossession of tangible personal property services;
- (ae) Personal background check services;
- (af) Parking services;
 - 1. Including:
 - a. Valet services; and
 - b. The use of parking lots and parking structures; but
 - 2. Excluding any parking services at an educational institution;
- (ag) Road and travel services provided by automobile clubs as defined in KRS 281.010;
- (ah) Condominium time-share exchange services;
- (ai) Rental of space for meetings, conventions, short-term business uses, entertainment events, weddings, banquets, parties, and other short-term social events;
- (aj) Social event planning and coordination services;
- (ak) Leisure, recreational, and athletic instructional services;
- (al) Recreational camp tuition and fees;
- (am) Personal fitness training services;
- (an) Massage services, except when medically necessary;
- (ao) Cosmetic surgery services;
- (ap) Body modification services, including tattooing, piercing, scarification, branding, tongue splitting, transdermal and subdermal implants, ear pointing, teeth pointing, and any other modifications that are not necessary for medical or dental health;

- (aq) Laboratory testing services, excluding laboratory testing:
 1. For medical, educational, or veterinary reasons; or
 2. Required by a federal, state, or local statute, regulation, court order, or other government-related requirement;
- (ar) Interior decorating and design services;
- (as) Household moving services;
- (at) Specialized design services, including the design of clothing, costumes, fashion, furs, jewelry, shoes, textiles, and lighting;
- (au) Lapidary services, including cutting, polishing, and engraving precious stones;
- (av) Labor and services to repair or maintain commercial refrigeration equipment and systems when no tangible personal property is sold in that transaction including service calls and trip charges;
- (aw) Labor to repair or alter apparel, footwear, watches, or jewelry when no tangible personal property is sold in that transaction; and
- (ax) Prewritten computer software access services.

➔Section 50. KRS 230.218 is amended to read as follows:

- (1) There is established, under the jurisdiction of the Kentucky Horse Racing *and Gaming Corporation*~~Commission~~, the backside improvement fund. This revolving fund shall consist of money allocated to the fund under the provisions of KRS 230.3615, together with any other money which may be contributed to or allocated to the fund from all other sources. Money to the credit of the backside improvement fund at the end of each fiscal year shall not lapse but shall be carried forward in the fund to the succeeding fiscal year. The Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ may invest any and all funds received by the fund and interest earned by the investment of said funds in types of investments appropriate to the investment needs of the fund after having considered the financial return on authorized investment alternatives, the financial safety of investment alternatives and the impact of any authorized investments on the state's economy. The *corporation*~~racing commission~~ shall review the status of the fund investments quarterly and report its findings to the Finance and Administration Cabinet and the Legislative Research Commission.
- (2) The purpose of the fund shall be to improve the backside of Thoroughbred racing associations averaging one million two hundred thousand dollars (\$1,200,000) or less pari-mutuel handle per racing day on live racing. The Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ shall use the backside improvement fund to promote, enhance, and improve the conditions of the backside of eligible racing associations. Conditions considered shall include but not be limited to the living and working quarters of backside employees.
- (3) The Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ shall promulgate administrative regulations as may be necessary to carry out the provisions and purposes of this section.

➔Section 51. KRS 230.240 is amended to read as follows:

- (1) (a) In addition to the employees referred to in KRS 230.230, the *president*~~executive director~~ of the *corporation*~~racing commission~~ may employ, dismiss, or take other personnel action and determine the reasonable compensation of stewards, supervisors of mutuels, supervisors of sports wagering, veterinarians, inspectors, accountants, security officers, and other employees deemed by the *president*~~executive director~~ to be essential at or in connection with any horse race meeting and in the best interest of racing, or those deemed by the *president*~~executive director~~ to be integral to the conduct of sports wagering.
 - (b) Three (3) Thoroughbred stewards shall be employed at each Thoroughbred race meeting as follows:
 1. Two (2) stewards shall be employed and compensated by the Commonwealth, subject to reimbursement by the racing associations pursuant to subsection (3) of this section; and
 2. One (1) Thoroughbred steward shall be employed and compensated by the racing association hosting the race meeting.
 - (c) Three (3) standardbred judges shall be employed at each standardbred race meeting as follows:
 1. Two (2) standardbred judges shall be employed and compensated by the Commonwealth, subject to reimbursement by the racing associations pursuant to subsection (3) of this section; and

2. One (1) standardbred judge shall be employed and compensated by the racing association hosting the race meeting.
- (d) The security officers shall be peace officers and conservators of the peace on ~~corporation~~~~racing commission~~ property and at all race tracks and grounds in the Commonwealth and shall possess all the common law and statutory powers and privileges now available or hereafter made available to sheriffs, constables granted police powers, and police officers for the purpose of enforcing all laws relating directly or indirectly to the conduct of horse racing and pari-mutuel wagering thereon, the conduct of sports wagering, or the enforcement of laws relating to the protection of persons or property on premises licensed by the ~~corporation~~~~racing commission~~.
- (e) The ~~corporation~~~~racing commission~~, for the purpose of maintaining integrity and honesty in racing, shall prescribe by administrative regulation the powers and duties of the persons employed under this section and qualifications necessary to competently perform their duties. In addition, the ~~corporation~~~~racing commission~~ shall be responsible for seeing that racing officials employed under the provisions of this section have adequate training to perform their duties in a competent manner.
- (2) (a) The ~~corporation~~~~racing commission~~ shall promulgate administrative regulations for effectively preventing the use of improper devices at race meetings or in the conduct of sports wagering, and restricting or prohibiting the use and administration of drugs or stimulants or other improper acts to horses prior to the horse participating in a race.
- (b) The ~~corporation~~~~racing commission~~ may acquire, operate, and maintain, or contract for the maintenance and operation of, a testing laboratory and related facilities, for the purpose of saliva, urine, or other tests, and to purchase supplies and equipment for and in connection with the laboratory or testing processes.
- (c) The expense of the laboratory or other testing processes, whether furnished by contract or otherwise, together with all supplies and equipment used in connection therewith, shall be paid by the various associations licensed under this chapter in the manner and in proportions as the ~~corporation~~~~racing commission~~ shall by administrative regulation provide.
- (3) (a) The expenses of the ~~corporation~~~~commission~~ and the compensation of all employees referred to in this section shall be paid by the licensee conducting a horse race meeting or pari-mutuel wagering on live or historic horse racing, provided that the expenses of the ~~corporation~~~~commission~~ and the compensation of employees under this section related to administering the system of sports wagering shall be paid by the sports wagering administration fund established in KRS 230.817.
- (b) The salary of the ~~president~~~~executive director~~ to the ~~corporation~~~~racing commission~~ shall be prorated among and paid by the various persons licensed under this chapter in the manner as the ~~corporation~~~~racing commission~~ shall, by administrative regulation, provide.
- (c) Except for the Thoroughbred steward and the standardbred judge authorized in subsection (1) of this section, the employees referred to in this section shall be deemed employees of the ~~corporation~~~~racing commission~~, and are paid by the licensee or association.
- (4) Each person, as a condition precedent to the privilege of receiving a license under this chapter to conduct a horse race meeting, shall be deemed to have agreed to pay expenses and compensation as provided in this section and as may be actually and reasonably incurred.

➔Section 52. KRS 230.265 is amended to read as follows:

- (1) (a) There is hereby created a panel, to be known as the Kentucky Equine Drug Research Council, to advise the ~~corporation~~~~racing commission~~ on the conduct of equine drug research and testing commissioned by the Kentucky Horse Racing *and Gaming Corporation*~~Commission~~.
- (b) The council shall consist of nine (9) members appointed by the Governor. It is recommended that the Governor appoint one (1) person from each of the following groups, organizations, or professions:
1. A veterinarian, selected from a list of three (3) submitted by the Kentucky Association of Equine Veterinarians;
 2. A horseman, selected from a list of three (3) submitted by the Kentucky division of the Horsemen's Benevolent and Protective Association;
 3. A pharmacologist, selected from a list of three (3) submitted by the University of Kentucky;

4. A Thoroughbred breeder, selected from a list of three (3) submitted by the Kentucky Thoroughbred Owners and Breeders, Inc.;
 5. A legislator, selected from a list of three (3) submitted by the Legislative Research Commission;
 6. A representative of a licensed racing association, chosen by the Governor;
 7. A member of the harness racing industry, selected from a list of three (3) submitted by the chairman of the Kentucky Horse Racing *and Gaming Corporation*~~{Commission}~~;
 8. A member selected from a list of three (3) submitted by the Kentucky Harness Horsemen's Association; and
 9. A member of the Kentucky Horse Racing *and Gaming Corporation*~~{Commission}~~, selected from a list of three (3) submitted by the chairman of the Kentucky Horse Racing *and Gaming Corporation*~~{Commission}~~, to serve as chairman.
- (c) The council shall meet at the call of the chairman, a majority of the council, or at the request of the *corporation*~~{racing commission}~~. Members shall serve at the pleasure of their respective sponsoring organizations and shall receive no compensation for serving.
- (2) The Kentucky Equine Drug Research Council shall:
- (a) Review equine drug research and testing research being conducted at the University of Kentucky, or with state funds;
 - (b) Review and report to the *corporation*~~{racing commission}~~ on drug research and testing research being conducted elsewhere;
 - (c) Advise the *corporation*~~{racing commission}~~ and make recommendations for establishing an effective drug regulatory policy for Kentucky racing; and
 - (d) Report to the General Assembly any needed changes regarding the regulation of drugs in horse racing in the Commonwealth of Kentucky.
- (3) (a) The funds received by the *corporation*~~{racing commission}~~ pursuant to KRS 138.510 shall be used for financing:
1. Drug research;
 2. Testing research;
 3. Equine medical research;
 4. Equine health research issues; and
 5. Any regulatory or administrative activity of the *corporation*~~{racing commission}~~ that is related to the research and issues described in subparagraphs 1. to 4. of this paragraph. Any expenditure under this subsection shall relate to the racing industry in Kentucky.
- (b) In authorizing expenditures, the council and the *corporation*~~{racing commission}~~ shall give funding priority to the activities described in this subsection which will take place, or are proposed to take place, in Kentucky over similar activities taking place outside Kentucky. However, expenditures under this subsection in furtherance of activities taking place outside Kentucky may be approved if the council and the *corporation*~~{racing commission}~~ determine that those expenditures will contribute to improvement in Kentucky's racing industry and to the development of a useful knowledge base relating to the subjects expressed in paragraph (a)1. to 5. of this subsection.
- (c) The money received under this subsection shall be in addition to any funds appropriated to the *corporation*~~{racing commission}~~ for these purposes in the executive budget.

➔Section 53. KRS 230.270 is amended to read as follows:

The *corporation*~~{racing commission}~~ shall biennially make a full report to the General Assembly of its proceedings for the two-year period ending December 31 preceding the meeting of the General Assembly and may embody in the report such suggestions and recommendations as it deems desirable.

➔Section 54. KRS 230.280 is amended to read as follows:

- (1) No person shall hold or conduct any horse race meeting for any stake, purse, or reward within the Commonwealth of Kentucky without securing the required license from the *corporation*~~[racing commission]~~.
- (2) The *corporation*~~[racing commission]~~ shall investigate the qualifications of each applicant for a license to conduct a horse race meeting or the renewal of a license to conduct a horse race meeting. The *corporation*~~[racing commission]~~ may issue or renew a license unless the *corporation*~~[racing commission]~~ determines that:
 - (a) The track location, traffic flow, facilities for the public, and facilities for racing participants and horses do not meet state code or are otherwise inadequate to protect the public health and safety;
 - (b) The racing dates and times requested conflict with another race meeting of the same breed of horse;
 - (c) The financing or proposed financing of the entire operation is not adequate for the operation or is from an unsuitable source;
 - (d) The applicant or licensee has failed to disclose or has misstated information or otherwise attempted to mislead the *corporation*~~[racing commission]~~ with respect to any material fact contained in the application for the issuance or renewal of the license;
 - (e) The applicant has knowingly failed to comply with the provision of this chapter or any administrative regulations promulgated thereunder;
 - (f) Any of the principals of the applicant or licensee is determined to be unsuitable because he or she has:
 1. Been convicted of any crime of moral turpitude, embezzlement, or larceny, or any violation of any law pertaining to illegal gaming or gambling, or any crime that is inimical to the declared policy of the Commonwealth of Kentucky with regard to horse racing and pari-mutuel wagering thereon;
 2. Been convicted in any jurisdiction within ten (10) years preceding initial licensing or license renewal of any crime that is or would be a felony or class A misdemeanor in the Commonwealth of Kentucky;
 3. Been identified in the published reports of any federal or state legislative or executive body as being a member or associate of organized crime, or of being of notorious or unsavory reputation;
 4. Been placed and remains in the custody of any federal, state, or local law enforcement authority;
 5. Had a racing or gaming license revoked in another jurisdiction on grounds that would have been grounds for revoking the license in Kentucky; or
 6. Engaged in any other activities that would pose a threat to the public interest or to the effective regulation of horse racing and wagering in Kentucky, or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of racing and wagering or in the operation of the business and financial arrangements incidental thereto; or
 - (g) The applicant or licensee has had a racing or gaming license denied or revoked in another jurisdiction on grounds that would be grounds for license denial or revocation in Kentucky.

➔Section 55. KRS 230.290 is amended to read as follows:

All licenses granted under this chapter:

- (1) Shall be in writing;
- (2) Shall be subject to all administrative regulations and conditions as may from time to time be prescribed by the *corporation*~~[racing commission]~~;
- (3) Shall contain conditions as may be considered necessary or desirable by the *corporation*~~[racing commission]~~ for purposes of this chapter; and
- (4) No license shall extend beyond the end of the calendar year for which it was issued, unless the license expires on the last date of the birth month of the licensee, in which case it may expire on that date. The *corporation*~~[racing commission]~~ may renew any license and any renewal shall not be construed to be a waiver or condonement of any violation which occurred prior to renewal and shall not prevent subsequent proceedings against the licensee therefor.

➔Section 56. KRS 230.300 is amended to read as follows:

- (1) Any person desiring to conduct horse racing at a horse race meeting within the Commonwealth of Kentucky or to engage in simulcasting and intertrack wagering as a receiving track during any calendar year shall first apply to the **corporation**~~[racing commission]~~ for a license to do so. The application shall be filed at the **corporation's**~~[racing commission's]~~ general office on or before October 1 of the preceding year with respect to applications to conduct live horse race meetings, and with respect to intertrack wagering dates, and on forms prescribed by the **corporation**~~[racing commission]~~. The application shall include the following information:
 - (a) The full name and address of the person making application;
 - (b) The location of the place, track, or enclosure where the applicant proposes to conduct horse racing meetings;
 - (c) The dates on which the applicant intends to conduct horse racing, which shall be successive days unless authorized by the **corporation**~~[racing commission]~~;
 - (d) The proposed hours of each racing day and the number of races to be conducted;
 - (e) The names and addresses of all principals associated with the applicant or licensee;
 - (f) The type of organizational structure under which the applicant operates, i.e., partnership, trust, association, limited liability company, or corporation, and the address of the principal place of business of the organization;
 - (g) Any criminal activities in any jurisdiction for which any individual listed under paragraphs (a) and (e) has been arrested or indicted and the disposition of the charges, and any current or on-going criminal investigation of which any of these individuals is the subject; and
 - (h) Any other information that the **corporation**~~[racing commission]~~ by administrative regulation deems relevant and necessary to determine the fitness of the applicant to receive a license, including fingerprints of any individual listed under paragraphs (a) and (e), if necessary for proper identification of the individual or a determination of suitability to be associated with a licensed racing association.
- (2) An application for **association** license shall be accompanied by the following documents:
 - (a) For a new license applicant, a financial statement prepared and attested to by a certified public accountant in accordance with generally accepted accounting principles, showing the following:
 1. The net worth of the applicant;
 2. Any debts or financial obligations owed by the applicant and the persons to whom owed; and
 3. The proposed or current financing structure for the operation and the sources of financing.
 - (b) For a license renewal applicant, an audited financial statement for the prior year;
 - (c) A copy of the applicant's federal and state tax return for the previous year. Tax returns submitted in accordance with this provision shall be treated as confidential;
 - (d) A statement from the Department of Revenue that there are no delinquent taxes or other financial obligations owed by the applicant to the state or any of its agencies or departments;
 - (e) A statement from the county treasurer of the county in which the applicant conducts or proposes to conduct horse racing meetings that there are no delinquent real or personal property taxes owed by the applicant.
- (3) The completed application shall be signed by the applicant or the chief executive officer if the applicant is an organization, sworn under oath that the information is true, accurate, and complete, and the application shall be notarized.
- (4) If there is any change in any information submitted in the application process, the applicant or licensee shall notify the **corporation**~~[racing commission]~~ within thirty (30) days of the change.
- (5) The **corporation**~~[racing commission]~~ shall as soon as practicable, but in no event later than November 1 in any calendar year, award dates for racing in the Commonwealth during the next year. In awarding dates, the **corporation**~~[racing commission]~~ shall consider and seek to preserve each track's usual and customary dates, as these dates are requested. If dates other than the usual and customary dates are requested, the applicant shall include a statement in its application setting forth the reasons the requested dates are sought. Dates for the conduct of intertrack wagering shall be awarded as provided in KRS 230.377. In the event scheduled racing is canceled by reason of flood, fire, inclement weather, or other natural disaster or emergency, the

corporation~~[racing commission]~~ may award after November 1 additional racing dates to make up for those dates canceled.

- (6) The **corporation**~~[racing commission]~~ may issue a license to conduct a horse race meeting to any association making the aforesaid application if the applicant meets the requirements established in KRS 138.530 and other applicable provisions of this chapter, and if the **corporation**~~[racing commission]~~ finds that the proposed conduct of racing by the association would be in the best interest of the public health, safety, and welfare of the immediate community as well as to the Commonwealth.
- (7) As a condition precedent to the issuance of a license, the **corporation**~~[racing commission]~~ may require a surety bond or other surety conditioned upon the payment of all taxes due the Commonwealth, together with the payment of operating expenses including purses and awards to owners of horses participating in races.
- (8) The **corporation**~~[racing commission]~~ may impose a fee and shall establish, by administrative regulation promulgated in accordance with KRS Chapter 13A, a fee schedule for association license applications.
- (9) The **corporation**~~[racing commission]~~ may require an applicant for an association license to submit to a background check of the applicant, or of any principal, individual, or organization associated with the applicant. The **corporation**~~[racing commission]~~ shall not require a background check for any individual who is a principal as defined in KRS 230.210 but owns stock or financial interest in the applicant of less than ten percent (10%). An applicant shall be required to reimburse the **corporation**~~[racing commission]~~ for the cost of any background check conducted.
- (10) Every license issued under this chapter shall specify among other things the name of the person to whom issued, the address and location of the track where the horse race meeting to which it relates is to be held or conducted, and the days and hours of the day when the meeting will be permitted; provided, however, that no track that is granted overlapping dates for the conduct of a live race meeting with another horse racing track within a fifty (50) mile radius shall be permitted to have a post time after 5:30 p.m., prevailing time for overlapping days between July 1 and September 15, unless agreed to in writing by the tracks affected.
- (11) A license issued under this section is neither transferable nor assignable and shall not permit the conduct of a horse race meeting at any track not specified therein. However, if the track specified becomes unsuitable for racing because of flood, fire, or other catastrophe, the **corporation**~~[racing commission]~~ may, upon application, authorize the meeting, or any remaining portion thereof, to be conducted at any other suitable track available for that purpose, provided that the owner of the track willingly consents to the use thereof.
- (12) Horse racing dates may be awarded and licenses issued authorizing horse racing on any day of the year. Horse racing shall be held or conducted only between sunrise and midnight.
- (13) The **corporation**~~[racing commission]~~ may at any time require the removal of any official or employee of any association in those instances where it has reason to believe that the official or employee has been guilty of any dishonest practice in connection with horse racing or has failed to comply with any condition of his *or her* license or has violated any law or any administrative regulation of *the corporation*~~[this racing commission]~~.
- (14) Every horse race not licensed under this section is hereby declared to be a public nuisance and the **corporation**~~[racing commission]~~ may obtain an injunction against the same in the Circuit Court of the county where the unlicensed race is proposed to take place.

➔ Section 57. KRS 230.320 is amended to read as follows:

- (1) Every license granted under this chapter is subject to denial, revocation, or suspension, and every licensee or other person participating in Kentucky horse racing may be assessed an administrative fine and required to forfeit or return a purse, by the **corporation**~~[racing commission]~~ in any case where it has reason to believe that any provision of this chapter, administrative regulation, or condition of the **corporation**~~[racing commission]~~ affecting it has not been complied with or has been broken or violated. The **corporation**~~[racing commission]~~ may deny, revoke, or suspend a license for failure by the licensee or other person participating in Kentucky horse racing to pay an administrative fine imposed upon the licensee by the stewards or the **corporation**~~[racing commission]~~. The **corporation**~~[racing commission]~~, in the interest of honesty and integrity of horse racing, may promulgate administrative regulations under which any license may be denied, suspended, or revoked, and under which any licensee or other person participating in Kentucky horse racing may be assessed an administrative fine or required to forfeit or return a purse.
- (2) (a) Following a hearing by the stewards, a person who has been disciplined by a ruling of the stewards may apply to the **corporation**~~[racing commission]~~ for a stay of the ruling, pending action on an appeal by the **corporation**~~[racing commission]~~.

- (b) An application for a stay shall be received by the *president*~~{executive director}~~ or his *or her* designee within ten (10) calendar days of the issuance of the stewards' ruling.
 - (c) An application for a stay shall be in writing and include the following:
 - 1. The name, address, telephone number, and signature of the person requesting the stay;
 - 2. A statement of the justification for the stay; and
 - 3. The period of time for which the stay is requested.
 - (d) On a finding of good cause, the *president*~~{executive director}~~ or his *or her* designee may grant the stay. The *president*~~{executive director}~~ or his *or her* designee shall issue a written decision granting or denying the request for stay within five (5) calendar days from the time the application for stay is received by the *president*~~{executive director}~~ or his *or her* designee. If the *president*~~{executive director}~~ or his *or her* designee fails to timely issue a written decision, then the stay is deemed granted. The *president*~~{executive director}~~ or his *or her* designee may rescind a stay granted under this subsection for good cause.
 - (e) A person who is denied a stay by the *president*~~{executive director}~~ or his *or her* designee, or has a previously granted stay rescinded under paragraph (d) of this subsection, may petition the *corporation*~~{racing commission}~~ to overrule the *president's*~~{executive director's}~~ or designee's denial or rescission of the stay. The petition shall be filed in writing with the chairperson of the *board of directors of the corporation*~~{racing commission}~~ and received by the chairperson within ten (10) calendar days of the mailing of the *president's*~~{executive director's}~~ or designee's denial of the stay. The petition shall state the name, address, phone number, and signature of the petitioner; a statement of justification of the stay; and the time period for which the stay is requested. The chairperson shall convene a special meeting of the *board of directors of the corporation*~~{racing commission}~~ within ten (10) calendar days of receipt of the petition, and the *corporation*~~{racing commission}~~ shall issue a written final order granting or denying the petition within two (2) calendar days of the special meeting. If the *corporation*~~{racing commission}~~ fails to timely issue a final order on the petition, then the stay is granted. The *corporation*~~{racing commission}~~ may rescind a stay granted under this subsection for good cause.
 - (f) A person who is denied or has a previously granted stay rescinded by the *corporation*~~{racing commission}~~ may file an appeal of the final written order of the *corporation*~~{racing commission}~~ in the Circuit Court of the county in which the cause of action arose.
 - (g) The fact that a stay is granted is not a presumption that the ruling by the stewards is invalid.
- (3) If any license is denied, suspended, or revoked, or if any licensee or other person participating in Kentucky horse racing is assessed an administrative fine or required to forfeit or return a purse, after a hearing by the stewards or by the *corporation*~~{racing commission}~~ acting on a complaint or by its own volition, the *corporation*~~{racing commission}~~ shall grant the applicant, licensee, or other person the right to appeal the decision, and upon appeal, an administrative hearing shall be conducted in accordance with KRS Chapter 13B.
 - (4) The *corporation*~~{racing commission}~~ may at any time order that any case pending before the stewards be immediately transferred to the *corporation*~~{racing commission}~~ for an administrative hearing conducted in accordance with KRS Chapter 13B.
 - (5) (a) In an administrative appeal to the *corporation*~~{racing commission}~~ by a licensee or other person participating in Kentucky horse racing, the *corporation*~~{racing commission}~~ may determine in its final order that the appeal is frivolous. If the *corporation*~~{racing commission}~~ finds that an appeal is frivolous:
 - 1. This fact shall be considered an aggravating circumstance and may be considered in assessing any penalty against the licensee; and
 - 2. The licensee or other person who raised the appeal may be required to reimburse the *corporation*~~{racing commission}~~ for the cost of the investigation of the underlying circumstances of the case and the cost of the adjudication of the appeal. Costs may include but are not limited to fees paid to a hearing officer or court reporter, attorneys fees, and laboratory expenses.
 - (b) The *corporation*~~{racing commission}~~ shall by administrative regulation prescribe the conditions or factors by which an appeal may be determined to be frivolous.

- (6) Any administrative action authorized in this chapter shall be in addition to any criminal penalties provided in this chapter or under other provisions of law.

➔Section 58. KRS 230.330 is amended to read as follows:

Any licensee or any applicant aggrieved by any final order of the ~~corporation~~~~racing commission~~ may appeal to the ~~Franklin~~ Circuit Court *of the county in which the licensee or applicant works or resides* in accordance with KRS Chapter 13B.

➔Section 59. KRS 230.361 is amended to read as follows:

- (1) (a) The ~~corporation~~~~racing commission~~ shall promulgate administrative regulations governing and regulating mutuel wagering on horse races under what is known as the pari-mutuel system of wagering.
 - (b) The wagering shall be conducted only by a person licensed under this chapter to conduct a race meeting and only upon the licensed premises, and provided further that only pari-mutuel wagering on simulcasting shall be allowed at simulcast facilities.
 - (c) The pari-mutuel system of wagering shall be operated only by a totalizator or other mechanical equipment approved by the ~~corporation~~~~racing commission~~. The ~~corporation~~~~racing commission~~ shall not require any particular make of equipment.
- (2) The ~~corporation~~~~racing commission~~ shall promulgate administrative regulations governing and regulating sports wagering, including administrative regulations for the deposit of funds by credit or debit cards or other means of electronic funds transfer. The ~~corporation~~~~racing commission~~ shall promulgate administrative regulations to establish a fully functioning sports wagering system within six (6) months after June 29, 2023.
 - (3) The operation of a pari-mutuel system for betting, or the conduct of sports wagering, where authorized by law shall not constitute grounds for the revocation or suspension of any license issued and held under KRS 242.1238 and 243.265.
 - (4) All reported but unclaimed pari-mutuel winning tickets held in this state by any person or association operating a pari-mutuel or similar system of betting at horse race meetings shall be presumed abandoned if not claimed by the person entitled to them within one (1) year from the time the ticket became payable.
 - (5) The ~~corporation~~~~racing commission~~ may issue a license to conduct pari-mutuel wagering on steeple chases or other racing over jumps; if all proceeds from the wagering, after expenses are deducted, is used for charitable purposes. If the dates requested for such a license have been granted to a track within a forty (40) mile radius of the race site, the ~~corporation~~~~racing commission~~ shall not issue a license until it has received written approval from the affected track. Pari-mutuel wagering licensed and approved under this subsection shall be limited to four (4) days per year. All racing and wagering authorized by this subsection shall be conducted in accordance with applicable administrative regulations promulgated by the ~~corporation~~~~racing commission~~.

➔Section 60. KRS 230.3615 is amended to read as follows:

- (1) The commission, including the tax levied in KRS 138.510, deducted from the gross amount wagered by the association which operates a race track under the jurisdiction of the Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ and conducts the Thoroughbred racing at which betting is conducted through a pari-mutuel or other similar system, in races where the patron is required to select one (1) horse, and the breaks, which breaks shall be made and calculated to the penny, except on races previously run in which the breaks shall be made and calculated to the penny or retained in the pari-mutuel pools, shall not be more than seventeen and one-half percent (17.5%).
- (2) The commission, including the tax levied in KRS 138.510, deducted from the gross amount wagered by the person, corporation, or association which operates a race track under the jurisdiction of the Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ and conducts Thoroughbred racing at which betting is conducted through a pari-mutuel or other similar system shall not exceed twenty-two percent (22%) of the gross handle in races where the patron is required to select two (2) or more horses, and the breaks, which breaks shall be made and calculated to the penny, except on races previously run in which the breaks shall be made and calculated to the penny or retained in the pari-mutuel pools.
- (3) The minimum wager to be accepted by any licensed association shall be ten cents (\$0.10). The minimum pay-off on a one dollar (\$1) wager shall be one dollar and ten cents (\$1.10); but, in the event of a minus pool, the minimum pay-off for a one dollar (\$1) wager shall be one dollar and five cents (\$1.05).

- (4) Each association conducting Thoroughbred racing shall pay to the ~~corporation~~~~racing commission~~ all moneys allocated to the backside improvement fund in an amount equal to one-half of one percent (0.5%) of its on-track pari-mutuel wagers.

→Section 61. KRS 230.362 is amended to read as follows:

Any person holding unclaimed pari-mutuel winning tickets presumed abandoned under the provisions of KRS 230.361 shall file annually, on or before September 1 of each year, with the office of the ~~corporation~~~~racing commission~~ a list of and the amounts represented by unclaimed pari-mutuel tickets held by such person as of July 1, and other information as the ~~corporation~~~~racing commission~~ may require for the administration of KRS 230.361 to 230.373. The report shall be made in duplicate; the original shall be retained by the ~~corporation~~~~racing commission~~ and the copy shall be mailed to the sheriff of the county where the unclaimed pari-mutuel tickets are held. It shall be the duty of the sheriff to post for not less than twenty (20) consecutive days a copy of the report on the courthouse door or the courthouse bulletin board, and to publish the copy in the manner set forth by KRS Chapter 424. The cost of the publication shall be paid by the ~~corporation~~~~racing commission~~. The sheriff shall immediately certify in writing to the ~~corporation~~~~racing commission~~ the dates when the list was posted and published. The list shall be posted and published as required on or before October 1 of the year when it is made, and such posting and publishing shall be constructive notice to all holders of pari-mutuel tickets which have remained unclaimed for a period of one (1) year from the time the ticket became payable.

→Section 62. KRS 230.363 is amended to read as follows:

Any person who has made a report of unclaimed pari-mutuel tickets to the ~~corporation~~~~racing commission~~ as required by KRS 230.362 shall, between November 1 and November 15 of each year, turn over to the ~~corporation~~~~racing commission~~ the sum represented by the unclaimed pari-mutuel tickets so reported; but if the person making the report or the owner of the unclaimed pari-mutuel ticket certifies to the ~~corporation~~~~racing commission~~ by sworn statement that any or all of the statutory conditions necessary to create a presumption of abandonment no longer exists or never did exist, or shall certify existence of any fact or circumstance in which there is substantial evidence to rebut such presumption, then, the person reporting the unclaimed pari-mutuel tickets or holding the sum represented by the unclaimed pari-mutuel tickets as reported shall not be required to turn over said sum to the ~~corporation~~~~racing commission~~ except upon order of court. If the holder of any unclaimed pari-mutuel ticket files an action in court claiming the sum which has been reported under the provisions of KRS 230.362, the person reporting or holding the sum represented by said unclaimed pari-mutuel ticket shall be under no duty while any such action is pending to turn over said sum to the ~~corporation~~~~racing commission~~, but shall have the duty of notifying the ~~corporation~~~~racing commission~~ of the pendency of such action.

→Section 63. KRS 230.364 is amended to read as follows:

Any person holding an unclaimed pari-mutuel ticket or any person holding the sum represented by an unclaimed pari-mutuel ticket, or any claimant thereto shall have the right to a judicial determination of *the person's*~~his~~ rights under KRS 230.361 to 230.373 and nothing therein shall be construed otherwise; and the ~~corporation~~~~racing commission~~ may institute an action to recover the sum represented by the unclaimed pari-mutuel tickets which are presumed abandoned whether said sum has been reported or not and may include in one (1) petition the sum represented by all the unclaimed pari-mutuel tickets as defined herein within the jurisdiction of the court in which the action is brought.

→Section 64. KRS 230.365 is amended to read as follows:

Any person who pays the sum represented by the unclaimed pari-mutuel tickets to the ~~corporation~~~~racing commission~~ under KRS 230.363 is relieved of all liability for the value of said unclaimed pari-mutuel tickets for any claim made in respect of said unclaimed pari-mutuel tickets.

→Section 65. KRS 230.366 is amended to read as follows:

Any person claiming an interest in any unclaimed pari-mutuel ticket which has been paid or surrendered to the ~~corporation~~~~racing commission~~ in accordance with KRS 230.361 to 230.373 may file his *or her* claim to it at any time after it was paid to the ~~corporation~~~~racing commission~~.

→Section 66. KRS 230.367 is amended to read as follows:

The ~~corporation~~~~racing commission~~ shall consider any claim or defense permitted to be filed before the ~~corporation~~~~racing commission~~ and hear the evidence concerning it. If the claimant establishes his *or her* claim, the ~~corporation~~~~racing commission~~ shall, when the time for appeal or other legal procedure has expired, authorize payment to *the claimant*~~him~~ of a sum equal to the amount of his claim paid to the ~~corporation~~~~racing commission~~ in accordance with KRS 230.361 to 230.373. The decision shall be in writing and shall state the substance of the

evidence heard by the **corporation**~~[racing commission]~~, if a transcript is not kept. The decision shall be a matter of public record.

→ Section 67. KRS 230.368 is amended to read as follows:

Any person dissatisfied with the decision of the **corporation**~~[racing commission]~~ under KRS 230.367 may appeal to the ~~Franklin~~ Circuit Court *of the county where the person works or resides* in accordance with the provisions of KRS Chapter 13B.

→ Section 68. KRS 230.369 is amended to read as follows:

The **corporation**~~[racing commission]~~, through its employees, may examine all records of any person where there is reason to believe that there has been or is a failure to report unclaimed pari-mutuel tickets.

→ Section 69. KRS 230.370 is amended to read as follows:

The **corporation**~~[racing commission]~~ may promulgate any reasonable and necessary administrative regulation for the enforcement of the provisions of this chapter and the conduct of hearings held before it.

→ Section 70. KRS 230.371 is amended to read as follows:

The **corporation**~~[racing commission]~~ may require the production of reports or the surrender of sums represented by unclaimed pari-mutuel tickets as provided in KRS 230.361 to 230.373 by civil equity action, including, but not limited to, an action in the nature of a bill of discovery, in which case the defendant shall pay a penalty equal to ten percent (10%) of all amounts that *the defendant*~~he~~ is ultimately required to surrender. The **corporation**~~[racing commission]~~ shall follow the procedures provided by the Rules of Civil Procedure.

→ Section 71. KRS 230.372 is amended to read as follows:

Any payments made to any persons claiming an interest in an unclaimed pari-mutuel ticket, and any necessary expense including, but not limited to, administrative costs, advertising costs, court costs and attorney's fees, required to be paid by the **corporation**~~[racing commission]~~ in administering or enforcing the provisions of KRS 230.361 to 230.373 shall be deducted from sums received by the **corporation**~~[racing commission]~~ prior to payment to the Kentucky Racing Health and Welfare Fund.

→ Section 72. KRS 230.374 is amended to read as follows:

All sums reported and paid to the **corporation**~~[racing commission]~~ under the provisions of KRS 230.361 to 230.373, with the exception of funds paid under KRS 230.398, shall be paid by the **corporation**~~[racing commission]~~ to the Kentucky Racing Health and Welfare Fund, Inc., a nonprofit charitable corporation, organized for the benefit, aid, assistance, and relief of Thoroughbred owners, trainers, jockeys, valets, exercise riders, grooms, stable attendants, pari-mutuel clerks, and other Thoroughbred racing personnel employed in connection with racing, and their spouses and children, who can demonstrate their need for financial assistance connected with death, illness, or off-the-job injury and are not otherwise covered by union health and welfare plans, workers' compensation, Social Security, public welfare, or any type of health, medical, death, or accident insurance. These sums shall be paid on or before December 31 in each year, however, no payments shall be made by the **corporation**~~[racing commission]~~ to the Kentucky Racing Health and Welfare Fund, Inc., unless the **corporation**~~[racing commission]~~ and the Auditor of Public Accounts are satisfied that the fund is in all respects being operated for the charitable and benevolent purposes as set forth in this section and that no part of the funds paid to the fund by the **corporation**~~[racing commission]~~ or any net earnings of the fund inure to the benefit of any private individual, director, officer, or member of the fund or any of the persons who turned over sums to the **corporation**~~[racing commission]~~ representing unclaimed pari-mutuel tickets.

→ Section 73. KRS 230.375 is amended to read as follows:

- (1) The board of directors of the Kentucky Racing Health and Welfare Fund, Inc., may create and fund the Kentucky Race Track Retirement Plan. The board shall use no more than twenty-five percent (25%) of the annual sum paid by the **corporation**~~[racing commission]~~ under KRS 230.361 to 230.373 to fund the plan.
- (2) The plan shall be provided for the benefit of Thoroughbred trainers, assistant trainers, exercise riders, grooms, stable attendants, and other stable employees who can demonstrate that they are not otherwise eligible to participate in any other private or public, nonself-funded retirement or pension plan.
- (3) The Kentucky Race Track Retirement Plan shall be administered by the board of directors of the Kentucky Racing Health and Welfare Fund, Inc., for the charitable and benevolent purposes set forth in KRS 230.374, and no part of the sums administered by the fund for the plan or any net earnings of the plan shall inure to the

benefit of any private individual, director, officer, or member of the fund, or any of the persons who paid sums to the ~~corporation~~~~racing commission~~ under the provisions of KRS 230.361 to 230.373.

- (4) The board of directors of the Kentucky Racing Health and Welfare Fund, Inc., shall be the trustee of the plan's funds and shall have full power to invest and reinvest funds. Investments shall be diversified to balance the risks associated with various investment options to maintain the long-term solvency of the plan. The board shall have full power to hold, purchase, sell, assign, transfer, or dispose of any of the investments in which any of the plan's funds have been invested, as well as of the proceeds of investments belonging to the plan. The board members or any investment manager shall discharge their duties with respect to the assets of the plan solely in the interest of the plan's members and:
- (a) For the exclusive purposes of providing benefits to plan members and their beneficiaries and defraying reasonable expenses of administering the plan;
 - (b) With the care, skill, prudence, and diligence under the circumstances that a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims; and
 - (c) In accordance with any other laws or instruments governing the administration of the plan's funds.

➔Section 74. KRS 230.3751 is amended to read as follows:

The Governor of this Commonwealth is authorized and directed to execute a compact on behalf of the Commonwealth with any of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and each territory or possession of the United States, legally joining therein in the form substantially as follows:

ARTICLE I

PURPOSES

SECTION 1. Purposes.

The purposes of this compact are to:

1. Establish uniform requirements among the party states for the licensing of participants in live racing with pari-mutuel wagering, and ensure that all such participants who are licensed pursuant to this compact meet a uniform minimum standard of honesty and integrity.
2. Facilitate the growth of the pari-mutuel racing industry in each party state and nationwide by simplifying the process for licensing participants in live racing, and reduce the duplicative and costly process of separate licensing by the regulatory agency in each state that conducts live racing with pari-mutuel wagering.
3. Authorize the Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ to participate in this compact.
4. Provide for participation in this compact by officials of the party states, and permit those officials, through the compact committee established by this compact, to enter into contracts with governmental agencies and nongovernmental persons to carry out the purposes of this compact.
5. Establish the compact committee created by this compact as an interstate governmental entity duly authorized to request and receive criminal history record information from the Federal Bureau of Investigation and other state and local law enforcement agencies.

ARTICLE II

DEFINITIONS

SECTION 2. Definitions.

"Compact committee" means the organization of officials from the party states that is authorized and empowered by this compact to carry out the purposes of this compact.

"Official" means the appointed, elected, designated or otherwise duly selected member of a racing commission or the equivalent thereof in a party state who represents that party state as a member of the compact committee.

"Participants in live racing" means participants in live racing with pari-mutuel wagering in the party states.

"Party state" means each state that has enacted this compact.

"State" means each of the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico and each territory or possession of the United States.

ARTICLE III

ENTRY INTO FORCE, ELIGIBLE PARTIES AND WITHDRAWAL

SECTION 3. Entry into force.

This compact shall come into force when enacted by any four (4) states. Thereafter, this compact shall become effective as to any other state upon both (i) that state's enactment of this compact and (ii) the affirmative vote of a majority of the officials on the compact committee as provided in Section 8.

SECTION 4. States eligible to join compact.

Any state that has adopted or authorized live racing with pari-mutuel wagering shall be eligible to become party to this compact.

SECTION 5. Withdrawal from compact and impact thereof on force and effect of compact.

Any party state may withdraw from this compact by enacting a statute repealing this compact, but no such withdrawal shall become effective until the head of the executive branch of the withdrawing state has given notice in writing of such withdrawal to the head of the executive branch of all other party states. If as a result of withdrawals participation in this compact decreases to less than three (3) party states, this compact no longer shall be in force and effect unless and until there are at least three (3) or more party states again participating in this compact.

ARTICLE IV

COMPACT COMMITTEE

SECTION 6. Compact committee established.

There is hereby created an interstate governmental entity to be known as the "compact committee," which shall be comprised of one (1) official from the racing commission or its equivalent in each party state who shall be appointed, serve and be subject to removal in accordance with the laws of the party state he represents. Pursuant to the laws of his party state, each official shall have the assistance of his state's racing commission or the equivalent thereof in considering issues related to licensing of participants in live racing and in fulfilling his responsibilities as the representative from his state to the compact committee. If an official is unable to perform any duty in connection with the powers and duties of the compact committee, the racing commission or equivalent thereof from his state shall designate another of its members as an alternate who shall serve in his place and represent the party state as its official on the compact committee until that racing commission or equivalent thereof determines that the original representative official is able once again to perform his duties as that party state's representative official on the compact committee. The designation of an alternate shall be communicated by the affected state's racing commission or equivalent thereof to the compact committee as the committee's bylaws may provide.

SECTION 7. Powers and duties of compact committee.

In order to carry out the purposes of this compact, the compact committee is hereby granted the power and duty to:

1. Determine which categories of participants in live horse racing, including but not limited to owners, trainers, jockeys, grooms, mutuel clerks, racing officials, veterinarians, and farriers, and which categories of equivalent participants in dog racing and other forms of live racing with pari-mutuel wagering authorized in two (2) or more of the party states, should be licensed by the committee, and establish the requirements for the initial licensure of applicants in each such category, the term of the license for each category, and the requirements for renewal of licenses in each category. Provided, however, that with regard to requests for criminal history record information on each applicant for a license, and with regard to the effect of a criminal record on the issuance or renewal of a license, the compact committee shall determine for each category of participants in live racing which licensure requirements for that category are, in its judgment, the most restrictive licensure requirements of any party state for that category and shall adopt licensure requirements for that category that are, in its judgment, comparable to those most restrictive requirements.
2. Investigate applicants for a license from the compact committee and, as permitted by federal and state law, gather information on such applicants, including criminal history record information from the Federal Bureau of Investigation and relevant state and local law enforcement agencies, and, where appropriate, from the Royal Canadian Mounted Police and law enforcement agencies of other countries, necessary to determine whether a license should be issued under the licensure requirements established by the committee as provided in paragraph 1 above. Only officials on, and employees of, the compact committee may receive and review such criminal history record information, and those officials and employees may use that information only for the purposes of this compact. No such official or employee may disclose or disseminate such information to any

person or entity other than another official or employee of the compact committee. The fingerprints of each applicant for a license from the compact committee shall be taken by the compact committee, its employees, or its designee and, pursuant to Public Law 92-544 or Public Law 100-413, shall be forwarded to a state identification bureau, or to an association of state officials regulating pari-mutuel wagering designated by the Attorney General of the United States, for submission to the Federal Bureau of Investigation for a criminal history record check. Such fingerprints may be submitted on a fingerprint card or by electronic or other means authorized by the Federal Bureau of Investigation or other receiving law enforcement agency.

3. Issue licenses to, and renew the licenses of, participants in live racing listed in paragraph 1 of this section who are found by the committee to have met the licensure and renewal requirements established by the committee. The compact committee shall not have the power or authority to deny a license. If it determines that an applicant will not be eligible for the issuance or renewal of a compact committee license, the compact committee shall notify the applicant that it will not be able to process his application further. Such notification does not constitute and shall not be considered to be the denial of a license. Any such applicant shall have the right to present additional evidence to, and to be heard by, the compact committee, but the final decision on issuance or renewal of the license shall be made by the compact committee using the requirements established pursuant to paragraph 1 of this section.
4. Enter into contracts or agreements with governmental agencies and with nongovernmental persons to provide personal services for its activities and such other services as may be necessary to effectuate the purposes of this compact.
5. Create, appoint, and abolish those offices, employments, and positions, including an executive director, as it deems necessary for the purposes of this compact, prescribe their powers, duties and qualifications, hire persons to fill those offices, employments and positions, and provide for the removal, term, tenure, compensation, fringe benefits, retirement benefits and other conditions of employment of its officers, employees and other positions.
6. Borrow, accept, or contract for the services of personnel from any state, the United States, or any other governmental agency, or from any person, firm, association, corporation or other entity.
7. Acquire, hold, and dispose of real and personal property by gift, purchase, lease, license, or in other similar manner, in furtherance of the purposes of this compact.
8. Charge a fee to each applicant for an initial license or renewal of a license.
9. Receive other funds through gifts, grants and appropriations.

SECTION 8. Voting requirements.

- A. Each official shall be entitled to one (1) vote on the compact committee.
- B. All action taken by the compact committee with regard to the addition of party states as provided in Section 3, the licensure of participants in live racing, and the receipt and disbursement of funds shall require a majority vote of the total number of officials (or their alternates) on the committee. All other action by the compact committee shall require a majority vote of those officials (or their alternates) present and voting.
- C. No action of the compact committee may be taken unless a quorum is present. A majority of the officials (or their alternates) on the compact committee shall constitute a quorum.

SECTION 9. Administration and management.

- A. The compact committee shall elect annually from among its members a chairman, a vice chairman, and a secretary/treasurer.
- B. The compact committee shall adopt bylaws for the conduct of its business by a two-thirds (2/3) vote of the total number of officials (or their alternates) on the committee at that time and shall have the power by the same vote to amend and rescind these bylaws. The committee shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendments thereto with the Secretary of State or equivalent agency of each of the party states.
- C. The compact committee may delegate the day-to-day management and administration of its duties and responsibilities to an executive director and his support staff.
- D. Employees of the compact committee shall be considered governmental employees.

SECTION 10. Immunity from liability for performance of official responsibilities and duties.

No official of a party state or employee of the compact committee shall be held personally liable for any good faith act or omission that occurs during the performance and within the scope of his responsibilities and duties under this compact.

ARTICLE V

RIGHTS AND RESPONSIBILITIES OF EACH PARTY STATE

SECTION 11. Rights and responsibilities of each party state.

A. By enacting this compact, each party state:

1. Agrees (i) to accept the decisions of the compact committee regarding the issuance of compact committee licenses to participants in live racing pursuant to the committee's licensure requirements, and (ii) to reimburse or otherwise pay the expenses of its official representative on the compact committee or his alternate.
2. Agrees not to treat a notification to an applicant by the compact committee under paragraph 3 of Section 7 that the compact committee will not be able to process his application further as the denial of a license, or to penalize such an applicant in any other way based solely on such a decision by the compact committee.
3. Reserves the right (i) to charge a fee for the use of a compact committee license in that state, (ii) to apply its own standards in determining whether, on the facts of a particular case, a compact committee license should be suspended or revoked, (iii) to apply its own standards in determining licensure eligibility, under the laws of that party state, for categories of participants in live racing that the compact committee determines not to license and for individual participants in live racing who do not meet the licensure requirements of the compact committee, and (iv) to establish its own licensure standards for the licensure of nonracing employees at pari-mutuel racetracks and employees to separate satellite wagering facilities. Any party state that suspends or revokes a compact committee license shall, through its racing commission or the equivalent thereof or otherwise, promptly notify the compact committee of that suspension or revocation.

B. No party state shall be held liable for the debts or other financial obligations incurred by the compact committee.

ARTICLE VI

CONSTRUCTION AND SEVERABILITY

SECTION 12. Construction and severability.

This compact shall be liberally construed so as to effectuate its purposes. The provisions of this compact shall be severable, and, if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the Constitution of the United States or of any party state, or the applicability of this compact to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If all or some portion of this compact is held to be contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

➔Section 75. KRS 230.3761 is amended to read as follows:

The Governor of this Commonwealth is authorized and directed to execute a compact on behalf of the Commonwealth with any of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and each territory or possession of the United States, legally joining therein in the form substantially as follows:

ARTICLE I

PURPOSES

The purposes of this compact are:

- (A) To enable member states to act jointly and cooperatively to create more uniform, effective, and efficient practices, programs, rules, and regulations relating to live pari-mutuel horse or greyhound racing and to pari-mutuel wagering activities, both on-track and off-track, that occur in or affect a member state;
- (B) To facilitate the health and growth of the industry by simplifying the process of participating in live horse and greyhound racing and pari-mutuel wagering, improving the quality and integrity of racing and wagering, more

effectively regulating simulcast and wagering systems and activities, and through cooperative action reducing the costs incurred by each member state or participant;

- (C) To authorize the Kentucky Horse Racing *and Gaming Corporation*~~[Commission]~~ to participate in this compact;
- (D) To permit officials from the member states to participate in this compact and, through the compact commission established by this compact, to enter into contracts with governmental agencies and other persons to carry out the purposes of this compact; and
- (E) To establish the compact commission created by this compact as an interstate governmental entity duly authorized to request and to receive criminal history record information from the Federal Bureau of Investigation and from state, local, and foreign law enforcement agencies.

ARTICLE II

DEFINITIONS

For the purposes of this compact, the following terms shall have the following meaning:

- (A) "Commissioner" means the chairperson of the member state racing commission, or such person's designee, who represents the member state as a voting member of the compact commission and anyone who is serving as such person's alternate;
- (B) "Compact commission" means the organization of officials from the member states that is authorized and empowered by this compact to carry out the purposes of this compact;
- (C) "Compact rule" means a rule or regulation adopted by a member state through the compact to govern, for two (2) or more member states, any part of live pari-mutuel horse and greyhound racing or pari-mutuel wagering activities, whether on-track or off-track, that occur in or affect such states;
- (D) "Live racing" means live horse or greyhound racing with pari-mutuel wagering;
- (E) "Member state" means each state that has enacted this compact;
- (F) "National industry stakeholder" means a non-governmental organization that the compact commission determines from a national perspective significantly represents one (1) or more categories of participants in live racing and pari-mutuel wagering;
- (G) "Participants in live racing and pari-mutuel wagering" means all persons who participate in, operate, provide industry services for, or are involved with live racing and pari-mutuel wagering;
- (H) "State" means each of the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and each territory or possession of the United States; and
- (I) "State racing commission" means the state racing commission, or its equivalent, in each member state. Where a member state has more than one (1), it shall mean all such racing commissions, or their equivalents.

ARTICLE III

COMPOSITION AND MEETINGS OF COMPACT COMMISSION

The member states shall create and participate in a compact commission as follows:

- (A) This compact shall come into force when enacted by any six (6) eligible states, and shall thereafter become effective as to any other member state that enacts this compact. Any state that has adopted or authorized pari-mutuel wagering or live horse or greyhound racing shall be eligible to become a party to this compact. A compact rule, fee, practice, or program shall not become effective in a new member state based merely upon it entering the compact.
- (B) The member states hereby create the racing and wagering commission, a body corporate and an interstate governmental entity of the member states, to coordinate the decision-making and actions of each member state racing commission through a compact commission.
- (C) The compact commission shall consist of one (1) commissioner, the chairperson of the state racing commission or such person's designee, from each member state. When a commissioner is not present to perform any duty in the compact commission, a designated alternate may serve instead. The person who represents a member state in the compact commission shall serve and perform such duties without compensation or remuneration; provided that, subject to the availability of budgeted funds, each may be

reimbursed for ordinary and necessary costs and expenses. The designation of a commissioner, including the alternate, shall be effective when written notice has been provided to the compact commission. The commissioner, including the alternate, must be a member or employee of the state racing commission.

- (D) The compact commissioner from each state shall participate as an agent of the state racing commission. Each commissioner shall have the assistance of the state racing commission in regard to all decision making and actions of the state in and through the compact commission.
- (E) Each member state, by its commissioner, shall be entitled to one (1) vote in the compact commission. A majority vote of the total number of commissioners shall be required to issue or renew a license, to receive and distribute any funds, and to adopt, amend, or rescind the by-laws. A compact rule, fee, practice, or program shall take effect in and for each member state whose commissioner votes affirmatively to adopt it. Other compact actions shall require a majority vote of the commissioners who are meeting.
- (F) Meetings and votes of the compact commission may be conducted in person or by telephone or other electronic communication. Meetings may be called by the chairperson of the compact commission or by any two (2) commissioners. Reasonable notice of each meeting shall be provided to all commissioners serving in the compact commission.
- (G) No action may be taken at a compact commission meeting unless there is a quorum, which is either a majority of the commissioners in the compact commission or, where applicable, all the commissioners from any member states who propose or are voting affirmatively to adopt a compact rule, fee, practice, or program.
- (H) Once effective, the compact shall continue in force and remain binding according to its terms upon each member state; provided that, a member state may withdraw from the compact by repealing the statute that enacted the compact into law. The racing commission of a withdrawing state shall give written notice of such withdrawal to the compact chairperson, who shall notify the member state racing commissions. A withdrawing state shall remain responsible for any unfulfilled obligations and liabilities. The effective date of withdrawal from the compact shall be the effective date of the repeal.

ARTICLE IV

OPERATION OF COMPACT COMMISSION

The compact commission is hereby granted, so that it may be an effective means to pursue and achieve the purposes of each member state in this compact, the power and duty:

- (A) To adopt, amend, and rescind by-laws to govern its conduct, as may be necessary or appropriate to carry out the purposes of the compact; to publish them in a convenient form; and to file a copy of them with the state racing commission of each member state;
- (B) To elect annually from among the commissioners (including alternates) a chairperson, vice-chairperson, and treasurer with such authority and duties as may be specified in the by-laws;
- (C) To establish and appoint committees which it deems necessary for the carrying out of its functions, including advisory committees which shall be comprised of national industry stakeholders and organizations, and such other persons as may be designated in accordance with the by-laws, to obtain their timely and meaningful input into the compact rule, fee, practice, and program making processes;
- (D) To establish an executive committee, with membership established in the by-laws, which shall oversee the day-to-day activities of compact administration and management by the executive director and staff; hire and fire as may be necessary after consultation with the compact commission; administer and enforce compliance with the provisions, by-laws, rules, fees, practices, and programs of the compact; and perform such other duties as the by-laws may establish;
- (E) To create, appoint, and abolish all those offices, employments, and positions, including an executive director, useful to fulfill its purposes; to hire persons for them; to prescribe their powers, duties, and qualifications; and to provide for their term, tenure, removal, compensation, fringe and retirement benefits, and other conditions of employment;
- (F) To delegate day-to-day management and administration of its duties, as needed, to an executive director and support staff, such as the Association of Racing Commissioners International, Inc., or its successor;
- (G) To adopt an annual budget sufficient to provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities. The budget shall be fully funded by means established by the compact commission. A member state may choose to participate in funding by means other than a compact

fee or fees, in which case the compact commission shall make a finding of how much the member state, including its racing and wagering, may benefit from budget items (less program costs funded by user fees); and the member state may provide such funding by its own means. Indivisible benefits to live racing shall be allocated by proportion of annual purses. Nothing in this provision shall prevent the compact commission from paying obligations accrued in a prior year or from revising its finding of the benefit to a member state from the preceding year; and

- (H) To provide a mediation and a binding dispute resolution service for member states who decide to use them to resolve a compact dispute among each other; provided, that the design and implementation of each program shall be established by compact rule making.

ARTICLE V

GENERAL POWERS AND DUTIES

To allow each member state, as and when it chooses, to achieve the purpose of this compact through joint and cooperative action, the member states are hereby granted the power and duty, by and through the compact commission:

- (A) To act jointly and cooperatively to create a more equitable and uniform pari-mutuel racing and wagering interstate regulatory framework, including but not limited to the adoption of standardized rules of racing and equine drug regulations, closing inequalities in how regulatory standards and statutory requirements apply to industry participants; improving wagering monitoring and integrity; and making industry and participant information more available to government officials;
- (B) To collaborate with national industry stakeholders and industry organizations, such as the Racing Medication and Testing Consortium, in the design and implementation of compact rules, fees, practices, and programs in a manner that serves the best interests of racing;
- (C) To create more uniform, effective, or efficient practices and programs, with the consent of each member state that shall participate in them, relating to any part of live pari-mutuel horse or greyhound racing or pari-mutuel wagering activities, whether on-track or off-track, that occur in or affect a member state;
- (D) To adopt compact rules, which shall have the force and effect of state rules or regulations in the member states who vote to adopt them, to govern all or any part of live pari-mutuel horse and greyhound racing or pari-mutuel wagering activities;
- (E) To charge and collect a fee for services provided by the compact, including licensure and renewal of each license applicant, and for defraying the actual cost of compact commission administration, procedures, activities and programs; and
- (F) To issue and renew licenses for participants in live racing and pari-mutuel wagering who are found by the compact commission to have met its licensure or renewal requirements in categories it chooses to license. It shall establish the term for each category, and the license criteria and weight given to character and integrity information that in its judgment meet the most restrictive requirements of the member states. The compact commission shall not have the power or authority to deny a license. If it determines that an applicant will not be eligible, it shall notify the applicant that it will not be able to process the application any further, which shall not constitute and shall not be considered to be the denial of a license. Although an applicant shall have the right to present further evidence and to be heard, the final decision on issuance or renewal of a license shall be made by the compact commission pursuant to its established requirements. The compact commission shall have the power and duty to investigate license applicants and, as permitted by federal and state law, to gather information, including criminal history records from the Federal Bureau of Investigation and from state, local, and foreign country law enforcement agencies (including the Royal Canadian Mounted Police), necessary to decide whether an applicant meets its license requirements. Such criminal history record information may be received and reviewed only by the officials on, and employees of, the compact commission, and that information may be used only for the purposes of this compact. No such official or employee may disclose or disseminate such criminal history record information to any person or entity other than another official on, or employee of, the compact commission. The compact commission, its employees, or its designee shall take the fingerprints of each license applicant and, pursuant to Public Law 92-544 or Public Law 100-413, forward the fingerprints to a state identification bureau, the Association of Racing Commissioners International (an association of state officials regulating pari-mutuel wagering, designated by the Attorney General of the United States), or another entity with an equivalent designation, for submission to the Federal Bureau of Investigation or other receiving law enforcement agency. The compact commission shall cooperate with the Interstate Compact on Licensure of Participants in Live Racing with Pari-Mutuel Wagering and, if requested

by that entity, assume all of its licensing and employer duties and responsibilities with the authority of and pursuant to all of the licensing standards, laws, rules and regulations applicable to that entity.

ARTICLE VI

OTHER POWERS AND DUTIES

The compact commission may exercise such incidental powers and duties as may be necessary and proper for it to function in a useful manner, including but not limited to the power and duty:

- (A) To enter into contracts and agreements with governmental agencies and other persons, including officers and employees of a member state, to provide personal services for its activities and such other services as may be necessary;
- (B) To borrow, accept, and contract for the services of personnel from any state, federal, or other governmental agency, or from any other person or entity;
- (C) To receive information from and to provide information to each member state racing commission, including its officers and staff, on such terms and conditions as may be established in the by-laws;
- (D) To acquire, hold, and dispose of any real or personal property by gift, grant, purchase, lease, license, and similar means and to receive additional funds through gifts, grants, and appropriations;
- (E) To purchase and maintain insurance and bonds, and to require others to do so;
- (F) When authorized by a compact rule, to conduct hearings, issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence, and render decisions and orders;
- (G) To establish in the by-laws the requirements that shall describe and govern its duties to conduct open or public meetings and to provide public access to compact records and information, which shall include the exceptions established by law in one (1) or more member states and shield any confidential submissions made in connection with license applications; and
- (H) To enforce compliance with the provisions, by-laws, rules, fees, practices, and programs of the compact using such means as may be consistent with this compact.

ARTICLE VII

COMPACT RULE MAKING

In the exercise of its rule making authority, the compact commission shall:

- (A) Engage in formal rule making pursuant to a process that substantially conforms to the Model State Administrative Procedure Act of 1981 as amended, as may be appropriate to the actions and operations of the compact commission;
- (B) Gather information and engage in discussions with advisory committees, national industry stakeholders, and others to foster and conduct a collaborative approach in the design and advancement of compact rules in a manner that serves the best interests of racing and as established in the by-laws;
- (C) Not publish a proposed compact rule in a member state over its objection. The affirmative vote of a member state for a proposed compact rule shall be necessary and sufficient to adopt, amend, or rescind a compact rule as applicable to that member state; and
- (D) Have a standing committee that reviews at least quarterly the participation in and value of compact rules and, when it determines that a revision is appropriate or when requested to by any member state, submits a revising proposed compact rule. To the extent a revision would only add or remove a member state or states from where a compact rule has been adopted, the vote required by this article shall be required of only such state or states.

ARTICLE VIII

COMPACT FEES

- (A) The compact commission may charge and collect a fee for services provided by the compact, including licensure and renewal of each license applicant, and for defraying the actual cost of compact commission administration, procedures, activities, and programs; provided that such latter fee or fees shall not create a disproportionate cost for any member state.

- (B) Compact fees must relate to participation in live horse or greyhound racing and pari-mutuel wagering activities, whether on-track or off-track, that occur in or affect a member state. No fee shall be adopted except after consultation with relevant advisory committees and interested national industry stakeholders.
- (C) The establishment of a compact fee may include a requirement that a participant in live horse or greyhound racing with pari-mutuel wagering, as a condition of continued participation, collect, hold, and remit to the compact commission funds that belong to a third party, with which it conducts related transactions, that is obliged to pay the compact fee.
- (D) The compact commission may require fee payments to occur on a periodic basis, accompanied by a sworn report attesting to accuracy and completeness, and may provide that it shall have the power to examine the books and records of any persons required to pay or remit it, for the purpose of ascertaining whether the proper amounts are being paid. Such books and records shall not thereby be made available for public inspection.
- (E) No fee shall be adopted before the completion of a period of public notice and participation substantially conforming, as may be appropriate to the actions and operations of the compact commission, for making rules under the Model State Administrative Procedure Act of 1981 as amended.

ARTICLE IX

STATUS AND RELATIONSHIP TO MEMBER STATES

- (A) The compact commission, as an interstate governmental entity, shall be exempt from all taxation in and by the member states.
- (B) The compact commission shall not pledge the credit of any member state except by and with the appropriate legal authority of that state.
- (C) The compact commission shall adopt an annual budget that is sufficient to provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities, and by which member states shall fully fund the compact commission by the means set forth in this compact.
- (D) Each member state shall reimburse or otherwise pay the expenses of its commissioner, including any alternate, in the compact commission.
- (E) No member state, except as provided in Article XII of this compact, shall be held liable for the debts or other financial obligations incurred by the compact commission.
- (F) No member state shall have, while it participates in the compact commission, any claim to or ownership of any property held by or vested in the compact commission or to any compact commission funds held pursuant to this compact except for state license or other fees or moneys collected by the compact commission as its agent.
- (G) The compact dissolves upon the date of the withdrawal of the member state that reduces membership in the compact to one (1) state. Upon dissolution, the compact becomes null and void and shall be of no further force or effect, although rules and programs adopted through this compact shall remain rules and programs in each member state that had adopted or consented to them, and the business and affairs of the racing and wagering compact shall be concluded and any surplus funds shall be distributed to the former member states in accordance with the by-laws.

ARTICLE X

RIGHTS AND RESPONSIBILITIES OF MEMBER STATES

- (A) Each member state in the compact shall accept the decisions, duly applicable to it, of the compact commission in regard to compact rules, fees, practices, and programs, and the issuance or renewal of licenses.
- (B) When the compact commission determines that an application shall not be processed further, the member states shall not treat this as the denial of a license or otherwise penalize the applicant because of such action by the compact commission.
- (C) Each member state in the compact shall have and exercise the right:
 - (1) To charge a fee for the use of a compact license within that member state equal to the fee charged for a comparable state license;
 - (2) To apply its own standards and procedures to determine whether the use of a compact commission license should be suspended or revoked in its jurisdiction;

- (3) To apply its own standards for licensure or renewal of state applicants who do not meet the licensure requirements of the compact commission, who are within a category of participants in racing and wagering that the compact commission does not license, or who apply to the member state for a state license; and
 - (4) To apply its own standards and procedures, except as may be provided by rule, to determine whether a participant in live racing or pari-mutuel wagering has violated any rule or regulation in its jurisdiction and to impose an appropriate penalty.
- (D) Each member state racing commission shall promptly notify the compact commission, or its designee, whenever the member state has adjudged a violation of any state or compact rule and imposed a suspension or revocation upon a compact commission licensee.
- (E) All departments, agencies, bodies, officers, and employees of each member state and its political subdivisions are authorized to cooperate with the compact commission and shall take all necessary and appropriate action, such as to publish proposed and adopted rules in state registries and administrative codes, to effectuate and in furtherance of compact duties or actions that may affect the state.
- (F) This compact shall not be construed to diminish or limit the powers and responsibilities of the member state racing commission, or to invalidate any action it has previously taken, except to the extent it has, by its compact commissioner, expressed its consent to a specific rule or other action of the compact commission. The compact commissioner from each state shall serve as the agent of the state racing commission and shall possess substantial racing and wagering knowledge and experience as a regulator or participant in the racing and wagering industry in order to participate effectively in compact rule making.

ARTICLE XI

ENFORCEMENT OF COMPACT

- (A) Any member state in the compact and the compact commission may initiate legal action in the United States District Court, in any federal district where the compact commission has an office, to enforce compliance by any member state or the compact commission with the compact provisions, by-laws, fees, findings, practices, and programs.
- (B) Any member state in the compact and the compact commission may initiate legal action, in any state or federal court, to enforce the compact provisions, fees, practices, and programs against any person, including a non-member state or political subdivision. Member states that benefit from the compact commission, its employees, or one (1) of its provisions, by-laws, fees, findings, practices, or programs shall provide or share in the cost of legal services to defend or uphold them.
- (C) The compact commission shall have standing to intervene in any legal action that pertains to the subject matter of the compact and might affect its powers, duties, or actions.
- (D) The courts and executive in each member state shall enforce the compact and take all actions necessary and appropriate to effectuate its purposes and intent. Compact provisions, by-laws, and rules shall be received by all judges, departments, agencies, bodies, and officers of each member state and its political subdivisions as evidence of them.
- (E) The compact commission may require, from the date a compact fee was required to be paid, interest not to exceed the rate of one percent (1%) per month and a penalty not to exceed five percent (5%). The compact commission may, if it determines that any fees received by it were paid in error, and provided that an application for it is filed with the compact commission within one (1) year from the time the erroneous payment is made, correct the error by a refund, without interest, including from other collected fees.
- (F) The compact commission, if it determines that a payment or report is in error, may make a finding that fixes the correct amount of the fee. It must issue the finding within three (3) years from when a fee or report was due or filed. The finding shall be final and conclusive unless an application for a hearing is filed by the subject within thirty (30) days. The action of the compact commission in making a final finding, after a hearing, shall be reviewable in state court as provided in this compact.

ARTICLE XII

LEGAL ACTIONS AGAINST COMPACT

- (A) Any person may commence a claim, action, or proceeding against the compact commission in state court for damages or to challenge a compact rule, fee, practice, or program that is duly applicable to that state. The

compact commission shall have the benefit of the same limits of liability, defenses, rights to indemnity and defense by the state, and other legal rights and defenses for non-compact matters of the state racing commission in the state. All legal rights and defenses that arise from this compact shall also be available to the compact commission.

- (B) A compact commissioner, alternate, or other member or employee of a state racing commission who undertakes compact activities or duties does so in the course of business of their state racing commission, and shall have the benefit of the same limits of liability, defenses, rights to indemnity and defense by the state, and other legal rights and defenses for noncompact matters of state employees in their state. The executive director and other employees of the compact commission shall have the benefit of these same legal rights and defenses of state employees in the member state in which they are primarily employed. All legal rights and defenses that arise from this compact shall also be available to them.
- (C) Each member state shall be liable for and pay judgments filed against the compact commission to the extent related to its participation in the compact. Where liability arises from action undertaken jointly with other member states, the liability shall be divided equally among the states for whom the applicable rule, fee, practice, program, or action or omission of the executive director or other employees of the compact commission was undertaken; and no member state shall contribute to or pay, or be jointly or severally or otherwise liable for, any part of any judgment beyond its share as determined in accordance with this article.

ARTICLE XIII

RESTRICTIONS ON AUTHORITY

- (A) Notwithstanding anything to the contrary herein, the compact commission shall not adopt any practice, program, or rule that may change Kentucky requirements governing the amount and distribution of the takeout, retention, or breakages on intrastate wagers or that imposes licensure requirements for non-racing or non-wagering employees of any racetrack or off-site wagering facility operating wholly within the state.
- (B) Kentucky state laws applicable to pari-mutuel racing and wagering shall remain in full force and effect.
- (C) Notwithstanding anything to the contrary herein, no fee except for services provided by the compact commission shall be adopted by the compact commission in Kentucky without the prior consent of any horsemen (as expressed by their recognized horsemen's organization) licensed by the state racing commission who, or any franchised or state racing commission licensed racing corporation that, would be obliged to pay the fee.

ARTICLE XIV

CONSTRUCTION, SAVING AND SEVERABILITY

- (A) This compact shall be liberally construed so as to effectuate its purposes. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the Constitution of the United States or of any member state, or the applicability of this compact to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and its applicability to any government, agency, person, or circumstance shall not be affected. If all or some portion of this compact is held to be contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the state affected as to all severable matters.
- (B) In the event of any allegation, finding, or ruling against the compact or its procedures or actions, provided that a member state has followed the compact's stated procedures, any rule it purported to adopt using the procedures of this statute shall constitute a duly adopted and valid state rule, and any program that it purported to create or agree to using the procedures of this statute shall constitute a duly made and valid state program and multilateral agreement with the other consenting member states.

➔Section 76. KRS 230.377 is amended to read as follows:

- (1) Other provisions of the Kentucky Revised Statutes notwithstanding, a track may apply to the *corporation*~~[racing commission]~~ for simulcasting and intertrack wagering dates. Applications shall be submitted in accordance with KRS 230.300. The *corporation*~~[racing commission]~~ shall not approve the establishment or relocation of a receiving track within a radius of seventy-five (75) miles of a race track duly licensed as of July 15, 1992, without the prior written consent of the licensed track within whose seventy-five (75) mile radius the new receiving track would be located.

- (2) On or before November 1 of each year, the **corporation**~~{racing commission}~~ shall meet and award intertrack wagering dates to all tracks for the entire succeeding calendar year. In a geographic area containing more than one (1) track within a fifty (50) mile radius of another track, intertrack wagering, except for quarter horse racing, shall be limited to simulcasting and wagering on racing of the same breed of horse as the receiving track was licensed to race on or before July 15, 1998.
- (3) The **corporation**~~{racing commission}~~ shall approve no more than nine (9) tracks for participation in horse racing, intertrack wagering, and simulcasting. Any approval by the **corporation**~~{racing commission}~~ of a change in location of these tracks shall be subject to the local-approval process contained in KRS 230.380.
- (4) A track may by administrative regulation be required to simulcast its races to one (1) or more receiving tracks approved for simulcasting and intertrack wagering, as a prerequisite for the issuance of a license pursuant to KRS 230.300, provided that:
 - (a) Each track shall be permitted to exempt one (1) day of racing from simulcasting to both receiving tracks and simulcast facilities, at its discretion;
 - (b) Tracks in a county containing a city of the first class or a consolidated local government and tracks in an urban-county government shall not be required to simulcast to each other or to any other facility in those counties. This provision shall not be construed as requiring tracks within the same county to simulcast to each other; and
 - (c) In the absence of a contract between a host track and a receiving track, the commission shall be split as provided for in KRS 230.378(3).
- (5) A track may receive simulcasts and conduct interstate wagering thereon subject to the following limitations which shall be in addition to the limitations set forth in KRS 230.3771:
 - (a) A track licensed to conduct Thoroughbred racing may receive simulcasts and conduct interstate wagering on all Thoroughbred horse races designated as graded stakes races by the Graded Stakes Committee of the Thoroughbred Owners and Breeders Association, Inc., without further consents or approvals.
 - (b) A track licensed to conduct harness racing may receive simulcasts and conduct interstate wagering on all harness horse races (both final and elimination) having a final purse in excess of seventy-five thousand dollars (\$75,000) without further consents or approvals.
 - (c) A track licensed to conduct quarter horse racing may receive simulcasts and conduct interstate wagering on all quarter horse races designated as graded stakes races by the graded stakes committee of the American Quarter Horse Association, without further consents or approvals.
 - (d) A track which applies to the **corporation**~~{racing commission}~~ to receive an interstate race of a different breed than the breed for which it is licensed by the **corporation**~~{racing commission}~~ shall receive any simulcast of an interstate race through the intertrack wagering system upon approval by the **corporation**~~{racing commission}~~. Notwithstanding the foregoing, a track licensed to conduct horse racing may receive simulcasts and conduct interstate wagering on quarter horse races, subject to the limitations of KRS 230.3771.
 - (e) A track may receive simulcasts of special event races conducted in other states or foreign countries which are determined by the **corporation**~~{racing commission}~~ to be of sufficient national or international significance or interest to warrant interstate wagering and if the simulcast of these races has been approved by the Kentucky Thoroughbred Owners and Breeders Association, Inc., the Kentucky Division of the Horseman's Benevolent and Protective Association, for Thoroughbred races, and the Kentucky Harness Horsemen's Association for harness racing, and any track conducting live horse races of the same breed at the same time as the simulcast race.
 - (f) A track may also receive simulcasts and conduct interstate wagering on Thoroughbred horse races other than those described in paragraphs (a) and (e) of this subsection if the simulcast of these races has been approved by the Kentucky Thoroughbred Owners and Breeders Association, Inc., and the Kentucky Horsemen's Benevolent and Protective Association, for Thoroughbred races, and the Kentucky Harness Horsemen's Association, or its successor, for harness racing.
 - (g) The consent required by paragraph (f) of this subsection or by subsections (1)(g) and (2)(g) of KRS 230.3771 shall not be withheld:
 1. For any reason not specifically related to financial harm to live horse racing; or

2. As a condition to the granting of any contractual or other concession not specifically related to the effects of interstate simulcasting on live horse racing in this Commonwealth, taken as a whole.
- (h) A host track located in this state may receive simulcasting of not more than two (2) full cards of racing from another state, if both tracks race horses of the same breed and if:
 1. The race date was previously granted by the Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ to conduct live racing at the track located in this state;
 2. Live racing was canceled due to weather conditions; and
 3. The consent required by paragraph (e) of this subsection is obtained.
- (i) The in-state track receiving the simulcast specified in paragraph (h) of this subsection shall offer that simulcast to all participating tracks and simulcast facilities in the intertrack wagering system.
- (j) All interstate simulcasting shall be conducted in accordance with applicable federal laws.
- (6) The *corporation*~~racing commission~~ may promulgate necessary and reasonable administrative regulations for the purpose of administering the conduct of intertrack or interstate wagering and regulating the conditions under which wagering shall be held and conducted. Administrative regulations shall provide for the prevention of practices detrimental to the public interest and to impose penalties for violations. All administrative regulations shall be in conformity with the provisions of KRS Chapter 13A, KRS 138.510, and this chapter.

➔Section 77. KRS 230.3771 is amended to read as follows:

- (1) A Thoroughbred track licensed to conduct Thoroughbred racing may receive interstate simulcasts of Thoroughbred, quarter horse, paint horse, Appaloosa, and Arabian horse races, and conduct interstate wagering thereon, subject to the following limitations:
 - (a) A Thoroughbred receiving track may receive interstate simulcasts of Thoroughbred races and conduct interstate wagering thereon at any time of day and during any live Thoroughbred horse race meet conducted in the Commonwealth of Kentucky so long as the Thoroughbred receiving track conducting interstate wagering remits to the Thoroughbred host track conducting a live meet, from the first awarded day of its live meet through the last awarded day of the same live meet, the amounts provided in paragraph (j) of this subsection.
 - (b) A Thoroughbred host track which receives interstate simulcasts and conducts interstate wagering thereon during the period of time from the first awarded day of its live meet through the last awarded day of its live meet shall offer the simulcasts to all Thoroughbred receiving tracks, all harness tracks not subject to the provisions of KRS 230.377(2), and all simulcast facilities through the intertrack wagering system.
 - (c) Except as otherwise prohibited by law, a receiving track shall conduct intertrack wagering on all live races of all Thoroughbred host tracks on any day on which it receives an interstate simulcast for the purpose of conducting interstate wagering.
 - (d) No host track shall require that any receiving track or simulcast facility receive the interstate simulcast.
 - (e) If more than one (1) Thoroughbred track conducts live racing at the same time on the same day, no track or simulcast facility may receive an interstate simulcast of Thoroughbred races unless all Thoroughbred tracks conducting live racing at the same time of day agree upon all interstate simulcasts to be received and the division of the Thoroughbred host track's commission. If more than one (1) Thoroughbred track conducts live racing at different times on the same day, the Thoroughbred host track with the highest average daily handle, based on the preceding year, shall be the host track for purposes of splitting the commissions earned on interstate wagering at receiving tracks within the Commonwealth. For purposes of this subsection, average daily handle includes live handle, intertrack wagering handle, and simulcast facility handle. Also for purposes of this subsection, the time of day during which a host track conducts live racing commences with its first published post time and concludes ten (10) minutes after the published post time of its last race of the day, regardless of actual post times.
 - (f) Each Thoroughbred track which desires to conduct interstate wagering pursuant to the provisions of this subsection shall during each year make application to the *corporation*~~racing commission~~ for no less

than one hundred percent (100%) of the number of racing days awarded to the track in 1994 and one hundred percent (100%) of the number of races scheduled to be run by the track in 1993.

- (g) Notwithstanding paragraph (f) of this subsection, any Thoroughbred track may apply for less than one hundred percent (100%) of the number of racing days awarded to the track in 1994 or one hundred percent (100%) of the number of races scheduled to be run by the track in 1993, if written approval is obtained from the Kentucky Horsemen's Benevolent and Protective Association and the Kentucky Thoroughbred Owners and Breeders Association, Inc.
 - (h) A separate accounting on all interstate simulcasting shall be submitted to the ~~corporation~~^{racing commission}. The accounting shall be submitted in the same format and at the same time that the report for intertrack wagering is submitted.
 - (i) If the only simulcast or simulcasts a track participating as a host track makes available for interstate wagering through this state's intertrack wagering system on any race day are Thoroughbred horse races designated as graded stakes races by the Graded Stakes Committee of the Thoroughbred Owners and Breeders Association, Inc., then the commission of the receiving track on these interstate wagers shall be split as prescribed by KRS 230.378(3); otherwise, the commission of the receiving track shall be split as prescribed by paragraph (j) of this subsection. Interstate simulcasts received by a Thoroughbred host track under the conditions set forth in this paragraph shall not be subject to the conditions set forth in paragraphs (b), (c), (e), and (f) of this subsection.
 - (j) A receiving track's commission on interstate wagering, after deduction of applicable taxes and any amounts required to be paid by contract to the track from which the interstate simulcast originated, shall be split as follows:
 - 1. Twenty-five percent (25%) to the receiving track where the interstate wagering occurs;
 - 2. Twenty-five percent (25%) to the Thoroughbred host track designated by paragraphs (a) and (e) of this subsection. However, if the race does not occur between the first awarded day of a live meet and the last awarded day of the same live meet, an additional twenty-five percent (25%) shall be retained by the receiving track where the interstate wagering occurs;
 - 3. Twenty-five percent (25%) to the purse program of the receiving track where the interstate wagering occurs; and
 - 4. Twenty-five percent (25%) to the purse program of the Thoroughbred host track designated by paragraphs (a) and (e) of this subsection. However, if the race does not occur between the first awarded day of a live meet and the last awarded day of the same live meet, then an additional twenty-five percent (25%) shall be paid to the purse program of the receiving track where the interstate wagering occurs.
 - (k) A simulcast facility's commission on interstate wagering on Thoroughbred racing, after deduction of applicable taxes and any amounts required to be paid by contract to the track from which the interstate simulcast originated, shall be split as provided in KRS 230.380(9).
- (2) A harness track licensed to conduct harness racing may receive interstate simulcasts of harness horse, quarter horse, paint horse, Appaloosa, and Arabian horse races and conduct interstate wagering thereon subject to the following limitations:
- (a) A harness receiving track may receive interstate simulcasts of harness races, quarter horse races, paint horse races, Appaloosa races, and Arabian horse races, and conduct interstate wagering thereon at any time of day and during the course of any live harness horse race meet conducted in the Commonwealth of Kentucky so long as the harness receiving track conducting interstate wagering remits to the harness host track conducting a live meet, from the first awarded day of its live meet through the last awarded day of the same live meet, the amounts provided in paragraph (j) of this subsection.
 - (b) A harness host track which receives an interstate simulcast and conducts interstate wagering thereon during its live race meet shall offer the simulcasts to all Thoroughbred receiving tracks not subject to the provisions of KRS 230.377(2), all harness tracks, and all simulcast facilities through the intertrack wagering system.
 - (c) Except as otherwise prohibited by law, a harness receiving track or a simulcast facility shall conduct intertrack wagering on all live races of a harness host track on any day it receives an interstate simulcast from a harness host track.

- (d) No host track shall require that any receiving track or simulcast facility receive the interstate simulcast.
 - (e) If more than one (1) harness track conducts live racing at the same time on the same day, no track or simulcast facility may receive an interstate simulcast on harness races unless all harness tracks conducting live racing at that time of day agree upon the interstate simulcast to be received and the division of the harness host track's commission. If more than one (1) harness track conducts live racing at different times on the same day, the harness host track with the highest average daily handle, based on the preceding year, shall be the host track for purposes of splitting the commissions earned on interstate wagering at receiving tracks within the Commonwealth. For purposes of this subsection, average daily handle includes live handle, intertrack wagering handle, and simulcast facility handle. Also for purposes of this subsection, the time of day during which a host track conducts live racing commences with its first published post time and conclude ten (10) minutes after the published post time of its last race of the day, regardless of actual post times.
 - (f) Each harness track which desires to conduct interstate wagering pursuant to the provisions of this subsection shall during each year make application to the ~~corporation~~~~racing commission~~ for no less than one hundred percent (100%) of the number of racing days awarded to the track in 1994 and one hundred percent (100%) of the number of races scheduled to be run by the track in 1993.
 - (g) Notwithstanding paragraph (f) of this subsection, any harness track may apply for less than one hundred percent (100%) of the number of racing days awarded to the track in 1994 or one hundred percent (100%) of the number of races scheduled to be run by the track in 1993, if written approval is obtained from the Kentucky Harness Horsemen's Association, or its successor.
 - (h) A separate accounting on all interstate simulcasting shall be submitted to the ~~corporation~~~~racing commission~~. This accounting shall be submitted in the same format and at the same time that the report for intertrack wagering is submitted.
 - (i) If the only simulcast or simulcasts a track participating as a harness host track makes available for interstate wagering through this state's intertrack wagering system on any race day are harness horse races (both final and elimination) having a final purse in excess of seventy-five thousand dollars (\$75,000), then the commission of the receiving track on these interstate wagers shall be split as prescribed by KRS 230.378(3); otherwise, the commission of the receiving track shall be split as prescribed by paragraph (j) of this subsection. Interstate simulcasts received by a harness host track under the conditions set forth in this paragraph shall not be subject to the conditions set forth in paragraphs (b), (c), (e), and (f) of this subsection.
 - (j) A receiving track's commission on interstate wagering, after deduction of applicable taxes and any amounts required to be paid by contract to the track from which the interstate simulcast originated, shall be split as follows:
 - 1. Twenty-five percent (25%) to the receiving track where the interstate wagering occurs;
 - 2. Twenty-five percent (25%) to the harness host track designated by paragraphs (a) and (e) of this subsection. However, if no live meet is occurring, an additional twenty-five percent (25%) shall be retained by the receiving track where the interstate wagering occurs;
 - 3. Twenty-five percent (25%) to the purse program of the receiving track where the interstate wagering occurs; and
 - 4. Twenty-five percent (25%) to the purse program of the harness host track designated by paragraphs (a) and (e) of this subsection. However, if no live meet is occurring, an additional twenty-five percent (25%) shall be paid to the purse program of the receiving track where the interstate wagering occurs.
 - (k) A simulcast facility's commission on interstate wagering on harness races, after deduction of applicable taxes and any amount required to be paid by contract to the track from which the interstate simulcast originated, shall be split as provided in KRS 230.380(9).
- (3) A harness track may only receive interstate simulcasts of Thoroughbred horse races and conduct interstate wagering thereon as provided in subsection (1)(b) of this section. A Thoroughbred track may only receive interstate simulcasts of harness horse races and conduct interstate wagering thereon as provided in subsection (2)(b) of this section. A simulcast facility may only receive interstate simulcasts of Thoroughbred and harness horse races and conduct interstate wagering thereon as provided in subsections (1)(b) and (2)(b) of this section.

- (4) (a) A Thoroughbred track licensed to conduct horse racing may receive interstate simulcasts of quarter horse, paint horse, Appaloosa, and Arabian horse races and conduct interstate wagering thereon, subject to the limitations stated in paragraph (b) of this subsection.
- (b) A receiving track's commission on interstate wagering, after deduction of applicable taxes and any amounts required to be paid by contract to the track from which the interstate simulcast originated, shall be split as follows:
1. Twenty-five percent (25%) to the receiving track where the interstate wagering occurs;
 2. Twenty-five percent (25%) to the host track; and
 3. Fifty percent (50%) to the Kentucky quarter horse, paint horse, Appaloosa, and Arabian purse fund established by KRS 230.446 to supplement purses for quarter horse, paint horse, Appaloosa, and Arabian horse races in this state.
- (5) (a) A harness track licensed to conduct horse racing may receive interstate simulcasts of quarter horse, paint horse, Appaloosa, and Arabian horse races and conduct interstate wagering thereon, subject to the limitations stated in paragraphs (b) and (c) of this subsection.
- (b) A receiving track's commission on interstate wagering, after deduction of applicable taxes and any amounts required to be paid by contract to the track from which the interstate simulcast originated, shall be split as follows:
1. Twenty-five percent (25%) to the purse program of the receiving track;
 2. Twenty-five percent (25%) to the purse program of the host track;
 3. Twenty-five percent (25%) to the receiving track; and
 4. Twenty-five percent (25%) to the host track.
- (c) When a quarter horse, paint horse, Appaloosa, or Arabian horse race is run at a Kentucky race track, the commission to the Kentucky quarter horse, paint horse, Appaloosa, and Arabian purse fund established by KRS 230.446 shall be twenty-two percent (22%) from the host track's purse share.
- (6) Other provisions of the Kentucky Revised Statutes notwithstanding, any track in a geographic area that contains more than one (1) track within a fifty (50) mile radius of any other track may only receive interstate simulcasts on racing of the same breed of horse as the track was licensed to race on or before July 15, 1998, except any track may receive interstate simulcasts on quarter horse, paint horse, Appaloosa, or Arabian horse races.

➔Section 78. KRS 230.3773 is amended to read as follows:

- (1) As used in this section, "interstate common wagering pool" means a pari-mutuel pool established in one (1) horse racing jurisdiction that is combined with comparable pari-mutuel pools from at least one (1) horse racing jurisdiction for the purpose of establishing payoff prices in the various jurisdictions.
- (2) Interstate wagers at a receiving track may form an interstate common wagering pool with wagers at a track in another jurisdiction, and the receiving track may adopt the commission and breakage rates of the track at which the race is being run. The ~~corporation~~~~racing commission~~ may also approve types of wagering, distribution of winnings, and rules of racing for interstate common wagering pools that are different from those that normally apply in Kentucky.
- (3) Wagers placed on any races run at track in Kentucky may be combined with wagers placed at tracks in other jurisdictions to form an interstate common wagering pool located either within or outside Kentucky.
- (4) A track's participation in an interstate common wagering pool does not cause that track to be considered to be doing business in any jurisdiction other than the jurisdiction where the track is physically located. Excise taxes and commission rates may not be imposed on any interstate common wagering pool other than on amounts actually wagered in Kentucky. The combination of pari-mutuel pools as provided in this section constitutes the communication of wagering information for purposes of calculating odds and payoffs only and does not constitute the transfer of wagers in interstate commerce.

➔Section 79. KRS 230.378 is amended to read as follows:

- (1) A receiving track may accept wagers only at the track where it is licensed to conduct its race meeting or conduct intertrack wagering. A receiving track may accept wagers through a telephone account wagering

system. Wagers at a receiving track, simulcast facility, or on telephone account wagering shall form a common pool with wagers at a host track. This common pool requirement shall not apply to wagers made in connection with interstate simulcasting pursuant to KRS 230.3771; however, common pools shall be encouraged.

- (2) Except as provided in KRS 230.3771(2), the commission of a receiving track, simulcast facility, or on telephone account wagering shall be the same as the commission of the host track as determined in KRS 230.3615 or 230.750.
- (3) In the absence of a valid contract with a horsemen's organization, the commission of a receiving track, after deduction of applicable taxes and other applicable deductions, shall be split as follows: twenty-two percent (22%) to the host track, twenty-two percent (22%) to the purse program at the host track, twenty-two percent (22%) to the receiving track and twenty-two percent (22%) to the purse program at the receiving track. Twelve percent (12%) of the commission shall be allocated evenly between the host track and the receiving track to cover the cost of simulcasting, unless otherwise agreed to by contract.
- (4) The deduction for the backside improvement fund, as provided for in KRS 230.3615(4) shall not apply to the commission or pari-mutuel tax of a receiving track or telephone account wagering.
- (5) A receiving track shall be exempt from any license fee imposed by statute or *administrative* regulation by the ~~corporation~~~~racing commission~~.

➔Section 80. KRS 230.379 is amended to read as follows:

- (1) A track may engage in telephone account wagering, if all moneys used to place telephone account wagers are on deposit in an amount sufficient to cover the wagers at the track where the account is opened. All moneys wagered by telephone account wagering shall be subject to the applicable pari-mutuel tax levied in KRS 138.510 and shall form a common pool with other pari-mutuel pools at the track for each posted race. The ~~corporation~~~~racing commission~~ shall have authority to promulgate necessary and reasonable administrative regulations to regulate the conduct of telephone account wagering, including regulations for the deposit of funds by credit or debit cards or other means of electronic funds transfer.
- (2) A track shall accept and tabulate a telephone account wager only from the holder of a telephone wagering account. No person shall directly or indirectly act as an intermediary, transmitter, or agent in the placing of wagers for a holder of a telephone wagering account. No person shall in any manner place a wager through telephone account wagering, on behalf of a holder of a telephone wagering account. Only the holder of a telephone wagering account shall place a telephone wager. Any person violating this subsection shall be guilty of a Class A misdemeanor.
- (3) Telephone account wagering conducted in accordance with the provisions of this section shall not be considered a violation of KRS 528.110.

➔Section 81. KRS 230.380 is amended to read as follows:

- (1) Any track licensed by the ~~corporation~~~~racing commission~~ to conduct horse racing and desiring to establish a simulcast facility shall apply for and may receive approval from the ~~corporation~~~~racing commission~~ for each simulcast facility. Prior to considering an application for approval of a simulcast facility, the ~~corporation~~~~racing commission~~ shall notify by regular mail, each state senator, state representative, county judge/executive, and mayor in the jurisdiction in which the proposed simulcast facility is located, at least ten (10) days in advance of the ~~corporation~~~~racing commission~~ meeting at which the application is to be considered or voted upon. Consideration of an application shall be based on criteria contained in administrative regulations promulgated under KRS 230.300. Approval, if granted, shall be granted for a term of one (1) calendar year.
- (2) A track or tracks may proceed with the establishment of a simulcast facility unless, within sixty (60) days of the date on which the ~~corporation~~~~racing commission~~ approved the facility, the governing body of the local government jurisdiction in which the facility is to be located votes, by simple majority of those voting, to disapprove the establishment of the simulcast facility. For the purposes of this section, "governing body" means, in an incorporated area, the board of aldermen, city council or board of commissioners; in a county, the fiscal court; in an urban-county government, the urban-county council, or in a charter county, the legislative body created in accordance with KRS 67.825 to 67.875.
- (3) The ~~corporation~~~~racing commission~~ shall not approve the establishment of any simulcast facility within a radius of fifty (50) miles of a licensed track. The ~~corporation~~~~racing commission~~ may approve the establishment of one (1) simulcast facility within a radius of greater than fifty (50) miles but less than seventy-

five (75) miles of a licensed track, but the facility shall not be approved to operate without the prior written consent of the licensed track within whose seventy-five (75) mile radius the facility is located.

- (4) The ~~corporation~~~~racing commission~~ may promulgate administrative regulations as it deems appropriate to protect the integrity of pari-mutuel wagering at any simulcast facility.
 - (5) Licensed tracks conducting horse racing may enter into joint agreements to establish or operate one (1) or more simulcast facilities, on terms and conditions as the participating tracks may determine. Any agreements respecting these arrangements shall be filed with the ~~corporation~~~~racing commission~~, and applications for simulcast facilities shall be filed by and licenses may be issued to, these licensed tracks by the ~~corporation~~~~racing commission~~.
 - (6) A simulcast facility may be established and operated on property that is owned or leased and which is not used solely for the operation of a simulcast facility; provided however, that a simulcast facility may not be established on the premises of a lottery vendor.
 - (7) A simulcast facility shall not be subject to and shall not pay any excise tax imposed pursuant to KRS 138.510, or any license tax imposed under KRS 137.170.
 - (8) One percent (1%) of all moneys wagered at a simulcast facility shall be dedicated for local economic development and shall be allocated as follows:
 - (a) If a simulcast facility is located in an incorporated area, seventy-five percent (75%) shall be allocated to the governing body of the city in which the facility is located, and twenty-five percent (25%) to the governing body of the county in which the facility is located.
 - (b) If a simulcast facility is located in an unincorporated area, all moneys shall be allocated to the governing body of the county or charter county in which the facility is located.
 - (9) (a) After the deduction of moneys under subsection (8) of this section, simulcast facility shall deduct a commission allowed under KRS 230.3615 with respect to all wagers made at the simulcast facility. The commission, less moneys allocated in subsection (8) of this section, shall be split as follows:
 1. Thirty percent (30%) shall be allocated to the host track;
 2. Forty-six and one-half percent (46.5%) to the purse program at the host track;
 3. Thirteen and one-half percent (13.5%) to be retained by the track or tracks owning the simulcast facility for the purpose of application to expenses incurred in connection therewith;
 4. Six percent (6%) to be allocated to the Kentucky Thoroughbred Owners and Breeders, Inc., to be expended as follows:
 - a. Up to three percent (3%) for capital improvements and promotion of off-track betting; and
 - b. The remainder for marketing and promoting the Kentucky Thoroughbred industry; and
 5. Four percent (4%) to be allocated to the ~~corporation~~~~racing commission~~ to be used for purses at county fairs in Kentucky licensed and approved by the ~~corporation~~~~racing commission~~, and for the standardbred sires stakes program established under KRS 230.770.
 - (b) The commission of a simulcast facility derived from interstate wagering shall be reduced by any amounts required to be paid by contract to the host track or track conducting the live race before it is divided as set forth in this section. No simulcast facility may receive any interstate simulcast except with the approval of the live Kentucky host track.
 - (c) The Kentucky Thoroughbred Owners and Breeders, Inc., shall annually report to the ~~corporation~~~~racing commission~~ on all money expended in accordance with subsection (9)(a)4. of this section. The report shall be in the form required, and provide all information required by the ~~corporation~~~~racing commission~~.
- (10) Subsections (1) and (2) of this section shall also apply to the establishment by a track of a noncontiguous facility in a county in which pari-mutuel racing and wagering is not being conducted. Subsection (8) of this section shall also apply to a noncontiguous race track facility referenced in this subsection, unless there is a written agreement to the contrary between the track establishing the facility and the governing body of the local government jurisdiction in which the facility is to be established.

➔Section 82. KRS 230.398 is amended to read as follows:

All sums reported and paid to the ~~corporation~~~~[racing commission]~~ under the provisions of KRS 230.361 to 230.373 by any licensee conducting a harness race meeting shall be used by it for purses at harness racing events at county fairs within the Commonwealth of Kentucky that have been licensed and approved by it. The ~~corporation may~~~~[racing commission shall have the authority to]~~ promulgate administrative regulations~~[as may be necessary]~~ for the conduct of these races.

➔Section 83. KRS 230.400 is amended to read as follows:

- (1) There is hereby created a trust and revolving fund for the Kentucky Horse Racing *and Gaming Corporation*~~[Commission]~~, designated as the Kentucky Thoroughbred development fund, consisting of money allocated to the fund under the provisions of KRS 138.510, together with other money contributed to or allocated to the fund from all other sources. Money to the credit of the Kentucky Thoroughbred development fund shall be distributed by the Treasurer for the purposes of this section upon authorization of the Kentucky Horse Racing *and Gaming Corporation*~~[Commission and upon approval of the secretary of the Finance and Administration Cabinet]~~. Money from the Kentucky Thoroughbred development fund shall be allocated to each licensed association in an amount equal to the amount the association contributed to the fund. Money to the credit of the Kentucky Thoroughbred development fund at the end of each fiscal year shall not lapse, but shall be carried forward in such fund to the succeeding fiscal year.
- (2) There is hereby established, under the general jurisdiction of the Kentucky Horse Racing *and Gaming Corporation*~~[Commission]~~, a Kentucky Thoroughbred Development Fund Advisory Committee. The advisory committee shall consist of five (5) members, all of whom shall be residents of Kentucky, to be appointed by the chairman of the Kentucky Horse Racing *and Gaming Corporation*~~[Commission]~~ by July 1 of each year. The committee shall consist of two (2) Thoroughbred breeders recommended by the Kentucky Thoroughbred Owners and Breeders, Inc.; one (1) Thoroughbred owner recommended by the Kentucky division of the Horsemen's Benevolent and Protective Association; one (1) officer or director of a licensed association conducting Thoroughbred racing in Kentucky, recommended by action of all of the licensed associations conducting Thoroughbred racing in Kentucky; and one (1) member of the Kentucky Horse Racing *and Gaming Corporation*~~[Commission]~~. If any member other than the ~~corporation~~~~[racing commission]~~ member has not been recommended for appointment by July 1 of each year, the chairman of the Kentucky Horse Racing *and Gaming Corporation*~~[Commission]~~ shall make an appointment for the organization or organizations failing to recommend a member of the committee. The members of the advisory committee shall serve without compensation, but shall be entitled to reimbursement for all expenses incurred in the discharge of official business. The advisory committee shall select from its membership annually a chairman and a vice chairman.
- (3)
 - (a) The Kentucky Thoroughbred Development Fund Committee shall advise and assist the Kentucky Horse Racing *and Gaming Corporation*~~[Commission]~~ in the development of the supplemental purse program provided herein for Kentucky-bred Thoroughbreds, shall make recommendations to the ~~corporation~~~~[racing commission from time to time]~~ with respect to the establishment of guidelines, administrative regulations for the provision of supplemental purses, the amount thereof, the races for which the purses are to be provided and the conditions thereof, manner and method of payment of supplemental purses, registry of Thoroughbred stallions standing within the Commonwealth of Kentucky, registry of Kentucky-bred Thoroughbreds for purposes of this section, nature and type of forms and reports to be employed and required in connection with the establishment, provision for, award and payment of supplemental purses, and with respect to all other matters necessary in connection with the carrying out of the intent and purposes of this section.
 - (b) The Kentucky Horse Racing *and Gaming Corporation*~~[Commission]~~ shall employ qualified personnel as may be required to assist the ~~corporation~~~~[racing commission]~~ and the advisory committee in carrying out the provisions of this section. These persons shall serve at the pleasure of the ~~corporation~~~~[racing commission]~~ and compensation for these personnel shall be fixed by the ~~corporation~~~~[racing commission]~~. The compensation of these personnel and the necessary expenses incurred by the ~~corporation~~~~[racing commission]~~ or by the committee in carrying out the provisions of this section shall be paid out of the Kentucky Thoroughbred development fund.
- (4) The Kentucky Horse Racing *and Gaming Corporation*~~[Commission]~~, with the advice and assistance of the Kentucky Thoroughbred Development Fund Advisory Committee, shall use the Kentucky Thoroughbred development fund to promote, enhance, improve, and encourage the further and continued development of the Thoroughbred breeding industry in Kentucky by providing, out of the Kentucky Thoroughbred development fund, supplemental purses for designated stakes, handicap, allowance, nonclaiming maiden races, and claiming races contested at licensed Thoroughbred race meetings in Kentucky. The Kentucky Horse Racing *and*

Gaming Corporation~~Commission~~ shall, by administrative regulation promulgated in accordance with KRS Chapter 13A, establish the requirements, conditions, and procedures for awarding and payment of supplemental purses in designated races by Kentucky-bred Thoroughbred horses. That portion of the supplemental purse provided for any designated race shall be awarded and paid to the owner of the horse only if the horse is a Kentucky-bred Thoroughbred duly registered with the official registrar. Any portion of the supplemental purse which is not awarded and paid over shall be returned to the Kentucky Thoroughbred development fund.

- (5) (a) For purposes of this section, the term "Kentucky Thoroughbred stallion" shall mean and include only a Thoroughbred stallion standing the entire breeding season in Kentucky and registered as a Kentucky Thoroughbred stallion with the official registrar of the Kentucky Thoroughbred development fund.
- (b) Except for Thoroughbred horses foaled prior to January 1, 1980, the term "Kentucky-bred Thoroughbreds," for purposes of this section, shall mean and include only Thoroughbred horses sired by Kentucky Thoroughbred stallions foaled in Kentucky and registered as a Kentucky-bred Thoroughbred with the official registrar of the Kentucky Thoroughbred development fund.
- (c) Any Thoroughbred horse foaled prior to January 1, 1980, may qualify as a Kentucky-bred Thoroughbred for purposes of this section if the horse was foaled in Kentucky and if the sire of the Thoroughbred was standing at stud within Kentucky at the time of conception of such Thoroughbred, provided the Thoroughbred is duly registered as a Kentucky-bred Thoroughbred with the official registrar of the Kentucky Thoroughbred development fund.
- (d) In order for an owner of a Kentucky-sired Thoroughbred to be eligible to demand, claim, and receive a portion of a supplemental purse provided by the Kentucky Thoroughbred development fund, the Thoroughbred horse in a designated race for which a supplemental purse has been provided by the Kentucky Thoroughbred development fund must have been duly registered as a Kentucky-bred Thoroughbred with the official registrar of the Kentucky Thoroughbred development fund prior to entry in the race.
- (6) (a) Kentucky Thoroughbred Owners and Breeders, Inc., is hereby recognized and designated as the sole official registrar of the Kentucky Thoroughbred development fund for the purposes of registering Kentucky Thoroughbred stallions and Kentucky-bred Thoroughbreds in accordance with the terms of this section and any administrative regulations promulgated by the Kentucky Horse Racing *and Gaming Corporation*~~Commission~~. When a Kentucky-bred Thoroughbred is registered with the official registrar, the registrar shall be authorized to stamp the Jockey Club certificate issued for the Thoroughbred with the seal of the registrar, certifying that the Thoroughbred is a duly qualified and registered Kentucky-bred Thoroughbred for purposes of this section. The registrar may establish and charge, with the approval of the *corporation*~~racing commission~~, reasonable registration fees for its services in the registration of Kentucky Thoroughbred stallions and in the registration of Kentucky-bred Thoroughbreds. Registration records of the registrar shall be public records and open to public inspection at all normal business hours and times.
- (b) Any interested party aggrieved by the failure or refusal of the official registrar to register a stallion or Thoroughbred as a Kentucky stallion or as a Kentucky-bred Thoroughbred shall have the right to file with the *corporation*~~racing commission~~, within thirty (30) days of such failure or refusal of the registrar, a petition seeking registration of the Thoroughbred. The *corporation*~~racing commission~~ shall promptly hear the matter de novo and issue its order directing the official registrar to register or not to register as it may be determined by the *corporation*~~racing commission~~.
- (7) The Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ shall promulgate administrative regulations as may be necessary to carry out the provisions and purposes of this section, including the promulgation of administrative regulations and forms as may be appropriate for the proper registration of Kentucky stallions and Kentucky-bred Thoroughbreds with the official registrar, and shall administer the Kentucky-bred Thoroughbred program created hereby in a manner best designed to promote and aid in the further development of the Thoroughbred breeding industry in Kentucky, to upgrade the quality of Thoroughbred racing in Kentucky, and to improve the quality of Thoroughbred horses bred in Kentucky.

➔Section 84. KRS 230.445 is amended to read as follows:

- (1) There is hereby created a trust and revolving fund for the Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ designated the Kentucky quarter horse, paint horse, Appaloosa, and Arabian development fund, consisting of money allocated to the fund under KRS 230.3771 together with any other

money contributed to or allocated to the fund from all other sources. For the purposes of this section, "development fund" or "fund" means the Kentucky quarter horse, paint horse, Appaloosa, and Arabian development fund. Money to the credit of the development fund shall be distributed by the Treasurer for the purposes provided in this section, upon authorization of the Kentucky Horse Racing *and Gaming Corporation*~~Commission and upon approval of the secretary of the Finance and Administration Cabinet~~. Notwithstanding KRS 45.229, money to the credit of the fund at the end of the fiscal year shall not lapse but shall be carried forward in the fund to the succeeding fiscal year. Interest earnings of the fund shall become a part of the fund and shall not lapse. Moneys in the fund shall be used and are hereby appropriated for purposes specified in this section.

- (2) The Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ shall use the development fund to promote races and to provide purses for races for horses bred and foaled in the Commonwealth. The *corporation*~~commission~~ shall provide for distribution of money to the credit of the development fund to persons, corporations, or associations operating licensed tracks within Kentucky conducting quarter horse, paint horse, Appaloosa, or Arabian horse racing, on an equitable basis as determined by the *corporation*~~commission~~ and in conformance with subsection (3) of this section.
- (3) The Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ shall:
 - (a) Fix the amount of money to be paid from the development fund to be added to the purse provided for each race by the licensed operator of the track;
 - (b) Fix the dates and conditions of races to be held by licensed tracks; and
 - (c) Promulgate administrative regulations necessary to carry out the provisions of this section.

Money from the fund shall be allocated to each breed of horse represented in the fund in an amount equal to the amount the breed has contributed to the fund.

- (4) The Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ shall appoint qualified personnel as necessary to:
 - (a) Supervise registration of, or determine the eligibility of, horses entitled to entry in races which receive a portion of purse money from the development fund; and
 - (b) Assist the *corporation*~~commission~~ in determining the conditions, class, and quality of the fund-supported race program established to carry out the purposes of this section.

The personnel shall serve at the pleasure of the *corporation*~~commission~~ and compensation shall be fixed by the *corporation*~~commission~~ with the compensation and necessary expenses of the personnel paid from the development fund.

- (5) The *corporation*~~commission~~ shall promulgate administrative regulations to carry out the provisions of this section and shall administer the Kentucky quarter horse, paint horse, Appaloosa, and Arabian development fund in a manner designed to:
 - (a) Promote and aid in the development of the horse industry in Kentucky;
 - (b) Upgrade the quality of racing in Kentucky; and
 - (c) Improve the quality of horses bred in Kentucky.

➔Section 85. KRS 230.446 is amended to read as follows:

- (1) The Kentucky quarter horse, paint horse, Appaloosa, and Arabian purse fund is created as a trust and agency fund to be administered by the Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ and shall consist of moneys allocated to the fund under KRS 230.3771 together with any other moneys contributed to or allocated to the fund from all other sources. For the purposes of this section, "purse fund" or "fund" means the Kentucky quarter horse, paint horse, Appaloosa, and Arabian purse fund.
- (2) Notwithstanding KRS 45.229, money to the credit of the fund at the end of the fiscal year shall not lapse but shall be carried forward in the fund to the succeeding fiscal year. Interest earnings of the fund shall become a part of the fund and shall not lapse.
- (3) Moneys in the fund shall be used and are hereby appropriated for purposes specified in this section.
- (4) The Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ shall use the purse fund to promote racing and to provide purses for races conducted in the Commonwealth as follows:

- (a) The Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ shall provide for distribution of money from the fund to persons, corporations, or associations operating licensed tracks within the Commonwealth conducting quarter horse, paint horse, Appaloosa, or Arabian horse racing;
 - (b) Moneys from the purse fund shall be allocated to each breed of horse represented in the fund in proportion to the amount each breed has contributed to the fund; and
 - (c) The Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ shall consult with the Kentucky Quarter Horse Racing Association or its successor, the Kentucky Appaloosa Owners Association or its successor, the Kentucky Paint Horse Club or its successor, and the Kentucky Arabian Horse Association or its successor, to designate the races and the amount of purse money to be provided for designated races for each breed respectively.
- (5) The Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ shall:
- (a) Fix the dates and conditions of races to be held by licensed tracks;
 - (b) Fix the amount of money to be paid from the fund to be added to the purse provided for each race by the licensed operator of the track; and
 - (c) Promulgate administrative regulations necessary to carry out the provisions of this section.
- (6) The Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ shall carry out the provisions of this section and administer the purse fund in a manner designed to promote and aid in the development of the horse industry in Kentucky and upgrade the quality of horse racing in Kentucky.

→Section 86. KRS 230.750 is amended to read as follows:

The commission, including the tax levied in KRS 138.510, deducted from the gross amount wagered by the person, corporation, or association which operates a harness horse track under the jurisdiction of the *corporation*~~racetrack commission~~ at which betting is conducted through a pari-mutuel or other similar system shall not exceed eighteen percent (18%) of the gross amount handled on straight wagering pools and twenty-five percent (25%) of the gross amount handled on multiple wagering pools, plus the breaks, which shall be made and calculated to the penny, except on races previously run in which the breaks shall be made and calculated to the penny or retained in the pari-mutuel pools. Multiple wagering pools shall include daily double, perfecta, double perfecta, quinella, double quinella, trifecta, and other types of exotic betting. An amount equal to three percent (3%) of the total amount wagered and included in the commission of a harness host track shall be allocated by the harness host track in the following manner. Two percent (2%) shall be allocated to the host for capital improvements, promotions, including advertising, or purses, as the host track shall elect. Three-quarters of one percent (3/4 of 1%) shall be allocated to overnight purses. One-quarter of one percent (1/4 of 1%) shall be allocated to the Kentucky standardbred development fund. This allocation shall be made after deduction from the commission of the pari-mutuel tax but prior to any other deduction, allocation or division of the commission.

→Section 87. KRS 230.752 is amended to read as follows:

All harness racetracks licensed by the *corporation*~~racetrack commission~~ shall not be required to pay the excise tax imposed under KRS 138.510(2), and the amount that would have been paid under those subsections shall be retained by the track to promote and maintain its facilities and its live meet.

→Section 88. KRS 230.760 is amended to read as follows:

No licensee conducting a race or meet hereunder, no member of the *corporation*~~racetrack commission~~, judge, or assistant official appointed to act as such pursuant to this chapter, shall be liable for damages to any person, association, or corporation for any cause whatsoever arising out of or from the performance by the licensee, member of the *corporation*~~racetrack commission~~, judge, or assistant official of his *or her* duties and the exercise of *the person's*~~his~~ discretion with respect thereto, so long as he *or she* acted in good faith, without malice or improper motive.

→Section 89. KRS 230.770 is amended to read as follows:

- (1) There is hereby created a trust and revolving fund for the Kentucky Horse Racing *and Gaming Corporation*~~Commission~~, designated as the Kentucky standardbred development fund, consisting of money allocated to the fund under the provisions of KRS 138.510, together with any other money contributed to or allocated to the fund from all other sources. For the purposes of this section, "development fund" or "fund" means the Kentucky standardbred development fund. Money to the credit of the development fund shall be distributed by the Treasurer for the purposes provided in this section, upon authorization of the Kentucky

Horse Racing *and Gaming Corporation*~~Commission and upon approval of the secretary of the Finance and Administration Cabinet~~. Money to the credit of the fund at the end of each fiscal year shall not lapse but shall be carried forward in the fund to the succeeding fiscal year.

- (2) The Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ shall use the development fund to promote races, and to provide purses for races, for Kentucky-bred standardbred horses.
- (3) The *corporation*~~racing commission~~ shall provide for distribution of money to the credit of the development fund to persons, corporations, or associations operating licensed standardbred race tracks within Kentucky on an equitable basis, for the purpose of conducting separate races for Kentucky-bred standardbred horses, both trotting and pacing.
- (4) Money distributed from the development fund to licensed standardbred race tracks within the Commonwealth shall be used exclusively to promote races and provide purses for races conditioned to admit only Kentucky-bred standardbred horses.
- (5) The Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ shall fix the amount of money to be paid from the development fund to be added to the purse provided for each race by the licensed operator of the track; shall fix the dates and conditions of races to be held by licensed race tracks; and shall promulgate administrative regulations necessary to carry out the provisions of this section.
- (6) The Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ may promulgate administrative regulations necessary to determine the eligibility of horses for entry in races for which a portion of the purse is provided by money of the development fund, including administrative regulations for the eligibility, residency, and registration of mares, stallions, and progeny thereof. Registration of stallions may occur any time during the breeding season, but shall occur no later than December 31 of the year of conception of the eligible horse.
- (7) The Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ shall appoint qualified personnel necessary to supervise registration of, or determination of eligibility of, horses entitled to entry in races, a portion of the purse of which is provided by the development fund, to assist the *corporation*~~racing commission~~ in determining the conditions, class, and quality of the fund supported race program to be established hereunder so as to carry out the purposes of this section. These persons shall serve at the pleasure of the *corporation*~~racing commission~~ and compensation shall be fixed by the *corporation*~~racing commission~~. The compensation of personnel and necessary expenses shall be paid out of the development fund. The *corporation*~~racing commission~~ shall promulgate administrative regulations to carry out the provisions of this section, and shall administer the Kentucky sire stakes program created hereby in a manner best designed to promote and aid in the development of the horse industry in Kentucky; to upgrade the quality of racing in Kentucky; and to improve the quality of horses bred in Kentucky.

➔Section 90. KRS 230.775 is amended to read as follows:

As used in KRS 230.775 to 230.785, unless the context requires otherwise:

- (1) "Hub" means an international wagering hub, a business which, through a qualified subscriber-based service, conducts pari-mutuel wagering on the horse races that it simulcasts and other races that it carries in its wagering menu;
- (2) "Qualified subscriber-based service" means any information service or system, including but not limited to a closed-loop system, that uses:
 - (a) A device or combination of devices authorized and operated exclusively for placing, receiving, or otherwise making pari-mutuel wagers on horse races by a customer subscriber base through accounts established with the operator of the hub;
 - (b) An effective customer verification and age verification system; and
 - (c) Appropriate data security standards to prevent unauthorized access by nonsubscribers or minors;
- (3) "Foreign jurisdiction" means states other than Kentucky, a territory of the United States, a foreign country, or any political subdivision thereof;
- (4) "*Corporation*~~Racing Commission~~" means the Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ or its successor; and
- (5) "Call center" means that portion of a qualified subscriber-based service that is physically located in the Commonwealth, where wagers are placed, received, or otherwise made by a customer subscriber base through accounts established with the operator of the hub.

➔Section 91. KRS 230.779 is amended to read as follows:

- (1) Notwithstanding KRS 230.361(1), a licensee may operate the hub either independently or in association with one (1) or more racetracks licensed by the ~~corporation~~~~racing commission~~ to run live races and conduct pari-mutuel wagering in Kentucky. Hub operations may be physically located on property other than that operated by a racetrack and may accept wagers at that location and shall comply with the Interstate Horseracing Act, 15 U.S.C. secs. 3001 to 3007.
- (2) As a part of the application for licensure as a hub, an applicant shall submit a detailed plan of operations in a format and containing any information as required by the ~~corporation~~~~racing commission~~. The application shall be accompanied by an application fee to cover incremental costs to the ~~corporation~~~~racing commission~~, in an amount the ~~corporation~~~~racing commission~~ determines to be appropriate. At a minimum, the operating plan shall address the following:
 - (a) The manner in which the proposed wagering system will operate, including its proposed operating schedule;
 - (b) The requirements for a qualified subscriber-based service set out in KRS 230.775; and
 - (c) The requirements for accounts established and operated for persons whose principal residence is outside of the Commonwealth of Kentucky.
- (3) The ~~corporation~~~~racing commission~~ may require changes in a proposed plan of operations as a condition of licensure. Subsequent material changes in the system's operation shall not occur unless approved by the ~~corporation~~~~racing commission~~.
- (4) The ~~corporation~~~~racing commission~~ may conduct investigations or inspections or request additional information from any applicant as it deems appropriate in determining whether to approve the license application.
- (5) An applicant licensed under this section may enter into any agreements that are necessary to promote, advertise, and further the sport of horse racing, or for the effective operation of hub operations, including, without limitation, interstate account wagering, television production, and telecommunications services.
- (6) The ~~corporation~~~~racing commission~~ shall promulgate administrative regulations to effectuate the provisions of KRS 230.775 to 230.785. The administrative regulations shall include but not be limited to criteria for licensing, the application process, the format for the plan of operations, requisite fees, procedures for notifying the ~~corporation~~~~racing commission~~ of substantive changes, contents of agreements entered into under subsection (5) of this section, procedures for accounting for wagers made, and other matters reasonably necessary to implement KRS 230.775 to 230.785.
- (7) The ~~corporation~~~~racing commission~~ may require the hub to make the following payments to the ~~corporation~~~~racing commission~~:
 - (a) A license fee not to exceed two hundred dollars (\$200) per operating day; and
 - (b) A fee of not more than one percent (1%) of the hub's total gross wagering receipts.
- (8) A hub's records and financial information shall not be subject to the provisions of KRS 61.870 to 61.884.
- (9) The Auditor of Public Accounts may review and audit all records and financial information of the hub, including all account information. The Auditor shall prepare a report of the review and audit which shall not contain any proprietary information regarding the hub. A copy of the report shall be sent to the Legislative Research Commission for referral to the appropriate committee.

➔Section 92. KRS 230.785 is amended to read as follows:

The ~~corporation~~~~racing commission~~ or its staff shall, upon request, be given access, for review and audit, to all records and financial information of the hub operator, including all account information. The ~~corporation~~~~racing commission~~ may require that the hub operator annually submit to the ~~corporation~~~~racing commission~~ audited financial statements.

➔Section 93. KRS 230.800 is amended to read as follows:

- (1) There is hereby created in the State Treasury a trust and revolving fund designated as the "Kentucky Thoroughbred breeders incentive fund." The fund shall be administered by the Kentucky Horse Racing *and Gaming Corporation*~~Commission~~. For all tax periods beginning on or after June 1, 2005, eighty percent (80%) of all receipts collected under KRS 139.531(1)(a) from the sales and use tax on the fees paid for

breeding a stallion to a mare in Kentucky shall be deposited in the fund together with any other money contributed, appropriated, or allocated to the fund from all other sources. The money deposited in the fund is hereby appropriated for the uses set forth in this section. Any money remaining in the fund at the close of any calendar year shall not lapse but shall be carried forward to the next calendar year. The fund may also receive additional state appropriations, gifts, grants, and federal funds. All interest earned on money in the fund shall be credited to the fund.

- (2) (a) The Kentucky Horse Racing **and Gaming Corporation**~~Commission~~ shall use moneys deposited in the Kentucky Thoroughbred breeders incentive fund to administer the fund and provide rewards for breeders of horses bred and foaled in Kentucky.
- (b) The Kentucky Horse Racing **and Gaming Corporation**~~Commission~~ shall promulgate administrative regulations establishing the conditions and criteria for the distribution of moneys from the fund.
- (c) The Department of Revenue may promulgate administrative regulations establishing the procedures necessary to determine the correct allocation of sales tax receipts described in subsection (1) of this section.
- (d) As soon as practicable after the close of each calendar year, the **corporation**~~racine commission~~ shall disburse to breeders of horses moneys in the Kentucky Thoroughbred breeders incentive fund pursuant to the administrative regulations promulgated pursuant to paragraph (b) of this subsection.

➔Section 94. KRS 230.802 is amended to read as follows:

- (1) There is hereby created in the State Treasury a trust and revolving fund designated as the "Kentucky standardbred breeders incentive fund." The fund shall be administered by the Kentucky Horse Racing **and Gaming Corporation**~~Commission~~. For tax periods beginning on or after June 1, 2005, thirteen percent (13%) of all receipts collected under KRS 139.531(1)(a) from the sales and use tax on the fees paid for breeding a stallion to a mare in Kentucky shall be deposited in the fund together with any other money contributed, appropriated, or allocated to the fund from all other sources. The money deposited in the fund is hereby appropriated for the uses set forth in this section. Any money remaining in the fund at the close of any calendar year shall not lapse but shall be carried forward to the next calendar year. The fund may also receive additional state appropriations, gifts, grants, and federal funds. All interest earned on money in the fund shall be credited to the fund.
- (2) (a) The Kentucky Horse Racing **and Gaming Corporation**~~Commission~~ shall use moneys deposited in the Kentucky standardbred breeders incentive fund to administer the fund and provide rewards for breeders or owners of Kentucky-bred standardbred horses.
- (b) The Kentucky Horse Racing **and Gaming Corporation**~~Commission~~ shall promulgate administrative regulations establishing the conditions and criteria for the distribution of moneys from the fund.
- (c) The Department of Revenue may promulgate administrative regulations establishing the procedures necessary to determine the correct allocation of sales tax receipts described in subsection (1) of this section.
- (d) As soon as practicable after the close of each calendar year, the **corporation**~~racine commission~~ shall disburse moneys in the Kentucky standardbred breeders incentive fund to be used to promote, enhance, improve, and encourage the further and continued development of the standardbred breeding industry in Kentucky, under the administrative regulations promulgated pursuant to paragraph (b) of this subsection.

➔Section 95. KRS 230.804 is amended to read as follows:

- (1) There is hereby created in the State Treasury a trust and revolving fund designated as the "Kentucky horse breeders incentive fund." The fund shall be administered by the Kentucky Horse Racing **and Gaming Corporation**~~Commission~~. For tax periods beginning on or after June 1, 2005, seven percent (7%) of all receipts collected under KRS 139.531(1)(a) from the sales and use tax on the fees paid for breeding a stallion to a mare in Kentucky shall be deposited in the fund together with any other money contributed, appropriated or allocated to the fund from all other sources. The money deposited in the fund is hereby appropriated for the uses set forth in this section. Notwithstanding KRS 45.229, any money remaining in the fund at the close of any calendar year shall not lapse but shall be carried forward to the next calendar year. The fund may also receive additional state appropriations, gifts, grants, and federal funds. All interest earned on money in the fund shall be credited to the fund.

- (2) (a) The Kentucky Horse Racing *and Gaming Corporation*~~[Commission]~~ shall use moneys deposited in the Kentucky horse breeders incentive fund to administer the fund and provide rewards for breeders or owners of horses bred and foaled in Kentucky.
- (b) The Kentucky Horse Racing *and Gaming Corporation*~~[Commission]~~ shall promulgate administrative regulations establishing the conditions and criteria for the distribution of moneys from the fund.
- (c) The Department of Revenue may promulgate administrative regulations establishing the procedures necessary to determine the correct allocation of sales tax receipts described in subsection (1) of this section.
- (d) As soon as practicable after the close of each calendar year, the *corporation*~~[racing commission]~~ shall disburse to breeders of horses moneys in the Kentucky horse breeders incentive fund to be used to promote, enhance, improve, and encourage the further and continued development of the horse industry in Kentucky, under the administrative regulations promulgated pursuant to paragraph (b) of this subsection.

➔ Section 96. KRS 230.805 is amended to read as follows:

- (1) The *corporation*~~[racing commission]~~ shall institute a system of sports wagering in conformance with federal law, this chapter, and by administrative regulations promulgated under the authority of KRS 230.215.
- (2) Sports wagering shall not be offered in this state except as authorized by this section and KRS 230.811. A track that holds a license to operate sports wagering may contract with sports wagering service providers to conduct or manage sports wagering operations as authorized by this chapter. Sports wagering may be provided at a licensed facility for sports wagering or online through a website or mobile application. The licensed facility for sports wagering or a sports wagering service provider may provide sports wagering through a website or mobile interface as approved by the *corporation*~~[racing commission]~~. The *corporation*~~[racing commission]~~ may provide temporary licenses to licensed facilities for sports wagering or sports wagering service providers, if the *corporation*~~[commission]~~ deems that the information submitted by them is sufficient to determine the applicant's suitability. The *corporation*~~[racing commission]~~ shall promulgate administrative regulations to establish the suitability for temporary and ordinary license applications for licensed facilities for sports wagering, sports wagering service providers, and any related parties.
- (3) Sports wagering licensees and service providers that accept wagers online via websites and mobile applications shall impose the following requirements:
 - (a) Prior to placing a wager online via websites or mobile applications operated by either a sports wagering licensee or a service provider, a patron shall register the patron's sports wagering account with the operating sports wagering licensee or service provider either in person at a licensed facility for sports wagering or remotely through the service provider's website or mobile application;
 - (b)
 1. The registration process shall include attestation that the patron meets the requirements to place a wager with a sports wagering licensee or service provider in this state.
 2. Prior to verification of a patron's identity, a sports wagering licensee or service provider shall not allow the patron to engage in sports wagering, make a deposit, or process a withdrawal via the patron's sports wagering account.
 3. A sports wagering licensee or service provider shall implement commercially and technologically reasonable procedures to prevent access to sports wagering by any person under the age of eighteen (18):
 - a. At a licensed facility; and
 - b. Online via website or mobile application.
 4. A sports wagering licensee or service provider may use information obtained from third parties to verify that a person is authorized to open an account, place wagers, and make deposits and withdrawals;
 - (c) A sports wagering licensee or service provider shall adopt an account registration policy to ensure that all patrons are authorized to place a wager with a sports wagering licensee or service provider within the Commonwealth of Kentucky. This policy shall include, without limitation, a mechanism by which to:
 1. Verify the name and age of the patron;

2. Verify that the patron is not prohibited from placing a wager; and
3. Obtain the following information:
 - a. A physical address other than a post office box;
 - b. A phone number;
 - c. A unique user name; and
 - d. An e-mail account;
- (d) A sports wagering licensee or service provider shall use all commercially and technologically reasonable means to ensure that each patron is limited to one (1) account with that service provider in the Commonwealth, but nothing in this paragraph restricts a patron from holding other sports wagering accounts in other jurisdictions;
- (e) A sports wagering licensee or service provider, in addition to complying with state and federal law pertaining to the protection of the private, personal information of patrons, shall use all other commercially and technologically reasonable means to protect this information consistent with industry standards;
- (f) A sports wagering licensee or service provider shall use all commercially and technologically reasonable means to verify the identity of the patron making a deposit or withdrawal;
- (g) A sports wagering licensee or service provider shall utilize geolocation or geofencing technology to ensure that wagers are only accepted from patrons who are physically located in the Commonwealth. A sports wagering licensee or service provider shall maintain in this state its servers used to transmit information for purposes of accepting or paying out wagers on a sporting event placed by patrons in this state;
- (h) A patron may fund the patron's account using any acceptable form of payment or advance deposit method, which shall include the use of cash, cash equivalents, credit cards, debit cards, automated clearing house, other electronic methods, and any other form of payment authorized by the **corporation**~~[racing commission]~~; and
- (i) The **corporation**~~[racing commission]~~ may enter into agreements with other jurisdictions or entities to facilitate, administer, and regulate multijurisdictional sports betting by sports betting operators to the extent that entering into the agreement is consistent with state and federal laws and the sports betting agreement is conducted only in the United States.
- (4) A track may contract with no more than three (3) service providers at a time to conduct and manage services and technology which support the operation of sports betting both on the track and online via websites and mobile applications. The website or mobile application used to offer sports betting shall be offered only under the same brand as the track or that of the service provider contracted with the track, or both.
- (5) A track or service provider through an agreement with a licensed track shall not offer sports wagering until the **corporation**~~[racing commission]~~ has issued a sports wagering license to the track, except for temporary licenses authorized under KRS 230.814.
- (6) (a) A track licensed under KRS 230.811 may offer sports wagering at a facility that meets the definition of "track" in KRS 230.210.
- (b) A simulcast facility may offer sports wagering through an agreement with a track by using any of that track's already established service providers.

➔Section 97. KRS 230.808 is amended to read as follows:

- (1) Sporting events that may be wagered upon include but are not limited to:
 - (a) Professional sporting events;
 - (b) College sporting events sanctioned by the National Collegiate Athletic Association, the National Association of Intercollegiate Athletics, or other collegiate athletic body recognized by the **corporation**~~[racing commission]~~;
 - (c) Amateur sporting events;
 - (d) International sporting events, including but not limited to the Olympics and World Cup Soccer;

- (e) Electronic sports, e-sports, and competitive video game events; and
 - (f) Any other event authorized by the *corporation*~~[racing commission]~~.
- (2) (a) A sports governing body may submit a request to the *corporation*~~[racing commission]~~ to restrict, limit, or exclude a certain type, form, or category of sports wagering with respect to covered sporting events of that body, if the sport's governing body believes that this type, form, or category of sports wagering with respect to covered sporting events of that body may undermine the integrity or perceived integrity of that body or covered sporting events of that body. The sport's governing body shall provide the *corporation*~~[racing commission]~~ with notice of this request in the form and manner required by the *corporation*~~[racing commission]~~.
- (b) The *corporation*~~[racing commission]~~ shall request comment from tracks and service providers on all requests made under paragraph (a) of this subsection. After giving due consideration to all comments received, the *corporation*~~[racing commission]~~ shall grant the request if the requesting body demonstrates good cause that this type, form, or category of sports wagering is likely to undermine the integrity or perceived integrity of the sport's governing body or covered sporting events of that body.
- (c) The *corporation*~~[racing commission]~~ shall respond to a request concerning a particular event before the start of the event, or if it is not feasible to respond before the start of the event, no later than seven (7) days after the request is made. If the *corporation*~~[racing commission]~~ determines that the requester is more likely than not to prevail in successfully demonstrating good cause for its request, the *corporation*~~[racing commission]~~ may provisionally grant the request of the sport's governing body until the *corporation*~~[racing commission]~~ makes a final determination as to whether the requester has demonstrated good cause. Absent this provisional grant by the *corporation*~~[racing commission]~~, tracks and service providers may continue to offer sports wagering on covered sporting events that are the subject of the request during the pendency of the *corporation's*~~[racing commission's]~~ consideration of the applicable request.

➔Section 98. KRS 230.811 is amended to read as follows:

- (1) Except as provided in KRS 230.805(6), no person shall conduct, manage, or offer to conduct sports wagering within the Commonwealth of Kentucky without obtaining a license from the *corporation*~~[racing commission]~~.
- (2) As a prerequisite to obtaining a sports wagering license, a person shall be licensed as an association under KRS 230.300. If sports wagering is conducted by the track that chooses not to contract with a service provider, it shall comply with the standards established by the *corporation*~~[racing commission]~~ for service providers to ensure the integrity of the system of sports wagering before conducting sports wagering in the Commonwealth.
- (3) In addition to the requirement in subsection (2) of this section, an initial fee of five hundred thousand dollars (\$500,000) shall be paid to the *corporation*~~[racing commission]~~ before a sports wagering license may be issued to a track.
- (4) An annual renewal fee of fifty thousand dollars (\$50,000) shall be required for each sports wagering license.
- (5) Licensing fees paid under this section shall be deposited into the sports wagering administration fund established by KRS 230.817.

➔Section 99. KRS 230.814 is amended to read as follows:

- (1) The *corporation*~~[racing commission]~~ may issue a service provider license to a qualified applicant.
- (2) A person applying for a service provider license under this chapter shall pay a nonrefundable application fee of fifty thousand dollars (\$50,000) to the *corporation*~~[racing commission]~~.
- (3) In determining whether to grant a service provider's license to an applicant, the *corporation*~~[racing commission]~~ shall consider:
 - (a) The applicant and its past, current, or future operations; and
 - (b) A person that is deemed to have control over the applicant. For the purposes of this section, the following persons are deemed to have control over an applicant:
 - 1. Each corporate holding company, parent company, or subsidiary company of a corporate applicant or licensee and each person that owns five percent (5%) or more of the corporate applicant or licensee and that has the ability to control the activities of the corporate applicant or licensee or elect a majority of the board of directors of that corporate applicant or licensee;

2. Each person associated with a noncorporate applicant or licensee that directly or indirectly holds a beneficial or proprietary interest in the noncorporate applicant's or licensee's business operation or that the director otherwise determines has the ability to control the noncorporate applicant or licensee; and
 3. Any officer or director of an applicant or licensee having the power to exercise significant influence over decisions concerning any part of the applicant's or licensee's relevant sports wagering business operation in this state.
- (4) A service provider licensee shall pay an annual renewal fee of ten thousand dollars (\$10,000).
 - (5) A person applying for a service provider license to conduct sports wagering through an agreement with a licensed track may receive a temporary license to immediately commence sports wagering operations if the applicant:
 - (a) Satisfies the *corporation's* ~~racing commission's~~ requirements for a temporary license, which may consider operations in other jurisdictions in the United States; and
 - (b) Pays the initial licensing fee of fifty thousand dollars (\$50,000) under subsection (2) of this section to the *corporation* ~~racing commission~~.
 - (6) A temporary license granted to an applicant for a service provider to offer sports wagering under subsection (5) of this section may be valid for up to one (1) year, during which a permanent license shall be granted or denied. An applicant shall not be eligible for an extended or renewed temporary license. The *corporation* ~~racing commission~~ reserves the right to revoke any license issued pursuant to this chapter if it determines that the licensee has violated any provisions of this chapter or is otherwise deemed unfit for a license.
 - (7) Fees paid under this section shall be deposited into the sports wagering administration fund established by KRS 230.817.

➔Section 100. KRS 230.820 is amended to read as follows:

- (1) A person shall not place a sports wager on a game or event in which the person is a participant.
- (2) As used in this section, "participant" includes:
 - (a) Players;
 - (b) Coaches;
 - (c) Referees, umpires, judges, or other officials involved in enforcing the rules of the game;
 - (d) Spouses and close family members of persons included in paragraphs (a) to (c) of this subsection;
 - (e) Owners or shareholders of more than five percent (5%) interest in professional sports teams who might have influence over players and coaches through the ability to hire or fire; and
 - (f) Other persons identified by the *corporation* ~~racing commission~~ as participants.
- (3) A person is guilty of tampering with the outcome of a sporting event when the person interacts with a player, coach, referee, or other participant with the intent to persuade the participant to act in a way that would:
 - (a) Alter the outcome of the sporting event; or
 - (b) Alter actions within the sporting event upon which people might place sports wagers.

➔Section 101. KRS 230.990 is amended to read as follows:

- (1) Any person who violates KRS 230.070 or KRS 230.080(3) shall be guilty of a Class D felony.
- (2) Any person who violates KRS 230.090 shall be guilty of a Class A misdemeanor.
- (3) Any person who violates KRS 230.680 shall be guilty of a Class A misdemeanor.
- (4) Any person who refuses to make any report or to turn over sums as required by KRS 230.361 to 230.373 shall be guilty of a Class A misdemeanor.
- (5) Any person failing to appear before the *corporation* ~~racing commission~~ at the time and place specified in the summons issued pursuant to KRS 230.260(12), or refusing to testify, shall be guilty of a Class B misdemeanor. False swearing on the part of any witness shall be deemed perjury and punished as such.

- (6) (a) A person is guilty of tampering with or interfering with a horse race when, with the intent to influence the outcome of a horse race, he or she uses any device, material, or substance not approved by the Kentucky Horse Racing *and Gaming Corporation* ~~Commission~~ on or in any participant involved in or eligible to compete in a horse race to be viewed by the public.
- (b) Any person who, while outside the Commonwealth and with intent to influence the outcome of a horse race contested within the Commonwealth, tampers with or interferes with any equine participant involved in or eligible to compete in a horse race in the Commonwealth is guilty of tampering with or interfering with a horse race.
- (c) Tampering with or interfering with a horse race is a Class C felony.
- (7) Any participant who wagers on a sporting event in violation of KRS 230.820 is guilty of a Class A misdemeanor.
- (8) Any person tampering with the outcome of a sporting event in violation of KRS 230.820 is guilty of a Class C felony.

➔Section 102. KRS 243.262 is amended to read as follows:

Any person in wet territory licensed by the Kentucky Racing *and Gaming Corporation* ~~Commission~~ under KRS 230.300 may be issued a license by the department and may hold a special temporary license as provided in KRS 243.260. When issued, the license shall be valid and effective only upon premises licensed by the *corporation* ~~racing commission~~ and upon the dates and hours for which racing or intertrack wagering has been authorized by the *corporation* ~~racing commission~~. A temporary license may be issued for the period the racing or intertrack wagering has been authorized, even if the period exceeds thirty (30) days as provided in KRS 243.260.

➔Section 103. KRS 243.500 is amended to read as follows:

Any license may be revoked or suspended for the following causes:

- (1) Conviction of the licensee or the licensee's agent, servant, or employee for selling any illegal alcoholic beverages on the licensed premises.
- (2) Making any false, material statements in an application or renewal application for a license or supplemental license.
- (3) Conviction of the licensee or any of the licensee's agents, servants, or employees of:
 - (a) Two (2) violations of the terms and provisions of KRS Chapters 241 to 244, or any act regulating the manufacture, sale, and transportation of alcoholic beverages within two (2) consecutive years;
 - (b) Two (2) misdemeanors directly or indirectly attributable to the use of alcoholic beverages within two (2) consecutive years; or
 - (c) Any felony.
- (4) Failure or default of a licensee to pay an excise tax or any part of the tax or any penalties imposed by or under the provisions of any statutes, ordinances, or Acts of Congress relative to taxation, or for a violation of any related administrative regulations promulgated by the Department of Revenue.
- (5) Revocation of any license or permit provided in KRS 243.060, 243.070, 243.600, and 243.610, or granted under any Act of Congress relative to the regulation of the manufacture, sale, and transportation of alcoholic beverages.
- (6) Setting up, conducting, operating, or keeping, on the licensed premises, any gambling game, device, machine, contrivance, lottery, gift enterprise, handbook, or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept, or engaged in, on the licensed premises, any gambling game, device, machine, contrivance, lottery, gift enterprise, handbook, or facility. This subsection shall not apply to:
 - (a) The sale of lottery tickets sold under the provisions of KRS Chapter 154A;
 - (b) The operation of a pari-mutuel system for betting, or the operation of sports wagering, where authorized by law;
 - (c) The conduct of charitable gaming by a charitable organization licensed or permitted under KRS *Chapters 230 and* ~~Chapter~~ 238; or

- (d) Special temporary raffles of alcoholic beverages under KRS 243.036.
- (7) Conviction of the licensee, the licensee's agents, servants, or employees for:
 - (a) The trafficking or possession upon the licensed premises of controlled or illegal substances described in KRS Chapter 218A, including synthetic drugs;
 - (b) Knowingly permitting the trafficking or possession by patrons upon the licensed premises of controlled or illegal substances described in KRS Chapter 218A, including synthetic drugs; or
 - (c) Knowingly receiving stolen property upon the licensed premises.
- (8) Failure to comply with the terms of a final order of the board.

➔Section 104. KRS 247.220 is amended to read as follows:

- (1) The Commissioner of Agriculture shall make grants of state funds to qualified local agricultural fairs on a matching basis, to be used by them to pay premium awards for exhibits and displays of domestic livestock, poultry, harness horse racing, other horse events, and agricultural products. The premiums actually awarded shall conform to those appearing on the premium list issued by the fair.
- (2) The state may provide funds for use in the establishment of new facilities and improvement of existing facilities for use in conducting events at local agricultural fairs as provided by this section. No grant for buildings shall be made until the local fair board has complied with the local fair program and qualified for the state grant as provided in subsection (5) of this section. Grants for facilities shall be made under regulations promulgated by the Fair Council and the Commissioner of Agriculture. In no event shall the allocation for facilities result in a decrease in the number of approved agricultural classes or premiums.
- (3) There shall be a Fair Council in the Department of Agriculture. The council shall act in an advisory capacity to the Commissioner in all matters pertaining to the administration of the department's fair program. It shall be called into session when there are matters for its consideration. It shall meet at least twice each calendar year at Frankfort or at any other place that may be determined.
- (4) (a) The council shall be composed of:
 - 1. The Commissioner, or the Commissioner's designee, as chairman;
 - 2. The Presidents or their designated representatives of the following state groups:
 - a. Kentucky Farm Bureau Federation;
 - b. Kentucky Association of Fairs and Horse Shows, Inc.;
 - c. Kentucky Horse Racing *and Gaming Corporation* ~~Commission~~;
 - d. American Saddlebred Horse Association; and
 - e. Kentucky Walking Horse Association;
 - 3. The Agricultural Education Consultant of the Kentucky Department of Education;
 - 4. The dean of the University of Kentucky College of Agriculture, Food and Environment, or the dean's designee;
 - 5. The co-chairs of the Interim Joint Committee on Agriculture; and
 - 6. Two (2) representatives appointed by the Commissioner who are experienced in showing livestock or animal agriculture.
- (b) The Commissioner may, with the concurrence of a majority of the members of the council, appoint additional members to the council.
- (5) To qualify for a grant of state funds, a fair shall meet standards set by the Commissioner and his advisory council whose approval may be given only if the fair:
 - (a) Provides in its bylaws for holding an annual fair running for at least three (3) days;
 - (b) Presents, through the medium of youth organizations such as 4-H clubs, Future Farmers of America, and other similar organizations, an educational program concerning the production and marketing of the livestock, poultry, and horse industries;

- (c) Complies with all administrative regulations which the Department of Agriculture is hereby authorized to promulgate; and
 - (d) Appoints one (1) or more members to its fair board from local livestock associations, horsemen's associations, and county farm bureaus, and selects one (1) or more county extension agents and vocational agriculture teachers for counties served by the fair as members of the board. Wherever local livestock associations, horsemen's associations, and farm bureaus are in existence, appointees are to be nominated to the fair board by these organizations. Where fairs serve an area, appointments may be made from all counties within the particular area. It shall be the responsibility of the appointees to aid in establishing premium lists and planning agricultural exhibits.
- (6) Any fair receiving a grant of state funds shall file with the director of the Shows and Fairs Division in the Department of Agriculture, by December 1 of the year in which the grant is received, satisfactory proof that all state premium awards have been paid and a certified notarized financial report submitted by the treasurer of the local fair association.

➔Section 105. KRS 257.196 is amended to read as follows:

- (1) The commission shall make recommendations to the board to establish, maintain, or revise standards governing the care and well-being of on-farm livestock and poultry. The board shall approve or reject recommendations within ninety (90) days of receiving recommendations. If approved, the board shall promulgate administrative regulations establishing the standards within thirty (30) days of approval. If rejected, the board shall notify the commission in writing within thirty (30) days of the rejection, and shall list the reasons for the rejection. The board shall not establish, maintain, or revise on-farm livestock and poultry care standards without a recommendation by the commission.
- (2) Before recommending on-farm livestock and poultry care standards to the board, the commission may consult with agricultural representatives from Kentucky State University, Western Kentucky University, Eastern Kentucky University, Morehead State University, and Murray State University.
- (3) When developing recommendations for on-farm livestock and poultry care standards to the board, the commission shall consider factors that include but are not limited to:
 - (a) Animal well-being and agricultural best management practices;
 - (b) Herd health; and
 - (c) Safe, affordable, healthy food supplies for consumers.
- (4) Nothing in this section shall be construed to abrogate the regulatory authority of:
 - (a) The Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ to inspect, investigate, and supervise horses and other participants in horse racing as provided by KRS Chapter 230 and the administrative regulations promulgated under KRS Chapter 230, or any other law applicable to the regulation of horse racing in the Commonwealth;
 - (b) The Kentucky Board of Veterinary Examiners to license and certify veterinarians as provided by KRS Chapter 321 and the administrative regulations promulgated under KRS Chapter 321, or any other law applicable to the regulation of veterinarians in the Commonwealth; or
 - (c) The Board of Agriculture to prevent, control, or eradicate any communicable disease of on-farm livestock or poultry as provided by this chapter and the administrative regulations promulgated under this chapter, or any other law applicable to the prevention, control, or eradication of communicable diseases of on-farm livestock or poultry.
- (5)
 - (a) A city, town, county, urban-county, charter county, consolidated local government, unified local government, or other political subdivision of the Commonwealth shall not adopt any ordinance, resolution, rule, or regulation regarding on-farm livestock or poultry care that is more stringent than the administrative regulations promulgated by the board under subsection (1) of this section. Local legislation in violation of this subsection is void and unenforceable.
 - (b) Nothing in this subsection shall be construed to preempt any local ordinance or regulation affecting planning and zoning adopted in accordance with KRS Chapter 100.
 - (c) The provisions of paragraph (a) of this subsection shall not affect ordinances, resolutions, rules, or regulations adopted before July 15, 2010.

➔Section 106. KRS 257.472 is amended to read as follows:

- (1) The Kentucky Equine Health and Welfare Council is hereby established and shall be attached to the Kentucky Department of Agriculture for administrative purposes only. The council shall:
 - (a) Assist, advise, and consult with the commission created by KRS 257.192 on equine health and welfare issues;
 - (b) Act to maintain the health, welfare, and safety of equines in the Commonwealth; and
 - (c) Carry out the duties assigned to the council in KRS 257.474.
- (2) The council shall be composed of thirteen (13) voting members and two (2) nonvoting ex officio members as follows:
 - (a) The Commissioner of Agriculture or his or her designee;
 - (b) The state veterinarian or his or her designee;
 - (c) One (1) representative of the University of Kentucky College of Agriculture Equine Initiative to be designated by the dean of the University of Kentucky College of Agriculture;
 - (d) One (1) representative of the University of Louisville Equine Industry Program to be designated by the dean of the College of Business;
 - (e) One (1) representative of equine education programs chosen by Morehead State University, Murray State University, or Western Kentucky University on a rotating basis at the pleasure of the university to serve a one (1) year term;
 - (f) The executive director of the University of Kentucky Livestock Disease Diagnostic Center, or his or her designee, or the executive director of the Murray State University Breathitt Veterinary Center, or his or her designee, who shall serve one (1) year terms on a rotating basis;
 - (g) One (1) representative of the Kentucky Farm Bureau Federation with an interest in equine issues;
 - (h) One (1) veterinarian representing the Kentucky Equine Health and Welfare Alliance Inc.;
 - (i) One (1) member representing the Kentucky Veterinary Medical Association;
 - (j) One (1) member to be appointed by the Governor from a list of three (3) nominees submitted by the Kentucky Horse Council;
 - (k) One (1) member representing organized horse rescue entities to be selected by the Governor from a listing of those who apply for membership on the council;
 - (l) Two (2) members at large who live in diverse regions of the state to be appointed by the Governor. Each member at large shall primarily represent one (1) of the following:
 1. Equine breeders and owners; and
 2. Agricultural interests;
 - (m) The chair of the Senate Standing Committee on Agriculture, who shall serve as a nonvoting ex officio member; and
 - (n) The chair of the House Standing Committee on Agriculture and Small Business, who shall serve as a nonvoting ex officio member.
- (3) Initial terms of members serving under subsection (2)(c), (d), and (g) to (l) of this section shall be staggered by the Governor. Thereafter, terms shall be for four (4) years or until their successors are duly appointed and qualified. Vacancies on the council shall be filled for the remainder of the unexpired term in the same manner as the original appointment.
- (4) Consideration shall be given to racial and gender equity in the appointment of council members.
- (5) The council shall elect one (1) of its members to serve as chair for a term of two (2) years.
- (6) The council shall meet quarterly or upon the call of the chair. The first meeting of the council shall occur at the beginning of the quarter following appointments to the council.
- (7) A quorum of the council shall consist of seven (7) voting members. A majority of the voting members present may act upon matters before the council.

- (8) Members of the council shall serve without compensation.
- (9) Nothing in KRS 257.472 to 257.476 shall be construed to infringe upon the regulatory authority of:
 - (a) The Kentucky Horse Racing *and Gaming Corporation*~~Commission~~ to inspect, investigate, and supervise horses and other participants in horse racing and breeders incentive funds as provided by KRS Chapter 230, administrative regulations promulgated under KRS Chapter 230, or any other law applicable to the regulation of horse racing in the Commonwealth;
 - (b) The Kentucky Board of Veterinary Examiners to license and certify veterinarians as provided by KRS Chapter 321, administrative regulations promulgated under KRS Chapter 321, or any other law applicable to the regulation of veterinarians in the Commonwealth; or
 - (c) The Kentucky Livestock Care Standards Commission to make recommendations to the Board of Agriculture to establish, maintain, or revise standards governing the care and well-being of on-farm livestock and poultry, or any other authority of the commission authorized under this chapter.

➔Section 107. KRS 321.185 is amended to read as follows:

- (1) In order for a veterinarian to practice veterinary medicine, a relationship among the veterinarian, the client, and the patient shall be established and maintained. The veterinarian-client-patient relationship or VCPR is the basis for veterinary care and means that:
 - (a) The veterinarian and the client or other caretaker of the patient both agree for the veterinarian to assume responsibility for making medical judgments regarding the health of the animal;
 - (b) There is sufficient knowledge of the animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that within the previous twelve (12) months the veterinarian either physically examined the animal or made a medically appropriate in-person visit to the premises where the animal is kept; and
 - (c) The veterinarian has assumed responsibility for providing follow-up care and continuation of care to the patient, except in cases where the veterinarian has:
 - 1. Arranged for or contracted for emergency care or urgent care coverage by another veterinarian who can provide reasonable and appropriate medical care and has notified the client how to access emergency care; or
 - 2. Notified the client of an available registered facility that can provide reasonable and appropriate medical care.
- (2) The VCPR may extend to another veterinarian employed in the same registered facility who is licensed to practice veterinary medicine within the Commonwealth, so long as the other Kentucky-licensed veterinarian has sufficient knowledge in the medical record to make a decision.
- (3) The veterinarian shall maintain records that document patient visits, diagnosis, treatment, and other relevant information, as required by KRS 321.187.
- (4)
 - (a) A veterinarian shall not violate the confidential relationship between the veterinarian and the veterinarian's client. Consultation by the veterinarian with another veterinarian or professional expert for the benefit of the patient shall not constitute a violation of confidentiality.
 - (b) A veterinarian shall not release information concerning a client or care of a client's animal, except:
 - 1. On the veterinarian's receipt of:
 - a. A written authorization or other form of waiver executed by the client; or
 - b. An appropriate court order or subpoena;
 - 2. In cases of animal abuse, pursuant to KRS 321.188;
 - 3. In cases of reportable diseases as they relate to public or animal health pursuant to KRS 257.080 and 258.065 and the administrative regulations promulgated under the authority of those statutes;
 - 4. Other exceptions established in KRS 321.187 and 321.200; or
 - 5. Upon request from the board.

- (c) A veterinarian who releases information under paragraph (b) of this subsection shall not be liable to any person, including the client, for an action resulting from the disclosure.
- (d) The privilege provided by this subsection is waived by the client or the owner of an animal treated by the veterinarian to the extent the client or owner places at issue in a civil or criminal proceeding:
 - 1. The nature and extent of the animal's injuries; or
 - 2. The care and treatment of the animal provided by the veterinarian.
- (e) This subsection shall not apply to:
 - 1. An inspection or investigation conducted by the board or an agent of the board; or
 - 2. The veterinary reporting requirements and regulatory authority of the Kentucky Horse Racing *and Gaming Corporation*~~[Commission]~~ to inspect, investigate, and supervise horses and other participants in horse racing as provided by KRS Chapter 230 and the administrative regulations promulgated under KRS Chapter 230, or any other state or federal law applicable to the regulation of horse racing in the Commonwealth.
- (5) Veterinarians providing copies of records under this section may charge no more than the actual cost of copying, including reasonable staff time.
- (6) A licensed veterinarian who in good faith engages in the practice of veterinary medicine by rendering or attempting to render emergency care or urgent care to an animal when a client cannot be identified shall not be subject to penalty based solely on the veterinarian's inability to establish a VCPR with an owner or the owner's representative.
- (7) A VCPR shall not be established solely by telehealth means. In the absence of a VCPR, any advice provided through telehealth shall be general and not specific to a patient, diagnosis, or treatment. Veterinary telemedicine shall only be conducted within an existing VCPR, with the exception for advice given in an emergency care situation until that patient can be seen in person by a licensed veterinarian.

➔Section 108. KRS 528.010 is amended to read as follows:

The following definitions apply in this chapter unless the context otherwise requires:

- (1) "Advancing gambling activity" -- A person "advances gambling activity" when, acting other than as a player, he or she engages in conduct that materially aids any form of gambling activity. The conduct shall include, but is not limited to, conduct directed toward the establishment of the particular game, contest, scheme, device, or activity involved; toward the acquisition or maintenance of premises, paraphernalia, equipment, or apparatus therefor; toward the solicitation or inducement of persons to participate therein; toward the actual conduct of the playing phases thereof; toward the arrangement of any of its financial or recording phases or toward any other phase of its operation. A person who gambles at a social game of chance on equal terms with other participants does not otherwise advance gambling activity by performing acts, without remuneration or fee, directed toward the arrangement or facilitation of the game as inviting persons to play, permitting the use of premises therefor and supplying equipment used therein;
- (2) "Bookmaking" means advancing gambling activity by unlawfully accepting bets upon the outcome of future contingent events from members of the public as a business;
- (3) "Charitable gaming" means games of chance conducted by charitable organizations licensed and regulated under the provisions of KRS Chapter 238;
- (4) (a) "Coin-operated amusement machine" means a lawful machine or device that requires the direct or indirect payment of consideration, including but not limited to the insertion of a coin, currency, ticket, token, or similar object, or the depositing of funds with the operator or owner of the device, and that contains no material element of chance and automatically, by or through some mechanical operation, affords music or amusement of some character with or without vending any merchandise, but in addition to any merchandise.
- (b) A coin-operated amusement machine shall not deliver or entitle the person playing or operating the game to receive cash, cash equivalents, gift cards, or vouchers, billets, tickets, tokens, electronic credits or any item that can be exchanged for cash, cash equivalents, gift cards, merchandise, or something of value, unless otherwise provided under this section.

- (c) A coin-operated amusement machine may entitle the person playing to a noncash, merchandise prize or a voucher, billet, ticket, token, or electronic credit redeemable only for a noncash, merchandise prize under the following rules:
 - 1. The wholesale value of a merchandise prize awarded as a result of the single play of a machine, either directly or as a result of redemption of a redeemable voucher, does not exceed twenty-five dollars (\$25);
 - 2. Redeemable vouchers are not redeemable for any merchandise prize that has a wholesale value of more than twenty-five dollars (\$25) times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and
 - 3. Any redeemable vouchers or merchandise prizes are distributed at the site of the coin-operated amusement machine at the time of play.
- (d) The noncash merchandise prize shall not be:
 - 1. An alcoholic beverage;
 - 2. Eligible for purchase or repurchase; or
 - 3. Exchangeable for any cash, cash equivalents, or something of value whatsoever;
- (5) (a) "E-sports competition" means a league, competitive circuit, tournament, or similar competition in which:
 - 1. Two (2) or more participants or teams of participants compete directly against each other for entertainment and prizes in the same video game at the same time, typically for spectators;
 - 2. Results are determined solely on the basis of the skill of the players;
 - 3. The number of participants is fixed before the beginning of the competition;
 - 4. Any fee collected to participate in the competition shall be collected from all participants before the competition begins;
 - 5. At least one (1) participant shall receive something of value based on the results of the competition; and
 - 6. The value of any prize shall be predetermined before the competition begins.
- (b) E-sports shall not include traditional casino games which include but are not limited to poker, roulette, craps, or blackjack;
- (6) (a) "Gambling" means staking or risking something of value upon the outcome of a contest, game, gaming scheme, or gaming device which is based upon an element of chance, in accord with an agreement or understanding that someone will receive something of value in the event of a certain outcome. "Gambling" includes playing or offering for play any game, contest, or competition utilizing a gambling device.
- (b) "Gambling" does not include:
 - 1. A contest or game in which eligibility to participate is determined by chance and the ultimate winner is determined by skill;
 - 2. Charitable gaming which is licensed and regulated under the provisions of KRS Chapter 238;
 - 3. E-sports competitions;
 - 4. Skill-based contests; or
 - 5. The use or operation of any devices or machines that are described in subsection (7)(b) of this section;
- (7) (a) "Gambling device" means:
 - 1. Any so-called slot machine or any other machine or mechanical device which when operated may deliver, as a result of the application of any element of chance, any money or property, or by the operation of which a person may become entitled to receive, as the result of the application of any element of chance, any money or property;

2. Any mechanical or electronic device permanently located in a business establishment, including a private club, that is offered or made available to a person to play or participate in a simulated gambling program in return for direct or indirect consideration, including but not limited to consideration paid for Internet access or computer time, or a sweepstakes entry, which when operated may deliver as a result of the application of any element of chance, regardless of whether the result is also partially or predominantly based on skill, any money or property, or by the operation of which a person may become entitled to receive, as the result of the application of any element of chance, regardless of whether the result is also partially or predominantly based on skill, any money or property;
 3. Any other machine or any mechanical, electronic, or other device, including but not limited to roulette wheels, gambling tables and similar devices, designed and manufactured primarily for use in connection with gambling and which when operated may deliver, as the result of the application of any element of chance, any money or property, or by the operation of which a person may become entitled to receive, as the result of the application of any element of chance, any money or property; or
 4. Any electronic, computerized, or mechanical contrivance, terminal, machine, or other device that:
 - a. Requires the direct or indirect payment of consideration which may include and shall not be limited to the insertion of a coin, currency, ticket, token, or similar object, or by depositing funds with the operator or owner of the device, to operate, play, or activate a game; and
 - b. Offers games the outcomes of which are determined by any element of skill of the player and may deliver or entitle the person playing or operating the device to receive cash, cash equivalents, or gift cards or vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash or to receive merchandise or something of value, whether the payoff is made automatically from the device or manually.
- (b) The following shall not be considered gambling devices within this definition:
1. Devices dispensing or selling combination or French pools on licensed, regular racetracks during races on said tracks;
 2. Devices dispensing or selling combination or French pools on historical races at licensed, regular racetracks as lawfully authorized by the Kentucky Horse Racing *and Gaming Corporation*~~Commission~~;
 3. Electro-mechanical pinball machines specially designed, constructed, set up, and kept to be played for amusement only. Any pinball machine shall be made to receive and react only to the deposit of coins during the course of a game. The ultimate and only award given directly or indirectly to any player for the attainment of a winning score or combination on any pinball machine shall be the right to play one (1) or more additional games immediately on the same device at no further cost. The maximum number of free games that can be won, registered, or accumulated at one (1) time in operation of any pinball machine shall not exceed thirty (30) free games. Any pinball machine shall be made to discharge accumulated free games only by reactivating the playing mechanism once for each game released. Any pinball machine shall be made and kept with no meter or system to preserve a record of free games played, awarded, or discharged. Nonetheless, a pinball machine shall be a gambling device if a person gives or promises to give money, tokens, merchandise, premiums, or property of any kind for scores, combinations, or free games obtained in playing the pinball machine in which the person has an interest as owner, operator, keeper, or otherwise;
 4. Devices used in the conduct of charitable gaming;
 5. Coin-operated amusement machines;
 6. Devices used for wagering exempted from the application of this chapter pursuant to KRS 436.480;
 7. Devices used in e-sports competitions; or

8. Devices used in skill-based contests, provided such devices do not meet the definition of gambling devices in paragraph (a) of this subsection;
- (8) "Lottery and gift enterprise" means:
- (a) A gambling scheme in which:
1. The players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other media, one (1) or more of which are to be designated the winning ones;
 2. The ultimate winner is to be determined by a drawing or by some other method based upon the element of chance; and
 3. The holders of the winning chances are to receive something of value; and
- (b) A gift enterprise or referral sales plan which meets the elements of a lottery listed in paragraph (a) of this subsection is to be considered a lottery under this chapter;
- (9) "Mutuel" or "the numbers games" means a form of lottery in which the winning chances or plays are not determined upon the basis of a drawing or other act on the part of persons conducting or connected with the scheme, but upon the basis of the outcome or outcomes of a future contingent event or events otherwise unrelated to the particular scheme;
- (10) "Player" means a person who engages in any form of gambling solely as a contestant or bettor, without receiving or becoming entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct, or operation of the particular gambling activity. A person who engages in "bookmaking" as defined in subsection (2) of this section is not a "player." The status of a "player" shall be a defense to any prosecution under this chapter;
- (11) "Profiting from gambling activity" -- A person "profits from gambling activity" when, other than as a player, he or she accepts or receives or agrees to accept or receive money or other property pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in the proceeds of gambling activity;
- (12) "Simulated gambling program" means any method intended to be used by a person playing, participating, or interacting with an electronic device that may, through the application of any element of chance, either deliver money or property or an entitlement to receive money or property;
- (13) "Skill" means the knowledge, dexterity, or any other ability or expertise of a natural person;
- (14) "Skill-based contest" means a live, in-person competitive event among two (2) or more individuals or teams of individuals in which the ultimate winner is determined by skill and the competitive event does not utilize a gambling device; and
- (15) (a) "Something of value" means any money or property, any token, object, or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest therein, or involving extension of a service, entertainment, or a privilege of playing at a game or scheme without charge.
- (b) "Something of value" does not include the award of a free, extended, or continuous play which is awarded as a prize for playing a game or scheme for a charge.

➔Section 109. KRS 528.010 is amended to read as follows:

The following definitions apply in this chapter unless the context otherwise requires:

- (1) "Advancing gambling activity" -- A person "advances gambling activity" when, acting other than as a player, he or she engages in conduct that materially aids any form of gambling activity. The conduct shall include, but is not limited to, conduct directed toward the establishment of the particular game, contest, scheme, device, or activity involved; toward the acquisition or maintenance of premises, paraphernalia, equipment, or apparatus therefor; toward the solicitation or inducement of persons to participate therein; toward the actual conduct of the playing phases thereof; toward the arrangement of any of its financial or recording phases or toward any other phase of its operation. A person who gambles at a social game of chance on equal terms with other participants does not otherwise advance gambling activity by performing acts, without remuneration or fee, directed toward the arrangement or facilitation of the game as inviting persons to play, permitting the use of premises therefor and supplying equipment used therein;

- (2) "Bookmaking" means advancing gambling activity by unlawfully accepting bets upon the outcome of future contingent events from members of the public as a business;
- (3) "Charitable gaming" means games of chance conducted by charitable organizations licensed and regulated under the provisions of KRS *Chapters 230 and*~~Chapter~~ 238;
- (4) (a) "Coin-operated amusement machine" means a lawful machine or device that requires the direct or indirect payment of consideration, including but not limited to the insertion of a coin, currency, ticket, token, or similar object, or the depositing of funds with the operator or owner of the device, and that contains no material element of chance and automatically, by or through some mechanical operation, affords music or amusement of some character with or without vending any merchandise, but in addition to any merchandise.
- (b) A coin-operated amusement machine shall not deliver or entitle the person playing or operating the game to receive cash, cash equivalents, gift cards, or vouchers, billets, tickets, tokens, electronic credits or any item that can be exchanged for cash, cash equivalents, gift cards, merchandise, or something of value, unless otherwise provided under this section.
- (c) A coin-operated amusement machine may entitle the person playing to a noncash, merchandise prize or a voucher, billet, ticket, token, or electronic credit redeemable only for a noncash, merchandise prize under the following rules:
1. The wholesale value of a merchandise prize awarded as a result of the single play of a machine, either directly or as a result of redemption of a redeemable voucher, does not exceed twenty-five dollars (\$25);
 2. Redeemable vouchers are not redeemable for any merchandise prize that has a wholesale value of more than twenty-five dollars (\$25) times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and
 3. Any redeemable vouchers or merchandise prizes are distributed at the site of the coin-operated amusement machine at the time of play.
- (d) The noncash merchandise prize shall not be:
1. An alcoholic beverage;
 2. Eligible for purchase or repurchase; or
 3. Exchangeable for any cash, cash equivalents, or something of value whatsoever;
- (5) (a) "E-sports competition" means a league, competitive circuit, tournament, or similar competition in which:
1. Two (2) or more participants or teams of participants compete directly against each other for entertainment and prizes in the same video game at the same time, typically for spectators;
 2. Results are determined solely on the basis of the skill of the players;
 3. The number of participants is fixed before the beginning of the competition;
 4. Any fee collected to participate in the competition shall be collected from all participants before the competition begins;
 5. At least one (1) participant shall receive something of value based on the results of the competition; and
 6. The value of any prize shall be predetermined before the competition begins.
- (b) E-sports shall not include traditional casino games which include but are not limited to poker, roulette, craps, or blackjack;
- (6) (a) "Gambling" means staking or risking something of value upon the outcome of a contest, game, gaming scheme, or gaming device which is based upon an element of chance, in accord with an agreement or understanding that someone will receive something of value in the event of a certain outcome. "Gambling" includes playing or offering for play any game, contest, or competition utilizing a gambling device.
- (b) "Gambling" does not include:

1. A contest or game in which eligibility to participate is determined by chance and the ultimate winner is determined by skill;
 2. Charitable gaming which is licensed and regulated under the provisions of KRS Chapter 238;
 3. E-sports competitions;
 4. Skill-based contests; or
 5. The use or operation of any devices or machines that are described in subsection (7)(b) of this section;
- (7) (a) "Gambling device" means:
1. Any so-called slot machine or any other machine or mechanical device which when operated may deliver, as a result of the application of any element of chance, any money or property, or by the operation of which a person may become entitled to receive, as the result of the application of any element of chance, any money or property;
 2. Any mechanical or electronic device permanently located in a business establishment, including a private club, that is offered or made available to a person to play or participate in a simulated gambling program in return for direct or indirect consideration, including but not limited to consideration paid for Internet access or computer time, or a sweepstakes entry, which when operated may deliver as a result of the application of any element of chance, regardless of whether the result is also partially or predominantly based on skill, any money or property, or by the operation of which a person may become entitled to receive, as the result of the application of any element of chance, regardless of whether the result is also partially or predominantly based on skill, any money or property;
 3. Any other machine or any mechanical, electronic, or other device, including but not limited to roulette wheels, gambling tables and similar devices, designed and manufactured primarily for use in connection with gambling and which when operated may deliver, as the result of the application of any element of chance, any money or property, or by the operation of which a person may become entitled to receive, as the result of the application of any element of chance, any money or property; or
 4. Any electronic, computerized, or mechanical contrivance, terminal, machine, or other device that:
 - a. Requires the direct or indirect payment of consideration which may include and shall not be limited to the insertion of a coin, currency, ticket, token, or similar object, or by depositing funds with the operator or owner of the device, to operate, play, or activate a game; and
 - b. Offers games the outcomes of which are determined by any element of skill of the player and may deliver or entitle the person playing or operating the device to receive cash, cash equivalents, or gift cards or vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash or to receive merchandise or something of value, whether the payoff is made automatically from the device or manually.
- (b) The following shall not be considered gambling devices within this definition:
1. Devices dispensing or selling combination or French pools on licensed, regular racetracks during races on said tracks;
 2. Devices dispensing or selling combination or French pools on historical races at licensed, regular racetracks as lawfully authorized by the Kentucky Horse Racing *and Gaming Corporation*~~Commission~~;
 3. Electro-mechanical pinball machines specially designed, constructed, set up, and kept to be played for amusement only. Any pinball machine shall be made to receive and react only to the deposit of coins during the course of a game. The ultimate and only award given directly or indirectly to any player for the attainment of a winning score or combination on any pinball machine shall be the right to play one (1) or more additional games immediately on the same device at no further cost. The maximum number of free games that can be won, registered, or accumulated at one (1) time in operation of any pinball machine shall not exceed thirty (30) free

games. Any pinball machine shall be made to discharge accumulated free games only by reactivating the playing mechanism once for each game released. Any pinball machine shall be made and kept with no meter or system to preserve a record of free games played, awarded, or discharged. Nonetheless, a pinball machine shall be a gambling device if a person gives or promises to give money, tokens, merchandise, premiums, or property of any kind for scores, combinations, or free games obtained in playing the pinball machine in which the person has an interest as owner, operator, keeper, or otherwise;

4. Devices used in the conduct of charitable gaming;
 5. Coin-operated amusement machines;
 6. Devices used for wagering exempted from the application of this chapter pursuant to KRS 436.480;
 7. Devices used in e-sports competitions; or
 8. Devices used in skill-based contests, provided such devices do not meet the definition of gambling devices in paragraph (a) of this subsection;
- (8) "Lottery and gift enterprise" means:
- (a) A gambling scheme in which:
 1. The players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other media, one (1) or more of which are to be designated the winning ones;
 2. The ultimate winner is to be determined by a drawing or by some other method based upon the element of chance; and
 3. The holders of the winning chances are to receive something of value; and
 - (b) A gift enterprise or referral sales plan which meets the elements of a lottery listed in paragraph (a) of this subsection is to be considered a lottery under this chapter;
- (9) "Mutuel" or "the numbers games" means a form of lottery in which the winning chances or plays are not determined upon the basis of a drawing or other act on the part of persons conducting or connected with the scheme, but upon the basis of the outcome or outcomes of a future contingent event or events otherwise unrelated to the particular scheme;
- (10) "Player" means a person who engages in any form of gambling solely as a contestant or bettor, without receiving or becoming entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct, or operation of the particular gambling activity. A person who engages in "bookmaking" as defined in subsection (2) of this section is not a "player." The status of a "player" shall be a defense to any prosecution under this chapter;
- (11) "Profiting from gambling activity" -- A person "profits from gambling activity" when, other than as a player, he or she accepts or receives or agrees to accept or receive money or other property pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in the proceeds of gambling activity;
- (12) "Simulated gambling program" means any method intended to be used by a person playing, participating, or interacting with an electronic device that may, through the application of any element of chance, either deliver money or property or an entitlement to receive money or property;
- (13) "Skill" means the knowledge, dexterity, or any other ability or expertise of a natural person;
- (14) "Skill-based contest" means a live, in-person competitive event among two (2) or more individuals or teams of individuals in which the ultimate winner is determined by skill and the competitive event does not utilize a gambling device; and
- (15) (a) "Something of value" means any money or property, any token, object, or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest therein, or involving extension of a service, entertainment, or a privilege of playing at a game or scheme without charge.

- (b) "Something of value" does not include the award of a free, extended, or continuous play which is awarded as a prize for playing a game or scheme for a charge.

→Section 110. KRS 528.110 is amended to read as follows:

- (1) Any person who, either for himself or as agent or employee of another, wagers money or anything of value on a horse race run or about to be run or advertised, posted, or reported as being run at any race track in or out of this state, or who engages in the occupation of receiving, making, transmitting, or negotiating, either in person or by messenger, telephone, or telegraph, wagers on horse races run or about to be run or advertised, posted, or reported as being run or about to be run at any race track in or out of the state, shall, except in the case of wagers made within the enclosure of a race track licensed by the Kentucky Horse Racing **and Gaming Corporation**~~Commission~~ during an authorized race meeting at that track, or an enclosure during regular meetings in which running, trotting, or pacing races are being conducted by associations regularly organized for that purpose, be guilty of a Class A misdemeanor.
- (2) In any prosecution under subsection (1) of this section, the state need not prove that the horse race upon which the wager was placed was actually run. Proof that the wager was made upon what purported to be or what was advertised, reported, or understood to be a horse race shall be sufficient to establish a prima facie case for the state.

→Section 111. The following KRS section is repealed:

230.250 Duty of Attorney General.

→Section 112. By July 1, 2024, any records, files, or documents associated with functions previously performed for the Kentucky Horse Racing Commission by the Public Protection Cabinet, but for which that cabinet is no longer deemed responsible, shall be transferred to the Kentucky Horse Racing and Gaming Corporation. Additionally, the Public Protection Cabinet shall fully assist the Kentucky Horse Racing Commission in any reasonable way that will ensure a smooth agency transition process benefitting the public, licensees, and the corporation.

→Section 113. On July 1, 2024, the interim president of the Kentucky Horse Racing and Gaming Corporation shall be the executive director of the Kentucky Horse Racing Commission who was serving on January 1, 2024, and the interim president shall serve for two years. Thereafter, the president shall be appointed as authorized by this Section 7 of this Act.

→Section 114. Between July 1, 2024, and July 1, 2025, the Department of Charitable Gaming shall not authorize additional locations for the play of electronic charity game tickets beyond the office location of the charitable organization, the location where the charitable organization is licensed to conduct bingo, and the location where pre-approved charitable fundraising events are authorized. This section shall not prevent electronic charity game ticket activities and electronic charity game ticket locations operating prior to July 1, 2024, from being resupplied or updated between July 1, 2024, and July 1, 2025.

→Section 115. By July 1, 2025, any records, files, or documents associated with the regulation of charitable gaming under KRS Chapter 238 previously performed by the Department of Charitable Gaming or the Public Protection Cabinet shall be transferred to the Kentucky Horse Racing and Gaming Corporation. Additionally, the Public Protection Cabinet and the Department of Charitable Gaming shall fully assist the Kentucky Horse Racing and Gaming Corporation in any reasonable way that will ensure a smooth agency transition process benefitting the public, licensees, and the corporation.

→Section 116. It is the intent of the General Assembly that the amendments to statutes in this Act to change the names of agencies and officers to effectuate the creation and authority of the Kentucky Horse Racing and Gaming Corporation shall not serve to void amendments in other bills enacted during the 2024 Regular Session, which are not in conflict with the reorganization effectuated by this Act and can be given effect and incorporated in a manner that will make the section intelligible, regardless of whether this Act is enacted before or after those other Acts.

→Section 117. Sections 3, 11, 13 to 28, 32, 34, 36, 37, 103, and 109 of this Act take effect July 1, 2025.

→Section 118. Whereas racing and gaming are crucial to the Commonwealth's economy, and strict regulation of racing and gaming is needed to prevent fraud and criminal activity, an emergency is declared to exist, and Sections 1, 2, 4 to 10, 12, 29 to 31, 33, 35, 38 to 102, 104 to 108, and 110 to 114 of this Act take effect July 1, 2024.

Veto Overridden April 12, 2024.

CHAPTER 172

(SB 349)

AN ACT relating to energy policy and declaring an emergency.

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

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

(1) *The General Assembly finds and declares that:*

- (a) *The long-term economic health and well-being of the citizens of the Commonwealth and the United States depends upon the availability of reliable sources of energy;*
- (b) *The Commonwealth has abundant reserves of coal, natural gas, and other natural resources;*
- (c) *The energy needs of the Commonwealth are best met by continuing to engage in an all-of-the-above approach to electric generation resources, including but not limited to coal, oil, natural gas, wind, solar, hydropower, nuclear, and any future or emerging technologies like hydrogen power;*
- (d) *The current economy and future economic development of the Commonwealth requires reliable, resilient, dependable, and abundant supplies of electrical power;*
- (e) *The demand for reliable, resilient, dispatchable electrical power is anticipated to significantly increase in the coming decades as the Commonwealth becomes home to additional manufacturing and other economic development projects which increase demand for electrical power;*
- (f) *It is in the interest of the Commonwealth that it be able to generate sufficient electricity within its borders to serve its own industrial, residential, and commercial demand and to power its own economy;*
- (g) *The electrification of the United States' economy combined with unprecedented federal regulatory pressures have created an electric generation resource crisis in the Commonwealth;*
- (h) *Existing state and federal policies with respect to energy do not adequately address the concerns of the General Assembly or citizens of the Commonwealth such that a comprehensive Kentucky energy policy is required;*
- (i) *Current policies at the state and federal level do not adequately assess capacity, availability, reliability, or resilience attributes of existing and new fossil fuel-fired, nuclear, or other emerging dispatchable electric generating resources;*
- (j) *It is the policy of the Commonwealth to maintain adequate capacity of available, reliable, dispatchable, and resilient electric generation to provide for the existing and reasonably projected future energy consumption needs of all wholesale, retail, and other consumers of electricity in the Commonwealth;*
- (k) *Further retirement of fossil fuel-fired electric generating resources is not necessary for the protection of the environment or the health, safety, and welfare of the citizens of the Commonwealth;*
- (l) *The health, happiness, safety, economic opportunity, and general welfare of the citizens of the Commonwealth will be promoted and protected by the operation of fossil fuel-fired electric generating resources and, conversely, those interests would be harmed by the premature retirement of those generating resources;*
- (m) *The Commonwealth can support a multitude of potential electric generating resources and energy fuel supply sources so as to be the national leader in the production of energy in all forms;*
- (n) *Local economic development is essential to the health, happiness, safety, and general welfare of the citizens of the Commonwealth;*
- (o) *Local economic development requires an adequate supply of electricity to support new and expanding industries and is enhanced by robust employment in coal mining and coal transportation and at electric generating facilities, the local job multiplier effect of employment in the coal, natural*

gas, and electric generating industries, and state and local taxes and other forms of economic value creation for the Commonwealth; and

- (p) *The numerous energy policy challenges facing the Commonwealth require a comprehensive energy policy informed by the input, judgment, experience, and expertise of diverse stakeholders representing a variety of interests and energy resources, including but not limited to coal, oil, natural gas, wind, solar, hydropower, nuclear, and any future or emerging resources to achieve the best results for the citizens of the Commonwealth.*
- (2) *For the purposes of this section:*
- (a) *"Commission" means the Energy Planning and Inventory Commission established in this section;*
- (b) *"Dispatchable" means a source of electric power generation that is available on demand, that is not intermittent, and that can be adjusted to increase or decrease its power output upon request of a power grid operator or otherwise upon demand or request, or that can have its power output adjusted in response to market or system needs;*
- (c) *"Generation and transmission cooperative" has the same meaning as in KRS 278.010;*
- (d) *"Intermittent" means:*
1. *A source of electric power generation from a solar photovoltaic, solar thermal heating, concentrating solar thermal collector, or other solar energy collection or generation system;*
 2. *A source of electric power that generates energy by harnessing wind power or energy, whether through a turbine or other device;*
 3. *Geothermal energy, biomass energy, anaerobic digestion, or combined heat and power from solar, wind, geothermal, or anaerobic digestion sources;*
 4. *Any short duration energy storage, which includes any method of storing generated electricity for later dispatch to the grid, whether alone or in conjunction with any other intermittent sources described in this paragraph, that is equivalent to less than forty-eight (48) hours of the average peak generation of the unit it is used to offset; or*
 5. *Conventional hydropower and pumped storage hydropower, unless they are capable of providing energy on demand, in which case they shall be deemed to be dispatchable;*
- (e) *"Public Service Commission" means the Kentucky Public Service Commission established under KRS Chapter 278, or any successor entity having the power to regulate rates and services of public utilities pursuant to the powers enumerated in KRS Chapter 278; and*
- (f) *"Utility" has the same meaning as in KRS 278.010.*
- (3) *The Energy Planning and Inventory Commission is hereby established and administratively attached to the University of Kentucky Center for Applied Energy Research, but it shall otherwise be independent from the University of Kentucky and any Kentucky executive branch agency. The affairs of the commission shall be governed exclusively by the provisions of this section. The exercise of the commission's powers conferred by this section and the carrying out of its purposes and duties are essential governmental functions and are conducted for public purposes.*
- (4) (a) *The commission shall be composed of an eighteen (18) member board and a five (5) member executive committee. Except for the state government officials and the ex officio nonvoting commission board members appointed by the President of the Senate and the Speaker of the House of Representatives, each member of the commission board shall be appointed by the Governor and confirmed by the Senate as set forth in this subsection. The commission board shall be composed of the following members:*
1. *One (1) representative of a Kentucky investor-owned utility;*
 2. *One (1) representative of a Kentucky generation and transmission cooperative, nominated by the chief operating officer of the Kentucky Association of Electric Cooperatives;*
 3. *One (1) representative of Kentucky coal producers, nominated by the president of the Kentucky Coal Association;*

4. *One (1) representative of Kentucky oil and gas producers, nominated by the executive director of the Kentucky Oil and Gas Association;*
 5. *One (1) representative of an industry or business engaged in the transportation of coal;*
 6. *One (1) representative of a business engaged in the transportation or distribution of natural gas, nominated by the president of the Kentucky Gas Association;*
 7. *One (1) representative with professional experience in the purchasing or sale of fossil fuels, nominated by the president of the Kentucky Coal Association;*
 8. *One (1) member representing the nuclear electric generation industry, nominated by the executive director of the United States Nuclear Industry Council;*
 9. *One (1) member representing the interests of businesses or entities engaged in activities related to the mining, milling, conversion, enrichment, or fabrication of nuclear fuel or involved in the remediation of past enrichment of nuclear fuels in the Commonwealth;*
 10. *One (1) member representing commercial and industrial consumers of electrical power, nominated by Kentucky Industrial Utility Customers;*
 11. *One (1) member representing Kentucky economic interests, nominated by the chief executive officer of the Kentucky Chamber of Commerce;*
 12. *One (1) member representing producers of renewable electricity;*
 13. *One (1) member with experience in investment banking or utility finance, nominated by the president of the Kentucky Banker's Association;*
 14. *One (1) member representing residential electricity consumers;*
 15. *One (1) member of the House of Representatives, who shall be an ex officio nonvoting member, nominated by the Speaker of the House of Representatives;*
 16. *One (1) member of the Senate, who shall be an ex officio nonvoting member, nominated by the President of the Senate;*
 17. *The secretary of the Energy and Environment Cabinet, or designee; and*
 18. *The secretary of the Cabinet for Economic Development, or designee.*
- (b) *The executive committee of the board shall include the following five (5) members:*
1. *The director of the University of Kentucky Center of Applied Energy Research;*
 2. *One (1) member appointed by the Governor who has the same level of education, training, and professional experience as would be required to serve in the role of chief executive officer or board member of a company engaged in the production of coal;*
 3. *One (1) member appointed by the Governor who has the same level of education, training, and professional experience as would be required to serve in the role of chief executive officer or board member of an investor-owned, cooperative, or municipal electric utility; and*
 4. *Two (2) members elected by the commission board from the commission board membership. Any vacancy in an executive committee position under this subparagraph shall be filled in the same manner as the original election.*
- (c) *Any appointment made by the Governor to the commission board or the executive committee shall be subject to confirmation by the Senate. If a pending appointment to the board or executive committee requiring confirmation is not confirmed by the Senate upon the conclusion of the legislative session during or before which the appointment was made, then the member's position on the board or executive committee shall become vacant, either upon sine die adjournment of the legislative session or the date that the Senate votes to decline to confirm appointment, and the Governor shall appoint a different replacement.*
- (d) *After the expiration of their initial terms, members who are not members of the legislative or executive branch shall serve for terms of four (4) years and until a successor is appointed and confirmed by the Senate. Legislative members shall serve during the terms of their elected positions in the General Assembly, and executive branch members shall serve during the appointed terms of*

their state government positions. In the event of a vacancy prior to the expiration of a term for member appointed by the Governor, the Governor shall appoint a replacement in the same manner as the original appointment, and the appointment shall be subject to the same Senate confirmation process. Members appointed by the Governor shall not be full-time employees of the Commonwealth as defined in KRS 18A.005, and shall not be compensated for their service on the board, but they shall be subject to the requirements of the executive branch code of ethics established under KRS Chapter 11A.

- (e) *A majority of the commission board may select one (1) member of the commission board to serve as chair of the commission board and one (1) member of the commission board to serve as vice chair of the commission board.*
 - (f) *The executive committee may adopt rules of procedure or bylaws governing the conduct of the commission's business.*
 - (g) *Other than being a customer of retail electric service, no member of the executive committee shall have any current employment, contractual, or other direct financial relationship with any utility at the time of their appointment or during their service on the executive committee.*
 - (h) *No person shall serve as a member of the commission board or executive committee if the service would cause a conflict with, or result in the disclosure of confidential information relating to, any research projects performed by or in partnership with the University of Kentucky Center for Applied Energy Research.*
 - (i) *If the review of a notice given under subsection (7) of this section would result in the disclosure of confidential information to an executive committee member that is prohibited under subsection (7)(c)3. of this section, the executive committee member shall recuse himself or herself, and the remaining executive committee members shall name a replacement from the membership of the commission board solely for the purpose of reviewing the notice that caused the recusal.*
 - (j) *A majority of the executive committee shall constitute a quorum, and the affirmative vote of the majority of the members present during a meeting is necessary for any action taken by vote of the executive committee.*
 - (k) *The Governor shall not have reorganization power over the commission, the structure of the commission, its board, the executive committee, or the hiring, compensation, or termination of its executive director. Only the General Assembly may reorganize or restructure the commission or the commission board by legislative act.*
- (5) *The commission may employ an executive director who shall be selected and hired by the executive committee, subject to confirmation by the Senate. If a pending selection for an executive director is not confirmed by the Senate upon the conclusion of the legislative session during or before which the selection was made, then the executive director's position shall become vacant, either upon sine die adjournment of the legislative session or the date that the Senate votes to decline to confirm appointment, and the executive committee shall select a different replacement. Until an executive director is selected and hired, or in the event of a vacancy in the role of executive director, the director of the University of Kentucky Center for Applied Energy Research shall serve in the role of executive director of the commission.*
- (6) *The commission shall be authorized to:*
- (a) *Take all necessary measures to effectuate the public purposes described in subsection (1) of this section;*
 - (b) *Assist in fulfilling the executive committee's mandatory duties regarding review of planned retirement decisions described in subsection (7) of this section;*
 - (c) *Engage in the examination and study of:*
 - 1. *The adequacy of the Commonwealth's existing and anticipated future electric generation and transmission resources and the existing and anticipated future electric demand;*
 - 2. *The continued operation, retirement, divestiture, or other major action impacting any electric power generating unit, or any pollution control equipment associated with any such unit, located in the Commonwealth;*

3. *Issues concerning the adequacy of the Commonwealth's energy supply, including but not limited to the economic impact of energy production and consumption in the Commonwealth, the Kentucky energy grid's response to severe weather events, projected power demand and growth in demand, land use impacts from power generation, local economic impacts resulting from the closure of electric generating resources, and whether alternatives to decommissioning electric generating resources exist;*
 4. *The effect of any federal policy which may impact the availability of dispatchable power or the adequacy of energy supplies in the Commonwealth;*
 5. *The Commonwealth's ability to participate in energy markets or in the production, transmission, or distribution of energy;*
 6. *The Commonwealth's ability to finance or provide financing assistance to energy producers to encourage additional energy production in the Commonwealth;*
 7. *New and emerging electric generating technologies that could supply future electric demand in the Commonwealth; and*
 8. *Whether the Commonwealth's energy resources are sufficiently dispatchable to ensure against loss of electrical power supply in the event of extreme weather or other unexpected or catastrophic events that may challenge the ability of the Commonwealth's electrical grid to meet demand; and*
- (d) *On or before December 1, 2024, and each December 1 thereafter, submit a report with recommendations, including but not limited to recommendations for statutory changes or budgetary proposals, to the Legislative Research Commission, the Governor, and the Public Service Commission concerning any of the issues examined or studied by the commission pursuant to paragraph (c) of this subsection.*
- (7) (a) *Notwithstanding any provision of law to the contrary, no utility shall retire any existing coal, oil, or natural gas-fired electric generating plant, or any unit within the plant, prior to submitting notice to the commission and receiving the findings from the executive committee, as described in this subsection.*
- (b) *A utility proposing to retire any existing coal, oil, or natural gas-fired power plant, or unit within such plant, shall give notice to the commission's executive committee, in the form and manner as the executive committee may require, at least one hundred eighty (180) days prior to submitting the retirement application to the Public Service Commission required by subsection (1) of Section 4 of this Act. The utility may include with its notice any information the utility believes will assist in the executive committee's review of the proposed activity.*
- (c) 1. *The executive committee or executive director may require a utility filing notice under this subsection to provide any information, records, or data that the executive committee or executive director deems reasonably necessary to make its findings under this subsection, and the utility shall respond to all such requests within a reasonable timeframe as established by the executive committee or executive director.*
2. *A utility responding to an information request may designate information, records, or data provided in the response as confidential business information, and the information, records, or data shall be exempt from disclosure under the requirements of KRS 61.870 to 61.884.*
3. *A utility responding to an information request may indicate in its response that the information, records, or data provided should not be shared with specific members of the commission board or executive committee to avoid an unfair competitive or market advantage, in which case the confidential information, records, or data shall not be shared with or made available to that member or members.*
- (d) *Other than being a customer of retail electric service, any member of the commission board who has an employment or contractual relationship with the utility filing the notice required by this subsection shall have no contact with the executive director or any member of the executive committee concerning the proposed activities described in the notice.*

- (e) *Within ninety (90) days of its receipt of the notice required by this section, the commission shall hold a public hearing in the county in which the retirement is proposed to occur in order to receive public comments on the proposed activity.*
- (f) *Within one hundred thirty-five (135) days of receiving a utility's notice of a proposed retirement, but following the public hearing described in paragraph (e) of this subsection, the executive committee shall issue a final report containing written findings and recommendations concerning the proposed retirement. The executive committee's written findings and recommendations shall include:*
 - 1. *The impact of the proposed activity on the available supply of dispatchable and reliable power within the Commonwealth, including the ability of the Commonwealth to meet future demand growth or respond to extreme weather events;*
 - 2. *Whether alternatives to the proposed activity exist, and whether those alternatives should be further evaluated prior to proceeding with the proposed activity;*
 - 3. *Whether the replacement of the generating unit or units subject to the proposed activity with other generating resources will result in any adverse land use impacts in the Commonwealth;*
 - 4. *Whether the proposed activity will result in loss of revenue to the Commonwealth or any local government unit;*
 - 5. *The positive or negative economic impact of the proposed activity on the local economy of the area in which the proposed activity will take place;*
 - 6. *The economic impact of the proposed activity on the Commonwealth as a whole; and*
 - 7. *The impact of the proposed activity on the Commonwealth's ability to increase the available supply of electrical power for current or future economic development purposes.*
- (g) *The findings of the executive committee that are approved by a majority of the members of the executive committee shall be designated as findings of the commission and shall be submitted to the Public Service Commission. If no majority decision of the executive committee is reached with respect to the findings, the report shall so indicate, and each member of the executive committee may make a written statement of position concerning the proposed activity by the deadline provided for in the report. Each written statement shall be included in the report and transmitted along with the report to the Public Service Commission. Any executive committee member dissenting from the report, any portion of the report, or any specific findings in the report may, within one hundred eighty (180) days of the utility filing notice of the proposed activity, transmit separate dissenting findings to the Public Service Commission.*
- (h) *The executive committee's written report, and any dissenting statements provided to the Public Service Commission, shall be included in any retirement application made to the Public Service Commission under Section 4 of this Act, and the Public Service Commission shall not approve any retirement application without considering all information received from the executive committee or any member of the executive committee. Any order of the Public Service Commission in a proceeding under Section 4 of this Act shall contain specific written findings of fact or conclusions of law addressing whether the executive committee's findings and recommendations were considered by the Public Service Commission.*
- (i) *No retirement application to the Public Service Commission under Section 4 of this Act shall be deemed administratively complete unless it includes either the executive committee's report submitted pursuant to this section or evidence that more than one hundred eighty (180) days have passed since notice was submitted to the commission as required in paragraph (b) of this subsection and no executive committee report or determination has been provided to the utility.*
- (8) *Notwithstanding any provision of law to the contrary, the executive committee, or the executive director if authorized by the executive committee, shall have standing to participate as an intervening party in any case or other proceeding before the Public Service Commission.*
- (9) *Subject to available funding, the executive committee may employ administrative staff or third-party consultants with expertise in the subject matter of any study, examination, or review undertaken by the commission to assist in carrying out the commission's functions under this section.*
- (10) *The Commission shall cease to exist on December 31, 2035.*

➔SECTION 2. A NEW SECTION OF KRS 278.010 TO 278.450 IS CREATED TO READ AS FOLLOWS:

- (1) *Except as otherwise provided in KRS 278.010 to KRS 278.450, if the commission fails to issue a final order on any application submitted to it by a utility pursuant to KRS 278.018, 278.020, 278.216, 278.218, 278.271, and 278.300 within eight (8) months of the acceptance of the filing of the application, then the application shall be deemed approved by the commission and the relief requested shall be deemed to be granted.*
- (2) *The commission shall complete and issue a final order on all eight (8) month and two (2) year reviews of the operation of a utility's environmental surcharge and fuel adjustment clause within eight (8) months of commencing the review.*

➔Section 3. KRS 278.110 is amended to read as follows:

- (1) The commission acting through the executive director may employ such clerks, stenographers, rate experts, agents, special agents, engineers, accountants, auditors, inspectors, lawyers, hearing examiners, experts and other classified service employees and the commission may contract for services of persons in a professional or scientific capacity to make or conduct a hearing or a temporary or special inquiry, investigation or examination as it deems necessary to carry out the provisions of this chapter, or to perform the duties and exercise the powers conferred by law upon the commission.
- (2)
 - (a) *When the commission contracts for the services of a person in a professional or scientific capacity to conduct a hearing, temporary special inquiry, investigation, or examination, any nonprivileged final report or recommendation prepared in fulfillment of the contract shall be filed within the record for the case for which the final report or recommendation was prepared at the same time it is provided to the commission.*
 - (b) *A contracted person who has prepared and submitted a final report or recommendation pursuant to this subsection shall be required to respond to any written information requests regarding the final report or recommendation. Additionally, the contracted person shall be available for cross-examination as a witness in the case for which the final report or recommendation was prepared and filed at any public hearing held by the commission pursuant to the rules it has adopted.*

➔Section 4. KRS 278.264 is amended to read as follows:

- (1) Notwithstanding any provision of law to the contrary, the commission shall have the authority to approve or deny the retirement of an electric generating unit owned by a utility. Prior to retiring an electric generating unit, a utility shall apply to the commission for an order approving the retirement, and shall give the commission thirty (30) days' notice of the application. *The application shall include a statement certifying the applicant's compliance with the requirements of Section 1 of this Act.* The commission shall enter an order approving, approving with conditions, or denying the application within one hundred eighty (180) days of receiving an administratively complete application.
- (2) There shall be a rebuttable presumption against the retirement of a fossil fuel-fired electric generating unit. The commission shall not approve the retirement of an electric generating unit, authorize a surcharge for the decommissioning of the unit, or take any other action which authorizes or allows for the recovery of costs for the retirement of an electric generating unit, including any stranded asset recovery, unless the presumption created by this section is rebutted by evidence sufficient for the commission to find that:
 - (a) The utility will replace the retired electric generating unit with new electric generating capacity that:
 1. Is dispatchable by either the utility or the regional transmission organization or independent system operator responsible for balancing load within the utility's service area;
 2. Maintains or improves the reliability and resilience of the electric transmission grid;~~and~~
 3. Maintains the minimum reserve capacity requirement established by the utility's reliability coordinator; *and*
 4. *Has the same or higher capacity value and net capability, unless the utility can demonstrate that such capacity value and net capability is not necessary to provide reliable service;*
 - (b) The retirement will not harm the utility's ratepayers by causing the utility to incur any net incremental costs to be recovered from ratepayers that could be avoided by continuing to operate the electric generating unit proposed for retirement in compliance with applicable law;~~and~~
 - (c) The decision to retire the fossil fuel-fired electric generating unit is not the result of any financial incentives or benefits offered by any federal agency; *and*

- (d) *The utility shall not commence retirement or decommissioning of the electric generating unit until the replacement generating capacity meeting the requirements of paragraph (a) of this subsection is fully constructed, permitted, and in operation, unless the utility can demonstrate that it is necessary under the circumstances to commence retirement or decommissioning of the existing unit earlier.*
- (3) The utility shall at a minimum provide the commission with evidence of all known direct and indirect costs of retiring the electric generating unit and demonstrate that cost savings will result to customers as a result of the retirement of the electric generating unit.
- (4) The commission shall prepare and submit an annual report to the Legislative Research Commission by December 1 of each year detailing:
- (a) The number of requests by utilities to retire electric generating units in the Commonwealth, the nameplate capacity of each of those units, and whether the request was approved or denied by the commission;
 - (b) The impact of any commission-approved retirement of an electric generating unit on the:
 1. Commonwealth's generation fuel mix;
 2. Required capacity reserve margins for the utility;
 3. Need for capacity additions or expansions at new or existing facilities as a result of the retirement; and
 4. Need for additional purchase power or capacity reserve arrangements; and
 - (c) Whether the retirement resulted in stranded costs for the ratepayer that will be recovered by the utility through a surcharge or some other separate charge on the customer bill.
- (5) *As used in this section:*
- (a) *"Dispatchable" means a source of electric power generation that is available on demand, that is not intermittent, and that can be adjusted to increase or decrease its power output upon request of a power grid operator or otherwise upon demand or request, or that can have its power output adjusted in response to market or system needs; and*
 - (b) *"Intermittent" means:*
 1. *A source of electric power generation from a solar photovoltaic, solar thermal heating, concentrating solar thermal collector, or other solar energy collection or generation system;*
 2. *A source of electric power that generates energy by harnessing wind power or energy, whether through a turbine or other device;*
 3. *Geothermal energy, biomass energy, anaerobic digestion, or combined heat and power from solar, wind, geothermal, or anaerobic digestion sources;*
 4. *Any short duration energy storage, which includes any method of storing generated electricity for later dispatch to the grid, whether alone or in conjunction with any other intermittent sources described in this paragraph, that is equivalent to less than forty-eight (48) hours of the average peak generation of the unit it is used to offset; or*
 5. *Conventional hydropower and pumped storage hydropower, unless they are capable of providing energy on demand, in which case they shall be deemed to be dispatchable.*

➔Section 5. All initial appointments to the Energy Planning and Inventory Commission board and executive committee shall be made on or before July 1, 2024. The initial terms of appointments made by the Governor who are not executive branch officials shall be staggered as follows: seven members shall serve until the July 1, 2025, seven members shall serve until July 1, 2026, and the two gubernatorial appointments to the executive committee shall serve until July 1, 2027.

➔Section 6. Whereas the continued unabated retirement of needed generating resources threatens to harm employment, tax revenue, and utility rates, and is creating a crisis with respect to the Commonwealth's ability to meet current and projected future energy demands, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Veto Overridden April 12, 2024.

CHAPTER 173**(HB 1)**

AN ACT relating to government agencies, making an appropriation therefor, and declaring an emergency.

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

➔Section 1. Notwithstanding KRS 141.020(2)(a)2., the appropriations contained in this section are supported solely by funds from the Budget Reserve Trust Fund Account established by KRS 48.705 and shall not be identified as GF appropriations when certifying the reduction conditions pursuant to KRS 141.020(2)(a)5. and (d)2. to 5.

There is hereby appropriated General Fund moneys in the amount of \$203,500,000 in fiscal year 2023-2024, \$1,517,150,400 in fiscal year 2024-2025, and \$1,018,952,900 in fiscal year 2025-2026 from the Budget Reserve Trust Fund Account established by KRS 48.705 to support the following one-time appropriations:

(1) \$100,000 in each fiscal year to the Department of Military Affairs budget unit to be distributed to the Kentucky Air National Guard to provide care for the special tactics squadron canines;

(2) \$1,000,000 in fiscal year 2024-2025 to the Department of Veterans' Affairs budget unit to be distributed to Kentucky Valor to support services to veterans;

(3) \$750,000 in each fiscal year to the Department of Veterans' Affairs budget unit to be distributed to HBOT for Kentucky Vets to support hyperbaric oxygen treatment services to veterans;

(4) \$75,000,000 in each fiscal year to the Kentucky Infrastructure Authority budget unit to support the Kentucky WWATERS program or the Emergency Kentucky Water or Wastewater Assistance for Troubled or Economically Restrained Systems Fund;

(5) \$5,000,000 in each fiscal year to the Kentucky Infrastructure Authority budget unit to be distributed to the Crittenden-Livingston County Water District to support expansion of capacities to support regional needs;

(6) \$13,000,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the City of Guthrie to support construction of a wastewater treatment center;

(7) \$2,500,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the City of Adairville to support construction of a wastewater treatment center;

(8) \$3,900,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the City of Lewisburg to support construction of a wastewater treatment processing center and water lines;

(9) \$1,000,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the Edmonson County Water District to support the installation of a water line and booster pumping station;

(10) \$3,500,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the Edmonson County Water District to support operations and federal matching dollars if federal funds become available;

(11) \$2,500,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the Allen County Water District to support water mains that will loop into the Highway 101 service area;

(12) \$2,800,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the Franklin County Fiscal Court to support the Forks of Elkhorn sanitary sewer extension;

(13) \$18,000,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the Gateway Area Development District to support a regional water project;

(14) \$1,000,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the City of Albany to support reduction and water loss;

- (15) \$1,933,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the City of Booneville to support the Booneville Water Line Replacement Phase 3 project;
- (16) \$681,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the Martin County Water and Sanitation District to support the purchase and installation of a water tank;
- (17) \$2,000,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the Martin County Water and Sanitation District to support the purchase and installation of water meters;
- (18) \$2,600,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the City of Evarts to support a new water storage tank, clear well, and water line replacement;
- (19) \$3,000,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the City of Jenkins to extend water and sewer infrastructure to the Raven Rock Resort;
- (20) \$5,000,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the City of Beattyville for water and sewer expansion near the Red River Gorge;
- (21) \$5,000,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the City of Campton for water and sewer expansion near the Red River Gorge;
- (22) \$2,000,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the City of Stanton for water and sewer expansion near the Red River Gorge;
- (23) \$1,000,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the City of Powell Valley for water and sewer expansion near the Red River Gorge;
- (24) \$2,000,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the City of Beach Fork for water and sewer expansion near the Red River Gorge;
- (25) \$1,000,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to Booneville Water and Sewer District for a water telemetry system;
- (26) \$2,500,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to Jackson County Water Association for expansion of water lines;
- (27) \$5,000,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the Jackson County Water Association for extension of a 10-inch water line along KY Highway 30;
- (28) \$3,000,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the City of Williamsburg for water and wastewater extensions to the Kentucky Splash Campground and surrounding areas;
- (29) \$3,500,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the Corbin Utilities Commission for sewer line extensions;
- (30) \$1,400,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the Corbin Utilities Commission for KY-1232 sewer extension;
- (31) \$1,100,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the Knox County Fiscal Court for replacement of the Stinking Creek water tank;
- (32) \$650,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the Knox County Fiscal Court for rehabilitation of the water tank at the Tri-County Industrial Park;
- (33) \$800,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the City of Barbourville for replacement of the Canon Water Tank;
- (34) \$2,000,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the City of Manchester for emergency repair of the water intake;
- (35) \$8,500,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the Woodford County Fiscal Court to support a wastewater project in conjunction with the Frankfort Plant Board;
- (36) \$1,500,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the City of Springfield to expand the Springfield Wastewater Treatment Plant;

(37) \$10,050,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the Spencer County Fiscal Court to update the wastewater treatment facility in conjunction with the Spencer County Sanitation District;

(38) \$25,618,500 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the City of Maysville to support the Maysville Long-Term Control Plan;

(39) \$15,000,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the City of Guthrie to support the Guthrie Wastewater Treatment Plant;

(40) \$5,000,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the Sanitation District 1 of Northern Kentucky to support consent decree remediation;

(41) \$500,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the City of Taylor Mill to study sewer expansion on Locust Pike;

(42) \$2,500,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the City of Adairville to construct a wastewater treatment center;

(43) \$3,900,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the City of Lewisburg to construct water lines and a wastewater treatment center;

(44) \$7,000,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the City of Georgetown for various wastewater infrastructure projects for Georgetown Municipal Water and Sewer Service;

(45) \$50,000,000 in each fiscal year to the Department for Local Government budget unit to be distributed to Louisville Metro Government for the revitalization of downtown Louisville to include these projects:

- (a) The Belvedere;
- (b) Community Care Campus;
- (c) LOUMED Campus;
- (d) Louisville Gardens;
- (e) Downtown Vacant Lot Revitalization; and
- (f) Butchertown Sports District;

(46) \$10,300,000 in fiscal year 2024-2025 and \$1,700,000 in fiscal year 2025-2026 to the Department for Local Government budget unit to be distributed to the Pikeville Medical Center for the upgrades of the facilities to include these projects:

- (a) Expansion of the psychiatric and mental health ward;
- (b) Renovation of the intensive care unit;
- (c) Renovation of the obstetrics/labor/delivery ward; and
- (d) Renovation of the obstetrics operating room;

(47) \$10,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Lexington-Fayette Urban County Government to support Lexington's Transformational Housing Affordability Partnership;

(48) \$12,500,000 in each fiscal year to the Department for Local Government budget unit to be distributed to the City of Ashland to construct a new conference center complex;

(49) \$6,000,000 in each fiscal year to the Department for Local Government budget unit to be distributed to Appalachian Regional Healthcare to construct a cancer treatment center in the City of Middlesboro;

(50) \$10,000,000 in fiscal year 2024-2025 and \$115,000,000 in fiscal year 2025-2026 to the Department for Local Government budget unit to be distributed to the Kenton County Fiscal Court and deployed through the Northern Kentucky Port Authority to plan, design, and construct a Commonwealth Center for Biomedical Excellence in the City of Covington in partnership with Northern Kentucky University and the University of Kentucky;

(51) \$500,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Hickman County Fiscal Court to support upgrades and enhancements to the park;

(52) \$2,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the City of Paducah to support the Build Ready Grant for the City of Paducah Infrastructure project;

(53) \$500,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Kevil Rural Fire Department to support upgrades and enhancements for the Kevil Fire Station;

(54) \$725,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Carlisle County Fiscal Court to support upgrades and enhancements to the park;

(55) \$1,000,000 in fiscal year 2024-2025 and \$750,000 in fiscal year 2025-2026 to the Department for Local Government budget unit to be distributed to the Cayce Fire Department to support facility upgrades and enhancements;

(56) \$500,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the City of Mayfield to support the demolition and removal of the Hall's Hotel;

(57) \$2,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Kuttawa Fire Department to support enhancements to the station;

(58) \$1,700,000 in fiscal year 2025-2026 to the Department for Local Government budget unit to be distributed to the Marshall County Fiscal Court to install a package wastewater treatment plant at the Aurora Wastewater Treatment Plant;

(59) \$1,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Caldwell County Fiscal Court to support a roof repair at the Caldwell County Courthouse;

(60) \$330,000 in fiscal year 2025-2026 to the Department for Local Government budget unit to be distributed to the YMCA of Owensboro to support ongoing operations and additional programming;

(61) \$500,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Family Wellness Center - Ohio County to support a new pool filtration system;

(62) \$3,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Logan County Fiscal Court to support upgrades and equipment for county and city parks;

(63) \$1,750,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Todd County Fiscal Court to support upgrades and equipment for county and city parks and the high school technology center;

(64) \$500,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the City of Crofton to support upgrades and equipment for the city park;

(65) \$250,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Core of Scottsville and Allen County, Inc. to support the construction of a community center;

(66) \$2,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the T.J. Samson Community Hospital to support the build out of the third floor pavilion;

(67) \$4,300,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Louisville Orchestra to support ongoing operations and programming;

(68) \$400,000 in fiscal year 2025-2026 to the Department for Local Government budget unit to be distributed to the Kentucky Science Center to support ongoing operations and program enhancements;

(69) \$5,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the National Society of the Sons of the American Revolution to support the education center and museum;

(70) \$2,500,000 in each fiscal year to the Department for Local Government budget unit to be distributed to the Kentucky College of Arts and Design to support ongoing operations and programming;

(71) \$4,550,000 in each fiscal year to the Department for Local Government budget unit to be distributed to the City of Campbellsville to support raw and finished water transmission upgrades;

(72) \$4,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the City of Monticello to support economic development initiatives;

(73) \$4,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Bluegrass Land Conservancy to provide the match for a federal grant;

(74) \$2,500,000 in each fiscal year to the Department for Local Government budget unit to be distributed to the City of Fort Thomas to support the Tower Park Community Complex project;

(75) \$1,000,000 in fiscal year 2025-2026 to the Department for Local Government budget unit to be distributed to the City of Berea to support the Kenway Street expansion;

(76) \$2,367,000 in fiscal year 2024-2025 and \$2,300,000 in fiscal year 2025-2026 to the Department for Local Government budget unit to be distributed to the Rockcastle County Fiscal Court to support a recreational complex;

(77) \$3,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Bourbon County Fiscal Court to support the development of a community park;

(78) \$1,500,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the City of Paris to support the transfer station relocation;

(79) \$3,000,000 in fiscal year 2025-2026 to the Department for Local Government budget unit to be distributed to the Clark County Fiscal Court to support a water project;

(80) \$1,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Nicholas County Fiscal Court to support the purchase and installation of an industrial fire pumper;

(81) \$300,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to Compose Arts to support Thy Will Be Done Productions statewide;

(82) \$3,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Russell County Fiscal Court to support the Russell County Library Community Development Center project;

(83) \$1,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Owsley County Fiscal Court to support the Sturgeon Creek Bridge project;

(84) \$2,400,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Knox County Fiscal Court to support the Knox County Sports Complex project;

(85) \$1,000,000 in each fiscal year to the Department for Local Government budget unit to be distributed to the City of Pineville to support construction, renovation, and water expansion of the Pineville Courthouse Square;

(86) \$4,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Jackson County Fiscal Court to support the Jackson County Park development project;

(87) \$3,400,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Leslie County Fiscal Court to support a gas line project;

(88) \$3,500,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Knott County Fiscal Court to support a water project;

(89) \$3,800,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Harlan County Fiscal Court to support the Harlan County Wellness and Recreation Center;

(90) \$500,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Greenup County Fiscal Court to support the purchase of ambulances and the renovation of the Emergency Management Services headquarters and training facility;

(91) \$10,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Russell County Fiscal Court to support a hospital expansion;

(92) \$3,500,000 in each fiscal year to the Department for Local Government budget unit to be distributed to the Louisville Metro Government for Louisville Parks and Recreation to support the Shawnee Outdoor Learning Center;

(93) \$500,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to Mercy Chefs, Inc. to support expansion of services in Kentucky;

(94) \$135,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the City of McDaniels for a community ballpark project;

(95) \$850,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the City of Perryville for the restoration of the Dye House on the grounds of the Perryville Battlefield;

- (96) \$11,500,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Mercer County Fiscal Court for the Wilkinson Farm Mega Site;
- (97) \$1,100,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Owensboro Museum of Science and History for building infrastructure;
- (98) \$500,000 in each fiscal year to the Department for Local Government budget unit to be distributed to Partners for Rural Impact to secure federal grant funding;
- (99) \$50,000 in each fiscal year to the Department for Local Government budget unit to be distributed to Ballard County Fiscal Court to support the Ballard-Carlisle County Public Library;
- (100) \$1,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Lincoln County Fiscal Court for the Lincoln Civic Center project;
- (101) \$1,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Hardin County Fiscal Court for the Elizabethtown Parks and Trails Conservancy;
- (102) \$3,500,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Menifee County Fiscal Court for new athletic fields at the Menifee County Community Park;
- (103) \$2,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Bath County Fiscal Court for youth baseball fields;
- (104) \$500,000 in each fiscal year to the Department for Local Government budget unit to be distributed to the Harlan County Fiscal Court for Backroads of Appalachia;
- (105) \$1,500,000 in each fiscal year to the Department for Local Government budget unit to be distributed to the Pulaski County Fiscal Court for the Connect Community Village;
- (106) \$8,000,000 in fiscal year 2024-2025 and \$500,000 in fiscal year 2025-2026 to the Department for Local Government budget unit to be distributed to the Lake Cumberland Area Development District for a regional training center;
- (107) \$150,000 in fiscal year 2024-2025 and \$350,000 in fiscal year 2025-2026 to the Department for Local Government budget unit to be distributed to the Taylor County Fiscal Court for rural economic development initiatives in conjunction with Campbellsville University;
- (108) \$1,265,500 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Washington County Fiscal Court for natural gas infrastructure upgrades;
- (109) \$1,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the City of Murray to purchase a firetruck;
- (110) \$6,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Kenton County Fiscal Court for SparkHaus;
- (111) \$5,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Kenton County Fiscal Court for Brownfield site readiness;
- (112) \$60,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Breckenridge County Fiscal Court for the Joseph Holt Home;
- (113) \$100,000 in fiscal year 2024-2025 and \$259,000 in fiscal year 2025-2026 to the Department for Local Government budget unit to be distributed to the Webster County Fiscal Court for the Webster County Park Welcome Center;
- (114) \$150,000 in each fiscal year to the Department for Local Government budget unit to be distributed to the Henderson County Fiscal Court for the Harbor House;
- (115) \$3,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to Goodwill Industries of Kentucky for the West Louisville Opportunity Center;
- (116) \$2,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Leslie County Fiscal Court for the Leeco Park Project;
- (117) \$460,000 in each fiscal year to the Department for Local Government budget unit to be distributed to Challenger Learning Center of Kentucky for STEM educational resources;

(118) \$1,272,500 in fiscal year 2024-2025 and \$600,000 in fiscal year 2025-2026 to the Department for Local Government budget unit to be distributed to the City of Beattyville for the Radio Read Meter Replacement Project;

(119) \$5,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the McCreary County Heritage Foundation for the Stearns Revitalization Project;

(120) \$1,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Laurel County Fiscal Court for regional fair grounds;

(121) \$150,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Kentucky Music Hall of Fame for facility upgrades;

(122) \$100,000 in each fiscal year to the Department for Local Government budget unit to be distributed to the Fayette County Fiscal Court to support The Nest in Lexington;

(123) \$125,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Harlan County Fiscal Court to support construction of the KY 160 Black Mountain Roadside Overlook;

(124) \$945,000 in fiscal year 2024-2025 and \$925,000 in fiscal year 2025-2026 to the Department for Local Government budget unit to be distributed to the Letcher County Fiscal Court to support the Fleming-Neon Rising initiative;

(125) \$3,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Letcher County Fiscal Court to support the renovation of the City of Whitesburg's historic Daniel Boone Hotel;

(126) \$1,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Johnson County Fiscal Court to support the operations of the eKentucky Advanced Manufacturing Institute;

(127) \$2,950,000 in each fiscal year to the Department for Local Government budget unit to be distributed to the Taylor County Fiscal Court to support the Taylor County Community Development Project;

(128) \$1,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Adair County Fiscal Court to support the revitalization of the Historic Adair County Courthouse;

(129) \$250,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Allen County Fiscal Court to support construction of a Community Center with the Core of Scottsville;

(130) \$1,250,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the City of Booneville for city renovations;

(131) \$1,250,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Owsley County Fiscal Court for land acquisition;

(132) \$500,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Owsley County Fiscal Court for a homeless initiative;

(133) \$1,500,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the City of Williamsburg for the RV campground and water park;

(134) \$3,500,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the City of Corbin for a tourism initiative;

(135) \$7,500,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Whitley County Fiscal Court for corrections-related renovations;

(136) \$1,500,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the City of Barbourville for the completion of the City Hall and EMS buildings;

(137) \$8,500,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Knox County Fiscal Court for a new County Administrative Office;

(138) \$1,500,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Knox County Fiscal Court for RV park upgrades;

(139) \$4,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Clay County Fiscal Court for construction of a Multi-Purpose Building;

(140) \$10,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to ICC for various economic development projects;

(141) \$1,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Barren County Fiscal Court for multi-county regional projects;

(142) \$1,500,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Hart County Fiscal Court for various projects;

(143) \$2,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Green County Fiscal Court for employment stabilization and workforce development;

(144) \$2,000,000 in fiscal year 2025-2026 to the Department for Local Government budget unit to be distributed to the Green County Fiscal Court for various projects;

(145) \$301,400 in each fiscal year to the Department for Local Government budget unit to be distributed to the Warren County Fiscal Court for beautification of the I-65 corridor;

(146) \$1,500,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to Save Our Appalachian Region for remote talent attraction;

(147) \$3,500,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the City of Paducah to complete a federally funded Build Grant project;

(148) \$1,250,000 in each fiscal year to the Department for Local Government budget unit to be distributed to the Covington Life Science Center for equipment and facilities;

(149) \$500,000 in each fiscal year to the Department for Local Government budget unit to be distributed to the City of Covington for Covington Partners for violence prevention efforts;

(150) \$1,250,000 in each fiscal year to the Department for Local Government budget unit to be distributed to the Louisville Metro Government for the Jefferson Memorial Forest;

(151) \$3,750,000 in each fiscal year to the Department for Local Government budget unit to be distributed to the Campbell County Fiscal Court for the General James Taylor Park;

(152) \$11,250,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the City of Frankfort to support construction of the Frankfort Convention Center subject to funding the project balance of \$22,500,000;

(153) \$750,000 in each fiscal year to the Department for Local Government budget unit to be distributed to the Louisville Metro Government for the Grand Lyric Theater;

(154) \$10,000 in each fiscal year to the Department for Local Government budget unit to be distributed to the Jessamine County Fiscal Court to support maintenance of the High Bridge Fire House;

(155) \$300,000 in each fiscal year to the Department for Local Government budget unit to be distributed to the Jessamine County Fiscal Court to support infrastructure and utilities for the Enterprise Industrial Park;

(156) \$367,500 in each fiscal year to the Department for Local Government budget unit to be distributed to the Jessamine County Fiscal Court to support various projects at the John Preece Park;

(157) \$11,000,000 in each fiscal year to the Department for Local Government budget unit to be distributed to the Kentucky Cattleman's Association for the construction of the Livestock Innovation Center at the University of Kentucky C. Oran Little Research Farm;

(158) \$2,350,000 in each fiscal year to the Department of Local Government budget unit to be distributed to the City of Pikeville to support various infrastructure projects at Bear Mountain;

(159) \$8,500,000 in fiscal year 2024-2025 to the Department of Local Government budget unit to be distributed to the Southern Kentucky Performing Arts Center to support the addition to the building;

(160) \$200,000,000 in fiscal year 2023-2024 to the Department of Agriculture budget unit to support matching funds under the Government Resources Accelerating Needed Transformation Program. Notwithstanding KRS 147A.158(3)(b), no more than \$2,000,000 in fiscal year 2023-2024 shall be used for administrative expenses. Notwithstanding KRS 45.229, these funds shall not lapse and shall carry forward;

(161) \$100,000 in fiscal year 2024-2025 to the Department of Agriculture budget unit to distribute to the Western Kentucky State Fair to support facilities and operations;

(162) \$25,000,000 in each fiscal year to the Kentucky Public Pensions Authority budget unit to be applied to the unfunded pension liability of the State Police Retirement Systems pension fund. These funds shall only be distributed on a monthly basis and shall not be distributed until the system has certified that the previous month's distribution has been invested;

(163) \$50,000,000 in each fiscal year to the Kentucky Public Pensions Authority budget unit to be applied to the unfunded pension liability of the Kentucky Employees Retirement System Nonhazardous pension fund. These funds shall only be distributed on a monthly basis and shall not be distributed until the system has certified that the previous month's distribution has been invested;

(164) \$40,000,000 in each fiscal year to the Teachers' Retirement System budget unit to be applied to the unfunded actuarially accrued liability of the pension fund. These funds shall only be distributed on a monthly basis and shall not be distributed until the system has certified that the previous month's distribution has been invested;

(165) \$3,550,000 in each fiscal year to the School Facilities Construction Commission budget unit to be distributed to the Butler County School District to support upgrades, renovations, and enhancements to the district's facilities;

(166) \$2,000,000 in fiscal year 2024-2025 to the School Facilities Construction Commission budget unit to be distributed to the Logan County School District to support technology center upgrades and equipment;

(167) \$3,500,000 in each fiscal year to the School Facilities Construction Commission budget unit to be distributed to the Lincoln County School District to support upgrades, renovations, and enhancements to the district's facilities;

(168) \$3,500,000 in each fiscal year to the School Facilities Construction Commission budget unit to be distributed to the Garrard County School District to support upgrades, renovations, and enhancements to the district's facilities;

(169) \$7,000,000 in fiscal year 2024-2025 to the School Facilities Construction Commission budget unit to be distributed to the Christian County School District to support construction of athletic fields at the new high school location;

(170) \$1,000,000 in fiscal year 2024-2025 to the School Facilities Construction Commission budget unit to be distributed to the McCreary County School District for middle school and high school campus road construction;

(171) \$5,000,000 in each fiscal year to the Kentucky Rural Housing Trust Fund established in KRS 198A.744;

(172) \$50,000,000 in each fiscal year to the Economic Development budget unit to support approved mega-development projects of at least \$10,000,000, with an exception for certain economic development projects as recommended by the Cabinet based on unique conditions of the county where the project may occur, including but not limited to the population, per capita income, or county wages that are lower than the median for the state;

(173) \$50,000,000 in fiscal year 2024-2025 to the Economic Development budget unit to support the Kentucky Economic Development Finance Authority Loan Pool. The appropriation contained in this subsection shall be used to provide funding to Hardin and Warren Counties, communities experiencing significant economic development growth due to announced projects with investments exceeding \$2,000,000,000 for supporting critical infrastructure improvements, such as water and sewer requirements, for continued economic development. Assistance may be in the form of a loan with the ability for forgiveness due to meeting negotiated requirements related to increased economic development for the community;

(174) \$35,000,000 in each fiscal year to the Economic Development budget unit to support development projects. These funds shall be allocated in accordance with the Kentucky Product Development Initiative of 2024. The Cabinet for Economic Development may retain \$100,000 of this appropriation for administrative expenses, including \$75,000 to reimburse the Kentucky Association for Economic Development for technical support and evaluation services;

(175) \$35,000,000 in fiscal year 2024-2025 to the Economic Development budget unit to support capital improvements at Kentucky Commercial Airports in the following allocations:

- (a) \$5,000,000 for the Bluegrass Airport;
- (b) \$5,000,000 for the Louisville Muhammad Ali International Airport;

- (c) \$20,000,000 for the Cincinnati/Northern Kentucky International Airport;
- (d) \$2,500,000 for the Barkley Regional Airport; and
- (e) \$2,500,000 for the Owensboro-Daviess County Regional Airport;

(176) \$25,000,000 in fiscal year 2025-2026 to the Economic Development budget unit to be distributed to the Shelby County Fiscal Court to support economic development for an energy development project. The funds shall be contingent on the approval by the 2025 General Assembly;

(177) \$62,000,000 in fiscal year 2024-2025 to the Economic Development budget unit to be distributed to RGL Regional Industrial Development Authority for the purchase of real property. The land shall be used only for purposes approved by the Cabinet for Economic Development and the Kentucky Economic Development Finance Authority;

(178) \$1,364,000 in fiscal year 2024-2025 to the Economic Development budget unit to be distributed to the Bell County Fiscal Court to support the development of the industrial park;

(179) \$10,000,000 in fiscal year 2024-2025 to the Economic Development budget unit to be allocated to the Leitchfield-Grayson County Airport to purchase acreage for the expansion of runways to promote economic growth;

(180) \$2,000,000 in each fiscal year to the Economic Development budget unit to be allocated to the Louisville Botanical Gardens;

(181) \$2,500,000 in fiscal year 2024-2025 to the Operations and Support Services budget unit in the Department of Education to purchase automated external defibrillators for public schools;

(182) \$500,000 in each fiscal year to the General Administration and Support budget unit in the Education and Labor Cabinet to be distributed to the Boys & Girls Clubs Kentucky Alliance to support workforce readiness and academic programs;

(183) \$2,000,000 in fiscal year 2024-2025 to the Kentucky Heritage Land Conservation Fund established by KRS 146.570;

(184) \$1,000,000 in each fiscal year to the General Operations budget unit in Libraries and Archives to be distributed to the Louisville Free Public Library to support enhancements and operations at the Fern Creek Library;

(185) \$10,000,000 in each fiscal year to the Workforce Development budget unit to be distributed to Kentuckiana Works to support workforce development programming;

(186) \$62,000,000 in fiscal year 2024-2025 to the Medicaid Benefits budget unit to support ongoing needs of the Medicaid benefits program;

(187) \$10,000,000 in each fiscal year to the Behavioral Health, Developmental and Intellectual Disabilities budget unit to be distributed to the Barren River Area Development District to develop and implement a regional substance use disorder services pilot program as provided in paragraphs (a) to (d) of this subsection. The pilot program shall:

- (a) Provide substance use treatment services;
- (b) Have a regional focus encompassing the counties included in the BRADD service region;
- (c) Include the appropriate organizations and entities involved in the delivery of substance use disorder stabilization and treatment services in the region; and
- (d) Assess community needs and available resources for substance use prevention and treatment services in the region.

The Barren River Area Development District shall hold no less than four meetings during the 2024-2025 fiscal year in the affected communities to allow for public input and comment on the construction of any facilities and services to be offered using the funds appropriated in this subsection. No more than \$500,000 of appropriated funds may be used to support the facilitation of the public community meetings. BRADD shall provide a report on the outcomes of the pilot project including the number of individuals served, the types and number of community partners, the types and location of services provided, any capital constructions projects included in the pilot program, and expenditures to the Interim Joint Committee on Appropriations and Revenue by December 1 of each fiscal year;

(188) \$450,000 in fiscal year 2024-2025 to the Behavioral Health, Developmental and Intellectual Disabilities budget unit to be distributed to the Wendell Foster Aquatic Therapy Center to support aquatic therapy services for individuals with intellectual and development disabilities;

(189) \$1,000,000 in fiscal year 2024-2025 to the Department for Behavioral Health, Developmental, and Intellectual Disabilities budget unit to be distributed to the Daviess County Fiscal Court for the Friends of Sinners Men's Facility;

(190) \$1,500,000 in each fiscal year to the Department for Behavioral Health, Developmental, and Intellectual Disabilities budget unit to be distributed to Letcher County Fiscal Court for the Transitioning from Recovery to Society program;

(191) \$30,000,000 in fiscal year 2025-2026 to the Community Based Services budget unit to be distributed to the Home of the Innocents for the expansion of the Kosair for Kids Complex Care Center. The funds shall not be distributed unless an equal match is provided by the Home of the Innocents;

(192) \$6,000,000 in each fiscal year to the Community Based Services budget unit to be distributed to the Life Learning Center to support an integrated pathway to treatment, rehabilitation, and community reintegration in partnership with Odyssey, Inc.;

(193) \$500,000 in fiscal year 2024-2025 to the Community Based Services budget unit to be distributed to Prevent Child Abuse Kentucky to support ongoing operations;

(194) \$500,000 in fiscal year 2024-2025 to the Department for Community Based Services to be distributed to Prevent Child Abuse Kentucky to support the Upstream Academy;

(195) \$1,500,000 in fiscal year 2024-2025 to the Community Based Services budget unit to be distributed to Buckhorn Children and Family Services to support ongoing operations;

(196) \$1,000,000 in each fiscal year to the Community Based Services budget unit to be distributed to Ramey Estep Homes to support ongoing operations;

(197) \$6,000,000 in fiscal year 2024-2025 to the Community Based Services budget unit to be distributed to the Children's Home of Northern Kentucky to support ongoing operations;

(198) \$5,000,000 in fiscal year 2024-2025 to the Department for Community Based Services budget unit to support campus completion for the Harbor House of Louisville;

(199) \$2,000,000 in each fiscal year to the Kentucky Pediatric Cancer Research Trust Fund established in KRS 211.595 to support the families of Kentucky's pediatric cancer patients;

(200) \$1,250,000 in each fiscal year to the Justice Administration budget unit to be distributed to Operation UNITE to support ongoing operations;

(201) \$8,000,000 in each fiscal year to the Council on Postsecondary Education budget unit to be distributed to Appalachian Regional Healthcare to establish a psychiatric residency program to serve eastern Kentucky;

(202) \$12,500,000 in each fiscal year to the Eastern Kentucky University budget unit to support the aviation program;

(203) \$5,000,000 in fiscal year 2024-2025 to the Eastern Kentucky University budget unit for the Eastern Scholar House Program expansion;

(204) \$2,500,000 in fiscal year 2025-2026 to the Morehead State University budget unit for the advancement, development, and implementation of new space science satellites for the University's space science program;

(205) \$10,000,000 in fiscal year 2025-2026 to the Murray State University budget unit for construction, renovation, and operations for the University's cybersecurity program;

(206) \$10,000,000 in fiscal year 2024-2025 and \$50,000,000 in fiscal year 2025-2026 to the Murray State University budget unit to construct a facility for the veterinary technician program;

(207) \$20,000,000 in each fiscal year to the University of Kentucky budget unit to be invested as a quasi-endowment by the University. The interest earned on the investment shall be used for the Center for Applied Energy Research's administration and support of the Kentucky Nuclear Energy Development Authority and the Energy Planning and Inventory Commission;

(208) \$12,500,000 in each fiscal year to the University of Louisville budget unit to be distributed to the University of Louisville Health System for cancer care, research, screening, and educational programs at the Center for Rural Cancer Education and Research;

(209) \$10,000,000 in fiscal year 2025-2026 to the University of Louisville budget unit to support construction, renovation, and operations for the University's cybersecurity program;

(210) \$5,300,000 in each fiscal year to the University of Louisville budget unit for the Kentucky Manufacturing Extension Partnership;

(211) \$900,000 in fiscal year 2024-2025 to the University of Louisville budget unit to be distributed to the Rural Dental Outreach Program;

(212) \$10,000,000 in fiscal year 2025-2026 to the Western Kentucky University budget unit to support operations for the University's Innovation Campus program;

(213) \$2,200,000 in each fiscal year to the Western Kentucky University budget unit to be distributed to the LifeWorks Transition Academy and Bridge Program;

(214) \$1,400,000 in fiscal year 2025-2026 to the Kentucky Community and Technical College System budget unit to be distributed to the Western Kentucky Community and Technical College to support aviation programs;

(215) \$18,000,000 in each fiscal year to the Kentucky Horse Park Commission budget unit for facility upgrades to be allocated as follows:

- (a) \$2,500,000 for the renovation of the restaurant;
- (b) \$15,000,000 for the replacement of competition barns and stalls;
- (c) \$7,000,000 for the renovation of entertainment pavilions;
- (d) \$5,000,000 for the replacement of campground sites and bathhouse;
- (e) \$1,500,000 for a maintenance pool; and
- (f) \$5,000,000 for the renovation of the International Museum of the Horse;

(216) \$500,000 in fiscal year 2024-2025 to the Secretary budget unit in the Tourism, Arts and Heritage Cabinet to be distributed to the International Bluegrass Music Museum, Inc. to support the Bluegrass Capital Initiative;

(217) \$4,000,000 in fiscal year 2024-2025 to the Secretary budget unit in the Tourism, Arts and Heritage Cabinet to be distributed to the Aviation Museum of Kentucky to support the relocation of the museum;

(218) \$200,000 in fiscal year 2024-2025 to the Secretary budget unit in the Tourism, Arts and Heritage Cabinet to be distributed to the Muhlenberg County Tourism Commission to provide matching funds to purchase playground equipment at Lake Malone State Park;

(219) \$400,000 in fiscal year 2024-2025 to the Secretary budget unit in the Tourism, Arts and Heritage Cabinet to be distributed to the National Quilt Museum to support a roof replacement project;

(220) \$720,000 in fiscal year 2024-2025 to the Secretary budget unit in the Tourism, Arts and Heritage Cabinet budget unit to support Trail Town grants not to exceed \$30,000;

(221) \$6,000,000 in fiscal year 2024-2025 to the Secretary budget unit in the Tourism, Arts and Heritage Cabinet to be distributed to the East Kentucky Heritage Foundation for construction of cabins at the Raven Rock Resort;

(222) \$100,000 in fiscal year 2024-2025 to the Parks budget unit to be distributed to the Dream Big Burnside Authority to support a feasibility study for the development of a lodge and other amenities at General Burnside Island State Park;

(223) \$6,000,000 in each fiscal year to the Kentucky Center for the Arts budget unit to be distributed to the Kentucky Center for the Performing Arts to support facility renovations;

(224) \$3,500,000 in fiscal year 2023-2024 to the General Administration and Support budget unit in the Kentucky Transportation Cabinet to be distributed to the Paducah-McCracken Riverport Authority to support the Riverport West project;

(225) \$7,500,000 in each fiscal year to the General Administration and Support budget unit in the Kentucky Transportation Cabinet to improve public riverports within Kentucky. Each existing public riverport shall receive \$750,000 in each fiscal year for construction and maintenance as authorized by KRS 65.520 and for eligible use as described in KRS 174.210(3), and no local match shall be required. Any remaining balance shall be distributed at the Transportation Cabinet Secretary's discretion and may be disbursed to riverport authorities for existing and developing riverports. Notwithstanding KRS 45.229, any portion of these funds that have not been expended by the end of fiscal year 2024-2025 shall not lapse and shall carry forward into fiscal year 2025-2026;

(226) \$1,300,000 in fiscal year 2024-2025 to the General Administration and Support budget unit in the Kentucky Transportation Cabinet to be distributed to the Owensboro Riverport Authority to support the construction of the Owensboro riverport waterline loop;

(227) \$10,600,000 in fiscal year 2024-2025 to the Department of Aviation budget unit in the Kentucky Transportation Cabinet to support grants of \$200,000 to each General Aviation airport provided that the recipient shall have an automated dependent surveillance broadcast system installed at the airport in order to automate the tracking of aircraft operations and reporting. If a recipient does not have an automated dependent surveillance broadcast system, these grant funds may be used to purchase a system;

(228) \$600,000 in fiscal year 2024-2025 to the Department of Aviation budget unit in the Kentucky Transportation Cabinet to be distributed to the Danville-Boyle County Airport for the Stuart-Powell Field;

(229) \$7,500,000 in each fiscal year to the Department of Highways budget unit in the Kentucky Transportation Cabinet to implement the Short Line Infrastructure Preservation Pilot Project. The Cabinet shall coordinate with and make grants to Class II and Class III railroads to preserve and enhance existing rail lines and corridors, retain existing rail-served industries, and attract new industries, and preserve and modernize Kentucky's rail system. Funds from the pilot project shall be used for the purpose of leveraging state matching dollars in partnership with participating railroads for the railroad federal grant applications, equipment, construction, reconstruction, improvement, or rehabilitation of rail facilities or engineering work associated with capital projects. No funds shall be expended from the pilot project unless matched with non-state funds equaling at least 50 percent of the total amount for any individual project. No single project shall receive more than \$2,000,000 in grant funds from the pilot project. Notwithstanding KRS 45.229, any portion of these funds that have not been expended by the end of fiscal year 2024-2025 shall not lapse and shall carry forward into fiscal year 2025-2026. The Kentucky Transportation Cabinet shall submit a report to the Legislative Research Commission and the Interim Joint Committee on Appropriations and Revenue by September 1, 2025, detailing the disbursement of funds in this subsection;

(230) \$7,500,000 in each fiscal year to the Department of Highways budget unit in the Kentucky Transportation Cabinet to implement the Industrial Access and Safety Improvement Pilot Project. The Kentucky Transportation Cabinet, in conjunction with the Cabinet for Economic Development, shall review project proposals and the benefits provided in Kentucky. Projects must provide one or more of the following applicable economic development and safety improvement benefits:

(a) Provide Kentucky communities and industries with transportation options, connectivity, and opportunities;

(b) Enhance rail line corridors to increase on-time performance; and

(c) Improve rail services to existing industries and encourage investment in the Commonwealth;

The Kentucky Transportation Cabinet shall coordinate with and make grants to eligible freight railroads operating in the Commonwealth, as well as to any Railroad Authority, Port Authority, rail-served industries, and Industrial and Economic Development Authority Board to expand rail access, enhance the marketability of available industrial sites, increase job creation and capital investment, and increase safety. Funds from the pilot project shall be used for equipment, construction, reconstruction, improvement, or rehabilitation of rail facilities or engineering work associated with capital projects. No funds shall be expended from the pilot project unless matched with non-state funds equaling at least 50 percent of the total amount for any individual project. No single project shall receive more than \$2,000,000 in grant funds from the pilot project. No one entity shall be eligible to receive more than 25 percent of total program funds in a fiscal year. Notwithstanding KRS 45.229, any portion of these funds that have not been expended by the end of fiscal year 2024-2025 shall not lapse and shall carry forward into fiscal year 2025-2026. The Kentucky Transportation Cabinet shall submit a report to the Legislative Research Commission and the Interim Joint Committee on Appropriations and Revenue by September 1, 2025, detailing the disbursement of funds in this subsection;

(231) \$250,000,000 in fiscal year 2024-2025 and \$200,000,000 in fiscal year 2025-2026 to the Department of Highways budget unit in the Kentucky Transportation Cabinet to support the State Supported Construction Program and select construction projects within the 2024-2026 Biennial Highway Construction Program. The select construction projects are identified for industrial development, economic and quality improvement, or located in counties that are projected to have the largest change in total population in both numeric and percentage gain. Notwithstanding KRS 45.299, these funds shall not lapse and shall carry forward;

(232) \$10,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the City of Covington for infrastructure at the Covington Central Riverfront site;

(233) \$5,000,000 in fiscal year 2024-2025 to the Emergency and Targeted Investment Fund established by KRS 157.618; and

(234) \$2,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Edmonson County Fiscal Court to provide an emergency infrastructure grant. This grant will require a local match of at least \$1,000,000.

➔Section 2. Notwithstanding KRS 15.470, the appropriations contained in this section are supported solely by funds from the Kentucky Law Enforcement Foundation Program Fund established by KRS 15.430.

There is hereby appropriated Restricted Funds in the amount of \$56,395,000 in fiscal year 2024-2025 to support the following one-time appropriations:

(1) \$50,000,000 to the Criminal Justice Training budget unit to construct to the Western Kentucky Law Enforcement Training Academy in the City of Madisonville. The Department shall collaborate with the City of Madisonville to plan, design, and construct the training academy; and

(2) \$6,395,000 in fiscal year 2024-2025 to the State Police budget unit to purchase lab equipment consisting of:

- (a) One mobile DNA response unit;
- (b) One single nucleotide polymorphism instrument, including validation services and testing kits;
- (c) Six GS/MC detector instruments;
- (d) One 3-D firearm imaging system;
- (e) Two gas chromatography/mass spectrometry instruments;
- (f) Two GC/MS/FID instruments;
- (g) One scanning electron microscope;
- (h) 240 intoxilyzer instruments;
- (i) One time-of-flight mass spectrometer; and
- (j) 15 laboratory fleet vehicles.

➔Section 3. Whereas the provisions of this Act provide ongoing support for state government agencies and their functions, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Vetoed in Part and Overridden April 12, 2024.

CHAPTER 174

(HB 5)

AN ACT relating to crimes and punishments.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 532 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "violent felony" means a felony that would classify a person as a violent offender under Section 32 of this Act.*
- (2) *Notwithstanding any other provision of this chapter, a person convicted of a violent felony who has previously been convicted of two (2) separate violent felonies shall be sentenced to:*
 - (a) *A term of imprisonment for life without benefit of probation or parole, if the felony is not a capital offense; or*
 - (b) *Death, or a term of imprisonment for life without benefit of probation or parole, if the felony is a capital offense.*

- (3) *For the purpose of determining whether a person has two (2) or more separate violent felony convictions, two (2) or more convictions for which the person served concurrent or uninterrupted consecutive terms of imprisonment shall be deemed to be only one (1) conviction, unless one (1) of the convictions was for an offense committed while that person was imprisoned.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 532 IS CREATED TO READ AS FOLLOWS:

Notwithstanding any other provision of this chapter, or Section 32 of this Act, a person shall not be eligible for probation, parole, conditional discharge, conditional release, or any other form of release prior to the completion of his or her sentence if, in the commission of the offense, he or she utilized a firearm in furtherance of the crime, and:

- (1) *Was previously convicted of a felony;*
- (2) *Knew or should have known that the firearm was stolen; or*
- (3) *Was on probation, parole, conditional discharge, conditional release, or any other form of release after conviction of a violent felony offense as defined in KRS 532.200.*

➔Section 3. KRS 610.070 is amended to read as follows:

- (1) All cases involving children brought before the court whose cases are under the jurisdiction of the court shall be granted a speedy hearing and shall be dealt with by the court without a jury.
- (2) The hearings shall be conducted in a formal manner, unless specified to the contrary by other provisions of KRS Chapters 600 to 645.
- (3) The general public shall be excluded and only the immediate families or guardians of the parties before the court, witnesses necessary for the prosecution and defense of the case, the probation worker with direct interest in the case, a representative from the Department of Juvenile Justice, the victim, his *or her* parent or legal guardian, or if emancipated, his *or her* spouse, or a legal representative of either, such persons admitted as the judge shall find have a direct interest in the case or in the work of the court, and such other persons as agreed to by the child and his *or her* attorney may be admitted to the hearing. A parent, legal guardian, or spouse if a witness shall be admitted to the hearing only during and after his *or her* testimony at the hearing, and witnesses shall be admitted to the hearing only for the duration of their testimony. The court may order the exclusion of a parent, legal guardian, or spouse, if it is shown to the satisfaction of the court that the parent, legal guardian, or spouse may physically disrupt the proceedings or may do violence to any participant therein. The mere presence of a parent, legal guardian, or spouse shall not be deemed to be a disruption of the proceedings merely because their presence may make the defendant uncomfortable; the court shall find a potential for actual physical disruption of the proceedings before an exclusion may be granted for this reason.
- (4) The court ~~shall~~^{may} order *at least one (1) parent, guardian, or person*~~(the parents, guardians, or persons)~~ exercising custodial control over the child to be present at any hearing or other proceeding involving the child. *The court shall make accommodations necessary to allow the person to attend, including but not limited to allowing remote attendance or holding hearings outside the court's normal operating hours.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

- (1) *At any hearing or other proceeding under KRS Chapters 630 to 645, at least one (1) person ordered by the court, pursuant to subsection (4) of Section 3 of this Act, to attend hearings or proceedings involving the child shall be present. The court shall make reasonable accommodations to allow the person to attend.*
- (2) *A person who has been excluded from a hearing pursuant to subsection (3) of Section 3 of this Act and has not subsequently been ordered by the court to be present at future proceedings shall not be charged under this section.*
- (3) *If a violation of subsection (1) of this section occurs, any parent, guardian, or other person who was ordered, pursuant to subsection (4) of Section 3 of this Act, to attend hearings or proceedings involving the child shall be fined not more than five hundred dollars (\$500) or ordered to participate in up to forty (40) hours of community service.*

➔Section 5. KRS 507.030 is amended to read as follows:

- (1) A person is guilty of manslaughter in the first degree when:
- (a) With intent to cause serious physical injury to another person, he *or she* causes the death of such person or of a third person;

- (b) With intent to cause the death of another person, he *or she* causes the death of such person or of a third person under circumstances which do not constitute murder because he *or she* acts under the influence of extreme emotional disturbance, as defined in subsection (1)(a) of KRS 507.020; ~~{or}~~
- (c) Through circumstances not otherwise constituting the offense of murder, he or she intentionally abuses another person or knowingly permits another person of whom he or she has actual custody to be abused and thereby causes death to a person twelve (12) years of age or less, or who is physically helpless or mentally helpless; *or*
- (d) ***He or she knowingly sells fentanyl or a fentanyl derivative to another person, and the injection, ingestion, inhalation, or other introduction of the fentanyl or fentanyl derivative causes the death of the person.***

(2) Manslaughter in the first degree is a Class B felony.

➔Section 6. KRS 507.040 is amended to read as follows:

- (1) A person is guilty of manslaughter in the second degree when he *or she* wantonly causes the death of another person, including but not limited to situations where the death results from the person's:
 - (a) Operation of a motor vehicle;
 - (b) Leaving a child under the age of eight (8) years in a motor vehicle under circumstances which manifest an extreme indifference to human life and which create a grave risk of death to the child, thereby causing the death of the child; ~~{or}~~
 - (c) Unlawful distribution for remuneration of a Schedule I or II controlled substance when the controlled substance is the proximate cause of death; *or*
 - (d) ***Knowing distribution of fentanyl or a fentanyl derivative to another person without remuneration, and the injection, ingestion, inhalation, or other introduction of the fentanyl or fentanyl derivative causes the death of the person.***

(2) Manslaughter in the second degree is a Class C felony.

➔Section 7. KRS 218A.133 is amended to read as follows:

- (1) As used in this section:
 - (a) "Drug overdose" means an acute condition of physical illness, coma, mania, hysteria, seizure, cardiac arrest, cessation of breathing, or death which reasonably appears to be the result of consumption or use of a controlled substance, or another substance with which a controlled substance was combined, and that a layperson would reasonably believe requires medical assistance; and
 - (b) "Good faith" does not include seeking medical assistance during the course of the execution of an arrest warrant, or search warrant, or a lawful search.
- (2) A person shall not be charged with or prosecuted for a criminal offense prohibiting the possession of a controlled substance or the possession of drug paraphernalia, ***for a violation of subsection (1)(d) of Section 5 of this Act or subsection (1)(d) of Section 6 of this Act, or for an offense punishable under subsection (3)(c) of Section 8 of this Act*** if:
 - (a) In good faith, medical assistance with a drug overdose is sought from a public safety answering point, emergency medical services, a law enforcement officer, or a health practitioner because the person:
 1. Requests emergency medical assistance for himself or herself or another person;
 2. Acts in concert with another person who requests emergency medical assistance; or
 3. Appears to be in need of emergency medical assistance and is the individual for whom the request was made;
 - (b) The person remains with, or is, the individual who appears to be experiencing a drug overdose until the requested assistance is provided; and
 - (c) The evidence for the charge or prosecution is obtained as a result of the drug overdose and the need for medical assistance.
- (3) The provisions of subsection (2) of this section shall not extend to the investigation and prosecution of any other crimes committed by a person who otherwise qualifies under this section.

- (4) When contact information is available for the person who requested emergency medical assistance, it shall be reported to the local health department. Health department personnel shall make contact with the person who requested emergency medical assistance in order to offer referrals regarding substance abuse treatment, if appropriate.
- (5) A law enforcement officer who makes an arrest in contravention of this section shall not be criminally or civilly liable for false arrest or false imprisonment if the arrest was based on probable cause.

➔Section 8. KRS 218A.1412 is amended to read as follows:

- (1) A person is guilty of trafficking in a controlled substance in the first degree when he or she knowingly and unlawfully traffics in:
- Four (4) grams or more of cocaine;
 - Two (2) grams or more of methamphetamine;
 - Ten (10) or more dosage units of a controlled substance that is classified in Schedules I or II and is a narcotic drug, or a controlled substance analogue;
 - Any quantity of heroin, fentanyl, carfentanil, or fentanyl derivatives; lysergic acid diethylamide; phencyclidine; gamma hydroxybutyric acid (GHB), including its salts, isomers, salts of isomers, and analogues; or flunitrazepam, including its salts, isomers, and salts of isomers; or
 - Any quantity of a controlled substance specified in paragraph (a), (b), or (c) of this subsection in an amount less than the amounts specified in those paragraphs.
- (2) The amounts specified in subsection (1) of this section may occur in a single transaction or may occur in a series of transactions over a period of time not to exceed ninety (90) days that cumulatively result in the quantities specified in this section.
- (3)
 - Any person who violates the provisions of subsection (1)(a), (b), (c), or (d) of this section shall be guilty of a Class C felony for the first offense and a Class B felony for a second or subsequent offense.
 - Any person who violates the provisions of subsection (1)(e) of this section shall be guilty of a Class D felony for the first offense and a Class C felony for a second or subsequent offense.
 - If the substance is fentanyl or a fentanyl derivative, and the injection, ingestion, inhalation, or other introduction of the fentanyl or fentanyl derivative causes the death of a person, the penalty for the offense shall be one (1) level higher than the level otherwise specified in this section.***
 - Any person convicted of a Class C felony offense or higher under this section shall not be released on probation, shock probation, parole, conditional discharge, or other form of early release until he or she has served at least fifty percent (50%) of the sentence imposed in cases where the trafficked substance was heroin, fentanyl, carfentanil, or fentanyl derivatives.

➔SECTION 9. A NEW SECTION OF KRS CHAPTER 515 IS CREATED TO READ AS FOLLOWS:

- (1) ***A person is guilty of carjacking when he or she takes a motor vehicle in the possession of another without lawful authority or ownership, from the possessor's person or immediate presence, or from the person or immediate presence of a passenger of the motor vehicle, against the possessor's or passenger's will and with the intent to either permanently or temporarily deprive the possessor of the motor vehicle of his or her possession, accomplished by means of force or intimidation.***
- (2) ***Carjacking is a Class B felony.***
- (3) ***A person shall not be convicted of a violation of this section and a violation of KRS 515.020 or KRS Chapter 514 arising from the same act.***

➔Section 10. KRS 512.020 is amended to read as follows:

- (1) A person is guilty of criminal mischief in the first degree when, having no right to do so or any reasonable ground to believe that he or she has such right, he or she intentionally or wantonly:
- Defaces, destroys, or damages any property causing pecuniary loss of ***five hundred dollars (\$500)***~~one thousand dollars (\$1,000)~~ or more;
 - Tampers with the operations of a key infrastructure asset, as defined in KRS 511.100, in a manner that renders the operations harmful or dangerous; or

- (c) As a tenant, intentionally or wantonly defaces, destroys, or damages residential rental property causing pecuniary loss of **five hundred dollars (\$500)**~~one thousand dollars (\$1,000)~~ or more.
- (2) Criminal mischief in the first degree is a Class D felony, unless:
- (a) The offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class C felony;
 - (b) *For the first offense, if the defendant at any time prior to trial effects repair or replacement of the defaced, destroyed, or damaged property, makes complete restitution in the amount of the damage, or performs community service as required by the court, in which case it is a Class B misdemeanor. The court shall determine the number of hours of community service commensurate with the total amount of monetary damage caused by or incidental to the commission of the crime, of not less than sixty (60) hours; or*
 - (c) *For the second or subsequent offense, if the defendant at any time prior to trial effects repair or replacement of the defaced, destroyed, or damaged property, makes complete restitution in the amount of the damage, or performs community service as required by the court, in which case it is a Class A misdemeanor. The court shall determine the number of hours of community service commensurate with the total amount of monetary damage caused by or incidental to the commission of the crime, of not less than sixty (60) hours.*

➔Section 11. KRS 512.030 is amended to read as follows:

- (1) A person is guilty of criminal mischief in the second degree when, having no right to do so or any reasonable ground to believe that he or she has such right, he or she:
- (a) Intentionally or wantonly defaces, destroys, or damages any property causing pecuniary loss of ~~five hundred dollars (\$500) or more but~~ less than **five hundred dollars (\$500)**~~one thousand dollars (\$1,000)~~; or
 - (b) As a tenant, intentionally or wantonly defaces, destroys, or damages residential rental property causing pecuniary loss of ~~five hundred dollars (\$500) or more but~~ less than **five hundred dollars (\$500)**~~one thousand dollars (\$1,000)~~.
- (2) Criminal mischief in the second degree is a Class A misdemeanor, unless:
- (a) The offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class D felony; *or*
 - (b) *The defendant at any time prior to trial effects repair or replacement of the defaced, destroyed, or damaged property, makes complete restitution in the amount of the damage, or performs community service as required by the court, in which case it is a Class B misdemeanor. The court shall determine the number of hours of community service commensurate with the total amount of monetary damage caused by or incidental to the commission of the crime, of not less than fifteen (15) hours.*

➔Section 12. KRS 149.410 is amended to read as follows:

The Commonwealth's attorney or county attorney shall initiate and prosecute appropriate abatement proceedings by injunction or otherwise, for the prevention or correction of any condition constituting or threatening to constitute a violation of KRS 149.360 to 149.430. The institution or pendency of a proceeding pursuant to this section shall not bar the imposition of any penalties or the securing of any other relief provided by KRS 149.360 to 149.430, 149.991, 277.990, 512.020, **or Section 11 of this Act**~~to 512.040~~, or administrative regulations promulgated thereunder.

➔Section 13. KRS 506.160 is amended to read as follows:

- (1) If a defendant is alleged by the prosecuting attorney to have been a member of a criminal gang as defined in KRS 506.135, at the time of the commission of the offense, upon conviction of the offense there shall be a separate proceeding from that proceeding which resulted in the defendant's conviction if the defendant was convicted of:
- (a) Assault in the fourth degree under KRS 508.030;
 - (b) Menacing under KRS 508.050;

- (c) Wanton endangerment in the second degree under KRS 508.070;
 - (d) Terroristic threatening in the third degree under KRS 508.080;
 - (e) Stalking in the second degree under KRS 508.150;
 - (f) Unlawful imprisonment in the second degree under KRS 509.030;
 - (g) Criminal coercion under KRS 509.080;
 - (h) Criminal mischief in the second degree under KRS 512.030;
 - (i) ~~Criminal mischief in the third degree under KRS 512.040;~~
 - ~~(j)~~ Obstructing governmental operations under KRS 519.020;
 - ~~(j)~~~~(k)~~ Resisting arrest under KRS 520.090;
 - ~~(k)~~~~(l)~~ Riot in the second degree under KRS 525.030;
 - ~~(l)~~~~(m)~~ Inciting to riot under KRS 525.040;
 - ~~(m)~~~~(n)~~ Harassment under KRS 525.070;
 - ~~(n)~~~~(o)~~ Harassing communications under KRS 525.080;
 - ~~(o)~~~~(p)~~ The misdemeanor offense of carrying a concealed deadly weapon in violation of KRS 527.020;
or
 - ~~(p)~~~~(q)~~ Possession of a handgun by a minor as a first offense under KRS 527.100.
- (2) The proceeding described in subsection (1) of this section shall be conducted before the court sitting with the jury that found the defendant guilty of the offense unless the court for good cause discharges that jury and impanels a new jury for that purpose. If the jury determines beyond a reasonable doubt that the defendant is or was a member of a criminal gang, acting for the purpose of benefitting, promoting, or furthering the interest of a criminal gang at the time he or she committed the offense, he or she shall not be released for a minimum of seventy-six (76) to ninety (90) days of the sentence imposed if the offense he or she is convicted of is classified as a Class B misdemeanor, or for a minimum of three hundred eleven (311) to three hundred sixty-five (365) days if the offense he or she is convicted of is classified as a Class A misdemeanor.
- (3) This section shall not apply to a juvenile unless he or she has been transferred to Circuit Court as a youthful offender pursuant to KRS 640.010 and has on at least one (1) prior separate occasion been adjudicated a public offender for a felony offense.

➔Section 14. KRS 525.220 is amended to read as follows:

No person shall be convicted of assault on a service animal when **he or she has**:

- (1) ~~He has~~ Also been convicted of a violation of KRS 525.125, 525.130, 512.020, **or** 512.030~~, or 512.040~~ arising out of the same incident; ~~or~~
- (2) ~~He has~~ Destroyed or treated a service animal that is injured, diseased, or suffering or that constitutes a hazard to public safety if not destroyed; ~~or~~
- (3) ~~He has~~ Used physical force against the service animal in protection of himself, **herself**, or a third person; or
- (4) ~~He has~~ Used physical force without knowledge that the animal was a service animal.

➔Section 15. KRS 520.050 is amended to read as follows:

- (1) A person is guilty of promoting contraband in the first degree when:
 - (a) He **or she** knowingly introduces dangerous contraband into a detention facility or a penitentiary; or
 - (b) Being a person confined in a detention facility or a penitentiary, he **or she** knowingly makes, obtains, or possesses dangerous contraband.
- (2) Promoting contraband in the first degree is a Class D felony, **unless the dangerous contraband is fentanyl, carfentanyl, or a fentanyl derivative, in which case it is a Class C felony.**

➔Section 16. KRS 16.220 is amended to read as follows:

- (1) Subject to the duty to return confiscated firearms to innocent owners pursuant to KRS 500.090, all firearms confiscated by the Department of Kentucky State Police and not retained for official use pursuant to KRS 500.090 shall be sold at public auction to:
- (a) Federally licensed firearms dealers holding a license appropriate for the type of firearm sold; **or**
 - (b) *For a firearm which was used in a homicide, any person who certifies on a form provided by the Department of Kentucky State Police prior to placing a bid that he or she will, upon completion of the auction, leave the firearm with the Department of Kentucky State Police for destruction. A state or local government or agency thereof shall not purchase a firearm under this paragraph.*
- (2) Any provision of KRS Chapter 45 or 45A relating to disposition of property to the contrary notwithstanding, the Department of Kentucky State Police shall:
- (a) Conduct any auction specified by this section;
 - (b) Retain for departmental use twenty percent (20%) of the gross proceeds from any auction specified by this section;~~and~~
 - (c) Transfer remaining proceeds of the sale to the account of the Kentucky Office of Homeland Security for use as provided in subsection (5)~~(4)~~ of this section; **and**
 - (d) *For any sale pursuant to subsection (1)(b) of this section, destroy the firearm.*
- ~~(3)(2)~~ Prior to the sale of any firearm, the Department of Kentucky State Police shall make an attempt to determine if the firearm to be sold has been stolen or otherwise unlawfully obtained from an innocent owner and return the firearm to its lawful innocent owner, unless that person is ineligible to purchase a firearm under federal law.
- ~~(4)(3)~~ The Department of Kentucky State Police shall receive firearms and ammunition confiscated by or abandoned to every law enforcement agency in Kentucky. The department shall dispose of the firearms received in the manner specified in *subsections*~~subsection~~ (1) **and** (2) of this section. However, firearms which are not retained for official use, returned to an innocent lawful owner, or transferred to another government agency or public museum shall be sold as provided in *subsection*~~subsections~~ (1)~~and (3)~~ of this section.
- ~~(5)(4)~~ The proceeds of firearms sales shall be utilized by the Kentucky Office of Homeland Security to provide grants to city, county, charter county, unified local government, urban-county government, and consolidated local government police departments; university safety and security departments organized pursuant to KRS 164.950; school districts that employ special law enforcement officers as defined in KRS 61.900; and sheriff's departments for the purchase of:
- (a) Body armor for sworn peace officers of those departments and service animals, as defined in KRS 525.010, of those departments;
 - (b) Firearms or ammunition;
 - (c) Electronic control devices, electronic control weapons, or electro-muscular disruption technology; and
 - (d) Body-worn cameras.

In awarding grants under this section, the Kentucky Office of Homeland Security shall give first priority to providing and replacing body armor and second priority to providing firearms and ammunition, with residual funds available for the purchase of body-worn cameras, electronic control devices, electronic control weapons, or electro-muscular disruption technology. Body armor purchased by the department receiving grant funds shall meet or exceed the standards issued by the National Institute of Justice for body armor. No police or sheriff's department shall apply for a grant to replace existing body armor unless that body armor has been in actual use for a period of five (5) years or longer. Any department applying for grant funds for body-worn cameras shall develop a policy for their use and shall submit that policy with its application for the grant funds to the Office of Homeland Security as part of the application process.

- ~~(6)(5)~~ The Department of Kentucky State Police may transfer a machine gun, short-barreled shotgun, short-barreled rifle, silencer, pistol with a shoulder stock, any other weapon, or destructive device as defined by the National Firearms Act which is subject to registration under the National Firearms Act and is not properly registered in the national firearms transfer records for those types of weapons, to the Bureau of Alcohol, Tobacco, and Firearms of the United States Department of Justice, after a reasonable attempt has been made to transfer the firearm to an eligible state or local law enforcement agency or to an eligible museum and no

eligible recipient will take the firearm or weapon. National Firearms Act firearms and weapons which are properly registered and not returned to an innocent lawful owner or retained for official use as provided in this section shall be sold *in accordance with subsection (1)* ~~to properly licensed dealers under subsection (3)~~ of this section.

➔SECTION 17. A NEW SECTION OF KRS CHAPTER 511 IS CREATED TO READ AS FOLLOWS:

- (1) For purposes of this section:
 - (a) *"Camp" means to pitch, erect, or occupy camp facilities, or to use camp paraphernalia;*
 - (b) *"Camp facilities" means structures for the use of camping, including but not limited to tents, huts, temporary shelters, and vehicles; and*
 - (c) *"Camp paraphernalia" means items used for camping purposes, including but not limited to cots, beds, sleeping bags, and hammocks.*
- (2) *A person is guilty of unlawful camping when he or she knowingly enters or remains on a public or private street, sidewalk, area under a bridge or underpass, path, park, cemetery, or other area designated for use by pedestrians or vehicles, including areas used for ingress or egress to businesses, homes, or public buildings, with the intent to sleep or camp in that area, when the area has not been designated for the purpose of sleeping or camping or the individual lacks authorization to sleep or camp in the area.*
- (3) Unlawful camping is a:
 - (a) *Violation for the first offense; and*
 - (b) *Class B misdemeanor for the second and each subsequent offense, or if during the first offense the individual refuses to cease the offense.*
- (4) *Nothing in this section shall be construed to prohibit the customary and temporary use of recreational camping areas, rest areas, or other properties that are specifically designated for purposes of resting or sleeping.*
- (5) *Nothing in this section shall prevent a person from sleeping temporarily in his or her vehicle parked lawfully on a public road, street, or parking lot, where the sleeping and parking of the vehicle at the location occur for a period of less than twelve (12) hours.*

➔SECTION 18. A NEW SECTION OF KRS CHAPTER 198A IS CREATED TO READ AS FOLLOWS:

- (1) *Notwithstanding any statute, administrative regulation, or common law to the contrary, appropriations from the general fund, any restricted fund, or the road fund shall not be expended by any state or local officer, official, employee, or agency for any initiatives to provide permanent housing to homeless individuals if those initiatives lack behavioral and rehabilitative requirements. Behavioral and rehabilitative requirements shall at a minimum include requirements that the initiative facilitate appropriate treatment of any mental health conditions or substance use disorders and prohibit criminal activity.*
- (2) *This section shall not apply to statutorily created housing programs or to domestic violence shelters as defined in KRS 511.085.*

➔SECTION 19. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

A local government may designate indoor or outdoor areas with defined boundaries in an area zoned for commercial or industrial use, separate from any area frequently used for public purposes, as a temporary camping location for unsheltered homeless individuals. Any such designated area shall contain potable water and adequate sanitary facilities, such as portable toilets. Any individual utilizing the designated area for a permissible purpose shall not be in violation of Section 17 of this Act.

➔SECTION 20. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

- (1) *A government official or governmental body shall not adopt or enforce any policy under which it directly or indirectly prohibits or discourages the enforcement of any law, order, or ordinance prohibiting unlawful camping as set forth in Section 17 of this Act.*
- (2) *A government official or governmental body shall not directly or indirectly prohibit or discourage a peace officer or prosecuting attorney who is employed by or otherwise under its direction or control from enforcing any law, order, or ordinance prohibiting unlawful camping as set forth in Section 17 of this Act.*
- (3) *This section shall not be interpreted or construed to:*

- (a) *Prohibit a policy that encourages diversion programs or offering of services in lieu of citation or arrest;*
 - (b) *Prohibit or otherwise interfere with general orders or decisions that involve resource allocation or prioritization made by a governmental official or governmental body;*
 - (c) *Create any cause of action; or*
 - (d) *Permit a peace officer to disobey an instruction, order, or command from an officer or official within his or her chain of command.*
- (4) *The Attorney General may bring a civil action in any court of competent jurisdiction against any government official or governmental body to enjoin it from violating this section.*
- (5) *The Attorney General may recover reasonable expenses incurred in any civil action brought under this section, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.*

➔Section 21. KRS 503.080 is amended to read as follows:

- (1) The use of physical force by a defendant upon another person is justifiable when the defendant believes that such force is immediately necessary to prevent:
- (a) The commission of criminal trespass, robbery, burglary, or other felony involving the use of force, or under those circumstances permitted pursuant to KRS 503.055, in a dwelling, building or upon real property in his *or her* possession or in the possession of another person for whose protection he *or she* acts; ~~or~~
 - (b) Theft, criminal mischief, or any trespassory taking of tangible, movable property in his *or her* possession or in the possession of another person for whose protection he *or she* acts ~~or~~; *or*
 - (c) *The commission of unlawful camping in violation of Section 17 of this Act, when:*
 - 1. *The offense is occurring on property owned or leased by the defendant;*
 - 2. *The individual engaged in unlawful camping has been told to cease; and*
 - 3. *The individual committing the offense has used force or threatened to use force against the defendant.*
- (2) The use of deadly physical force by a defendant upon another person is justifiable under subsection (1) *of this section* only when the defendant believes that the person against whom such force is used is:
- (a) Attempting to dispossess him *or her* of his *or her* dwelling otherwise than under a claim of right to its possession; or
 - (b) Committing or attempting to commit a burglary, robbery, or other felony involving the use of force, or under those circumstances permitted pursuant to KRS 503.055, of such dwelling; or
 - (c) Committing or attempting to commit arson of a dwelling or other building in his *or her* possession.
- (3) A person does not have a duty to retreat if the person is in a place where he or she has a right to be.

➔Section 22. KRS 202C.050 is amended to read as follows:

- (1) No respondent shall be involuntarily committed under this chapter unless there is a determination that:
- (a) The respondent presents a danger to self or others as a result of his or her mental condition;
 - (b) The respondent needs care, training, or treatment in order to mitigate or prevent substantial physical harm to self or others;
 - (c) The respondent has a demonstrated history *or recent manifestation* of criminal behavior that has endangered or caused injury to others or has a substantial history of involuntary hospitalizations under KRS Chapter 202A or 202B prior to the commission of the charged crime; ~~or~~~~and~~
 - (d) A less restrictive alternative mode of treatment would endanger the safety of the respondent or others.
- (2) When a respondent is involuntarily committed under this chapter, the cabinet shall place that respondent in a forensic psychiatric facility designated by the secretary.

➔Section 23. KRS 186.417 is amended to read as follows:

- (1) The Transportation Cabinet shall issue to any felony offender, if the felony offender is eligible, released from the Kentucky Department of Corrections, *a county jail or other local or regional correctional facility, if and when funds are available*, or a Federal Bureau of Prisons facility located in Kentucky on home incarceration, parole, completed service of sentence, shock probation, or pardon, a personal identification card or, if the felony offender is eligible, an operator's license. An offender who wishes to obtain a personal identification card or operator's license shall provide proper documentation to comply with the provisions of this section.
- (2) Proper documentation under subsection (1) of this section shall consist of:
 - (a) The offender's certificate of birth;
 - (b) A copy of the offender's resident record card and parole certificate or notice of discharge;
 - (c) A photograph of the offender, printed on plastic card or paper; and
 - (d) A release letter that shall contain the offender's:
 1. Full legal name, subject to the information available to the Kentucky Department of Corrections or a Federal Bureau of Prisons facility located in Kentucky;
 2. Discharge/release date;
 3. Signature;
 4. Social Security number;
 5. Date of birth;
 6. Present Kentucky address where he or she resides; and
 7. Physical description.
- (3) The Transportation Cabinet shall issue to any felony offender, if the felony offender is eligible, probated or conditionally discharged by the court and under the supervision of the Division of Probation and Parole or the United States Probation Office, a personal identification card or, if the felony offender is eligible, an operator's license. An offender who wishes to obtain a personal identification card or operator's license shall provide proper documentation to comply with the provisions of this section.
- (4) Proper documentation under subsection (3) of this section shall consist of:
 - (a) The offender's certificate of birth;
 - (b) The offender's sentencing order;
 - (c) A photograph of the offender, printed on plastic card or paper; and
 - (d) A notarized release letter, signed by the supervising officer verifying the offender's status on supervision, that shall contain the offender's:
 1. Full legal name, subject to the information available to the Division of Probation and Parole or the United States Probation Office;
 2. Signature;
 3. Social Security number;
 4. Date of birth;
 5. Present Kentucky address where he or she resides; and
 6. Physical description.
- (5) The offender shall present the documentation identified in subsection (2) or (4) of this section to the cabinet within thirty (30) calendar days from the date of the release letter and shall be responsible for paying the fee for the personal identification card or operator's license pursuant to KRS 186.531.
- (6) The Transportation Cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish procedures for current inmates in state and federal prisons, who are deemed eligible by prison officials, to be issued operator's licenses to engage in work release activities or reentry initiatives. The administrative regulations shall address, at a minimum:

- (a) The information required for application, which shall include all information in paragraph (b) of this subsection which is germane to a current inmate. For purposes of this paragraph, the facility in which the inmate is housed shall be considered the inmate's residence;
 - (b) Required documentation from the Department of Corrections or the Federal Bureau of Prisons that the inmate meets the security criteria to be eligible for work outside of the facility;
 - (c) Procedures for license issuance; and
 - (d) Restrictions on use of the license, including a requirement that the inmate shall surrender the license to prison officials when the inmate is not engaged in work outside the facility.
- (7) The cabinet shall process applications for operator's licenses and personal identification cards under this section in the same manner as in KRS 186.412 and 186.4122.
- (8) The Transportation Cabinet may enter into an agreement with the Kentucky Department of Corrections, the United States Probation Office, or the Federal Bureau of Prisons to use a mobile unit to begin the issuance process in this section.

➔Section 24. KRS 431.510 is amended to read as follows:

(1) *As used in this section:*

- (a) 1. *"Bail bondsman" means any person, partnership, or corporation engaged for profit in the business of:*
 - a. *Furnishing bail, making bonds, or entering into undertakings, as surety, for the appearance of persons charged with any criminal offense or violation of law or ordinance punishable by fine, imprisonment, or death, before any of the courts of this state; or*
 - b. *Securing the payment of fines imposed and of costs assessed by those courts upon final disposition thereof.*
- 2. *The business of a bail bondsman is limited to the acts, transactions, and undertakings described in this paragraph and to no other; and*
- (b) *"Charitable bail organization" means an organization, including but not limited to an organization exempt under Section 501(c)(3) of the Internal Revenue Code, that solicits or accepts donations from the public for the purpose of:*
 - 1. *Furnishing bail, making bonds, or entering into undertakings, as surety, whether through direct payment or by payment through a third party, for the appearance of persons charged with any criminal offense or violation of law or ordinance punishable by fine, imprisonment, or death before any of the courts of this state; or*
 - 2. *Securing the payment of fines imposed and of costs assessed by any of the courts of this state upon final disposition thereof.*

(2) It shall be unlawful for any person to engage in the business of bail bondsman~~[as defined in subsection (3) of this section,]~~ or to otherwise for compensation or other consideration:

- (a) Furnish bail or funds or property to serve as bail; or
- (b) Make bonds or enter into undertakings as surety;

for the appearance of persons charged with any criminal offense or violation of law or ordinance punishable by fine, imprisonment, or death, before any of the courts of this state~~[, including city courts]~~, or to secure the payment of fines imposed and of costs assessed by such courts upon a final disposition.

(3) *It shall be unlawful for any charitable bail organization to:*

- (a) *Furnish bail or funds or property to serve as bail in an amount of five thousand dollars (\$5,000) or more; or*
- (b) *Make bonds or enter into undertakings as surety in an amount of five thousand dollars (\$5,000) or more;*

for the appearance of persons charged with any criminal offense or violation of law or ordinance punishable by fine or imprisonment before any of the courts of this state, or to secure the payment of fines imposed and of costs assessed by those courts upon a final disposition.

- (4) *Notwithstanding subsection (3) of this section, it shall be unlawful for any charitable bail organization to furnish bail or funds or property to serve as bail, or to make bonds or enter into undertakings as surety, regardless of amount, for any person:*
- (a) *Alleged to have committed an offense:*
 - 1. *Of domestic violence and abuse as defined in KRS 403.720;*
 - 2. *Of dating violence and abuse as defined in KRS 456.010; or*
 - 3. *That would classify the person as a violent offender under Section 32 of this Act;*
 - (b) *Held under a civil court order or warrant issued under KRS 222.430 to 222.437; or*
 - (c) *Who has previously received bail or funds or property to serve as bail from a charitable bail organization.*
- (5) *Any person who posts bail or bond on behalf of any organization under this section shall provide a photo identification.*
- (6) *A charitable bail organization shall maintain and annually report the following information to the Legislative Research Commission for referral to the Interim Joint Committee on Judiciary no later than October 31 of each year, and shall make publicly available on the organization's website, or by publishing in a newspaper of general circulation that complies with the requirements of KRS 424.120 if the organization does not maintain a website:*
- (a) *The expenditures of the organization, including a separate reporting of the amount furnished for bail, or funds or property to serve as bail; and*
 - (b) *The number of individuals and classification of offenses for those individuals for which any bail, or funds or property to serve as bail, has been provided.*
- (7) *Any bond posted by a charitable organization under this section that is ordered forfeited as a result of the commission of a new criminal offense shall be distributed to the victim of the new criminal offense, if a victim is identified.*
- (8)~~(2)~~ *Nothing contained in this section~~herein~~ shall serve to release any bail bondsman previously~~heretofore~~ licensed by this state from the obligation of undischarged bail bond liability existing on June 19, 1976.*
- ~~{(3) "Bail bondsman" shall mean any person, partnership, or corporation engaged for profit in the business of furnishing bail, making bonds or entering into undertakings, as surety, for the appearance of persons charged with any criminal offense or violation of law or ordinance punishable by fine, imprisonment, or death, before any of the courts of this state, or securing the payment of fines imposed and of costs assessed by such courts upon final disposition thereof, and the business of a bail bondsman shall be limited to the acts, transactions, and undertakings described in this subsection and to no other.}~~
- (9)~~(4)~~ *KRS 431.510 to 431.550 shall not be construed to limit or repeal KRS 431.021 or to prevent licensed insurers providing security required by Subtitle 39 of KRS Chapter 304 and nonprofit associations from posting or causing to be posted by licensed insurers security or acting as surety for their insureds or members for an offense arising from the operation of a motor vehicle, provided that such posting of security or acting as surety is merely incidental to the terms and conditions of an insurance contract or a membership agreement and provided further that no separate premium or charge therefor is required from the insureds or members.*
- ➔SECTION 25. A NEW SECTION OF KRS CHAPTER 507 IS CREATED TO READ AS FOLLOWS:
- (1) *As used in this section, "first responder" means:*
- (a) *A peace officer;*
 - (b) *Paid or volunteer emergency medical services or rescue personnel;*
 - (c) *A paid or volunteer member of an organized fire department; or*
 - (d) *Personnel of a private nonprofit organization providing fire, rescue, or emergency medical services;*

engaged at the time of the act in the lawful performance of his or her duties.

- (2) *A person is guilty of murder of a first responder when, with the intent to cause the death of a first responder, he or she causes the death of a first responder.*
- (3) *Notwithstanding KRS Chapter 532, murder of a first responder is a capital offense and the person shall be sentenced to death or imprisonment for life without benefit of probation or parole.*

➔Section 26. KRS 506.010 is amended to read as follows:

- (1) A person is guilty of criminal attempt to commit a crime when, acting with the kind of culpability otherwise required for commission of the crime, he *or she*:
 - (a) Intentionally engages in conduct which would constitute the crime if the attendant circumstances were as he *or she* believes them to be; or
 - (b) Intentionally does or omits to do anything which, under the circumstances as he *or she* believes them to be, is a substantial step in a course of conduct planned to culminate in his commission of the crime.
- (2) Conduct shall not be held to constitute a substantial step under subsection (1)(b) *of this section* unless it is an act or omission which leaves no reasonable doubt as to the defendant's intention to commit the crime which he *or she* is charged with attempting.
- (3) A person is guilty of criminal attempt to commit a crime when he engages in conduct intended to aid another person to commit that crime, although the crime is not committed or attempted by the other person, provided that his *or her* conduct would establish complicity under KRS 502.020 if the crime were committed by the other person.
- (4) A criminal attempt is a:
 - (a) Class C felony when the crime attempted is a violation of KRS 521.020 or 521.050;
 - (b) Class B felony when the crime attempted is a Class A felony or capital offense;
 - (c) Class C felony when the crime attempted is a Class B felony;
 - (d) Class A misdemeanor when the crime attempted is a Class C or D felony; *or*
 - (e) Class B misdemeanor when the crime attempted is a misdemeanor.
- (5) *Notwithstanding KRS Chapter 532, a person who has been convicted of, or entered a plea of guilty or nolo contendere to, criminal attempt to commit murder of a first responder shall be sentenced to imprisonment for:*
 - (a) *At least twenty (20) years;*
 - (b) *Life; or*
 - (c) *Life without benefit of probation or parole until the person has served a minimum of twenty-five (25) years.*

➔Section 27. KRS 532.025 is amended to read as follows:

- (1) (a) Upon conviction of a defendant in cases where the death penalty may be imposed, a hearing shall be conducted. In such hearing, the judge shall hear additional evidence in extenuation, mitigation, and aggravation of punishment, including the record of any prior criminal convictions and pleas of guilty or pleas of nolo contendere of the defendant, or the absence of any prior conviction and pleas; provided, however, that only such evidence in aggravation as the state has made known to the defendant prior to his or her trial shall be admissible. Subject to the Kentucky Rules of Evidence, juvenile court records of adjudications of guilt of a child for an offense that would be a felony if committed by an adult shall be admissible in court at any time the child is tried as an adult, or after the child becomes an adult, at any subsequent criminal trial relating to that same person. Juvenile court records made available pursuant to this section may be used for impeachment purposes during a criminal trial and may be used during the sentencing phase of a criminal trial; however, the fact that a juvenile has been adjudicated delinquent of an offense that would be a felony if the child had been an adult shall not be used in finding the child to be a persistent felony offender based upon that adjudication. Release of the child's treatment, medical, mental, or psychological records is prohibited unless presented as evidence in Circuit Court. Release of any records resulting from the child's prior abuse and neglect under Title IV-E or IV-B of the Federal Social Security Act is also prohibited. The judge shall also hear argument by the defendant or his or her

counsel and the prosecuting attorney, as provided by law, regarding the punishment to be imposed. The prosecuting attorney shall open and the defendant shall conclude the argument. In cases in which the death penalty may be imposed, the judge when sitting without a jury shall follow the additional procedure provided in subsection (2) of this section. Upon the conclusion of the evidence and arguments, the judge shall impose the sentence or shall recess the trial for the purpose of taking the sentence within the limits prescribed by law. If the trial court is reversed on appeal because of error only in the presentence hearing, the new trial which may be ordered shall apply only to the issue of punishment.

- (b) In all cases in which the death penalty may be imposed and which are tried by a jury, upon a return of a verdict of guilty by the jury, the court shall resume the trial and conduct a presentence hearing before the jury. Such hearing shall be conducted in the same manner as presentence hearings conducted before the judge as provided in paragraph (a) of this subsection, including the record of any prior criminal convictions and pleas of guilty or pleas of nolo contendere of the defendant. Upon the conclusion of the evidence and arguments, the judge shall give the jury appropriate instructions, and the jury shall retire to determine whether any mitigating or aggravating circumstances, as defined in subsection (2) of this section, exist and to recommend a sentence for the defendant. Upon the findings of the jury, the judge shall fix a sentence within the limits prescribed by law.
- (2) In all cases of offenses for which the death penalty may be authorized, the judge shall consider, or ~~he or she shall~~ include in his *or her* instructions to the jury for it to consider, any mitigating circumstances or aggravating circumstances otherwise authorized by law and any of the following statutory aggravating or mitigating circumstances which may be supported by the evidence:
- (a) Aggravating circumstances:
1. The offense of murder or kidnapping was committed by a person with a prior record of conviction for a capital offense, or the offense of murder was committed by a person who has a substantial history of serious assaultive criminal convictions;
 2. The offense of murder or kidnapping was committed while the offender was engaged in the commission of arson in the first degree, robbery in the first degree, burglary in the first degree, rape in the first degree, or sodomy in the first degree;
 3. The offender by his or her act of murder, armed robbery, or kidnapping knowingly created a great risk of death to more than one (1) person in a public place by means of a weapon of mass destruction, weapon, or other device which would normally be hazardous to the lives of more than one (1) person;
 4. The offender committed the offense of murder for himself, herself, or another, for the purpose of receiving money or any other thing of monetary value, or for other profit;
 5. The offense of murder was committed by a person who was a prisoner and the victim was a prison employee engaged at the time of the act in the performance of his or her duties;
 6. The offender's act or acts of killing were intentional and resulted in multiple deaths;
 7. The offender's act of killing was intentional and the victim was:
 - a. A state or local public official; or
 - b. *A first responder, as defined in Section 25 of this Act* ~~police officer, sheriff, or deputy sheriff engaged at the time of the act in the lawful performance of his or her duties~~;
 8. The offender murdered the victim when an emergency protective order or a domestic violence order was in effect, or when any other order designed to protect the victim from the offender, such as an order issued as a condition of a bond, conditional release, probation, parole, or pretrial diversion, was in effect; and
 9. The offender's act of killing was intentional and resulted in the death of a child under twelve (12) years old.
- (b) Mitigating circumstances:
1. The defendant has no significant history of prior criminal activity;

2. The capital offense was committed while the defendant was under the influence of extreme mental or emotional disturbance even though the influence of extreme mental or emotional disturbance is not sufficient to constitute a defense to the crime;
 3. The victim was a participant in the defendant's criminal conduct or consented to the criminal act;
 4. The capital offense was committed under circumstances which the defendant believed to provide a moral justification or extenuation for his or her conduct even though the circumstances which the defendant believed to provide a moral justification or extenuation for his or her conduct are not sufficient to constitute a defense to the crime;
 5. The defendant was an accomplice in a capital offense committed by another person and his or her participation in the capital offense was relatively minor;
 6. The defendant acted under duress or under the domination of another person even though the duress or the domination of another person is not sufficient to constitute a defense to the crime;
 7. At the time of the capital offense, the capacity of the defendant to appreciate the criminality of his or her conduct to the requirements of law was impaired as a result of mental illness or an intellectual disability or intoxication even though the impairment of the capacity of the defendant to appreciate the criminality of his or her conduct or to conform the conduct to the requirements of law is insufficient to constitute a defense to the crime; and
 8. The youth of the defendant at the time of the crime.
- (3) The instructions as determined by the trial judge to be warranted by the evidence or as required by KRS 532.030(4) shall be given in charge and in writing to the jury for its deliberation. The jury, if its verdict be a recommendation of death, or imprisonment for life without benefit of probation or parole, or imprisonment for life without benefit of probation or parole until the defendant has served a minimum of twenty-five (25) years of his or her sentence, shall designate in writing, signed by the foreman of the jury, the aggravating circumstance or circumstances which it found beyond a reasonable doubt. In nonjury cases, the judge shall make such designation. In all cases unless at least one (1) of the statutory aggravating circumstances enumerated in subsection (2) of this section is so found, the death penalty, or imprisonment for life without benefit of probation or parole, or the sentence to imprisonment for life without benefit of probation or parole until the defendant has served a minimum of twenty-five (25) years of his or her sentence, shall not be imposed.

➔Section 28. KRS 532.036 is amended to read as follows:

- (1) As used in this section:
- (a) "Disabled":
 1. Means a legal disability as is measured by functional incapacities; and
 2. Includes incapacities caused by psychological, psychiatric, or stress-related trauma, and refers to any person seventeen (17) years of age or older who is unable to make informed decisions with respect to his or her personal affairs to the extent that he or she lacks the capacity to provide for his or her physical health and safety or the physical health and safety of a minor child, including but not limited to health care, food, shelter, clothing, or personal hygiene; and
 - (b) "Totally and permanently disabled":
 1. Means the inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve (12) months; and
 2. Includes a finding of permanent total disability by the Social Security Administration that a person is disabled and qualifies for benefits or a finding by an administrative law judge under KRS Chapter 342.
- (2) (a) Notwithstanding any law to the contrary, if a defendant is convicted of a violation of KRS 189A.010 *or Section 25 of this Act, or an attempt to commit a violation of Section 25 of this Act*, and the violation caused the death of a parent or guardian of a minor child or dependent or resulted in a finding by the court that a parent or guardian of a minor child or dependent is disabled or totally and permanently disabled, then the sentencing court may order the defendant to pay restitution in the form of financial

support for the child or dependent to each child or dependent of the victim until the child or dependent reaches:

1. Eighteen (18) years of age; or
 2. Nineteen (19) years of age if the child or dependent is still enrolled in high school.
- (b) In determining an amount that is reasonable and necessary for the financial support of the victim's child or dependent, the court shall consider all relevant factors, including the:
1. Financial needs and resources of the child or dependent;
 2. Financial resources and needs of the surviving parent or guardian of the child or dependent;
 3. Standard of living to which the child or dependent is accustomed;
 4. Physical and emotional condition of the child or dependent and the child's or dependent's educational needs;
 5. Child's or dependent's physical and legal custody arrangements; and
 6. Reasonable child care expenses of the surviving parent or guardian.
- (3) The court shall order that payments made to financially support the child or dependent be made to the clerk of court as trustee for remittance to the child or dependent's surviving parent or guardian. The clerk shall remit the payments to the surviving parent or guardian within three (3) working days of receipt by the clerk. The clerk shall deposit all payments no later than the next working day after receipt.
- (4) If a defendant who is ordered to pay restitution in the form of financial support for the child or dependent under this section is incarcerated and unable to pay the required restitution, the defendant shall have up to one (1) year after the release from incarceration to begin payment, including entering into a payment plan to address any arrearage.
- (5) If a defendant's payments to financially support the child or dependent are set to terminate but the defendant's obligation is not paid in full, the payments to financially support the child or dependent shall continue until the entire arrearage is paid.
- (6) (a) If the surviving parent or guardian of the child or dependent brings a civil action against the defendant before the sentencing court orders restitution to financially support the child or dependent and the surviving parent or guardian obtains a judgment and full satisfaction of damages in the civil suit, restitution shall not be ordered under this section.
- (b) If the court orders the defendant to pay restitution to financially support the child or dependent under this section and the surviving parent or guardian subsequently brings a civil action and obtains a judgment, the restitution order shall be offset by the amount of the judgment awarded and paid by the defendant or the defendant's insurance for lost wages or permanent impairment of the power to work and earn money in the civil action.

➔Section 29. KRS 439.320 is amended to read as follows:

- (1) (a) The Governor shall appoint a Parole Board consisting of nine (9) full-time members to be confirmed by the Senate in accordance with KRS 11.160.
 - (b) The Governor shall make each appointment from a list of three (3) names given to him or her by the Kentucky State Corrections Commission.
 - (c) Each member appointed to the board shall have had at least five (5) years of actual experience in the field of penology, correction work, law enforcement, sociology, law, education, social work, medicine, or a combination thereof, or have served at least five (5) years previously on the Parole Board.
 - (d) No more than six (6) board members shall be of the same political party.
 - (e) The board shall be attached to the Justice and Public Safety Cabinet for administrative purposes only. The Department of Corrections shall provide any clerical, stenographic, administrative, and expert staff assistance the board deems necessary to carry out its duties.
- (2) The Governor shall designate one (1) member as chairperson of the board. The member designated as chairperson shall serve in that capacity at the pleasure of the Governor or until his or her term expires.

- (3) (a) The members of the board shall give full time to the duties of their office and shall receive necessary traveling expenses and a salary to be determined pursuant to KRS 64.640(2), except the chairperson of the board shall receive additional compensation of one thousand dollars (\$1,000) per year for his or her services.
- (b) ***The members of the board shall serve at the pleasure of the Governor, but for no more than four (4) years without reappointment.*** ~~Their terms of office shall be four (4) years and until their successors are appointed and have qualified.~~ Their successors shall be appointed thereafter as provided in this section. ~~for terms of four (4) years, and~~ A vacancy occurring before expiration of the term of office shall be similarly filled for the unexpired term.
- (4) The organization of the board shall be determined by the chairperson and shall be consistent with administrative regulations promulgated pursuant to KRS 439.340. For policy and procedural matters, five (5) members shall constitute a quorum.
- (5) Parole and final parole revocation hearings may be done by panels of the board, subject to the following requirements:
- (a) ***A panel shall consist of not less than three (3) and not more than six (6) members.*** ~~If a two (2) member panel is utilized, both members of the panel shall agree on the decision or the matter shall be referred to the full board; and~~
- (b) ***All members of the panel shall agree on a decision or the matter shall be referred to the full board.*** ~~If a three (3) member panel is utilized, two (2) of the three (3) members of the panel shall agree on a decision or the matter shall be referred to the full board; and~~
- ~~(c) If a panel of four (4) or more members is utilized, a majority of the panel shall agree on a decision or the matter shall be referred to the full board.~~
- ~~(6)(5)~~ The Governor may not remove any member of the board except for disability, inefficiency, neglect of duty, or malfeasance in office. Before removal, he or she shall give the member a written copy of the charges against him or her and shall fix the time when he or she can be heard in his or her defense, which shall not be less than ten (10) days thereafter. Upon removal, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against the member and the findings thereupon with a record of the proceedings.

➔Section 30. KRS 439.330 is amended to read as follows:

- (1) The board shall:
- (a) Study the case histories of persons eligible for parole, and deliberate on that record;
- (b) Conduct reviews and hearings on the desirability of granting parole;
- (c) Impose upon the parolee or conditional releasee such conditions as it sees fit;
- (d) Order the granting of parole ***upon a two-thirds (2/3) vote of the membership of the full board, or pursuant to subsection (5) of Section 29 of this Act;***
- (e) Issue warrants for persons charged with violations of parole and postincarceration supervision and conduct hearings on such charges, subject to the provisions of KRS 439.341, 532.043, and 532.400;
- (f) Determine the period of supervision for parolees, which period may be subject to extension or reduction after recommendation of the cabinet is received and considered; and
- (g) Grant final discharge to parolees.
- (2) The board shall adopt an official seal of which the courts shall take judicial notice.
- (3) The orders of the board shall not be reviewable except as to compliance with the terms of KRS 439.250 to 439.560.
- (4) The board shall keep a record of its acts, an electronic record of its meetings, a written record of the votes of individual members, and the reasons for denying parole to inmates. These records shall be public records in accordance with KRS 61.870 to 61.884. The board shall notify each institution of its decisions relating to the persons who are or have been confined ***in that institution*** ~~therein~~, and shall submit to the Governor a report with statistical and other data of its work at the close of each fiscal year.

➔Section 31. KRS 433.236 is amended to read as follows:

- (1) A peace officer, security agent of a mercantile establishment, merchant, or merchant's employee who has probable cause *to believe*~~{for believing}~~ that goods held for sale by the merchant have been unlawfully taken by a person may take the person into custody and detain him *or her* in a reasonable manner for a reasonable length of time, on the premises of the mercantile establishment or off the premises of the mercantile establishment, if the persons enumerated in this section are in fresh pursuit, for any~~{or all}~~ of the following purposes:
- (a) To request identification;
 - (b) To verify such identification;
 - (c) To make reasonable inquiry as to whether such person has in his *or her* possession unpurchased merchandise, and to make reasonable investigation of the ownership of such merchandise;
 - (d) To recover or attempt to recover goods taken from the mercantile establishment by such person, or by others accompanying him *or her*; *or*
 - (e) To inform a peace officer or law enforcement agency of the detention of the person and to surrender the person to the custody of a peace officer, and in the case of a minor, to inform the parents, guardian, or other person having custody of that minor of his *or her* detention, in addition to surrendering the minor to the custody of a peace officer.
- (2) *Any person exercising any authority granted in subsection (1) of this section may use a reasonable amount of force necessary to protect himself or herself and to prevent the escape of the person detained or the loss of goods for sale. Except as provided in KRS Chapter 503, deadly force shall not be justified solely to protect property.*
- (3) The recovery of goods taken from the mercantile establishment by the person detained or by others shall not limit the right of the persons named in subsection (1) of this section to detain such person for peace officers or otherwise accomplish the purposes of subsection (1) *of this section*.
- ~~(4){(3)}~~ *Any person enumerated in subsection (1) of this section shall be immune from criminal liability and shall only be subject to civil liability for failing to exercise reasonable care for any authority granted under this section.*
- (5) Any peace officer may arrest without warrant any person he *or she* has probable cause *to believe*~~{for believing}~~ has committed larceny in retail or wholesale establishments.

➔Section 32. KRS 439.3401 is amended to read as follows:

- (1) As used in this section, "violent offender" means any person who has been convicted of or pled guilty to:
- (a) The commission *or attempted commission* of:
 - 1.~~{(a)}~~ A capital offense;
 - 2.~~{(b)}~~ A Class A felony; *or*
 3. *A felony sexual offense described in KRS Chapter 510; or*
 - (b) *Commission of:*
 - 1.~~{(c)}~~ A ~~{Class B}~~felony involving the death of the victim or serious physical injury to a victim;
 - ~~{(d)}~~ An offense described in KRS 507.040 or 507.050 where the offense involves the killing of a peace officer, firefighter, or emergency medical services personnel while the peace officer, firefighter, or emergency medical services personnel was acting in the line of duty;
 - ~~{(e)}~~ A Class B felony involving criminal attempt to commit murder under KRS 506.010 if the victim of the offense is a clearly identifiable peace officer, firefighter, or emergency medical services personnel acting in the line of duty, regardless of whether an injury results;
 - ~~{(f)}~~ The commission or attempted commission of a felony sexual offense described in KRS Chapter 510;
 - 2.~~{(g)}~~ Use of a minor in a sexual performance as described in KRS 531.310;
 - 3.~~{(h)}~~ Promoting a sexual performance by a minor as described in KRS 531.320;
 - 4.~~{(i)}~~ Unlawful transaction with a minor in the first degree as described in KRS 530.064(1)(a);

5. ~~{(j)}~~ Human trafficking under KRS 529.100 involving commercial sexual activity where the victim is a minor;
 6. ~~{(k)}~~ Criminal abuse in the first degree as described in KRS 508.100;
 7. ~~{(4)}~~ Burglary in the first degree accompanied by the commission or attempted commission of an assault *as* described in KRS 508.010, 508.020, 508.032, or 508.060;
 8. ~~{(m)}~~ Burglary in the first degree accompanied by commission or attempted commission of kidnapping *as described in* ~~prohibited by~~ KRS 509.040;
 9. ***Burglary in the first degree as described in KRS 511.020, if a person other than a participant in the crime was present in the building during the commission of the offense;***
 10. ~~{(n)}~~ Robbery in the first degree *as described in KRS 515.020*; ~~or~~
 11. ~~{(o)}~~ ***Robbery in the second degree as described in KRS 515.030;***
 12. Incest as described in KRS 530.020(2)(b) or (c);
 13. ***Arson in the first degree as described in KRS 513.020;***
 14. ***Strangulation in the first degree as described in KRS 508.170;***
 15. ***Carjacking as described in Section 9 of this Act;***
 16. ***A Class C felony violation of promoting contraband in the first degree as described in Section 15 of this Act; or***
 17. ***Wanton endangerment in the first degree as described in Section 40 of this Act involving the discharge of a firearm.***
- (2) The court shall designate in its judgment if:
- (a) The victim suffered death or serious physical injury; *and*
 - (b) ***A person other than a participant in the crime was present in the building during the commission of burglary in the first degree.***
- (3) ~~{(2)}~~ A violent offender who has been convicted of a capital offense and who has received a life sentence ~~{and has not been sentenced to twenty-five (25) years without parole or imprisonment for life without benefit of probation or parole}~~, or a Class A felony and receives a life sentence, or to death and his or her sentence is commuted to a life sentence shall not be released on probation or parole until he or she has served at least twenty (20) years in the penitentiary. Violent offenders may have a greater minimum parole eligibility date than other offenders who receive longer sentences, including a sentence of life imprisonment.
- (4) ~~{(3)}~~ ~~{(a)}~~ A violent offender ~~who has been convicted of a capital offense or Class A felony~~ with a sentence of a term of years ~~for Class B felony~~ shall not be released on probation, ***shock probation***, ~~or~~ ***conditional discharge, or other form of early release*** until he *or she* has served at least eighty-five percent (85%) of the sentence imposed.
- ~~{(b)}~~ A violent offender who has been convicted of a violation of KRS 507.040 where the victim of the offense was clearly identifiable as a peace officer, a firefighter, or emergency medical services personnel, and the victim was acting in the line of duty shall not be released on probation or parole until he or she has served at least eighty five percent (85%) of the sentence imposed.
- ~~{(c)}~~ A violent offender who has been convicted of a violation of KRS 507.040 or 507.050 where the victim of the offense was a peace officer, a firefighter, or emergency medical services personnel, and the victim was acting in the line of duty shall not be released on probation or parole until he or she has served at least fifty percent (50%) of the sentence imposed.
- ~~{(d)}~~ Any offender who has been convicted of a homicide or fetal homicide offense under KRS Chapter 507 or 507A in which the victim of the offense died as the result of an overdose of a Schedule I controlled substance and who is not otherwise subject to paragraph (a), (b), or (c) of this subsection shall not be released on probation, shock probation, parole, conditional discharge, or other form of early release until he or she has served at least fifty percent (50%) of the sentence imposed.

~~(5)(4)~~ A violent offender shall ~~only not~~ be awarded ~~any~~ credit on his *or her* sentence authorized by KRS 197.045(1)(a) ~~I. (b)1. In no event shall a violent offender be given credit on his or her sentence if the credit reduces the term of imprisonment to less than eighty five percent (85%) of the sentence.~~

~~(6)(5)~~ This section shall not apply to a person who has been determined by a court to have been a victim of domestic violence or abuse pursuant to KRS 533.060 with regard to the offenses involving the death of the victim or serious physical injury to the victim. The provisions of this subsection shall not extend to rape in the first degree or sodomy in the first degree by the defendant.

~~(7)(6)~~ This section shall apply only to those persons who commit offenses after July 15, 1998.

~~(8)(7)~~ For offenses committed prior to July 15, 1998, the version of this statute in effect immediately prior to that date shall continue to apply.

~~(9)(8)~~ The provisions of subsection (1) of this section extending the definition of "violent offender" to persons convicted of or pleading guilty to robbery in the first degree shall apply only to persons whose crime was committed after July 15, 2002.

➔ Section 33. KRS 525.045 is amended to read as follows:

(1) A person is guilty of the separate offense of terrorism if conviction of the underlying offense committed would classify the person as a violent offender under KRS 439.3401(1)(a) ~~I. (b)1. (c), or (d)~~, or the underlying offense was an offense under KRS 527.200, 527.205, or 527.210 and the person had the intent to:

- (a) Intimidate the civilian population at large, or an identifiable group of the civilian population; or
- (b) Influence, through intimidation, the conduct or activities of the government of the United States, the Commonwealth, any other state, or any unit of local government.

(2) A conviction of terrorism shall be punishable by a term of imprisonment for life without benefit of probation or parole. An offense under this section is a separate offense from the underlying offense and shall not merge with other offenses.

(3) A person convicted under this section shall not be released on probation, shock probation, parole, conditional discharge, or any other form of conditional release.

(4) (a) All real and personal property used or intended for use in the course of, derived from, or realized through an offense punishable pursuant to this section shall be subject to lawful seizure and forfeiture to the Commonwealth as set forth in KRS 218A.405 to 218A.460, except that any property seized and forfeited to the Commonwealth under this section that was used in an act of terror, as defined in KRS 411.025, shall be held for at least five (5) years for the purposes of paying any damages awarded under KRS 411.025.

(b) Notwithstanding paragraph (a) of this subsection, any real or personal property:

- 1. Taken by a lender in good faith as collateral for the extension of credit and recorded as provided by law;
- 2. Of an owner who made a bona fide purchase of the property; or
- 3. Of a person with rightful possession of the property;

shall not be subject to forfeiture unless the lender, owner, or person had knowledge of an offense under this section.

(5) Damages awarded pursuant to a successful claim under KRS 411.025 may be paid by property lawfully seized and forfeited under this section.

➔ Section 34. KRS 508.075 is amended to read as follows:

(1) A person is guilty of terroristic threatening in the first degree when he or she:

(a) Intentionally makes false statements that he or she or another person has placed a weapon of mass destruction on:

- 1. The real property or any building of any public or private elementary or secondary school, vocational school, or institution of postsecondary education;
- 2. A school bus or other vehicle owned, operated, or leased by a school;

3. The real property or any building public or private that is the site of an official school-sanctioned function;
4. The real property or any building owned or leased by a government agency;~~[-or]~~
5. The real property or any building owned or leased by a domestic violence shelter as defined in KRS 511.085;~~[-or]~~
6. *Any workplace; or*
7. *The real property or any building public or private that is the site of any gathering of three (3) or more persons; or*

(b) Intentionally and without lawful authority, places a counterfeit weapon of mass destruction at any location or on any object specified in paragraph (a) of this subsection.

- (2) A counterfeit weapon of mass destruction is placed with lawful authority if it is placed, with the written permission of the chief officer of the school or other institution, as a part of an official training exercise and is placed by a public servant, as defined in KRS 522.010.
- (3) A person is not guilty of commission of an offense under this section if he or she, innocently and believing the information to be true, communicates a threat made by another person to school personnel, domestic violence shelter personnel, a peace officer, a law enforcement agency, a public agency involved in emergency response, or a public safety answering point and identifies the person from whom the threat was communicated, if known.
- (4) Terroristic threatening in the first degree is a Class C felony.

➔Section 35. KRS 508.078 is amended to read as follows:

- (1) A person is guilty of terroristic threatening in the second degree when, other than as provided in KRS 508.075, he or she intentionally:
 - (a) With respect to any scheduled, publicly advertised event open to the public, any place of worship,~~[-or]~~ any school function, *any workplace, or any gathering of three (3) or more persons*, threatens to commit *by any means, including by use of a firearm*, any act likely to result in death or serious physical injury to any person~~[-at a scheduled, publicly advertised event open to the public, any person at a place of worship, or any student group, teacher, volunteer worker, or employee of a public or private elementary or secondary school, vocational school, or institution of postsecondary education, or to any other person reasonably expected to lawfully be on school property or at a school sanctioned activity, if the threat is related to their employment by a school, or work or attendance at school, or a school function].~~ A threat directed at a person or persons at a scheduled, publicly advertised event open to the public, place of worship,~~[-or]~~ school, *workplace, or gathering of three (3) or more persons* does not need to identify a specific person or persons or school in order for a violation of this section to occur;
 - (b) Makes false statements by any means, including by electronic communication, indicating that an act likely to result in death or serious physical injury is occurring or will occur for the purpose of:
 1. Causing evacuation of a school building, school property, or school-sanctioned activity;
 2. Causing cancellation of school classes or school-sanctioned activity; or
 3. Creating fear of death or serious physical injury among students, parents, or school personnel;
 - (c) Makes false statements that he or she has placed a weapon of mass destruction at any location other than one specified in KRS 508.075; or
 - (d) Without lawful authority places a counterfeit weapon of mass destruction at any location other than one specified in KRS 508.075.
- (2) A counterfeit weapon of mass destruction is placed with lawful authority if it is placed as part of an official training exercise by a public servant, as defined in KRS 522.010.
- (3) A person is not guilty of commission of an offense under this section if he or she, innocently and believing the information to be true, communicates a threat made by another person to school personnel, a peace officer, a law enforcement agency, a public agency involved in emergency response, or a public safety answering point and identifies the person from whom the threat was communicated, if known.

- (4) Except as provided in subsection (5) of this section, terroristic threatening in the second degree is a Class D felony.
- (5) Terroristic threatening in the second degree is a Class C felony when, in addition to violating subsection (1) of this section, the person intentionally engages in substantial conduct required to prepare for or carry out the threatened act, including but not limited to gathering weapons, ammunition, body armor, vehicles, or materials required to manufacture a weapon of mass destruction.

➔Section 36. KRS 158.155 is amended to read as follows:

- (1) *Any school employee who knows or has reasonable cause to believe that a person has made threats or plans of violence which are intended to target a school or students or who knows that a firearm is present on school property in violation of KRS 527.070 shall immediately cause a report to be made pursuant to subsection (10) of this section.*
- (2) *Any school employee shall immediately report pursuant to subsection (10) of this section any act which the employee has a reasonable cause to believe has occurred on school property or at a school-sponsored or sanctioned event involving:*
- (a) *Assault resulting in serious physical injury;*
 - (b) *A sexual offense;*
 - (c) *Kidnapping;*
 - (d) *Assault with the use of a weapon;*
 - (e) *Possession of a firearm or deadly weapon in violation of the law;*
 - (f) *The use, possession, or sale of a controlled substance in violation of the law; or*
 - (g) *Damage to property.*
- (3) *Any school employee who receives information from a student or other person of conduct which is required to be reported under subsection (1) or (2) of this section shall report the conduct pursuant to subsection (10) of this section.*
- (4) If a student has been adjudicated guilty of an offense specified in this subsection or has been expelled from school for an offense specified in this subsection, prior to a student's admission to any school, the parent, guardian, principal, or other person or agency responsible for a student shall provide to the school a sworn statement or affirmation indicating on a form provided by the Kentucky Board of Education that the student has been adjudicated guilty or expelled from school attendance at a public or private school in this state or another state for homicide, assault, or an offense in violation of state law or school regulations relating to weapons, alcohol, or drugs. The sworn statement or affirmation shall be sent to the receiving school within five (5) working days of the time when the student requests enrollment in the new school.
- ~~(5)(2)~~ If any student who has been expelled from attendance at a public or private school in this state for homicide, assault, or an offense in violation of state law or school regulations relating to weapons, alcohol, or drugs requests transfer of his records, those records shall reflect the charges and final disposition of the expulsion proceedings.
- ~~(6)(3)~~ If any student who is subject to an expulsion proceeding at a public or private school in this state for homicide, assault, or an offense in violation of state law or school regulations relating to weapons, alcohol, or drugs requests transfer of his records to a new school, the records shall not be transferred until that proceeding has been terminated and shall reflect the charges and any final disposition of the expulsion proceedings.
- ~~(4)~~ A person who is an administrator, teacher, or other employee of a public or private school shall promptly make a report to the local police department, sheriff, or the Department of Kentucky State Police, by telephone or otherwise, if:
- (a) The person knows or has reasonable cause to believe that conduct has occurred which constitutes:
 - 1. A misdemeanor or violation offense under the laws of this Commonwealth and relates to:
 - a. Carrying, possession, or use of a deadly weapon; or
 - b. Use, possession, or sale of controlled substances; or
 - 2. Any felony offense under the laws of this Commonwealth; and

- ~~(b) The conduct occurred on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school sponsored or sanctioned event.~~
- ~~(5) A person who is an administrator, teacher, supervisor, or other employee of a public or private school who receives information from a student or other person of conduct which is required to be reported under subsection (1) of this section shall report the conduct in the same manner as required by that subsection.~~
- (7)~~(6)~~ Neither the husband-wife privilege of KRE 504 nor any professional-client privilege, including those set forth in KRE 506 and 507, shall be a ground for refusing to make a report required under this section or for excluding evidence in a judicial proceeding of the making of a report and of the conduct giving rise to the making of a report. However, the attorney-client privilege of KRE 503 and the religious privilege of KRE 505 are grounds for refusing to make a report or for excluding evidence as to the report and the underlying conduct.
- ~~(8)(7)~~ Nothing in this section shall be construed as to require self-incrimination.
- ~~(9)(8)~~ A person acting upon reasonable cause in the making of a report under this section in good faith shall be immune from any civil or criminal liability that might otherwise be incurred or imposed from:
- (a) Making the report; and
 - (b) Participating in any judicial proceeding that resulted from the report.
- (10) ***Notice required pursuant to this section shall be given to any law enforcement agency created by the local board of education, and to:***
- (a) ***A local law enforcement agency not created by the local board of education; or***
 - (b) ***The Department of Kentucky State Police.***
- (11) ***Any person who intentionally violates the provisions of this section shall be guilty of a:***
- (a) ***Class B misdemeanor for the first offense;***
 - (b) ***Class A misdemeanor for the second offense; and***
 - (c) ***Class D felony for the third or subsequent offense.***
- ➔Section 37. KRS 158.148 is amended to read as follows:
- (1) (a) As used in this section, "bullying" means any unwanted verbal, physical, or social behavior among students that involves a real or perceived power imbalance and is repeated or has the potential to be repeated:
 1. That occurs on school premises, on school-sponsored transportation, or at a school-sponsored event; or
 2. That disrupts the education process.
 (b) This definition shall not be interpreted to prohibit civil exchange of opinions or debate or cultural practices protected under the state or federal Constitution where the opinion expressed does not otherwise materially or substantially disrupt the education process.
 - (2) In cooperation with the Kentucky Education Association, the Kentucky School Boards Association, the Kentucky Association of School Administrators, the Kentucky Association of Professional Educators, the Kentucky Association of School Superintendents, the Parent-Teachers Association, the Kentucky Chamber of Commerce, the Farm Bureau, members of the Interim Joint Committee on Education, and other interested groups, and in collaboration with the Center for School Safety, the Department of Education shall develop or update as needed and distribute to all districts by August 31 of each even-numbered year, beginning August 31, 2008:
 - (a) Statewide student discipline guidelines to ensure safe schools, including the definition of serious incident for the reporting purposes as identified in KRS 158.444;
 - (b) Recommendations designed to improve the learning environment and school climate, parental and community involvement in the schools, and student achievement; and
 - (c) A model policy to implement the provisions of this section and KRS 158.156, 158.444, 525.070, and 525.080.

- (3) The department shall obtain statewide data on major discipline problems and reasons why students drop out of school. In addition, the department, in collaboration with the Center for School Safety, shall identify successful strategies currently being used in programs in Kentucky and in other states and shall incorporate those strategies into the statewide guidelines and the recommendations under subsection (2) of this section.
- (4) Copies of the discipline guidelines shall be distributed to all school districts. The statewide guidelines shall contain broad principles and legal requirements to guide local districts in developing their own discipline code and school councils in the selection of discipline and classroom management techniques under KRS ~~158.155~~~~{158.154}~~; and in the development of the district-wide safety plan.
- (5) (a) Each local board of education shall be responsible for formulating a code of acceptable behavior and discipline to apply to the students in each school operated by the board. The code shall be updated no less frequently than every two (2) years, with the first update being completed by November 30, 2008.
- (b) The superintendent, or designee, shall be responsible for overall implementation and supervision, and each school principal shall be responsible for administration and implementation within each school. Each school council shall select and implement the appropriate discipline and classroom management techniques necessary to carry out the code. The board shall establish a process for a two-way communication system for teachers and other employees to notify a principal, supervisor, or other administrator of an existing emergency.
- (c) The code shall prohibit bullying.
- (d) The code shall contain the type of behavior expected from each student, the consequences of failure to obey the standards, and the importance of the standards to the maintenance of a safe learning environment where orderly learning is possible and encouraged.
- (e) The code shall contain:
1. Procedures for identifying, documenting, and reporting incidents of bullying, incidents of violations of the code, and incidents for which reporting is required under KRS 158.156;
 2. Procedures for investigating and responding to a complaint or a report of bullying or a violation of the code, or of an incident for which reporting is required under KRS 158.156, including reporting incidents to the parents, legal guardians, or other persons exercising custodial control or supervision of the students involved;
 3. A strategy or method of protecting from retaliation a complainant or person reporting an incident of bullying, a violation of the code, or an incident for which reporting is required under KRS 158.156;
 4. A process for informing students, parents, legal guardians, or other persons exercising custodial control or supervision, and school employees of the requirements of the code and the provisions of this section and KRS 158.156, 158.444, 525.070, and 525.080, including training for school employees; and
 5. Information regarding the consequences of bullying and violating the code and violations reportable under KRS ~~158.155~~~~{158.154}~~, 158.156, or 158.444.
- (f) The principal of each school shall apply the code of behavior and discipline uniformly and fairly to each student at the school without partiality or discrimination.
- (g) A copy of the code of behavior and discipline adopted by the board of education shall be posted at each school. Guidance counselors shall be provided copies for discussion with students. The code shall be referenced in all school handbooks. All school employees and parents, legal guardians, or other persons exercising custodial control or supervision shall be provided copies of the code.

➔Section 38. KRS 506.040 is amended to read as follows:

- (1) A person having the intention of promoting or facilitating the commission of a crime is guilty of criminal conspiracy when he:
- (a) Agrees with one (1) or more persons that at least one (1) of them will engage in conduct constituting that crime or an attempt or solicitation to commit such a crime; or
 - (b) Agrees to aid one or more persons in the planning or commission of that crime or an attempt or solicitation to commit such a crime.

- (2) Except as provided in *subsection (3) of this section, or in* a specific statute to the contrary, a criminal conspiracy is a:
- (a) Class C felony when the conspiratorial agreement is a violation of KRS 521.020 or 521.050;
 - (b) Class B felony when the object of the conspiratorial agreement is a Class A felony or capital offense;
 - (c) Class C felony when the object of the conspiratorial agreement is a Class B felony;
 - (d) Class A misdemeanor when the object of the conspiratorial agreement is a Class C or D felony;
 - (e) Class B misdemeanor when the object of the conspiratorial agreement is a misdemeanor.
- (3) *Any person who is eighteen (18) years of age or older who engages in a criminal conspiracy with a minor shall be charged one (1) level higher than the level provided for the offense which is the object of the conspiratorial agreement.*

➔Section 39. KRS 218A.1402 is amended to read as follows:

Except as provided in subsection (3) of Section 38 of this Act, any person who commits a criminal conspiracy as defined in KRS 506.040 to commit any offense in this chapter shall be subject to the same penalties as provided for the underlying offense as specified in this chapter.

➔Section 40. KRS 508.060 is amended to read as follows:

- (1) A person is guilty of wanton endangerment in the first degree when, under circumstances manifesting extreme indifference to the value of human life, he *or she* wantonly engages in conduct which creates a substantial danger of death or serious physical injury to another person.
- (2) Wanton endangerment in the first degree is a Class D felony, *unless the person discharges a firearm in the commission of the offense, in which case it is a Class C felony.*

➔Section 41. KRS 524.040 is amended to read as follows:

- (1) A person is guilty of intimidating a participant in the legal process when, by use of *harassing communications as described in KRS 525.080*, physical force, or a threat directed to a person he *or she* believes to be a participant in the legal process, he or she:
 - (a) Influences, or attempts to influence, the testimony, vote, decision, or opinion of that person;
 - (b) Induces, or attempts to induce, that person to avoid legal process summoning him or her to testify;
 - (c) Induces, or attempts to induce, that person to absent himself or herself from an official proceeding to which he has been legally summoned;
 - (d) Induces, or attempts to induce, that person to withhold a record, document, or other object from an official proceeding;
 - (e) Induces, or attempts to induce, that person to alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding; or
 - (f) Hinders, delays, or prevents the communication to a law enforcement officer or judge of information relating to the possible commission of an offense or a violation of conditions of probation, parole or release pending judicial proceedings.
- (2) For purposes of this section:
 - (a) An official proceeding need not be pending or about to be instituted at the time of the offense; and
 - (b) The testimony, record, document, or other object need not be admissible in evidence or free of a claim of privilege.
- (3) Intimidating a participant in the legal process is a Class D felony.
- (4) In order for a person to be convicted of a violation of this section, the act against a participant in the legal process or the immediate family of a participant in the legal process shall be related to the performance of a duty or role played by the participant in the legal process.

➔Section 42. KRS 439.340 is amended to read as follows:

- (1) The board may release on parole persons confined in any adult state penal or correctional institution of Kentucky or sentenced felons incarcerated in county jails eligible for parole. All paroles shall issue upon order

of the board duly adopted. As soon as practicable after his or her admission to an adult state penal or correctional institution or county jail if he or she is a sentenced felon, and at such intervals thereafter as it may determine, the Department of Corrections shall obtain all pertinent information regarding each prisoner, except those not eligible for parole. The information shall include the results of his or her most recent risk and needs assessment, his or her criminal record, his or her conduct, employment, and the reports of physical and mental examinations that have been made. The Department of Corrections shall furnish the circumstances of his or her offense, the results of his or her most recent risk and needs assessment, and his or her previous social history to the board. The Department of Corrections shall prepare a report on any information it obtains. It shall be the duty of the Department of Corrections to supplement this report with any material the board may request and submit the report to the board.

- (2) Before granting the parole of any prisoner, the board shall consider the pertinent information regarding the prisoner, including the results of his or her most recent risk and needs assessment, and shall have him or her appear before it for interview and hearing. The board in its discretion may hold interviews and hearings for prisoners convicted of Class C felonies not included within the definition of "violent offender" in KRS 439.3401 and Class D felonies not included within the definition of "sex crime" in KRS 17.500. The board in its discretion may request the parole board of another state confining prisoners pursuant to KRS 196.610 to interview eligible prisoners and make a parole recommendation to the board. A parole shall be ordered only for the best interest of society and not as an award of clemency, and it shall not be considered a reduction of sentence or pardon. A prisoner shall be placed on parole only when arrangements have been made for his or her proper employment or for his or her maintenance and care, and when the board believes he or she is able and willing to fulfill the obligations of a law abiding citizen. Notwithstanding any statute to the contrary, including KRS 440.330, when a prisoner is otherwise eligible for parole and the board has recommended parole for that prisoner for the reasons set forth in this subsection, the board may grant parole to any prisoner wanted as a fugitive by any other jurisdiction, and the prisoner shall be released to the detainer from that jurisdiction. Such parole shall not constitute a relinquishment of jurisdiction over the prisoner, and the board in all cases expressly reserves the right to return the prisoner to confinement in a correctional institution of the Commonwealth if the prisoner violates the terms of his or her parole.
- (3) (a) A nonviolent offender convicted of a Class D felony with an aggregate sentence of one (1) to five (5) years who is confined to a state penal institution or county jail shall have his or her case reviewed by the Parole Board after serving fifteen percent (15%) or two (2) months of the original sentence, whichever is longer.
- (b) Except as provided in this section, the board shall adopt administrative regulations with respect to the eligibility of prisoners for parole, the conduct of parole and parole revocation hearings and all other matters that come before it, or conditions to be imposed upon parolees. Regulations governing the eligibility of prisoners for parole shall be in accordance with professionally accepted ideas of correction and reform and may utilize in part objective, performance-based criteria and risk and needs assessment information; however, nothing herein contained shall preclude the board from utilizing its present regulations in conjunction with other factors involved that would relate to the inmate's needs and the safety of the public.
- (4) The board shall ~~ensure~~ ~~insure~~ that all sentenced felons who have longer than ninety (90) days to serve in state penal institutions, halfway houses, reentry centers, and county jails are considered for parole not less than sixty (60) days prior to their parole eligibility date, and the Department of Corrections shall provide the necessary assistance and information to the board in order for it to conduct timely parole reviews.
- (5) In addition to or in conjunction with each hearing conducted under subsection (2) of this section for any prisoner convicted of a Class A, B, or C felony or a Class D felony included within the definition of "sex crime" in KRS 17.500 and prior to the granting of a parole to any such prisoner, the Parole Board shall conduct a hearing of which the following persons shall receive not less than forty-five (45) nor more than ninety (90) days' notice: the Commonwealth's attorney who shall notify the sheriff of every county and the chief of police of every city and county in which the prisoner committed any Class A, B, or C felony or a Class D felony included within the definition of "sex crime" in KRS 17.500 for which he or she is imprisoned, and all identified victims of the crimes or the next of kin of any victim who is deceased. Notice to the Commonwealth's attorney shall be by mail, fax, or electronic means at the discretion of the board, and shall be in a manner that ensures receipt at the ~~Commonwealth's~~ ~~Commonwealth~~ attorney's business office. Notices received by chiefs of police and sheriffs shall be posted in a conspicuous location where police employed by the department may see it. Notices shall be posted in a manner and at a time that will allow officers to make comment thereon to the Parole Board. Notice to victims or their next of kin shall be made, for prisoners incarcerated prior to July 15, 1986, by mail, fax, or electronic means at the discretion of the board, and shall be

in a manner that ensures receipt by the Commonwealth's attorney, who shall forward the notice promptly to the victims or their next of kin at their last known address. For prisoners incarcerated on or after July 15, 1986, notice to the victims or their next of kin shall be by mail from the Parole Board to their last known address as provided by the Commonwealth's attorney to the Parole Board at the time of incarceration of the prisoner. For prisoners incarcerated prior to April 1, 2021, for a Class D felony included within the definition of "sex crime" in KRS 17.500, notice to the victims or their next of kin shall be in a manner that ensures receipt by the Commonwealth's attorney, who shall forward the notice promptly to the victims or their next of kin at their last known address. For prisoners incarcerated on or after April 1, 2021, for a Class D felony included within the definition of "sex crime" in KRS 17.500, notice to the victims or their next of kin shall be by mail from the Parole Board to their last known address as provided by the Commonwealth's attorney to the Parole Board at the time of incarceration of the prisoner. Notice to the victim or the next of kin of subsequent considerations for parole after the initial consideration shall not be sent if the victim or the next of kin gives notice to the board that he or she no longer wants to receive such notices. The notice shall include the time, date, and place of the hearing provided for in this subsection, and the name and address of a person to write if the recipient of the notice desires to attend the hearing or to submit written comments.

- (6) Persons receiving notice as provided for in subsection (5) of this section may submit comments, in person or in writing, to the board upon all issues relating to the parole of the prisoner. The board shall read and consider all comments prior to making its parole decision, if they are received by the board not less than seven (7) days before the date for the hearing. The board shall retain all comments in the prisoner's permanent Parole Board file, and shall consider them in conjunction with any subsequent parole decisions affecting the prisoner. In addition to officers listed in subsection (5) of this section, the crime victims or the next of kin of any victim who is deceased or who is disabled and cannot attend the hearing or the parent or legal guardian of any victim who is a minor may attend the hearing provided for in subsection (5) of this section and present oral and written comments upon all issues relating to the parole of the prisoner, if they have advised the board, in writing received by the board not less than seven (7) days prior to the date set for the hearing, of their intention to attend the hearing. The board shall receive and consider all comments, shall make a record of them which it shall retain in the prisoner's permanent Parole Board file, and shall consider them in conjunction with any subsequent parole decision affecting the prisoner. Persons appearing before the Parole Board pursuant to this subsection may elect to make their presentations outside of the presence of the prisoner.
- (7) Victims of Class D felonies not included within the definition of "sex crime" in KRS 17.500 may submit comments in person or in writing to the board upon all issues relating to the parole of a prisoner.
- (8) Any hearing provided for in subsections (5), (6), and (7) of this section shall be open to the public unless the persons having a right to appear before the board as specified in those subsections request closure of hearing for reasons of personal safety, in which event the hearing shall be closed. The time, date, and location of closed hearings shall not be disclosed to the public.
- (9) Except as specifically set forth in this section, nothing in this section shall be deemed to expand or abridge any existing rights of persons to contact and communicate with the Parole Board or any of its members, agents, or employees.
- (10) The unintentional failure by the Parole Board, sheriff, chief of police, or any of its members, agents, or employees or by a Commonwealth's attorney or any of his or her agents or employees to comply with any of the provisions of subsections (5), (6), and (8) of this section shall not affect the validity of any parole decision or give rise to any right or cause of action by the crime victim, the prisoner, or any other person.
- (11) No eligible sexual offender within the meaning of KRS 197.400 to 197.440 shall be granted parole unless he or she has successfully completed the Sexual Offender Treatment Program.
- (12) Any prisoner who is granted parole after completion of the Sexual Offender Treatment Program shall be required, as a condition of his or her parole, to participate in regular treatment in a mental health program approved or operated by the Department of Corrections.
- (13) When the board grants parole contingent upon completion of a program, the commissioner, or his or her designee, shall determine the most appropriate placement in a program operated by the department or a residential or nonresidential program within the community approved by the department. If the department releases a parolee to a nonresidential program, the department shall release the parolee only if he or she will have appropriate community housing pursuant to KRS 439.3408.

(14) If the Parole Board does not grant parole to a prisoner, the maximum deferment for a prisoner convicted of a non-violent, non-sexual Class C or Class D felony shall be twenty-four (24) months. For all other prisoners who are eligible for parole:

- (a) No parole deferment greater than five (5) years shall be ordered unless approved by a majority vote of the full board; and
- (b) No deferment shall exceed ten (10) years, except for life sentences.

(15) When an order for parole is issued, it shall recite the conditions thereof, ***which may include requiring the person to participate in a specific evidence-based program designed to reduce violence.***

➔Section 43. KRS 533.030 is amended to read as follows:

(1) The conditions of probation and conditional discharge shall be such as the court, in its discretion, deems reasonably necessary to ensure that the defendant will lead a law-abiding life or to assist him or her to do so. The court shall provide as an explicit condition of every sentence to probation or conditional discharge that the defendant not commit another offense during the period for which the sentence remains subject to revocation.

(2) When imposing a sentence of probation or conditional discharge, the court may, in addition to any other reasonable condition, require that the defendant:

- (a) Avoid injurious or vicious habits;
- (b) Avoid persons or places of disreputable or harmful character;
- (c) Work faithfully at suitable employment as far as possible;
- (d) Undergo available medical or psychiatric treatment and remain in a specific institution as required for that purpose;
- (e) Post a bond, without surety, conditioned on performance of any of the prescribed conditions;
- (f) Support his or her dependents and meet other family responsibilities;
- (g) Pay the cost of the proceeding as set by the court;
- (h) Remain within a specified area;
- (i) Report to the probation officer as directed;
- (j) Permit the probation officer to visit him or her at his or her home or elsewhere;
- (k) Answer all reasonable inquiries by the probation officer and promptly notify the probation officer of any change in address or employment;
- (l) Submit to periodic testing for the use of controlled substances or alcohol, if the defendant's record indicates a controlled substance or alcohol problem, and to pay a reasonable fee, as determined by the court, which fee shall not exceed the actual cost of the test and analysis and shall be paid directly to the agency or agencies responsible for testing and analysis as compensation for the cost of the testing and analysis, as specified by written order of the court, performed under this subsection. For good cause shown, the testing fee may be waived by the court;
- (m) Use an alcohol monitoring device, as defined in KRS 431.068. All costs associated with the device, including administrative and operating costs, shall be paid by the defendant. If the court determines that the defendant is indigent, and a person, county, or other organization has not agreed to pay the costs for the defendant in an attempt to reduce incarceration expenses and increase public safety, the court shall consider other conditions of probation or conditional discharge provided for in this section; ~~or~~
- (n) During all or part of the period of probation or conditional discharge, participate in a global positioning monitoring system program operated by a county pursuant to KRS 67.372 and 67.374 under the same terms and conditions as provided in KRS 431.517; ***or***
- (o) ***Participate in a specific evidence-based program designed to reduce violence.***

(3) When imposing a sentence of probation or conditional discharge in a case where a victim of a crime has suffered monetary damage as a result of the crime due to his or her property having been converted, stolen, or unlawfully obtained, or its value substantially decreased as a result of the crime, or where the victim suffered actual medical expenses, direct out-of-pocket losses, or loss of earning as a direct result of the crime, or where the victim incurred expenses in relocating for the purpose of the victim's safety or the safety of a member of

the victim's household, or if as a direct result of the crime the victim incurred medical expenses that were paid by the Cabinet for Health and Family Services, the Crime Victims Compensation Board, or any other governmental entity, the court shall order the defendant to make restitution in addition to any other penalty provided for the commission of the offense. Payment of restitution to the victim shall have priority over payment of restitution to any government agency. Restitution shall be ordered in the full amount of the damages, unless the damages exceed one hundred thousand dollars (\$100,000) or twice the amount of the gain from the commission of the offense, whichever is greater, in which case the higher of these two (2) amounts shall be awarded. The court may, in lieu of ordering monetary restitution, order the defendant to make restitution by working for or on behalf of the victim. The court shall determine the number of hours of work necessary by applying the then-prevailing federal minimum wage to the total amount of monetary damage caused by or incidental to the commission of the crime. The court may, with the consent of the agency, order the defendant to work as specified in KRS 533.070. Any work ordered pursuant to this section shall not be deemed employment for any purpose, nor shall the person performing the work be deemed an employee for any purpose. Where there is more than one (1) defendant or more than one (1) victim, restitution may be apportioned. Restitution shall be subject to the following additional terms and conditions:

- (a) Where property which is unlawfully in the possession of the defendant is in substantially undamaged condition from its condition at the time of the taking, return of the property shall be ordered in lieu of monetary restitution;
 - (b) The circuit clerk shall assess an additional fee of five percent (5%) to defray the administrative costs of collection of payments or property. This fee shall be paid by the defendant and shall inure to a trust and agency account which shall not lapse and which shall be used to hire additional deputy clerks and office personnel or increase deputy clerk or office personnel salaries, or combination thereof;
 - (c) When a defendant fails to make restitution ordered to be paid through the circuit clerk or a court-authorized program run by the county attorney or the Commonwealth's attorney, the circuit clerk or court-authorized program shall notify the court; and
 - (d) An order of restitution shall not preclude the owner of property or the victim who suffered personal physical or mental injury or out-of-pocket loss of earnings or support or other damages from proceeding in a civil action to recover damages from the defendant. A civil verdict shall be reduced by the amount paid under the criminal restitution order.
- (4) When requiring fees for controlled substances or alcohol tests, or other fees and payments authorized by this section or other statute, except restitution, to be paid by the defendant, the court shall not order the payments to be paid through the circuit clerk.
 - (5) When a defendant is sentenced to probation or conditional discharge, he or she shall be given a written statement explicitly setting forth the conditions under which he or she is being released.
 - (6) When imposing a sentence of probation or conditional discharge, the court, in addition to conditions imposed under this section, may require as a condition of the sentence that the defendant submit to a period of imprisonment in the county jail or to a period of home incarceration at whatever time or intervals, consecutive or nonconsecutive, the court shall determine. The time actually spent in confinement or home incarceration pursuant to this provision shall not exceed twelve (12) months or the maximum term of imprisonment assessed pursuant to KRS Chapter 532, whichever is the shorter. Time spent in confinement or home incarceration under this subsection shall be credited against the maximum term of imprisonment assessed for the defendant pursuant to KRS Chapter 532, if probation or conditional discharge is revoked and the defendant is sentenced to imprisonment. Any prohibitions against probation, shock probation, or conditional discharge under KRS 533.060(2) or 532.045 shall not apply to persons convicted of a misdemeanor or Class D felony and sentenced to a period of confinement or home incarceration under this section.

➔Section 44. KRS 500.080 is amended to read as follows:

As used in the Kentucky Penal Code, unless the context otherwise requires:

- (1) "Actor" means any natural person and, where relevant, a corporation or an unincorporated association;
- (2) "Crime" means a misdemeanor or a felony;
- (3) "Dangerous instrument" means any instrument, including parts of the human body when a serious physical injury is a direct result of the use of that part of the human body, article, or substance which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious physical injury. "Dangerous instrument" may include a laser;

- (4) "Deadly weapon" means any of the following:
- (a) A weapon of mass destruction;
 - (b) Any weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged;
 - (c) Any knife other than an ordinary pocket knife or hunting knife;
 - (d) Billy, nightstick, or club;
 - (e) Blackjack or slapjack;
 - (f) Nunchaku karate sticks;
 - (g) Shuriken or death star; or
 - (h) Artificial knuckles made from metal, plastic, or other similar hard material;
- (5) "Felony" means an offense for which a sentence to a term of imprisonment of at least one (1) year in the custody of the Department of Corrections may be imposed;
- (6) **"Fentanyl derivative" has the same meaning as in KRS 218A.010;**
- ~~(7)(6)~~ "Government" means the United States, any state, county, municipality, or other political unit, or any department, agency, or subdivision of any of the foregoing, or any corporation or other association carrying out the functions of government;
- ~~(8)(7)~~ "He" means any natural person and, where relevant, a corporation or an unincorporated association;
- ~~(9)(8)~~ "Impacted by the disaster" means the location or in reasonable proximity to the location where a natural or man-made disaster has caused physical injury, serious physical injury, death, or substantial damage to property or infrastructure;
- ~~(10)(9)~~ "Laser" means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam, other than a medical laser when used in medical treatment or surgery;
- ~~(11)(10)~~ "Law" includes statutes, ordinances, and properly adopted regulatory provisions. Unless the context otherwise clearly requires, "law" also includes the common law;
- ~~(12)(11)~~ "Minor" means any person who has not reached the age of majority as defined in KRS 2.015;
- ~~(13)(12)~~ "Misdemeanor" means an offense, other than a traffic infraction, for which a sentence to a term of imprisonment of not more than twelve (12) months can be imposed;
- ~~(14)(13)~~ "Natural or man-made disaster" means a tornado, storm, or other severe weather, earthquake, flood, or fire that poses a significant threat to human health and safety, property, or critical infrastructure;
- ~~(15)(14)~~ "Offense" means conduct for which a sentence to a term of imprisonment or to a fine is provided by any law of this state or by any law, local law, or ordinance of a political subdivision of this state or by any law, order, rule, or regulation of any governmental instrumentality authorized by law to adopt the same;
- ~~(16)(15)~~ "Person" means a human being, and where appropriate, a public or private corporation, an unincorporated association, a partnership, a government, or a governmental authority;
- ~~(17)(16)~~ "Physical injury" means substantial physical pain or any impairment of physical condition;
- ~~(18)(17)~~ "Possession" means to have actual physical possession or otherwise to exercise actual dominion or control over a tangible object;
- ~~(19)(18)~~ "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes serious and prolonged disfigurement, prolonged impairment of health, prolonged loss or impairment of the function of any bodily organ, or eye damage or visual impairment. For a child twelve (12) years of age or less at the time of the injury, **or for any person if the relationship between the perpetrator and the victim meets the definition of a family member or member of an unmarried couple as defined in KRS 403.720, or a dating relationship as defined in KRS 456.010**, a serious physical injury includes but is not limited to the following:
- (a) Bruising near the eyes, or on the head, neck, or lower back overlying the kidneys;

- (b) Any bruising severe enough to cause underlying muscle damage as determined by elevated creatine kinase levels in the blood;
 - (c) Any bruising or soft tissue injury to the genitals that affects the ability to urinate or defecate;
 - (d) Any testicular injury sufficient to put fertility at risk;
 - (e) Any burn near the eyes or involving the mouth, airway, or esophagus;
 - (f) Any burn deep enough to leave scarring or dysfunction of the body;
 - (g) Any burn requiring hospitalization, debridement in the operating room, IV fluids, intubation, or admission to a hospital's intensive care unit;
 - (h) Rib fracture;
 - (i) Scapula or sternum fractures;
 - (j) Any broken bone that requires surgery;
 - (k) Head injuries that result in intracranial bleeding, skull fracture, or brain injury;
 - (l) A concussion that results in the child becoming limp, unresponsive, or results in seizure activity;
 - (m) Abdominal injuries that indicate internal organ damage regardless of whether surgery is required;
 - (n) Any injury requiring surgery;
 - (o) Any injury that requires a blood transfusion; and
 - (p) Any injury requiring admission to a hospital's critical care unit;
- (20)~~(19)~~ "Unlawful" means contrary to law or, where the context so requires, not permitted by law. It does not mean wrongful or immoral;
- (21)~~(20)~~ "Violation" means an offense, other than a traffic infraction, for which a sentence to a fine only can be imposed; and
- (22)~~(21)~~ "Weapon of mass destruction" means:
- (a) Any destructive device as defined in KRS 237.030, but not fireworks as defined in KRS 227.700;
 - (b) Any weapon that is designed or intended to cause death or serious physical injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors;
 - (c) Any weapon involving a disease organism; or
 - (d) Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.

➔Section 45. KRS 514.020 is amended to read as follows:

- (1) It is a defense to prosecution for theft that the actor:
 - (a) Was unaware that the property or service was that of another; or
 - (b) Acted under a claim of right to the property or service involved or a claim that he *or she* had a right to acquire or dispose of it as he *or she* did; or
 - (c) Took property exposed for sale, intending to purchase and pay for it promptly, or reasonably believing that the owner, if present, would have consented.
- (2) It is no defense that theft was from the actor's spouse, except that misappropriation of household and personal effects or other property normally accessible to both spouses is theft only if it involves the property of the other spouse and only if it occurs after the parties have ceased living together.
- (3) It shall be prima facie evidence of intent to commit theft by deception when one who has leased or rented the personal property of another fails to return the personal property to its owner within **four (4)**~~ten (10)~~ days after the lease or rental agreement has expired. It shall also be prima facie evidence of intent to commit theft by deception when one presents to the owner identification which is false, fictitious or not current as to name, address, place of employment or other items of identification for the purpose of obtaining the lease or rental agreement. Nothing herein contained shall relieve the owner from making demand for return of property so leased or rented. Notice addressed and mailed to the lessee or renter at the address given at the time of the making of the lease or rental agreement shall constitute proper demand.

➔Section 46. KRS 196.031 is amended to read as follows:

- (1) The cabinet shall employ the personnel and operate and maintain data collection and processing systems necessary to comply with the provisions of this section.
- (2) The cabinet shall annually on July 1 of each year report to the Governor, the Legislative Research Commission, and the Kentucky State Corrections Commission on:
 - (a) The placement of prisoners within the Commonwealth's correctional system by institution, whether imprisoned in a state prison or other institution, including county jails, on probation, paroled, housed in halfway houses, housed in reentry centers, sentenced to community service or otherwise;
 - (b) Numbers of prisoners by type of offense;
 - (c) Numbers of prisoners by number and type of prior convictions;
 - (d) Numbers of prisoners paroled by type of offense and by length of time served;
 - (e) Numbers of prisoners released through shock probation by type of offense and by length of time served;
 - (f) Numbers of prisoners serving their full sentence by type of offense;
 - (g) The percentage of felony offenders on parole or some form of post-release supervision who are participating or completing treatment consistent with assessment results, in prison and in the community;
 - (h) The percentage of felony offenders whose reassessment results demonstrate reductions in criminal risk factors;
 - (i) The percentage of programs that demonstrate their effectiveness in reducing recidivism;
 - (j) The percentage of felony offenders on parole or some form of post-release supervision, by supervision type, who:
 1. Are employed or in school within thirty (30) days, six (6) months, and one (1) year of the start of supervision;
 2. Have had part-time employment for a minimum of six (6) months, and the percentage of offenders who have had full-time employment for a minimum of six (6) months;
 3. Have housing upon release from incarceration;
 4. Had stable housing for at least six (6) months; and
 5. Are arrested, convicted, or **returned to custody**~~incarcerated~~ within six (6) months, one (1) year, and three (3) years;
 - (k) The percentage of admissions to prison by offenders under supervision at the time of admission, including information regarding whether the violations were criminal or technical;
 - (l) ***The percentage of offenders participating in each reentry program operated by, or operated under contract with, the department who were arrested, convicted, or returned to custody within three (3) years of their release from custody, including whether they participated in the program while in custody, upon release, or both, and the offense that led to the arrest, conviction, or return to custody;***
 - (m) ***The percentage of offenders who did not participate in any programs under paragraph (l) of this subsection who were arrested, convicted, or returned to custody within three (3) years of their release from custody, including the offense that led to the arrest, conviction, or return to custody;*** and
 - (n)~~(4)~~ Any other data that provides information on state-funded crime reduction and recidivism reduction efforts, including caseload sizes by risk level, participation in treatment and intervention programming, public safety outcomes, and cost effectiveness.
- (3) The cabinet shall annually report to the Governor and to the Legislative Research Commission on:
 - (a) Numbers and types of prison beds necessary to meet current population needs and six (6) year projections of those needs;
 - (b) Current personnel needs of the cabinet and five (5) year projections of the needs; and

- (c) A six (6) year projection of needed capital construction, program development, and anticipated requests for appropriations.

➔Section 47. KRS 520.095 is amended to read as follows:

- (1) A person is guilty of fleeing or evading police in the first degree:
- (a) When, while operating a motor vehicle with intent to elude or flee, the person knowingly or wantonly disobeys a direction to stop his or her motor vehicle, given by a person recognized to be a police officer, and at least one (1) of the following conditions exists:
1. The person is fleeing immediately after committing an act of domestic violence as defined in KRS 403.720;
 2. The person is driving under the influence of alcohol or any other substance or combination of substances in violation of KRS 189A.010;
 3. The person is driving while his or her driver's license is suspended for violating KRS 189A.010; or
 4. By fleeing or eluding, the person is the cause, or creates substantial risk, of serious physical injury or death to any person or property; or
- (b) When, as a pedestrian, and with intent to elude or flee, the person knowingly or wantonly disobeys an order to stop, given by a person recognized to be a peace officer, and at least one (1) of the following conditions exists:
1. The person is fleeing immediately after committing an act of domestic violence as defined in KRS 403.720; or
 2. By fleeing or eluding, the person is the cause of ~~or creates a substantial risk of,~~ serious physical injury or death to any person or property.
- (2) Fleeing or evading police in the first degree is a ***Class C*** ~~***Class D***~~ felony ***and the defendant shall not be released on probation, shock probation, conditional discharge, or parole until he or she has served at least fifty percent (50%) of the sentence imposed.***

➔Section 48. KRS 520.100 is amended to read as follows:

- (1) A person is guilty of fleeing or evading police in the second degree when:
- (a) As a pedestrian, and with intent to elude or flee~~;~~ the person knowingly or wantonly disobeys a direction to stop~~;~~ given by a person recognized to be a peace officer who has an articulable reasonable suspicion that a crime has been committed by the person fleeing, and in fleeing or eluding the person is the cause of ~~or creates a substantial risk of,~~ physical injury to any person; or
- (b) While operating a motor vehicle with intent to elude or flee, the person knowingly or wantonly disobeys a recognized direction to stop his ***or her*** vehicle, given by a person recognized to be a peace officer.
- (2) No offense is committed under this section when the conduct involved constitutes a failure to comply with a directive of a traffic control officer.
- (3) Fleeing or evading police in the second degree is a ***Class D felony*** ~~***Class A misdemeanor***~~ ***and the defendant shall not be released on probation, shock probation, conditional discharge, or parole until he or she has served at least fifty percent (50%) of the sentence imposed.***

➔SECTION 49. A NEW SECTION OF KRS CHAPTER 520 IS CREATED TO READ AS FOLLOWS:

- (1) ***A person is guilty of fleeing or evading police in the third degree when, as a pedestrian and with intent to elude or flee, the person knowingly or wantonly disobeys a direction to stop given by a person recognized to be a peace officer, and in fleeing or eluding the person creates a substantial risk of physical injury to any person.***
- (2) ***No offense is committed under this section when the conduct involved constitutes a failure to comply with a directive of a traffic control officer.***
- (3) ***Fleeing or evading police in the third degree is a Class A misdemeanor.***

➔Section 50. KRS 532.110 is amended to read as follows:

- (1) When multiple sentences of imprisonment are imposed on a defendant for more than one (1) crime, including a crime for which a previous sentence of probation or conditional discharge has been revoked, the multiple sentences shall run concurrently or consecutively as the court shall determine at the time of sentence, except that:
- (a) A definite and an indeterminate term shall run concurrently and both sentences shall be satisfied by service of the indeterminate term;
 - (b) The aggregate of consecutive definite terms shall not exceed one (1) year;
 - (c) **1. Except as provided in paragraph (d) of this subsection,** the aggregate of consecutive indeterminate terms shall not exceed in maximum length the longest extended term which would be authorized by KRS 532.080 for the highest class of crime for which any of the sentences is imposed.
 - 2. In no event shall the aggregate of consecutive indeterminate terms exceed seventy (70) years; and**
 - (d) The sentences of a defendant convicted of two (2) or more felony sex crimes, as defined in KRS 17.500, involving two (2) or more victims shall run consecutively.
- (2) If the court does not specify the manner in which a sentence imposed by it is to run, the sentence shall run concurrently with any other sentence which the defendant must serve unless the sentence is required by subsection (3) of this section or KRS 533.060 to run consecutively.
- (3) Notwithstanding any provision in this section to the contrary, if a person is convicted of an offense that is committed while he is imprisoned in a penal or reformatory institution, during an escape from imprisonment, or while he awaits imprisonment, the sentence imposed for that offense may be added to the portion of the term which remained unserved at the time of the commission of the offense. The sentence imposed upon any person convicted of an escape or attempted escape offense shall run consecutively with any other sentence which the defendant must serve.
- (4) Notwithstanding any provision in this chapter to the contrary, if a person is convicted of an offense that is committed while he is imprisoned in a penal or reformatory institution, the sentence imposed for that offense may, upon order of the trial court, be served in that institution. The person may be transferred to another institution pursuant to administrative regulations of the Department of Corrections.

➔Section 51. KRS 514.030 is amended to read as follows:

- (1) Except as otherwise provided in KRS 217.181, a person is guilty of theft by unlawful taking or disposition when he or she unlawfully:
- (a) Takes or exercises control over movable property of another with intent to deprive him or her thereof; or
 - (b) Obtains immovable property of another or any interest therein with intent to benefit himself or herself or another not entitled thereto.
- (2) Theft by unlawful taking or disposition is a Class B misdemeanor unless:
- (a) The property is a firearm (regardless of the value of the firearm), in which case it is a Class D felony;
 - (b) The property is anhydrous ammonia (regardless of the value of the ammonia), in which case it is a Class D felony unless it is proven that the person violated this section with the intent to manufacture methamphetamine in violation of KRS 218A.1432, in which case it is a Class B felony for the first offense and a Class A felony for each subsequent offense;
 - (c) The property is one (1) or more controlled substances valued collectively at less than ten thousand dollars (\$10,000), in which case it is a Class D felony;
 - (d) The value of the property is five hundred dollars (\$500) or more but less than one thousand dollars (\$1,000), in which case it is a Class A misdemeanor;
 - (e) The value of the property is one thousand dollars (\$1,000) or more but less than ten thousand dollars (\$10,000), in which case it is a Class D felony;

- (f) The person has three (3) or more convictions under paragraph (d) of this subsection within the last five (5) years, in which case it is a Class D felony. The five (5) year period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered;
 - (g) The value of the property is ten thousand dollars (\$10,000) or more but less than one million dollars (\$1,000,000), in which case it is a Class C felony;
 - (h) The value of the property is one million dollars (\$1,000,000) or more but less than ten million dollars (\$10,000,000), in which case it is a Class B felony;
 - (i) The value of the property is ten million dollars (\$10,000,000) or more, in which case it is a Class B felony; or
 - (j) The offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case the person shall be charged one (1) level higher than the level otherwise specified in this subsection.
- (3) Any person convicted under subsection (2)(i) of this section shall not be released on probation or parole until he or she has served at least fifty percent (50%) of the sentence imposed, any statute to the contrary notwithstanding.
- (4) If any person commits two (2) or more separate offenses of theft by unlawful taking or disposition within **one (1) year**~~ninety (90) days~~, the offenses may be combined and treated as a single offense, and the value of the property in each offense may be aggregated for the purpose of determining the appropriate charge. ***Offenses committed in different jurisdictions within the Commonwealth may be combined pursuant to this subsection and tried in any jurisdiction in which venue would be proper for at least one (1) of the offenses. A defendant shall not be tried in more than one (1) jurisdiction for the same offense or offenses.***

➔Section 52. KRS 520.015 is amended to read as follows:

- (1) A person is guilty of attempting to escape from the penitentiary when he ***or she***:
- (a) Conceals himself ***or herself*** within the walls of the penitentiary;~~{or}~~
 - (b) Attempts to scale the enclosure surrounding the penitentiary;~~{or}~~
 - (c) Flees from whatever bounds he ***or she*** may be assigned, whether under guard or as a trusty;~~{or}~~
 - (d) Escapes from a locked cell, dormitory, hospital or other lockup in the penitentiary;~~{or}~~
 - (e) Escapes from one part of the penitentiary to another;~~{or}~~
 - (f) Does any other act in furtherance of an escape from the penitentiary; ~~{or}~~
 - (g) ***Obstructs, disables, tampers with, removes, damages, or destroys any video recording or monitoring device within the penitentiary; or***
 - (h) Does any act or omission constituting criminal attempt under KRS 506.010.
- (2) Attempting to escape from the penitentiary is a Class D felony.
- (3) No penalty provision of KRS 506.010 shall apply to an offense committed under this section.

➔SECTION 53. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

- (1) ***The Department of Juvenile Justice shall establish in each county, or assign to an existing body the responsibilities of, a local juvenile restorative justice advisory committee. For counties within the same judicial district, the requirements of this subsection may be satisfied through a joint committee.***
- (2) ***The membership of each committee shall include the following:***
- (a) ***The Chief District Judge;***
 - (b) ***The county attorney;***
 - (c) ***An assistant public advocate;***
 - (d) ***A representative from the Department for Community Based Services;***
 - (e) ***A representative from the Department of Juvenile Justice;***

- (f) *A representative from a local law enforcement agency;*
 - (g) *A representative from each local school district;*
 - (h) *Community members reflecting the racial, socioeconomic, and other diversity of the county or, in the case of a joint committee, the counties; and*
 - (i) *A representative from a victims advocacy group.*
- (3) *Each committee shall:*
- (a) *Establish sustainable programs that employ restorative practices to identify the underlying causes of negative behavior and empower children, families, and communities to address and prevent issues surrounding incidents of negative behavior; and*
 - (b) *Develop and implement local restorative justice programs with an established organization to serve children, youth, and families through referrals from the court, the court-designated worker, the Department of Juvenile Justice, public schools, or other social service agencies, or upon request of a child or family.*
- (4) *Restorative justice programs established pursuant to this section shall not allow participation by a child accused or adjudicated of an offense which would classify him or her as a violent offender under Section 32 of this Act.*
- (5) *Each committee shall meet at least quarterly, and shall report to the Department of Juvenile Justice, Office of Community and Mental Health Services.*

➔Section 54. The following KRS sections are repealed:

512.040 Criminal mischief in the third degree.

158.154 Principal's duty to report certain acts to local law enforcement agency.

➔Section 55. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

➔Section 56. Sections 12 and 13 of this Act take effect August 1, 2025.

Veto Overridden April 12, 2024.

CHAPTER 175

(HB 6)

Provisions of this bill that are to be deleted due to a veto of the Governor that was not overridden by the General Assembly are displayed as bracketed text with intervening strikethrough and enclosed in double asterisks, e.g.,
****[text]**.**

AN ACT relating to appropriations measures providing funding and establishing conditions for the operations, maintenance, support, and functioning of the government of the Commonwealth of Kentucky and its various officers, cabinets, departments, boards, commissions, institutions, subdivisions, agencies, and other state-supported activities.

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

➔Section 1. The State/Executive Branch Budget is as follows:

PART I

OPERATING BUDGET

(1) **Funds Appropriations:** There is appropriated out of the General Fund, Road Fund, Restricted Funds accounts, Federal Funds accounts, or Bond Funds accounts for the fiscal year beginning July 1, 2023, and ending June 30, 2024, for the fiscal year beginning July 1, 2024, and ending June 30, 2025, and for the fiscal year beginning July 1, 2025, and ending June 30, 2026, the following discrete sums, or so much thereof as may be necessary. Appropriated funds are included pursuant to KRS 48.700 and 48.710. Each appropriation is made by source of

respective fund or funds accounts. Appropriations for the following officers, cabinets, departments, boards, commissions, institutions, subdivisions, agencies, and budget units of the state government, and any and all other activities of the government of the Commonwealth, are subject to the provisions of Chapters 12, 42, 45, and 48 of the Kentucky Revised Statutes and compliance with the conditions and procedures set forth in this Act.

(2) Tobacco Settlement Funds: Appropriations identified as General Fund (Tobacco) in Part I, Operating Budget, of this Act are representative of the amounts provided in Part X, Phase I Tobacco Settlement, of this Act and are not to be appropriated in duplication.

A. GENERAL GOVERNMENT

Budget Units

1. OFFICE OF THE GOVERNOR

	2024-25	2025-26
General Fund	6,728,400	6,872,700
Restricted Funds	288,100	288,100
Federal Funds	500,000	500,000
TOTAL	7,516,500	7,660,800

(1) Salary Increment: Notwithstanding KRS 64.480(2), the increment provided on the base salary of the Lieutenant Governor shall be the same as that provided for eligible state employees in Part IV of this Act.

Notwithstanding KRS 64.480(4), the increment provided on the base salary of the Governor shall be the same as that provided for eligible state employees in Part IV of this Act.

2. OFFICE OF STATE BUDGET DIRECTOR

	2024-25	2025-26
General Fund	3,976,400	4,073,900
Restricted Funds	261,400	261,400
Federal Funds	132,300	132,300
TOTAL	4,370,100	4,467,600

(1) Participation in Transparent Governing - Full Disclosure of Inmate Population Forecasts and Related Materials: The Office of State Budget Director shall provide the methodology, assumptions, data, and all other related materials used to project biennial offender population forecasts conducted by the Office of State Budget Director, the Kentucky Department of Corrections, and any consulting firms, to the Interim Joint Committee on Appropriations and Revenue by October 1, 2025. This submission shall include but not be limited to the projected state, county, and community offender populations for the 2026-2028 fiscal biennium and must coincide with the budgeted amount for these populations. This submission shall clearly divulge the methodology and reasoning behind the budgeted and projected offender population in a commitment to participate in transparent governing.

3. HOMELAND SECURITY

	2023-24	2024-25	2025-26
General Fund	-0-	5,645,900	5,658,600
Restricted Funds	1,330,000	4,482,300	4,496,900
Federal Funds	-0-	5,855,600	5,893,700
TOTAL	1,330,000	15,983,800	16,049,200

(1) Commercial Mobile Radio Services: Included in the above Restricted Funds appropriation is \$1,100,000 in fiscal year 2023-2024, fiscal year 2024-2025, and fiscal year 2025-2026 to support obligations incurred as part of the federal Next Generation 9-1-1 grant. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) Law Enforcement Protection Program: Included in the above Restricted Funds appropriation is \$230,000 in fiscal year 2023-2024, fiscal year 2024-2025, and fiscal year 2025-2026 to support an increase in number of LEPP grants. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) **Next Generation 9-1-1 (NG9-1-1) Services:** Included in the above General Fund appropriation is \$5,000,000 in each fiscal year to complete the statewide deployment of NG9-1-1 services. The appropriation shall be used to implement a NG9-1-1 system that is compliant with the National Emergency Number Association's i3 Standard. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

4. VETERANS' AFFAIRS

	2023-24	2024-25	2025-26
General Fund	-0-	46,058,400	41,370,000
Restricted Funds	1,620,600	77,257,500	95,193,800
Federal Funds	-0-	1,014,600	-0-
TOTAL	1,620,600	124,330,500	136,563,800

(1) **Weekend and Holiday Premium Pay Incentive:** The Kentucky Veterans Centers are authorized to continue the weekend and holiday premium pay incentive for the 2024-2026 fiscal biennium.

(2) **Congressional Medal of Honor Recipients - Travel and Per Diem:** The Commissioner of the Department of Veterans' Affairs may approve travel and per diem expenses incurred when Kentucky residents who have been awarded the Congressional Medal of Honor attend veterans, military, or memorial events in the Commonwealth of Kentucky.

(3) **State Veterans Nursing Home:** With the exception of the Bowling Green Veterans Center construction project, all state veterans' nursing homes must meet a combined 80 percent bed occupancy rate before any future projects will be considered. Once the 80 percent threshold has been met, it is the intent of the General Assembly that any future beds allocated from the United States Department of Veterans Affairs or reallocated from the Kentucky Department of Veterans' Affairs be dedicated to a state veterans nursing home in Magoffin County to serve that area.

(4) **Brain Injury Association of America, Kentucky Chapter and the Epilepsy Foundation of Kentuckiana Funding:** Included in the above General Fund appropriation is \$93,700 in each fiscal year for grants to the Brain Injury Association of America, Kentucky Chapter and \$93,700 in each fiscal year for grants to the Epilepsy Foundation of Kentuckiana to be used solely for the purpose of working with veterans who have experienced brain trauma and their families. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(5) **Veterans' Service Organization Funding:** Included in the above General Fund appropriation is \$187,500 in each fiscal year for grants to Veterans' Service Organization programs. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(6) **Kentucky Homeless Veterans Program:** Included in the above General Fund appropriation is \$200,000 in each fiscal year to provide emergency financial assistance to Kentucky's homeless veterans. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(7) **National Guard/Reserve Burial Act:** Included in the above General Fund appropriation is \$320,000 in each fiscal year to support interment costs for veterans of the National Guard and Reserves, and eligible family members. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(8) **Veterans Center Services and Operating Increase:** Included in the above Restricted Funds appropriation is \$1,620,600 in fiscal year 2023-2024, \$11,398,500 in fiscal year 2024-2025, and \$18,429,500 in fiscal year 2025-2026 to support veterans services and increased operating costs. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(9) **Veteran's Service Organization Burial Honor Guard:** Included in the above General Fund appropriation is \$76,000 in fiscal year 2024-2025 and \$152,000 in fiscal year 2025-2026 year to support military funeral honors for veterans. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose

shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(10) Bowling Green Veterans Center: Included in the above appropriations is \$12,397,100 in General Fund in fiscal year 2024-2025 and \$5,616,800 in General Fund and \$10,000,000 in Restricted Funds in fiscal year 2025-2026 to support the staffing and operations of the Bowling Green Veterans Center. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(11) Debt Service: Included in the above General Fund appropriation is \$616,500 in fiscal year 2024-2025 and \$1,517,000 in fiscal year 2025-2026 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(12) USA Cares: Included in the above General Fund appropriation is \$1,000,000 in each fiscal year for USA Cares. No more than ten percent in each fiscal year may be retained for administrative purposes. Veterans' Affairs shall submit a semiannual progress report to the Interim Joint Committee on Appropriations and Revenue detailing the use of these funds beginning February 1, 2025. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

5. KENTUCKY INFRASTRUCTURE AUTHORITY

	2024-25	2025-26
General Fund	22,254,000	4,345,200
Restricted Funds	3,366,300	5,819,400
Federal Funds	405,316,600	1,007,875,800
TOTAL	430,936,900	1,018,040,400

(1) Debt Service: Included in the above appropriations is \$340,500 in General Fund in fiscal year 2024-2025 and \$2,404,500 in General Fund and \$2,418,000 in Restricted Funds in fiscal year 2025-2026 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(2) Additional Positions: Included in the above Restricted Funds appropriation is \$520,000 in fiscal year 2024-2025 and \$503,100 in fiscal year 2025-2026 to support additional positions for the Kentucky Infrastructure Authority. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) Clean Water State Revolving Fund: Included in the above Federal Funds appropriation is \$30,840,000 in fiscal year 2024-2025 and \$25,293,600 in fiscal year 2025-2026 to support an increase in the Clean Water State Revolving Fund. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) Drinking Water State Revolving Fund: Included in the above Federal Funds appropriation is \$84,684,900 in fiscal year 2024-2025 and \$41,059,100 in fiscal year 2025-2026 to support an increase in the Drinking Water State Revolving Fund. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(5) BEAD Program Grant: Included in the above Federal Funds appropriation is \$217,234,500 in fiscal year 2024-2025 and \$868,938,200 in fiscal year 2025-2026 to support the Broadband Equity Access and Deployment (BEAD) Program grant. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(6) Rural Infrastructure Improvement Fund: Included in the above General Fund appropriation is \$19,988,100 in fiscal year 2024-2025 to the Rural Infrastructure Improvement Fund for pole replacements. The appropriation shall include the following allocations:

(a) \$4,000,000 for pole owners to hire temporary workers to help manage the increased volume of pole attachment permits;

(b) \$2,000,000 to the Kentucky Association of Electric Cooperatives to administer for pole replacement activities; and

(c) \$2,000,000 to the Office of Broadband Development to support hiring temporary workers for investor-owned utilities and other pole owners.

Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

6. MILITARY AFFAIRS

	2024-25	2025-26
General Fund	34,327,500	36,140,800
Restricted Funds	18,573,200	16,888,200
Federal Funds	87,674,100	88,324,400
TOTAL	140,574,800	141,353,400

(1) **Kentucky National Guard:** Included in the above General Fund appropriation is \$4,500,000 in each fiscal year to be expended, subject to the conditions and procedures provided in this Act, which are required as a result of the Governor's declaration of emergency pursuant to KRS Chapter 39A, and the Governor's call of the Kentucky National Guard to active duty when an emergency or exigent situation has been declared to exist by the Governor. Notwithstanding KRS 45.229, any portion of the \$4,500,000 not expended shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705) at the end of each fiscal year. In the event that costs for Governor-declared emergencies or the Governor's call of the Kentucky National Guard for emergencies or exigent situations exceed \$4,500,000 annually, up to \$25,000,000 shall be deemed necessary government expenses and shall be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

(2) **Disaster or Emergency Aid Funds:** Subject to the conditions and procedures in this Act, in the event of a presidentially declared disaster or emergency, the Department of Military Affairs may request from the Finance and Administration Cabinet, as a necessary government expense, up to \$75,000,000 in fiscal year 2023-2024, \$50,000,000 in fiscal year 2024-2025, and \$50,000,000 in fiscal year 2025-2026 from the General Fund to be used as required to match federal aid for which the state would be eligible. These necessary funds shall be made available from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

(3) **Residential Youth-at-Risk Program:** Included in the above General Fund appropriation is \$1,235,000 in each fiscal year to support the Bluegrass Challenge Academy and \$1,235,000 in each fiscal year to support the Appalachian Youth Challenge Academy. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **Debt Service:** Included in the above General Fund appropriation is \$540,000 in fiscal year 2024-2025 and \$1,243,500 in fiscal year 2025-2026 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(5) **Rosedale Cemetery Repair Work:** Notwithstanding KRS 39A.305(6), included in the above Restricted Funds appropriation is \$20,600 in fiscal year 2024-2025 to the Rosedale Cemetery in Christian County from the West Kentucky State Aid Funding for Emergencies (WKS SAFE) fund for cemetery repair work. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(6) **National Guard Facilities:** Included in the above General Fund appropriation is \$1,500,000 in each fiscal year to support operations at Kentucky National Guard locations. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(7) **National Guard Sustainment Cooperative Agreement Match and Expansion:** Included in the above General Fund appropriation is \$1,000,000 in each fiscal year to support the matching requirements of Federal Funds for maintenance on Kentucky National Guard facilities. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(8) **Chemical Stockpile Program Closeout:** Included in the above General Fund appropriation is \$1,100,000 in fiscal year 2024-2025 and \$2,200,000 in fiscal year 2025-2026 due to the closeout of the federal Chemical Stockpile Program. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(9) Joint Force Headquarters Operations: Included in the above General Fund appropriation is \$500,000 in each fiscal year to operate the new Joint Force Headquarters facility. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(10) Emergency Management Performance Grant Program: Included in the above General Fund appropriation is \$750,000 in each fiscal year to support the matching requirements of Federal Funds to improve emergency response preparedness. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(11) Emergency Management Equipment: Included in the above General Fund appropriation is \$750,000 in each fiscal year for equipment maintenance and replacement due to the closeout of the federal Chemical Stockpile Program. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(12) Urban Search and Rescue Program: Included in the above General Fund appropriation is \$8,335,000 in fiscal year 2024-2025 and \$7,840,000 in fiscal year 2025-2026 to support the Kentucky Urban Search and Rescue Program. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(13) Kentucky National Guard Facilities Janitorial Services: Included in the above General Fund appropriation is \$250,000 in each fiscal year for janitorial costs at Kentucky National Guard facilities. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

7. COMMISSION ON HUMAN RIGHTS

	2024-25	2025-26
General Fund	2,065,200	2,127,900
Restricted Funds	10,000	10,000
Federal Funds	445,000	445,000
TOTAL	2,520,200	2,582,900

8. COMMISSION ON WOMEN

(1) Redistribution of Resources: Notwithstanding KRS 12.020, 12.023, 14.260, 15A.190, 214.554, and 344.510 to 344.530, no General Fund appropriation is provided for the Commission on Women in order to provide additional funding for Domestic Violence Shelters, Rape Crisis Centers, and Children's Advocacy Centers.

9. DEPARTMENT FOR LOCAL GOVERNMENT

	2024-25	2025-26
General Fund	12,847,600	13,493,800
Restricted Funds	2,787,400	2,288,900
Federal Funds	288,456,400	242,426,500
TOTAL	304,091,400	258,209,200

(1) Area Development District Funding: Included in the above General Fund appropriation is \$3,984,000 in each fiscal year for the Joint Funding Administration Program in support of the area development districts. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) Mary Kendall Homes and Gateway Juvenile Diversion: Included in the above General Fund appropriation is \$257,800 in each fiscal year for the support of the Mary Kendall Homes and \$257,800 in each fiscal year for the support of Gateway Juvenile Diversion. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) **Debt Service:** Included in the above General Fund appropriation is \$244,000 in fiscal year 2024-2025 and \$732,000 in fiscal year 2025-2026 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(4) **Appalachian Regional Commission Matching Funds:** Included in the above General Fund appropriation is \$250,000 in each fiscal year for Area Development Districts to match increased Appalachian Regional Commission grants. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(5) **Delta Regional Authority Matching Funds:** Included in the above General Fund appropriation is \$250,000 in each fiscal year for Area Development Districts to match increased Delta Regional Authority grants. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(6) **Federal Grants Program:** Included in the above Federal Funds appropriation is \$226,592,500 in fiscal year 2024-2025 and \$180,528,500 in fiscal year 2025-2026 to support increased federal funding for the Appalachian Regional Commission and the Community Development Block Grant Program. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(7) **Kentucky Mountain Regional Recreation Authority:** Included in the above Restricted Funds appropriation is \$1,750,000 in fiscal year 2024-2025 and \$1,250,000 in fiscal year 2025-2026 for the Kentucky Mountain Regional Recreation Authority. Of this amount, \$1,250,000 in fiscal year 2024-2025 and \$750,000 in fiscal year 2025-2026 are one-time allocations to the Kentucky Mountain Regional Recreation Authority. Restricted Funds shall be transferred from the Tourism, Arts and Heritage Cabinet from taxes collected pursuant to KRS 142.400(2). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(8) **Clay County Eastern Kentucky University Scholarships:** Notwithstanding KRS 42.453, \$135,000 in Restricted Funds shall be transferred in each fiscal year of the 2024-2026 fiscal biennium from the Kentucky Coal Fields Endowment Fund to Eastern Kentucky University for scholarships.

10. LOCAL GOVERNMENT ECONOMIC ASSISTANCE FUND

	2024-25	2025-26
General Fund	37,228,200	31,983,900

(1) **Allocation of the Local Government Economic Assistance Fund:** Notwithstanding KRS 42.470(1)(a), 70 percent of moneys in the Local Government Economic Assistance Fund shall be distributed to each coal producing county on the basis of the ratio of coal severed in each respective county to the coal severed statewide. Notwithstanding KRS 42.470(1)(c), no allocation shall be distributed to non-coal producing counties.

(2) **Coal Haul Road System:** Notwithstanding KRS 42.455(2), no funds appropriated to the Local Government Economic Assistance Fund are required to be spent on the coal haul road system.

(3) **Jefferson County Mineral Severance:** Notwithstanding KRS 42.450 to 42.495, all funds distributed to Jefferson County in accordance with KRS 42.470(2)(a) shall be used by the Jefferson County Fiscal Court for Thrive By Five Louisville.

11. LOCAL GOVERNMENT ECONOMIC DEVELOPMENT FUND

	2024-25	2025-26
General Fund	42,689,300	28,548,600

(1) **Coal Severance Tax Transfers:** Notwithstanding KRS 42.450 to 42.495, 70 percent of the severance and processing taxes on coal collected annually, except items described in subsection (2) below, shall be transferred to the Local Government Economic Development Fund. Notwithstanding KRS 42.450 to 42.495, 30 percent of the severance and processing taxes on coal collected annually, except items described in subsection (2) below, shall be transferred to the Local Government Economic Assistance Fund. Transfers to the Local Government Economic Development Fund and the Local Government Economic Assistance Fund shall be made quarterly in July, October, January, and April based upon actual revenues from the prior quarter.

(2) **Coal Severance Tax Collections Calculations and Transfers:** The above appropriations from the General Fund are based on the official estimate presented by the Office of State Budget Director. Notwithstanding

KRS 42.450 to 42.495, coal severance tax collections during the 2024-2026 fiscal biennium shall first be allocated to the following programs or purposes on a quarterly basis:

(a) Department for Local Government: An annual appropriation of \$669,700 in each fiscal year is appropriated as General Fund moneys to the Department for Local Government budget unit for Local Government Economic Development Fund and Local Government Economic Assistance Fund project administration costs;

(b) Debt Service: An annual appropriation of 100 percent of the debt service necessary to support bonds authorized in 2003 Ky. Acts ch. 156, 2005 Ky. Acts ch. 173, 2006 Ky. Acts ch. 252, 2008 Ky. Acts ch. 127, and 2010 (1st Extra. Sess.) Ky. Acts ch. 1, in the amount of \$18,477,000 in fiscal year 2024-2025 and \$18,099,700 in fiscal year 2025-2026 is appropriated for that purpose;

(c) Osteopathic Medicine Scholarship Program: Notwithstanding KRS 164.7891(11)(b), no transfers shall be made to the Osteopathic Medicine Scholarship Program within the Kentucky Higher Education Assistance Authority;

(d) Pharmacy Scholarships: Notwithstanding KRS 164.7890(11)(c), no transfers shall be made to the Coal County Pharmacy Scholarship Program within the Kentucky Higher Education Assistance Authority; and

(e) Kentucky Coal Fields Endowment Authority: Notwithstanding KRS 42.453(3), no transfers shall be made to the Kentucky Coal Field Endowment Authority.

(3) Allocation of the Local Government Economic Development Fund: Notwithstanding KRS 42.4592(1), 50 percent of Local Government Economic Development Fund moneys shall be allocated in accordance with KRS 42.4592(1)(a), and 50 percent shall be allocated in accordance with KRS 42.4592(1)(b).

(4) Use of the Local Government Economic Development Fund: Notwithstanding KRS 42.450 to 42.495, all funds appropriated to Local Government Economic Development Fund Single-County Accounts shall be allocated to projects with the concurrence of the respective county judge/executive, state senator(s), and state representative(s) of each county. If concurrence is not achieved, the fiscal court of each county may apply for grants through the Department for Local Government pursuant to KRS 42.4588.

12. AREA DEVELOPMENT FUND

(1) Area Development Fund: Notwithstanding KRS 42.345 to 42.370 and 48.185, or any statute to the contrary, no funding is provided for the Area Development Fund.

(2) Area Development District Flexibility: Notwithstanding KRS 42.350(2) and provided that sufficient funds are maintained in the Joint Funding Agreement program to meet the match requirements for the Economic Development Administration grants, Community Development Block Grants, Appalachian Regional Commission grants, or any federal program where the Joint Funding Agreement funds are utilized to meet nonfederal match requirements, an area development district with authorization from its Board of Directors may request approval to transfer funding between the Area Development Fund and the Joint Funding Agreement Program from the Commissioner of the Department for Local Government.

13. REGIONAL DEVELOPMENT AGENCY ASSISTANCE FUND

	2024-25	2025-26
Restricted Funds	6,000,000	6,000,000

14. EXECUTIVE BRANCH ETHICS COMMISSION

	2023-24	2024-25	2025-26
General Fund	-0-	681,900	701,300
Restricted Funds	126,200	525,900	536,900
TOTAL	126,200	1,207,800	1,238,200

(1) Use of Restricted Funds: All penalties collected or received by the Executive Branch Ethics Commission shall be deposited in the State Treasury and credited to a trust and agency fund account to the credit of the Commission to be used by the Commission for the cost of conducting administrative hearings pursuant to KRS Chapter 13B. Notwithstanding KRS 45.229, these funds shall not lapse and shall carry forward.

(2) Online Filing System: Included in the above Restricted Funds appropriation is \$126,200 in fiscal year 2023-2024, \$132,500 in fiscal year 2024-2025, and \$139,100 in fiscal year 2025-2026 to support a new online filing system. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

15. SECRETARY OF STATE

	2024-25	2025-26
Restricted Funds	6,649,700	6,759,700

(1) **Use of Restricted Funds:** Notwithstanding KRS 14.140(1) and (3), the above Restricted Funds may be used for the continuation of current activities within the Office of the Secretary of State.

(2) **Salary Increment:** Notwithstanding KRS 64.480(2), the increment provided on the base salary of the Secretary of State shall be the same as that provided for eligible state employees in Part IV of this Act.

16. BOARD OF ELECTIONS

	2024-25	2025-26
General Fund	6,780,500	6,808,500
Restricted Funds	148,200	148,200
Federal Funds	1,829,800	1,829,800
TOTAL	8,758,500	8,786,500

(1) **Cost of Elections:** Up to \$100,000 of costs associated with special elections, KRS 117.345(2) costs associated with additional precincts with a voting machine, KRS 117.343 costs for additional registered voters, and KRS 116.145 costs for additional new registered voters shall be deemed a necessary government expense and shall be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705). Any reimbursements authorized as a necessary government expense according to the above provisions shall be at the same rates as those established by the State Board of Elections.

(2) **Additional Position:** Included in the above General Fund appropriation is \$145,600 in each fiscal year to support an additional position at the Board of Elections. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) **Presidential Electors:** Included in the above General Fund appropriation is \$5,600 in fiscal year 2024-2025 to support per diem and mileage for Presidential Electors. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **Electronic Poll Book:** Included in the above General Fund appropriation is \$662,000 in each fiscal year to develop and administer an electronic poll book system within the State Board of Elections. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

17. REGISTRY OF ELECTION FINANCE

	2024-25	2025-26
General Fund	1,798,200	1,839,800

(1) **Operating Expenses:** Included in the above General Fund appropriation is \$1,400 in each fiscal year to support increased operating expenses. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

18. ATTORNEY GENERAL

	2023-24	2024-25	2025-26
General Fund (Tobacco)	-0-	150,000	150,000
General Fund	933,200	25,046,900	27,039,100
Restricted Funds	-0-	69,072,500	54,286,400
Federal Funds	-0-	7,855,500	7,960,100
TOTAL	933,200	102,124,900	89,435,600

(1) **State Enforcement:** Notwithstanding KRS 248.654 and 248.703(4), included in the above General Fund (Tobacco) appropriation is \$150,000 in each fiscal year for the state's diligent enforcement of noncompliant nonparticipating manufacturers.

(2) **Expert Witnesses:** In addition to such funds as may be appropriated, the Office of the Attorney General and the Unified Prosecutorial System, on behalf of the Commonwealth's Attorneys, may request from the Finance and Administration Cabinet, as a necessary government expense, such funds as may be necessary for expert witnesses. Upon justification of the request, the Finance and Administration Cabinet shall provide up to \$3,000,000 for the 2024-2026 fiscal biennium for this purpose to the Office of the Attorney General and the Unified Prosecutorial System from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705). Without charge, the Department of Insurance shall provide the Office of the Attorney General any available information to assist in the preparation of a rate hearing pursuant to KRS 304.17A-095. Expenditures under this subsection shall be reported to the Interim Joint Committee on Appropriations and Revenue by August 1 of each year.

(3) **Annual and Sick Leave Service Credit:** Notwithstanding any statutory or regulatory restrictions to the contrary, any former employee of the Unified Prosecutorial System who has been appointed to a permanent full-time position under KRS Chapter 18A shall be credited annual and sick leave based on service credited under the Kentucky Retirement Systems solely for the purpose of computation of sick and annual leave. This provision shall only apply to any new appointment or current employee as of July 1, 1998.

(4) **Operations of the Office of the Attorney General:** Notwithstanding KRS 367.478(2), 367.805(3), and 367.905(5), funds may be expended in support of the operations of the Office of the Attorney General.

(5) **Legal Services Contracts:** The Office of the Attorney General may present proposals to state agencies specifying legal work that is presently accomplished through personal service contracts that indicate the Office of the Attorney General's capacity to perform the work at a lesser cost. State agencies may agree to make arrangements with the Office of the Attorney General to perform the legal work and compensate the Office of the Attorney General for the legal services.

(6) **Civil Action Representation:** To ensure adequate representation of the interest of the Commonwealth and to protect the financial condition of the Kentucky Retirement Systems, it has been determined that it is necessary to allow the Attorney General appropriate authority to engage private lawyers as co-counsel in Franklin Circuit Court Civil Action Nos. 17-CI-01348 and 20-CI-00590. Due to the highly complex and specialized nature of that litigation, KRS Chapter 45A, et seq. would prevent the Attorney General from engaging counsel of his choice. Accordingly, to protect the interest of the Commonwealth, and notwithstanding the requirements of KRS Chapter 45A, et seq., which are hereby waived in with respect to the Attorney General retaining private lawyers to prosecute Civil Action Nos. 17-CI-01348 and 20-CI-00590, and any other civil action regarding the same subject matter or seeking the same relief as Civil Action Nos. 17-CI-0138 and 20-CI-00590, the Attorney General is vested with the authority to hire and pay counsel of his choice on any contractual basis the Attorney General deems advisable.

(7) **Salary Increment:** Notwithstanding KRS 64.480(2), the increment provided on the base salary of the Attorney General shall be the same as that provided for eligible state employees in Part IV of this Act.

(8) **Kentucky Office of Regulatory Relief:** Included in the above General Fund appropriation is \$41,500 in fiscal year 2023-2024 and \$140,900 in each fiscal year of the 2024-2026 fiscal biennium to support the Kentucky Office of Regulatory Relief. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(9) **Office of Medicaid Fraud and Abuse Control:** Included in the above General Fund appropriation is \$691,700 in fiscal year 2023-2024 and \$1,011,700 in each fiscal year of the 2024-2026 fiscal biennium to support the Office of Medicaid Fraud and Abuse Control. The Office of Attorney General shall submit an annual report beginning December 1, 2024, to the Interim Joint Committee on Appropriations and Revenue. The report shall include the number of reported fraud incidents, the types of fraud reported, the number of reported fraud incidents investigated by the office, the monetary amount involved in the fraudulent activity, and the resolution of the reported fraud incidents. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(10) **Criminal Investigation Enhancements:** Included in the above General Fund appropriation is \$200,000 in fiscal year 2023-2024, \$600,000 in fiscal year 2024-2025, and \$300,000 in fiscal year 2025-2026 to support security enhancements, investigative resources, law enforcement equipment, and enhanced training opportunities.

Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(11) Body Armor Grant Program: Included in the above Restricted Funds appropriation is \$5,000,000 in fiscal year 2024-2025 and \$10,000,000 in fiscal year 2025-2026 for grants to law enforcement and first responders for the purchase of body armor, duty weapons, ammunition, electronic-control devices, and body-worn cameras. Notwithstanding KRS 15.430 and 15.470, excess Restricted Funds from the Department of Criminal Justice Training shall be transferred to the Attorney General for this purpose. Notwithstanding KRS 45.229, these funds shall not lapse and shall carry forward. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(12) Reorganization: Included in the above General Fund appropriation is \$1,199,000 in fiscal year 2024-2025 and \$2,974,000 in fiscal year 2025-2026 to support the reorganization set forth in 2023 Ky. Acts ch. 124. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(13) Recruitment and Retention: Included in the above General Fund appropriation is \$2,000,000 in each fiscal year to support the recruitment and retention of staff in the Office of Attorney General. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(14) Administrative Hearings: Included in the above appropriations is \$3,241,200 in Restricted Funds and \$1,939,700 in Federal Funds in each fiscal year to support the cost of Administrative Hearings held by the Office of the Attorney General for the Cabinet for Health and Family Services. The Attorney General shall bill the Cabinet for Health and Family Services on a quarterly basis for the cost, not to exceed \$5,180,900 each fiscal year. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(15) Child Exploitation Specialized Investigation and Prosecution Unit: Included in the above General Fund appropriation is \$450,000 in each fiscal year to support the Child Exploitation Specialized Investigation and Prosecution Unit to combat child exploitation and human trafficking. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(16) Training Incentive Payments: Notwithstanding KRS 15.460(1), included in the above Restricted Funds appropriation is \$4,429 in fiscal year 2024-2025 and \$4,562 in fiscal year 2025-2026 for each participant for training incentive payments.

19. UNIFIED PROSECUTORIAL SYSTEM

(1) Prosecutors Advisory Council Administrative Functions: The Prosecutors Advisory Council shall approve compensation for employees of the Unified Prosecutorial System subject to the appropriations in this Act.

a. Commonwealth's Attorneys

	2024-25	2025-26
General Fund	77,365,400	80,019,400
Restricted Funds	6,228,100	6,263,000
Federal Funds	642,200	647,700
TOTAL	84,235,700	86,930,100

(1) Rocket Docket Program: Included in the above General Fund appropriation is \$1,416,700 in each fiscal year to support the Rocket Docket Program. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) Additional Personnel: Included in the above General Fund appropriation is \$2,500,000 in each fiscal year for additional personnel for the Commonwealth's Attorneys. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) Salary Increment: Notwithstanding KRS 15.755, the increment provided on the base salary of the Commonwealth's Attorneys shall be the same as that provided for eligible state employees in Part IV of this Act.

(4) Case Management Software: Included in the above General Fund appropriation is \$1,214,100 in fiscal year 2024-2025 and \$1,528,000 in fiscal year 2025-2026 to support the Commonwealth's Attorney's portion of Case

Management Software. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(5) Prosecutors Advisory Council Additional Personnel: Included in the above General Fund appropriation is \$125,000 in fiscal year 2024-2025 and \$250,000 in fiscal year 2025-2026 to support additional personnel for the Prosecutors Advisory Council. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(6) Salary Compensation Standardization: Included in the above General Fund appropriation is \$2,944,900 in fiscal year 2024-2025 and \$3,349,200 in fiscal year 2025-2026 to support the Salary Compensation Standardization for Commonwealth’s Attorneys. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(7) Employment of Family Members: Notwithstanding 65.003(3)(c), no Commonwealth’s Attorney shall hire a family member, as defined as a spouse, parent, sibling, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, or grandchild on or after the effective date of this Act.

b. County Attorneys

	2024-25	2025-26
General Fund	78,783,900	81,980,400
Restricted Funds	941,800	941,800
Federal Funds	636,700	644,800
TOTAL	80,362,400	83,567,000

(1) Rocket Docket Program: Included in the above General Fund appropriation is \$549,800 in each fiscal year to support the Rocket Docket Program. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) County Attorney Retirement Costs: Notwithstanding KRS 61.5991, included in the above General Fund appropriation is \$1,590,600 in each fiscal year to support each County Attorney’s Office’s share of the anticipated increase over each County Attorney’s Office’s fiscal year 2019-2020 baseline contribution as adjusted and posted under the 2024 Budget Bills tile on the Legislative Research Commission’s website. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) Salary Increment: Notwithstanding KRS 15.765, the increment provided on the base salary of the County Attorneys shall be the same as that provided for eligible state employees in Part IV of this Act.

(4) Salary Compensation Standardization: Included in the above General Fund appropriation is \$8,278,500 in fiscal year 2024-2025 and \$9,262,500 in fiscal year 2025-2026 to support the Salary Compensation Standardization for County Attorneys. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(5) Additional Personnel: Included in the above General Fund appropriation is \$3,500,000 in each fiscal year for additional personnel for the County Attorneys. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(6) Case Management Software: Included in the above General Fund appropriation is \$1,432,500 in fiscal year 2024-2025 and \$1,756,900 in fiscal year 2025-2026 to support the County Attorney’s portion of Case Management Software. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(7) Prosecutors Advisory Council Additional Personnel: Included in the above General Fund appropriation is \$125,000 in fiscal year 2024-2025 and \$250,000 in fiscal year 2025-2026 to support additional personnel for the Prosecutors Advisory Council. Notwithstanding KRS 45.229, any portion of General Fund not

expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(8) Employment of Family Members: Notwithstanding 65.003(3)(c), no County Attorney shall hire a family member, as defined as a spouse, parent, sibling, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, or grandchild on or after the effective date of this Act.

TOTAL - UNIFIED PROSECUTORIAL SYSTEM

	2024-25	2025-26
General Fund	156,149,300	161,999,800
Restricted Funds	7,169,900	7,204,800
Federal Funds	1,278,900	1,292,500
TOTAL	164,598,100	170,497,100

20. TREASURY

	2024-25	2025-26
General Fund	3,709,700	3,672,000
Restricted Funds	2,122,600	2,159,600
Federal Funds	1,253,900	1,211,400
TOTAL	7,086,200	7,043,000

(1) Unclaimed Property Fund: Included in the above Restricted Funds appropriation is \$2,122,600 in fiscal year 2024-2025 and \$2,159,600 in fiscal year 2025-2026 from the Unclaimed Property Fund to provide funding for services performed by the Unclaimed Property Division of the Department of the Treasury.

(2) Salary Increment: Notwithstanding KRS 64.480(2), the increment provided on the base salary of the State Treasurer shall be the same as that provided for eligible state employees in Part IV of this Act.

(3) Printing Equipment: Included in the above General Fund appropriation is \$120,000 in fiscal year 2024-2025 to upgrade printing equipment. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

21. AGRICULTURE

	2023-24	2024-25	2025-26
General Fund (Tobacco)	-0-	38,967,100	39,961,000
General Fund	153,900	21,691,600	22,741,000
Restricted Funds	-0-	12,859,900	12,908,500
Federal Funds	-0-	12,125,100	12,173,200
TOTAL	153,900	85,643,700	87,783,700

(1) Use of Restricted Funds: Notwithstanding KRS 217.570 and 217B.580, funds may be expended in support of the operations of the Department of Agriculture.

(2) Farms to Food Banks: Included in the above General Fund (Tobacco) appropriation is \$850,000 in fiscal year 2024-2025 and \$1,000,000 in fiscal year 2025-2026 to support the Farms to Food Banks Program. The use of the moneys provided by this appropriation shall be restricted to purchases of Kentucky-grown produce from Kentucky farmers who participate in the Farms to Food Banks Program. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) County Fair Grants: Included in the above General Fund appropriation is \$750,000 in each fiscal year to support capital improvement grants to the Local Agricultural Fair Aid Program. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) Kentucky Grape and Wine Council: Notwithstanding KRS 260.175(2), no General Fund is provided for the Kentucky Small Farm Wineries Support Fund for use by the Kentucky Grape and Wine Council.

(5) Counties Account: Notwithstanding KRS 248.703(1), included in the above General Fund (Tobacco) appropriation is \$12,938,200 in fiscal year 2024-2025 and \$13,285,300 in fiscal year 2025-2026 for the counties account as specified in KRS 248.703(1)(a). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(6) State Account: Notwithstanding KRS 248.703(1), included in the above General Fund (Tobacco) appropriation is \$24,028,900 in fiscal year 2024-2025 and \$24,675,700 in fiscal year 2025-2026 for the state account as specified in KRS 248.703(1)(b). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(7) Tobacco Settlement Funds - Allocations: Notwithstanding KRS 248.711(2), and from the allocation provided therein, counties that are allocated in excess of \$20,000 annually may provide up to four percent of the individual county allocation, not to exceed \$15,000 annually, to the county council in that county for administrative costs.

(8) Kentucky Rural Mental Health, Suicide Prevention, and Farm Safety Program: Included in the above General Fund (Tobacco) appropriation is \$1,000,000 in each fiscal year to support the Kentucky Rural Mental Health, Suicide Prevention, and Farm Safety Program known as the Raising Hope Initiative. The Department of Agriculture shall enhance awareness of the National Suicide Prevention Lifeline (988) in rural communities in Kentucky, improve access to information on rural mental health issues and available treatment services, provide outreach, and provide other necessary services to improve the mental health outcomes of rural communities in Kentucky. The Department of Agriculture may apply for Federal Funds. The Department of Agriculture may utilize up to \$100,000 in each fiscal year for program administration purposes. The Department of Agriculture shall coordinate with the Raising Hope Initiative to take custody of and maintain any intellectual property assets that were created or developed by any state agency in connection with the Raising Hope Initiative. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(9) Training Incentive Payments: Notwithstanding KRS 15.460(1), included in the above Restricted Funds appropriation is \$4,429 in fiscal year 2024-2025 and \$4,562 in fiscal year 2025-2026 for each participant for training incentive payments.

(10) Salary Increment: Notwithstanding KRS 64.480(2), the increment provided on the base salary of the Commissioner of Agriculture shall be the same as that provided for eligible state employees in Part IV of this Act.

(11) Comprehensive Agriculture Plan: Included in the above General Fund (Tobacco) appropriation is \$150,000 in fiscal year 2024-2025 for the Department of Agriculture to complete a comprehensive plan to review the short and long-term goals, strategies, and investments in Kentucky agriculture. At a minimum, the plan shall include recommendations to increase net farm income, to diversify Kentucky agriculture products beyond tobacco, and to address the current and future needs of Kentucky’s agriculture industry. The plan shall be submitted to the Interim Joint Committee on Appropriations and Revenue on or before October 1, 2025.

(12) Division of Emergency Preparedness: Included in the above General Fund appropriation is \$153,900 in fiscal year 2023-2024 and \$443,900 in each fiscal year of the 2024-2026 fiscal biennium to support additional positions for the Division of Emergency Preparedness. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(13) Division of Regulatory Field Services: Included in the above General Fund appropriation is \$553,700 in fiscal year 2024-2025 and \$987,100 in fiscal year 2025-2026 to support additional positions for the Division of Regulatory Field Services. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(14) Agricultural Economic Development: In accordance with KRS Chapter 154, the Secretary of the Cabinet for Economic Development shall coordinate with and seek guidance from the Commissioner of the Department of Agriculture in considering any projects for economic incentives related to agricultural economic development, agribusiness, or production facilities of sustainable aviation fuel.

22. AUDITOR OF PUBLIC ACCOUNTS

	2023-24	2024-25	2025-26
General Fund	40,000	14,435,400	13,151,000
Restricted Funds	-0-	26,306,300	26,406,100

TOTAL	40,000	40,741,700	39,557,100
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(1) **Audit Services Contracts:** Notwithstanding KRS 45.149, no state agency shall enter into any contract with a nongovernmental entity for audit services unless the Auditor of Public Accounts has declined in writing to perform the audit or has failed to respond within 30 days of receipt of a written request for such services. The agency's request for audit services shall include a comprehensive statement of the scope and nature of the proposed audit.

(2) **Financial Audit Receipts:** The Auditor of Public Accounts shall provide a listing of fee receipts for all audits and special examinations, itemized by type, agency, or unit of government, as well as billing methodology to the Interim Joint Committee on Appropriations and Revenue by August 1 of each fiscal year.

(3) **Salary Increment:** Notwithstanding KRS 64.480(2), the increment provided on the base salary of the Auditor of Public Accounts shall be the same as that provided for eligible state employees in Part IV of this Act.

(4) **Outlier Audit Assistance Program:** Included in the above General Fund appropriation is \$250,000 in fiscal year 2024-2025 to support the Outlier Audit Assistance Program. Beginning with fiscal year 2018-2019, the Auditor of Public Accounts shall calculate the annual average cost of audits conducted pursuant to KRS 43.070(1)(a)2. by audit type. Beginning with audits billed during fiscal year 2019-2020 or thereafter, any such audit with a cost exceeding the threshold of 150 percent of the average cost for its type in the preceding fiscal year shall be deemed an outlier audit. If a county has paid the cost of the outlier audit up to the amount of the threshold set out in this subsection, the county shall be eligible for a credit from the Outlier Audit Assistance Program for audit costs that exceed the threshold. For every audit qualifying for disbursement, the auditor shall provide a detailed report for the reason for the outlier expense to the Interim Joint Committee on Appropriations and Revenue by August 1 of each fiscal year.

(5) **Revenue Replacement:** Included in the above General Fund appropriation is \$2,250,000 in each fiscal year to replace lost revenue related to audit billings for county officials. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(6) **Building Costs:** Included in the above General Fund appropriation is \$397,500 in fiscal year 2024-2025 and \$367,500 in fiscal year 2025-2026 to support increased costs for an office lease. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(7) **Server Upgrades:** Included in the above General Fund appropriation is \$40,000 in fiscal year 2023-2024, \$190,000 in fiscal year 2024-2025, and \$40,000 in fiscal year 2025-2026 to support server upgrades. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(8) **Ombudsman:** Included in the above appropriations is \$2,250,000 in General Fund in each fiscal year and \$16,042,400 in Restricted Funds in each fiscal year to support the transition of the Cabinet for Health and Family Services, Office of the Ombudsman and Administrative Review, to the Auditor of Public Accounts on July 1, 2024, as set forth in 2023 Ky. Acts ch. 124. The Auditor of Public Accounts may bill the Cabinet for Health and Family Services for costs associated with Ombudsman services on a monthly basis. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(9) **Jefferson County Public Schools Audit:** Included in the above General Fund appropriation is \$750,000 in fiscal year 2024-2025 to support a special audit of the Jefferson County Public Schools. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall not lapse and shall carry forward. Mandated reports shall be submitted pursuant to Part III, 24. of this Act. In the event that the costs for the audit exceed \$750,000 in fiscal year 2024-2025, the Auditor of Public Accounts may request from the State Budget Director, as a necessary government expense, up to \$750,000 in fiscal year 2025-2026 for this purpose from the General Fund Surplus Account (KRS 48.705) or the Budget Reserve Trust Fund Account (KRS 48.705).

(10) **Unified Prosecutorial System Audit:** Included in the above General Fund appropriation is \$250,000 in fiscal year 2024-2025 to support a special audit of the Unified Prosecutorial System. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(11) **School Facility Assistance Fund Audit:** Included in the above General Fund appropriation is \$250,000 in fiscal year 2024-2025 to support a special audit of school facility project cost estimates identified for potential

funding as part of the School Facility Assistance Fund in Part I, A., 27., (5) of this Act. The audit shall be conducted by an impartial independent contractor. The audit shall, at minimum, examine each project’s scope, cost, and available local resources for the purpose of determining appropriate state funding. The audit shall be certified by the Auditor of Public Accounts. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

23. PERSONNEL BOARD

	2024-25	2025-26
General Fund	255,000	245,300
Restricted Funds	1,022,700	1,033,400
TOTAL	1,277,700	1,278,700

(1) **Hearing Officer Hourly Rate:** Included in the above Restricted Funds appropriation is \$62,500 in each fiscal year to increase the hearing officer hourly rate from \$75 to \$125 per hour. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) **Contract Hearing Officer Hours:** Included in the above appropriations is a one-time allocation of \$20,000 in Restricted Funds and \$167,500 in General Fund in each fiscal year to provide an increase in billable hearing officer hours. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) **Employee Retirement Payouts:** Included in the above General Fund appropriation is a one-time allocation of \$65,000 in fiscal year 2025-2026 to provide funds for retirement payouts of accrued leave balances. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **Equipment Upgrade:** Included in the above General Fund appropriation is \$22,000 in fiscal year 2024-2025 to upgrade the video and audio equipment in two hearing rooms. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(5) **Facility Upgrade:** Included in the above General Fund appropriation is \$52,500 in fiscal year 2024-2025 to sound proof two hearing rooms and one board room. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

24. KENTUCKY PUBLIC PENSIONS AUTHORITY

	2024-25	2025-26
General Fund	250,000,000	250,000,000
Restricted Funds	48,981,500	49,969,700
TOTAL	298,981,500	299,969,700

(1) **Kentucky Employees Retirement System Nonhazardous Pension Fund:** Included in the above General Fund appropriation is \$250,000,000 in each fiscal year, which shall be allocated annually in 12 monthly payments, to be applied to the unfunded pension liability of the Kentucky Employees Retirement System Nonhazardous pension fund. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

25. OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS

a. Accountancy

	2023-24	2024-25	2025-26
Restricted Funds	140,000	708,400	720,800

b. Certification of Alcohol and Drug Counselors

2024-25	2025-26
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Restricted Funds	210,200	210,200
c. Applied Behavior Analysis Licensing		
	2024-25	2025-26
Restricted Funds	70,600	70,600
d. Architects		
	2024-25	2025-26
Restricted Funds	471,400	480,700
e. Certification for Professional Art Therapists		
	2024-25	2025-26
Restricted Funds	11,200	11,200
f. Barbering		
	2024-25	2025-26
Restricted Funds	492,700	499,100
g. Chiropractic Examiners		
	2024-25	2025-26
Restricted Funds	300,000	300,000
h. Dentistry		
	2024-25	2025-26
Restricted Funds	990,100	1,000,200
i. Licensed Diabetes Educators		
	2024-25	2025-26
Restricted Funds	29,300	29,300
j. Licensure and Certification for Dietitians and Nutritionists		
	2024-25	2025-26
Restricted Funds	93,900	93,900
k. Embalmers and Funeral Directors		
	2024-25	2025-26
Restricted Funds	523,100	530,600
l. Licensure for Professional Engineers and Land Surveyors		
	2024-25	2025-26
Restricted Funds	2,142,100	2,176,900
m. Certification of Fee-Based Pastoral Counselors		
	2024-25	2025-26
Restricted Funds	3,600	3,600
n. Registration for Professional Geologists		
	2024-25	2025-26
Restricted Funds	109,000	109,000
o. Hairdressers and Cosmetologists		
	2024-25	2025-26

Restricted Funds		2,223,400	2,273,700
p. Specialists in Hearing Instruments			
		2024-25	2025-26
Restricted Funds		78,000	78,000
q. Interpreters for the Deaf and Hard of Hearing			
		2024-25	2025-26
Restricted Funds		49,200	49,200
r. Examiners and Registration of Landscape Architects			
		2024-25	2025-26
Restricted Funds		86,000	88,200
s. Licensure of Marriage and Family Therapists			
		2024-25	2025-26
Restricted Funds		133,600	133,600
t. Licensure for Massage Therapy			
		2024-25	2025-26
Restricted Funds		150,500	150,500
u. Medical Imaging and Radiation Therapy			
		2024-25	2025-26
Restricted Funds		589,400	498,400
v. Medical Licensure			
	2023-24	2024-25	2025-26
Restricted Funds	273,200	4,301,900	4,590,300
w. Nursing			
	2023-24	2024-25	2025-26
Restricted Funds	810,800	10,400,100	10,617,000
x. Licensure for Nursing Home Administrators			
		2024-25	2025-26
Restricted Funds		101,100	101,100
y. Licensure for Occupational Therapy			
		2024-25	2025-26
Restricted Funds		211,600	211,600
z. Ophthalmic Dispensers			
		2024-25	2025-26
Restricted Funds		71,400	71,400
aa. Optometric Examiners			
	2023-24	2024-25	2025-26
Restricted Funds	54,900	301,600	306,500
ab. Pharmacy			
	2023-24	2024-25	2025-26

ACTS OF THE GENERAL ASSEMBLY

Restricted Funds	308,700	3,268,700	3,328,800
ac. Physical Therapy		2024-25	2025-26
Restricted Funds		718,700	733,400
ad. Podiatry		2024-25	2025-26
Restricted Funds		46,500	46,500
ae. Private Investigators		2024-25	2025-26
Restricted Funds		113,700	113,700
af. Licensed Professional Counselors		2024-25	2025-26
Restricted Funds		390,800	390,800
ag. Prosthetics, Orthotics, and Pedorthics		2024-25	2025-26
Restricted Funds		46,200	46,200
ah. Emergency Medical Services			
	2023-24	2024-25	2025-26
General Fund	155,600	2,679,600	2,718,100
Restricted Funds	-0-	969,700	969,700
Federal Funds	-0-	175,900	181,500
TOTAL	155,600	3,825,200	3,869,300
ai. Examiners of Psychology		2024-25	2025-26
Restricted Funds		306,400	306,400
aj. Respiratory Care		2024-25	2025-26
Restricted Funds		315,200	321,300
ak. Social Work			
	2023-24	2024-25	2025-26
Restricted Funds	450,000	832,000	838,600
al. Speech-Language Pathology and Audiology		2024-25	2025-26
Restricted Funds		222,900	222,900
am. Veterinary Examiners			
	2023-24	2024-25	2025-26
Restricted Funds	51,600	759,700	759,700
TOTAL - OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS			
	2023-24	2024-25	2025-26

General Fund	155,600	2,679,600	2,718,100
Restricted Funds	2,089,200	32,843,900	33,483,600
Federal Funds	-0-	175,900	181,500
TOTAL	2,244,800	35,699,400	36,383,200

26. KENTUCKY RIVER AUTHORITY

	2024-25	2025-26
General Fund	398,400	407,500
Restricted Funds	16,063,000	6,274,600
Federal Funds	4,400	4,300
TOTAL	16,465,800	6,686,400

(1) **Lock Operations Program Growth:** Included in the above General Fund appropriation is \$75,000 in each fiscal year to support additional personnel and increased operating costs. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) **Lockhouse Demolition:** Included in the above Restricted Funds appropriation is \$75,000 in fiscal year 2024-2025 to support the demolition of three Lockmaster houses. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

27. SCHOOL FACILITIES CONSTRUCTION COMMISSION

	2024-25	2025-26
General Fund	117,389,800	126,743,000

(1) **Debt Service:** Included in the above General Fund appropriation is \$5,209,800 in fiscal year 2024-2025 and \$16,970,900 in fiscal year 2025-2026 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(2) **Additional Offers of Assistance:** Notwithstanding KRS 157.611 to 157.665, the School Facilities Construction Commission is authorized to make an additional \$40,000,000 in offers of assistance during the 2024-2026 fiscal biennium in anticipation of debt service availability during the 2026-2028 fiscal biennium. No bonded indebtedness based on the above amount is to be incurred during the 2024-2026 fiscal biennium.

(3) **Special Offers of Assistance - 2024-2025:** Notwithstanding KRS 157.611 to 157.665 and 2022 Ky. Acts ch. 199, Part I, A., 27., (3), the School Facilities Construction Commission shall make offers of assistance in the specified amounts to the following local school districts in fiscal year 2024-2025:

- (a) \$8,041,000 to Breckinridge County Schools for Breckinridge County Middle School;
- (b) \$16,500,000 to Campbellsville Independent Schools for Campbellsville Middle School;
- (c) \$7,100,000 to Cumberland County Schools for Cumberland County Elementary School;
- (d) \$5,000,000 to Ludlow Independent Schools for Ludlow High School;
- (e) \$12,000,000 to Martin County Schools for Inez Elementary School; and
- (f) \$13,000,000 to Rockcastle County Schools for Rockcastle County Middle School.

These schools are A1 schools, are ranked as a Priority 1 or 2 on the local school district's facility plan, and have levied a 10-cent equivalent tax dedicated to capital improvements. No local school districts receiving offers of assistance under this Act shall be eligible to receive additional offers of assistance until the 2028-2030 fiscal biennium.

(4) **Secondary Area Technology Center Renovation Pool - 2025-2026:** A local school district that owns a secondary area technology center shall be eligible to receive a grant of up to \$7,500,000 to support renovation costs in fiscal year 2025-2026. The School Facilities Construction Commission shall develop criteria for the districts to receive funding, which shall include enrollment in job creation training programs, bonding capacity, and a needs-based local match. The Commission shall show preference to applications from regions projected to experience rapid

growth due to economic development. No award shall be made to any local school district which has received an award from the Local Area Vocational Education Center Pool since fiscal year 2020-2021.

(5) School Facility Assistance Fund - 2025-2026: Notwithstanding KRS 157.611 to 157.665, the School Facilities Construction Commission is authorized to make awards from the School Facility Assistance Fund in fiscal year 2025-2026 to local districts for facilities that are A1 or A2 schools, that are ranked as a Priority 1 or 2 on the local school district's facility plan, that are not athletic facilities, that have been assigned a BG number by the Kentucky Department of Education with a prefix value between 19 and 23, that the project construction has begun or is ready to start, and that have levied a ten-cent equivalent tax dedicated to capital improvements but remain unable to cash fund or to sufficiently support the required annual debt service for replacement or renovation of the school as of January 1, 2024.

The School Facilities Construction Commission's awards from the School Facility Assistance Fund shall not exceed 50 percent of the difference between the costs to construct, repair, or renovate facilities and the amount of available local resources, as certified in the audit conducted in Part I, A., 22., (11) of this Act. The awards are contingent on approval by the General Assembly.

28. TEACHERS' RETIREMENT SYSTEM

	2024-25	2025-26
General Fund	846,740,700	1,037,231,200
Restricted Funds	20,818,700	22,134,400
TOTAL	867,559,400	1,059,365,600

(1) Dependent Subsidy for All Retirees under age 65: Pursuant to KRS 161.675(4), health insurance supplement payments made by the retirement system shall not exceed the amount of the single coverage insurance premium.

(2) Retiree Health Insurance: Pursuant to KRS 161.550(2)(b) and notwithstanding any statute to the contrary, included in the above General Fund appropriation is \$65,941,900 and excess state funding for retiree health insurance in the amount of \$10,958,100 from fiscal year 2022-2023 totaling \$76,900,000 in fiscal year 2024-2025 and \$84,200,000 in fiscal year 2025-2026 to support the state's contribution for the cost of retiree health insurance for members not eligible for Medicare who have retired on or after July 1, 2010. Notwithstanding KRS 161.675, the Teachers' Retirement System Board of Trustees shall provide health insurance supplement payments towards the cost of the single coverage insurance premium based on age and years of service credit of eligible recipients of a retirement allowance, the cost of which shall be paid from the Medical Insurance Fund. Notwithstanding KRS 161.675, the Teachers' Retirement System Board of Trustees shall authorize eligible recipients of a retirement allowance from the Teachers' Retirement System who are less than age 65 to be included in the state-sponsored health insurance plan that is provided to active teachers and state employees under KRS 18A.225. Notwithstanding KRS 161.675(4)(a), the contribution paid by retirees who are less than age 65 who qualify for the maximum health insurance supplement payment for single coverage shall be no more than the sum of (a) the employee contribution paid by active teachers and state employees for a similar plan, and (b) the standard Medicare Part B premium as determined by the Centers for Medicare and Medicaid Services. Notwithstanding KRS 161.675(4)(a), the contribution paid by retirees who are less than age 65 who do not qualify for the maximum health insurance supplement payment for single coverage shall be determined by the same graduated formula used by the Teachers' Retirement System for Plan Year 2024.

(3) Medical Insurance Fund Employee Contributions: Notwithstanding KRS 161.540(1), the employee contribution to the Medical Insurance Fund shall not be changed in fiscal year 2024-2025 or fiscal year 2025-2026.

(4) Sick Leave Liability Reporting: The Teachers' Retirement System shall provide a report on the full actuarial cost of member sick leave, including the total actuarial liabilities of the sick leave and the total actuarial costs to annually finance the sick leave as a percentage of payroll and in total dollars by fund source, to the Public Pension Oversight Board no later than December 1, 2025.

(5) Actuarially Determined Employer Contribution: Included in the above General Fund appropriation is \$776,438,600 and excess state funding for the employer match made on behalf of local school district members in the amount of \$29,251,400 in fiscal year 2022-2023 totaling \$805,690,000 in fiscal year 2024-2025 and \$948,600,000 in fiscal year 2025-2026 to provide the full actuarially determined employer contribution. The Teachers' Retirement System shall provide a report on the actuarially determined employer contribution to the Public Pension Oversight Board no later than December 1, 2025. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

29. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

	2024-25	2025-26
General Fund	16,750,300	16,750,300

(1) **Repayment of Awards or Judgments:** Included in the above General Fund appropriation is \$245,200 in each fiscal year for the repayment of awards or judgments made by the Office of Claims and Appeals against departments, boards, commissions, and other agencies funded with appropriations out of the General Fund. However, awards under \$5,000 shall be paid from funds available for the operations of the agency. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) **Guardian Ad Litem Fees:** Included in the above General Fund appropriation is \$12,348,300 in each fiscal year for fees to be paid to each guardian ad litem appointed by the court pursuant to KRS 311.732. The fee shall be fixed by the court and shall not exceed \$500. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) **Reissuance of Uncashed Checks:** Included in the above General Fund appropriation is \$2,461,800 in each fiscal year to reissue checks written by the State Treasurer and not cashed within the statutory period pursuant to KRS 41.370. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **Police Officer, Firefighter, and Active Duty National Guard and Reserve Survivor Benefits:** Included in the above General Fund appropriation is \$690,900 in each fiscal year for payment of benefits for survivors of state and local police officers, firefighters, and active duty National Guard and Reserve members pursuant to KRS 61.315 and for the cost of insurance premiums for firefighters pursuant to KRS 95A.070. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(5) **Attorney General Expense:** Included in the above General Fund appropriation is \$370,700 in each fiscal year for expenses associated with representation of the Commonwealth and payments for expert witnesses pursuant to KRS 12.215. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(6) **Prior Year Claims:** Included in the above General Fund appropriation is \$253,000 in each fiscal year to allow the Finance and Administration Cabinet to pay any valid expense incurred during the two preceding fiscal years pursuant to KRS 45.231. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(7) **Involuntary Commitments:** Included in the above General Fund appropriation is \$63,400 in each fiscal year to provide funding for legal representation for persons requiring involuntary hospitalization pursuant to KRS 202B.210. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(8) **Frankfort In Lieu of Taxes:** Included in the above General Fund appropriation is \$200,000 in each fiscal year for payment to the City of Frankfort in lieu of property taxes normally owed annually pursuant to KRS 45.021. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(9) **Medical Malpractice Liability Insurance Reimbursement:** Included in the above General Fund appropriation is \$77,900 in each fiscal year to reimburse clinics and small, regional health care providers for medical malpractice insurance premiums pursuant to KRS 304.40-075. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(10) **Blanket Employee Bonds:** Included in the above General Fund appropriation is \$39,100 in each fiscal year to cover damages the Commonwealth might incur as the result of a criminal action by an employee when securing bonds. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse

to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(11) Funding Sources for Appropriations Not Otherwise Classified: Funds required to pay the costs of items included within Appropriations Not Otherwise Classified are appropriated. Any required expenditure over the above amounts up to \$8,249,700 in each fiscal year shall be paid first from the General Fund Surplus Account (KRS 48.700), if available, or from any available balance in either the Judgments budget unit or the Budget Reserve Trust Fund Account (KRS 48.705), subject to the conditions and procedures provided in this Act.

The above appropriation is for the payment of Attorney General Expense, Office of Claims and Appeals awards, Guardian Ad Litem, Prior Year Claims, Unredeemed Checks Refunded, Involuntary Commitments - ICF/MR, Frankfort in Lieu of Taxes, Frankfort Cemetery, Police Officer, Firefighter, and National Guard and Reserve Survivor Benefits, Medical Malpractice Liability Insurance Reimbursement, and Blanket Employee Bonds.

30. JUDGMENTS

(1) Payment of Judgments and Carry Forward of General Fund Appropriation Balance: Notwithstanding KRS 45A.275, the payment of judgments that exceed the above appropriation, as may be rendered against the Commonwealth by courts and orders of the State Personnel Board, where applicable, shall be subject to KRS Chapter 45 and shall not be deemed a necessary governmental expense. Notwithstanding KRS 45A.270(1), funds required to pay any award or judgment against any department or agency of the state in excess of the above appropriation, shall be paid out of the funds created or collected for the maintenance and operation of such department or agency and otherwise paid pursuant to KRS 45A.270(2). Notwithstanding KRS 45.229, the General Fund appropriation in fiscal year 2023-2024 and fiscal year 2024-2025 shall not lapse and shall carry forward.

31. KENTUCKY COMMUNICATIONS NETWORK AUTHORITY

	2024-25	2025-26
General Fund	41,454,600	44,845,600
Restricted Funds	9,779,300	10,254,100
TOTAL	51,233,900	55,099,700

(1) Availability Payments: Included in the above General Fund appropriation is \$35,764,000 in fiscal year 2024-2025 and \$38,243,000 in fiscal year 2025-2026 for availability payments. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) Debt Service: Included in the above General Fund appropriation is \$914,500 in fiscal year 2024-2025 and \$2,240,000 in fiscal year 2025-2026 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(3) Capital Project Reporting: On a quarterly basis, beginning November 1, 2024, the Kentucky Communications Network Authority shall submit a report detailing the following for each capital project authorized:

- (a) Project scope, including a definition of what project components are critical; costs related to each project component; information regarding which network location node, core equipment site, or end-user location is impacted; project milestones; and any changes or modifications from previous reports;
- (b) Financial status, including how much has been spent of the authorization, cost overruns and/or savings, and impact on the Authority’s operating budget;
- (c) Project timeline detailing progress towards project milestones and project completion status; and
- (d) Procurement and contracts, including status of procurement activities detailing contracts awarded and pending, and any changes to contract terms or conditions.

The Authority shall present this quarterly report to the Capital Projects and Bond Oversight Committee.

TOTAL - GENERAL GOVERNMENT

	2023-24	2024-25	2025-26
General Fund (Tobacco)	-0-	39,117,100	40,111,000
General Fund	1,282,700	1,719,782,800	1,891,508,900

Restricted Funds	5,166,000	367,390,300	364,806,700
Federal Funds	-0-	813,918,100	1,370,250,500
TOTAL	6,448,700	2,940,208,300	3,666,677,100

B. ECONOMIC DEVELOPMENT CABINET

Budget Unit

1. ECONOMIC DEVELOPMENT

	2023-24	2024-25	2025-26
General Fund	4,000,000	30,251,000	31,754,700
Restricted Funds	-0-	3,584,700	3,665,500
Federal Funds	-0-	301,000	301,000
TOTAL	4,000,000	34,136,700	35,721,200

(1) **Funding for Commercialization and Innovation:** Notwithstanding KRS 154.12-278, interest income earned on the balances in the High-Tech Construction/Investment Pool and loan repayments received by the High-Tech Construction/Investment Pool shall be used to support the Office of Entrepreneurship and are appropriated in addition to amounts appropriated above.

(2) **Lapse and Carry Forward of General Fund Appropriation Balance for Bluegrass State Skills Corporation:** Notwithstanding KRS 45.229, the General Fund appropriation balance for Bluegrass State Skills Corporation training grants for fiscal year 2023-2024 and fiscal year 2024-2025 shall not lapse and shall carry forward. The amount available to the Corporation for disbursement in each fiscal year shall be limited to the unexpended training grant allotment balance at the end of each fiscal year combined with the additional training grant allotment amounts in each fiscal year of the 2024-2026 fiscal biennium, less any disbursements. If the required disbursements exceed the Bluegrass State Skills Corporation training grants allotment balance, notwithstanding KRS 154.12-278, Restricted Funds may be expended for training grants.

(3) **Science and Technology Program:** Notwithstanding KRS 164.6011 to 164.6035 and any other statute to the contrary, the Cabinet for Economic Development shall have the authority to carry out the provisions of KRS 164.6013 to 164.6035.

(4) **Carry Forward of General Fund Appropriation Balance:** Notwithstanding KRS 45.229, the General Fund appropriation in fiscal year 2023-2024 and fiscal year 2024-2025 to the Cabinet for Economic Development, Science and Technology Program, shall not lapse and shall carry forward in the Cabinet for Economic Development

(5) **Executive Officers' Compensation:** Notwithstanding KRS 154.10-050(2), any additional executive officers as described in KRS 154.10-050(2) shall not be paid a salary greater than the salary of the Governor of the Commonwealth.

(6) **Training Grants:** Included in the above General Fund appropriation is \$2,500,000 in each fiscal year for the Bluegrass State Skills Corporation to make training grants to support manufacturing-related investments. The Corporation shall utilize these funds for a manufacturer designated by the United States Department of Commerce, United States Census Bureau North American Industry Classification System code of 336111, 336112, 336120, or 336211 that employs at least 10,000 full-time persons at the same facility or at multiple facilities located within the same county to help offset associated costs of retraining its workforce. Notwithstanding KRS 45.229, the General Fund appropriation balance for Bluegrass State Skills Corporation training grants for fiscal year 2023-2024 and fiscal year 2024-2025 shall not lapse and shall carry forward. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(7) **Debt Service:** Included in the above General Fund appropriation is \$634,500 in fiscal year 2024-2025 and \$1,903,500 in fiscal year 2025-2026 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(8) **Kentucky Product Development Initiative:** Notwithstanding KRS 45.229, the balance of the General Fund appropriation authorized in 2022 Ky. Acts ch. 199, Part I, B., 1., (12) shall not lapse and shall carry forward.

(9) **Engineering Services:** Included in the above General Fund appropriation is \$350,000 in each fiscal year to support engineering services for site selection projects. Notwithstanding KRS 45.229, any portion of General

Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(10) KEDFA Forgivable Loan-Carry Forward of Appropriation Balance: Notwithstanding KRS 45.229, the balance of the General Fund appropriation authorized in 2022 Ky. Acts ch. 199, Part I, B., 1., (11) shall not lapse and shall carry forward.

(11) Agricultural Economic Development: In accordance with KRS Chapter 154, the Secretary of the Cabinet for Economic Development shall coordinate with and seek guidance from the Commissioner of the Department of Agriculture in considering any projects for economic incentives related to agricultural economic development, agribusiness, or production facilities of sustainable aviation fuel.

(12) Kentucky Film Incentive: Included in the above Restricted Funds appropriation is \$450,000 in each fiscal year to support staffing and operations for the Kentucky Entertainment Incentive Program. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(13) Shaping Our Appalachian Region: Included in the above General Fund appropriation is \$4,000,000 in fiscal year 2023-2024 to provide the match for the federal grant to support the EDA Recompete Pilot Program. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

C. DEPARTMENT OF EDUCATION

Budget Units

1. SUPPORT EDUCATION EXCELLENCE IN KENTUCKY (SEEK) PROGRAM

	2024-25	2025-26
General Fund	3,261,950,500	3,365,742,000

(1) Common School Fund Earnings: Accumulated earnings for the Common School Fund shall be transferred in each fiscal year to the SEEK Program.

(2) Allocation of SEEK Funds: Notwithstanding KRS 157.360(2)(c), the above General Fund appropriation to the base SEEK Program is intended to provide a base guarantee of \$4,326 per student in average daily attendance in fiscal year 2024-2025 and \$4,586 per student in average daily attendance in fiscal year 2025-2026, as well as to meet the other requirements of KRS 157.360. Notwithstanding KRS 157.360(2), each district's base funding level shall be adjusted for the number of students demonstrating limited proficiency in English language skills, multiplied by 0.096.

Funds appropriated to the SEEK Program shall be allotted to school districts in accordance with KRS 157.310 to 157.440, except that the total of the funds allotted shall not exceed the appropriation for this purpose, except as provided in this Act. The total appropriation for the SEEK Program shall be measured by, or construed as, estimates of the state expenditures required by KRS 157.310 to 157.440. If the required expenditures exceed these estimates, the Secretary of the Finance and Administration Cabinet, upon the written request of the Commissioner of Education and with the approval of the Governor, may increase the appropriation by such amount as may be available and necessary to meet, to the extent possible, the required expenditures under the cited sections of the Kentucky Revised Statutes, but any increase of the total appropriation to the SEEK Program is subject to Part III, General Provisions, of this Act and KRS Chapter 48. If funds appropriated to the SEEK Program are insufficient to provide the amount of money required under KRS 157.310 to 157.440, allotments to local school districts may be reduced in accordance with KRS 157.430.

(3) SEEK Lapse: Notwithstanding KRS 45.229 and 2022 Ky. Acts ch. 199, Part I, C., 1., (3), any General Fund amounts appropriated to the SEEK Program that are not necessary to meet the requirements set forth in KRS 157.310 to 157.440 in fiscal years 2023-2024, 2024-2025, and 2025-2026 shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(4) Base SEEK Allotments: Notwithstanding KRS 157.420(2), included in the above General Fund appropriation is \$1,932,565,100 in fiscal year 2024-2025 and \$2,023,234,800 in fiscal year 2025-2026 for the base SEEK Program as defined by KRS 157.360. Funds appropriated to the SEEK Program shall be allotted to school districts in accordance with KRS 157.310 to 157.440, except that the total of the funds allotted shall not exceed the appropriation for this purpose, except as provided in this Act. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(5) **Tier I Component:** Included in the above General Fund appropriation is \$234,983,400 in fiscal year 2024-2025 and \$223,856,800 in fiscal year 2025-2026 for the Tier I component as established by KRS 157.440. Notwithstanding KRS 157.440(1)(a), the board of education of each school district may levy an equivalent tax rate as defined in KRS 160.470(9)(a) which will produce up to 17.5 percent of those revenues guaranteed by the SEEK Program. The levy shall be made no later than October 1 of each odd numbered year, and revenue generated by this levy shall be equalized at 150 percent of the statewide average per pupil assessment. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(6) **Vocational Transportation:** Included in the above General Fund appropriation is \$7,833,100 in each fiscal year for vocational transportation. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(7) **Teachers' Retirement System Employer Match:** Included in the above General Fund appropriation is \$458,220,000 in fiscal year 2024-2025 and \$467,900,000 in fiscal year 2025-2026 to enable local school districts to provide the employer match for qualified employees. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(8) **Salary Supplements for Nationally Certified Teachers:** Notwithstanding KRS 157.395, included in the above General Fund appropriation is \$4,655,500 in each fiscal year for the purpose of providing salary supplements for public school teachers attaining certification by the National Board for Professional Teaching Standards. Notwithstanding KRS 157.395, if the appropriation is insufficient to provide the mandated salary supplement for teachers who have obtained this certification, the Department of Education is authorized to pro rata reduce the supplement. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(9) **SEEK Adjustment Factors:** Funds allocated for the SEEK base and its adjustment factors that are not needed for the base or a particular adjustment factor may be allocated to other adjustment factors, if funds for that adjustment factor are not sufficient. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(10) **Facilities Support Program of Kentucky/Equalized Nickel Levies:** Included in the above General Fund appropriation is \$124,766,700 in fiscal year 2024-2025 and \$112,223,900 in fiscal year 2025-2026 to provide facilities equalization funding pursuant to KRS 157.440 and 157.620. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(11) **Growth Levy Equalization Funding:** Included in the above General Fund appropriation is \$50,045,800 in fiscal year 2024-2025 and \$40,102,800 in fiscal year 2025-2026 to provide facilities equalization funding pursuant to KRS 157.440 and 157.620 for districts meeting the eligibility requirements of KRS 157.621(1) and (4). Notwithstanding KRS 157.621(1)(b)2., a school district that imposes the levy authorized by KRS 157.621(1)(b)1. shall be equalized for that levy, in addition to the equalization funding appropriated in accordance with KRS 157.621(1)(b)2., and all funds for this purpose shall be committed to debt service, new facilities, or major renovations in accordance with KRS 157.440(1)(b). It is the intent of the 2024 General Assembly that any local school district receiving equalization under this subsection shall receive full calculated equalization until the earlier of 20 years of the effective date of this Act, or the date the bonds for the local school district supported by this equalization are retired, in accordance with KRS 157.621(2). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(12) **Retroactive Equalized Facility Funding:** Included in the above General Fund appropriation is \$57,457,200 in fiscal year 2024-2025 and \$52,129,900 in fiscal year 2025-2026 to provide equalized facility funding pursuant to KRS 157.440 and 157.620 to districts meeting the eligibility requirements of KRS 157.621(2) and (4). In addition, a local board of education that levied a tax rate subject to recall by January 1, 2014, in addition to the five cents levied pursuant to KRS 157.440(1)(b) and that committed the receipts to debt service, new facilities, or major renovations of existing facilities shall be eligible for equalization funds from the state at 150 percent of the statewide average per pupil assessment. Revenue to generate the five cent equivalent levy may be obtained from levies on property, motor vehicles, or the taxes authorized by KRS 160.593 to 160.597, 160.601 to 160.633, and 160.635 to 160.648 if the levy was dedicated to facilities funding at the time of the levy. The equalization funds shall be used as provided in KRS 157.440(1)(b). Notwithstanding KRS 157.621(2)(a) and (4), for the 2024-2026 fiscal biennium, school districts that levied the tax rate subject to recall prior to January 30, 2022, shall be equalized at 100 percent of the calculated equalization funding, school districts that levied the tax rate subject to recall after January 30, 2022, and before January 15, 2024, shall be equalized at 25 percent of the calculated equalization funding, and all funds for this purpose shall be committed to debt service, new facilities, or major renovations in accordance with KRS 157.440(1)(b). It is the intent of the 2024 General Assembly that any local school district receiving partial

equalization under this subsection in the 2024-2026 fiscal biennium shall receive full calculated equalization in the 2026-2028 fiscal biennium and thereafter, until the earlier of 20 years of the effective date of this Act, or the date the bonds for the local school district supported by this equalization are retired, in accordance with KRS 157.621(2). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(13) Equalized Facility Funding: Included in the above General Fund appropriation is \$17,623,400 in fiscal year 2024-2025 and \$16,111,300 in fiscal year 2025-2026 to provide equalized facility funding pursuant to KRS 157.440 and 157.620 to districts meeting the eligibility requirements of KRS 157.621(3) and (4). Notwithstanding KRS 157.621(3)(c), a school district meeting the criteria of KRS 157.621(3)(a) and (b) shall be equalized at 100 percent of the calculated equalization funding in each fiscal year, and all funds for this purpose shall be committed to debt service, new facilities, or major renovations in accordance with KRS 157.440(1)(b). In addition, notwithstanding KRS 157.621(1) and (3), a school district that has levied a five-cent equivalent rate authorized by KRS 157.621(1)(a) and is not receiving state equalization funding for that levy under KRS 157.621(1)(b), 157.621(3), or any other provision of this Act, shall be equalized at 100 percent of the calculated equalization funding in each fiscal year, and all funds for this purpose shall be committed to debt service, new facilities, or major renovations in accordance with KRS 157.440(1)(b). It is the intent of the 2024 General Assembly that any local school district receiving equalization under this subsection shall receive full calculated equalization until the earlier of 20 years of the effective date of this Act, or the date the bonds for the local school district supported by this equalization are retired, in accordance with KRS 157.621(3). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(14) BRAC Equalized Facility Funding: Notwithstanding KRS 157.621(1)(c)2., included in the above General Fund appropriation is \$3,121,200 in fiscal year 2024-2025 and \$2,780,500 in fiscal year 2025-2026 to provide equalized facility funding to school districts meeting the eligibility requirements of KRS 157.621(1)(c)1. pursuant to KRS 157.440 and 157.620. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(15) Equalization Funding for Critical Construction Needs Schools: Included in the above General Fund appropriation is \$9,371,000 in fiscal year 2024-2025 and \$8,716,900 in fiscal year 2025-2026 to school districts in accordance with KRS 157.621(5). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(16) Hold-Harmless Guarantee: A hold-harmless guarantee is established in each fiscal year which provides that every local school district shall receive at least the same amount of SEEK state funding per pupil as was received in fiscal year 1991-1992. If funds appropriated to the SEEK Program are insufficient to provide the amount of money required under KRS 157.310 to 157.440, and allotments to local school districts are reduced in accordance with KRS 157.430, allocations to school districts subject to this provision shall not be reduced.

(17) Residential Youth-at-Risk Programs: In accordance with KRS 157.360, no funds from the SEEK Program shall be distributed to the programs operated by the Kentucky Guard Youth Challenge Division of the Department of Military Affairs. Notwithstanding KRS 157.350, 157.360, 157.410, and any other statute to the contrary, any school district providing educational services to students enrolled in programs operated by the Kentucky Guard Youth Challenge Division of the Department of Military Affairs shall be paid for those services solely from the General Fund appropriation in Part I, A., 6. of this Act, and students enrolled in such programs shall not be included in the average daily attendance for purposes of SEEK Program funding.

(18) Salary Supplements for Certified Audiologists and Speech Language Pathologists: Included in the above General Fund appropriation is \$2,312,000 in each fiscal year for the purpose of providing a \$2,000 salary supplement each year for full-time public school Audiologists and Speech Language Pathologists that have active Certificates of Clinical Competence, as offered by the American Speech-Language-Hearing Association. Notwithstanding any statute to the contrary, if the appropriation is insufficient to provide all full-time public school American Speech-Language-Hearing Association certified Audiologists and Speech Language Pathologists with the \$2,000 stipend, then the Department of Education is authorized to pro rata reduce the supplement. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(19) Full-Day Kindergarten: Notwithstanding KRS 157.320 or any other statute or regulation to the contrary, the Department of Education shall count each kindergarten pupil in full for that respective school year, for the purpose of determining SEEK funds and any other state funding based in whole or in part on average daily attendance for the district, except that a district shall receive an amount equal to one-half of the state portion of the average statewide per pupil guaranteed base funding level for each student who graduated early under the provisions of KRS 158.142.

(20) SEEK Transportation: Notwithstanding KRS 157.370 and 157.360(2)(c), included in the above General Fund appropriation is \$358,996,100 in fiscal year 2024-2025 and \$398,884,500 in fiscal year 2025-2026 to support pupil transportation. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(21) Legislative Policy Requirement: The 2024 General Assembly provides the following requirement to local boards of education and the Kentucky Department of Education:

(a) Local school districts that receive state funding from the Support Education Excellence in Kentucky Program shall:

1. Prominently display, in not less than 16-point type, on the local board of education’s internet landing page, the district’s percentage of students scoring Proficient in Reading, the district’s percentage of students scoring Distinguished in Reading, the district’s percentage of students scoring Proficient in Mathematics, and the district’s percentage of students scoring Distinguished in Mathematics on the most recent Kentucky Summative Assessment, as defined by KRS 158.6453;

2. Prominently display a web link to the detailed results of the district’s performance on the most recent Kentucky Summative Assessment on the local board of education’s internet landing page;

3. Display the same information specified in subparagraph 1. of this paragraph at the top of each page of the board’s website in a banner format;

4. Prominently display, in not less than 16-point type, on each school’s internet landing page, the school’s percentage of students scoring Proficient in Reading, the school’s percentage of students scoring Distinguished in Reading, the percentage of students scoring Proficient in Mathematics, and the percentage of students scoring Distinguished in Mathematics on the school’s most recent Kentucky Summative Assessment;

5. Prominently display on each school’s internet landing page, a link to the detailed results of the school’s results on the most recent Kentucky Summative Assessment; and

6. Display the same information specified in subparagraph 4. of this paragraph in banner format on each page of the school’s website;

(b) The Kentucky Department of Education shall post a rank order by overall academic performance of all schools on its website;

(c) The Kentucky Department of Education shall ensure compliance with this subsection by every district, and offer assistance, as needed;

(d) The General Assembly is aware of the intention of surrounding states to set increased minimum salaries for classroom teachers in those states by statute or regulation. The General Assembly also recognizes the fact that the local economy heavily affects the salary schedules of classified employees; and

(e) The General Assembly directs each local board of education to consider the actions of other states and the local economy and the related effect on recruitment and retention when establishing the salary schedules for classroom teachers and classified employees. Additional funds have been made available to local school districts through increases in SEEK resources. The 2024 General Assembly encourages local school districts to provide certified and classified staff a salary or compensation increase.

(22) Property Assessment Growth Relief: Notwithstanding KRS 157.360(17), the Department of Education shall value real estate for the purposes of calculating the state portion of local effort required to participate in the SEEK Program as the lesser of the current year assessment or the prior year assessment increased by four percent, plus the value of current year new property. For purposes of calculating the adjusted prior year assessment, the value of current new year property may not exceed 110 percent of the value of the prior year’s valuation of existing property. Authorization to use the prior year assessment, as adjusted, shall be subject to available funds.

(23) Star Academy: Included in the above General Fund appropriation is \$5,000,000 in fiscal year 2025-2026 to support a three-year pilot program of five Star Academy charter schools within existing public schools throughout the state. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

2. OPERATIONS AND SUPPORT SERVICES

	2024-25	2025-26
General Fund	66,455,800	67,208,600

Restricted Funds	15,901,400	16,490,700
Federal Funds	465,580,300	465,718,800
TOTAL	547,937,500	549,418,100

(1) **Employment of Leadership Personnel:** Notwithstanding KRS 18A.005 to 18A.200, the Kentucky Board of Education shall continue to have sole authority to determine the employees of the Department of Education who are exempt from the classified service and to set those employees' compensation comparable to the competitive market.

(2) **Debt Service:** Included in the above General Fund appropriation is \$83,000 in fiscal year 2024-2025 and \$166,000 in fiscal year 2025-2026 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(3) **Blind/Deaf Residential Travel Program:** Included in the above General Fund appropriation is \$492,300 in each fiscal year for the Blind/Deaf Residential Travel Program. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **School Food Services:** Included in the above General Fund appropriation is \$3,584,000 in each fiscal year for the School Food Services Program. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(5) **Advanced Placement and International Baccalaureate Exams:** Notwithstanding KRS 160.348(3), included in the above General Fund appropriation is \$1,000,000 in each fiscal year to pay the cost of Advanced Placement and International Baccalaureate examinations for those students who meet the eligibility requirements for free or reduced-price meals. Notwithstanding KRS 154A.130(4) and 160.348(3), included in the above General Fund appropriation is \$2,600,000 in each fiscal year to pay the cost of Advanced Placement examinations for students on a first-come, first-served basis. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(6) **Review of the Classification of Primary and Secondary School Buildings:** Included in the above General Fund appropriation is \$500,000 in each fiscal year to implement KRS 157.420(9) and (10). Notwithstanding KRS 45.229, any portion of the \$500,000 that has not been expended by the end of fiscal year 2024-2025 shall not lapse and shall carry forward into fiscal year 2025-2026. Notwithstanding KRS 157.420(9) and (10), only schools classified as A1, A2, A3, A4, A5, A6, C2, and D1 shall be included in the evaluation process. Notwithstanding KRS 157.420(9) and (10), the Department of Education may limit the school buildings included in the evaluation process based on the time elapsed since the building's construction or last major renovation as defined in 702 KAR 4:160. Notwithstanding KRS 157.420(9) and (10), the Department of Education shall provide an updated list of school buildings that reflects the current adequate needs of facilities evaluated under the standardized process outlined in KRS 157.420(9) to the Legislative Research Commission by October 1, 2025.

(7) **District Facility Plan Modifications:** Notwithstanding KRS 162.060, requirements for the Chief State School Officer's prior approval of district facility plans and specifications, KRS 157.420(7) requirements for the Commissioner of Education's approval for the use of the district's capital outlay funds for projects, and KRS 160.160(3) and (4) requirements for the Department of Education's approval for the district's transactions, and any administrative regulation that requires any of those entities to provide prior approval for the funding, financing, design, construction, renovation, or modification of school facilities, a local board of education of a district may provide for and commence the funding, financing, design, construction, renovation, or modification of the district's facilities in accordance with the provisions and restrictions established in statute and administrative regulation.

A local board of education that elects to conduct its projects under this subsection shall adopt a resolution by majority vote and submit the resolution to the Kentucky Department of Education as notice and shall submit BG-1 Project Application forms to the Kentucky Department of Education for recordkeeping and data collection. The provisions of KRS 160.160(5) shall remain in full effect and shall be applicable to leases and bonds authorized by a local board without the prior approval of the Department. Notwithstanding the provisions of KRS 160.160(2) to the contrary, a local board under this subsection may use the estimates of architects or engineers who prepared the plans or specifications as an alternative to the receipt of advertised, public, and competitive bids for the project to estimate the cost of the project in advance of financing.

Notwithstanding 702 KAR 4:180, 702 KAR 4:050, and 702 KAR 4:090, or any other similar administrative regulation to the contrary, a local board of education that submits a request for approval of a complete district facility plan, a request for acquisition of property, or a request for disposal of surplus property shall submit the request to the Commissioner of Education or designee who shall approve or disapprove the request within 30 business days. An approved request shall be reported to the Kentucky Board of Education. A denied request may be appealed to the Board.

(8) Employee Reporting: The Kentucky Department of Education shall provide a report by August 1 of each year to the Interim Joint Committee on Appropriations and Revenue. At a minimum, the report shall include:

(a) A count and list, by name, of all full-time, part-time, and interim employees employed under KRS Chapter 18A;

(b) A count and list, by name, of all contract employees;

(c) The position title, Kentucky Department of Education office served, and primary work location of every employee;

(d) The employees' level of compensation, on an annualized basis, including the percentage of all fund sources used to compensate the employee; and

(e) For contract employees, the start and end date of the relevant contract, as well as the name of any entity involved in administering the contract.

(9) Educators Employment Liability Insurance Program: Included in the above General Fund appropriation is \$5,000,000 in each fiscal year to support the educators employment liability insurance program pursuant to KRS 161.212. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(10) SEEK Application: Included in the above General Fund appropriation is \$250,000 in each fiscal year to maintain the SEEK Application. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(11) Certified and Classified Staff Compensation Increase Reporting: The Kentucky Department of Education shall provide a report by September 1 of each year to the Interim Joint Committee on Appropriations and Revenue detailing certified and classified staff compensation increases for the current school year by each local school district. At a minimum, the report shall include:

(a) A brief description of the type of staff compensation increases adopted, such as percentage-based or flat rate, if applicable;

(b) The average percentage rate or dollar amount of the compensation increases, by classification, if applicable;

(c) The effective date of the compensation increases, if applicable;

(d) The manner in which the compensation increases were delineated, such as universally or by job classification, if applicable;

(e) Any monetary compensation in addition to that provided through the district's single salary schedule, such as one-time payments, if applicable;

(f) The date the local board of education adopted the compensation increases, if applicable; and

(g) Any changes to the local school district's certified and/or classified staff single salary schedule(s), if applicable.

(12) Commissioner of Education: Notwithstanding KRS 11.160 and 156.148(2)(a), the appointment of the Interim Commissioner of Education on the date this Act becomes effective shall not be subject to Senate confirmation.

3. LEARNING AND RESULTS SERVICES

	2024-25	2025-26
General Fund	1,389,091,500	1,527,070,500

Restricted Funds	27,991,300	31,761,700
Federal Funds	1,383,403,400	619,447,200
TOTAL	2,800,486,200	2,178,279,400

(1) **Kentucky Education Technology System:** Notwithstanding KRS 157.650 to 157.665, the School for the Deaf and the School for the Blind shall be fully eligible, along with local school districts, to participate in the Kentucky Education Technology System in a manner that takes into account the special needs of the students of these two schools.

(2) **Family Resource and Youth Services Centers:** Funds appropriated to establish and support Family Resource and Youth Services Centers shall be transferred in each fiscal year to the Cabinet for Health and Family Services consistent with KRS 156.496. The Cabinet for Health and Family Services is authorized to use, for administrative purposes, no more than two percent of the total funds transferred from the Department of Education for the Family Resource and Youth Services Centers. If a certified person is employed as a director or coordinator of a Family Resource and Youth Services Center, that person shall retain his or her status as a certified employee of the school district.

(3) **Health Insurance:** Included in the above General Fund appropriation is \$942,925,300 in fiscal year 2024-2025 and \$1,076,821,500 in fiscal year 2025-2026 for employer contributions for health insurance and the contribution to the health reimbursement account for employees waiving coverage. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **Program Flexibility:** Notwithstanding KRS 158.070(8) and 158.446, local school districts shall be provided additional flexibility in the utilization of funds for Extended School Services and Safe Schools. Local school districts shall continue to address the governing statutes and serve the intended student population but may utilize funds from these programs for general operating expenses in each year of the fiscal biennium. Local school districts that utilize these funds for general operating expenses shall report to the Kentucky Department of Education and the Interim Joint Committee on Education the amount of funding from each program utilized for general operating expenses.

(5) **Center for School Safety:** Included in the above General Fund appropriation is \$15,000,000 in each fiscal year for the Center for School Safety. Notwithstanding KRS 158.446, the Center for School Safety shall allot these moneys for the purposes described in KRS 158.440, 158.441, 158.4415, 158.4416, 158.442, 158.445, and 158.446 at both public and private school buildings, campuses, grounds, recreational areas, or athletic fields, except that no more than \$1,500,000 in each fiscal year may be retained for administrative purposes. The Center for School Safety shall research and evaluate commercial software solutions available to improve school safety. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(6) **Allocations to School-Based Decision Making Councils:** Notwithstanding KRS 160.345(8), for each fiscal year, a local board of education may reduce the allocations to individual schools within the district as outlined in 702 KAR 3:246, secs. 6, 7, and 8. The allocation under 702 KAR 3:246, sec. 6, shall not be less than \$100 per pupil in average daily attendance.

(7) **Kentucky School for the Blind and Kentucky School for the Deaf:** Included in the above General Fund appropriation is \$8,274,400 in fiscal year 2024-2025 and \$8,289,100 in fiscal year 2025-2026 for the Kentucky School for the Blind and \$11,260,500 in fiscal year 2024-2025 and \$11,291,800 in fiscal year 2025-2026 for the Kentucky School for the Deaf. Of this amount, \$551,300 in fiscal year 2024-2025 and \$597,300 in fiscal year 2025-2026 is provided to support step and rank increases. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(8) **Career and Technical Education:** Included in the above General Fund appropriation is \$127,065,900 in fiscal year 2024-2025 and \$127,115,900 in fiscal year 2025-2026 for career and technical education. Notwithstanding KRS 157.069, of this amount, \$70,063,400 in each fiscal year shall be distributed as supplemental funding to local area vocational education centers.

Notwithstanding KRS 157.069, Category II and III programs in districts established after June 21, 2001, shall be included in the distribution. The Department of Education shall classify each comprehensive high school with five

or more career and technical education program areas as a local area vocational education center and shall also include any comprehensive high school with fewer than five career and technical education programs in the supplemental funding. The Department of Education shall communicate the updated status with the superintendent of each local school district no later than June 30, 2024. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(9) Redistribution of Resources: Notwithstanding KRS 156.095, 156.553, 156.555, 157.390, 158.070, 158.770, 158.775, 158.805, 161.027 to 161.030, 161.165, and 161.167, no General Fund is provided for the Professional Development Program, the Commonwealth School Improvement Fund, the Leadership and Mentor Fund, the Middle School Academic Center, the Teacher's Professional Growth Fund, the Teacher Academies Program, the Writing Program, the Kentucky Principal Internship Program, the Kentucky Teacher Internship Program, and the Kentucky Academy for Equity in Teaching in order to increase funding for school-based mental health services providers.

(10) Learning and Results Services Programs: Included in the above General Fund appropriation are the following allocations for the 2024-2026 fiscal biennium, but no portion of these funds shall be utilized for state-level administrative purposes:

- (a) \$1,900,000 in each fiscal year for AdvanceKentucky;
- (b) \$1,850,000 in each fiscal year for the Community Education Program;
- (c) \$23,916,300 in each fiscal year for the Extended School Services Program;
- (d) \$48,889,000 in each fiscal year for the Family Resource and Youth Services Centers Program;
- (e) \$10,000,000 in each fiscal year for the Gifted and Talented Program;
- (f) \$100,000 in each fiscal year for the Hearing and Speech Center;
- (g) \$100,000 in each fiscal year for the Heuser Hearing and Language Academy;
- (h) Notwithstanding KRS 154A.130(4), \$1,675,500 in each fiscal year for the Jobs for America's Graduates Program;
- (i) \$500,000 in each fiscal year for the Kentucky Alliance of Boys & Girls Clubs;
- (j) \$12,500,000 in each fiscal year for the Kentucky Educational Collaborative for State Agency Children;
- (k) \$1,391,000 in each fiscal year for Local School District Life Insurance;
- (l) \$1,000,000 in each fiscal year for Math Nation;
- (m) \$5,019,000 in each fiscal year for the Mathematics Achievement Fund;
- (n) \$84,481,100 in each fiscal year for the Preschool Program;
- (o) \$15,936,600 in each fiscal year for the Read to Achieve Program;
- (p) \$11,000,000 in each fiscal year for the Read to Succeed Program;
- (q) \$2,000,000 in each fiscal year for Save the Children;
- (r) \$1,200,000 in each fiscal year for the Statewide Reading Research Center;
- (s) \$700,000 in each fiscal year for Teach for America. Teach for America shall submit a report on the outcomes of the program to the Interim Joint Committee on Education by August 1, 2025;
- (t) \$500,000 in each fiscal year for the Visually Impaired Preschool Services Program; and
- (u) \$1,500,000 in each fiscal year for We Lead CS.

It is the intent of the General Assembly to create a working group, which shall report to the Interim Joint Committee on Appropriations and Revenue on or before January 1, 2026, for the purpose of reviewing and evaluating the process by which Learning and Results Services Programs are funded to allow for a more systematic or formulaic approach. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(11) School-Based Mental Health Services Providers: Included in the above General Fund appropriation is \$7,412,500 in each fiscal year to fund school-based mental health services provider full-time equivalent positions on a reimbursement basis. The Kentucky Center for School Safety, in consultation with the Office of the State School Security Marshal, shall develop criteria to determine which districts shall receive funding to meet the requirements of KRS 158.4416(3)(a). The criteria shall include:

- (a) A local district’s use of Medicaid funding to supplement General Fund;
- (b) An equitable and balanced statewide distribution; and
- (c) Any other criteria to support a trauma-informed approach in schools.

Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(12) Debt Service: Included in the above General Fund appropriation is \$453,500 in fiscal year 2024-2025 and \$907,000 in fiscal year 2025-2026 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(13) Statewide Assessment Costs: Included in the above General Fund appropriation is \$1,010,500 in fiscal year 2024-2025 and \$1,093,300 in fiscal year 2025-2026 to support increased statewide assessment services costs. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(14) Academic Content Standards Review: Included in the above General Fund appropriation is \$1,200,000 in each fiscal year to support the academic content standards review process pursuant to KRS 158.6453. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(15) U.S. Army Junior Reserve Officers' Training Corps Pilot Program Consultants: Included in the above General Fund appropriation is \$623,900 in fiscal year 2024-2025 and \$654,500 in fiscal year 2025-2026 to support U.S. Army Junior Reserve Officers' Training Corps pilot program consultants. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(16) School Resource Officers: Included in the above General Fund appropriation is \$16,500,000 in fiscal year 2024-2025 and \$18,000,000 in fiscal year 2025-2026 to the Kentucky Department of Education to assist local districts in funding salaries for school resource officers, as defined in KRS 158.441, on a reimbursement basis. The Kentucky Department of Education shall reimburse local school districts up to \$20,000 for each campus employing at least one on-site full-time certified school resource officer. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(17) Federal Remedial Education Grants: It is the intent of the 2024 General Assembly that the Kentucky Department of Education shall apply for all federal grants available for remedial education.

TOTAL - DEPARTMENT OF EDUCATION

	2024-25	2025-26
General Fund	4,717,497,800	4,960,021,100
Restricted Funds	43,892,700	48,252,400
Federal Funds	1,848,983,700	1,085,166,000
TOTAL	6,610,374,200	6,093,439,500

D. EDUCATION AND LABOR CABINET

Budget Units

1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT

	2024-25	2025-26
General Fund (Tobacco)	1,200,000	1,200,000

General Fund	17,131,400	14,309,300
Restricted Funds	24,080,500	24,522,900
Federal Funds	18,556,800	18,584,300
TOTAL	60,968,700	58,616,500

(1) **Early Childhood Development:** Included in the above General Fund (Tobacco) appropriation is \$1,200,000 in each fiscal year for the Early Childhood Advisory Council. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) **Governor's Scholars Program:** Included in the above General Fund appropriation is \$2,000,000 in each fiscal year for the Governor's Scholars Program. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) **Governor's School for Entrepreneurs:** Included in the above General Fund appropriation is \$1,000,000 in each fiscal year for the Governor's School for Entrepreneurs. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **Kentucky Center for Statistics:** (a) Included in the above General Fund appropriation is \$1,733,300 in fiscal year 2024-2025 and \$2,291,300 in fiscal year 2025-2026 to sustain the Kentucky Longitudinal Data System. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(b) Included in the above General Fund appropriation is \$1,363,200 in each fiscal year for the Workforce Data Quality Initiative and Supplemental Nutrition Assistance Program data collection and analysis. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(5) **The Hope Center:** Included in the above General Fund appropriation is \$100,000 in each fiscal year for the Hope Center. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(6) **Kentucky Adult Learner Program:** Included in the above General Fund appropriation is \$2,000,000 in each fiscal year for the Kentucky Adult Learner Program. The purpose of the program is to provide adults 18 years of age or older who have not graduated high school the opportunity to earn a high school diploma. The Education and Labor Cabinet (ELC) and the Kentucky Department of Education shall authorize a single eligible entity to operate the program for not more than 350 adult learners. The eligible entity shall be a Kentucky-based non-profit organization, agree to commit at least \$1,000,000 to the program, and staff the program with certified teachers teaching core academic subjects. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

Notwithstanding any statute to the contrary, the Kentucky Adult Learner Program shall have authorization to issue a Kentucky high school diploma to an adult learner participant if all of the minimum graduation requirements under Kentucky law are met.

The Kentucky Board of Education and the ELC shall develop metrics that will appropriately assess the expected performance outcomes of the program. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(7) **Heuser Hearing Institute:** Included in the above General Fund appropriation is \$2,000,000 in each fiscal year for the Heuser Hearing Institute to support programs developed to close the education and achievement gaps for deaf and hard-of-hearing adults. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(8) **Kentucky Datastream Initiative:** Included in the above General Fund appropriation is \$3,500,000 in fiscal year 2024-2025 for the Kentucky Datastream Initiative. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

2. PROPRIETARY EDUCATION

	2024-25	2025-26
Restricted Funds	542,400	550,600

3. DEAF AND HARD OF HEARING

	2024-25	2025-26
General Fund	1,091,100	1,119,300
Restricted Funds	1,400,600	1,414,400
TOTAL	2,491,700	2,533,700

4. KENTUCKY EDUCATIONAL TELEVISION

	2024-25	2025-26
General Fund	17,641,600	18,036,500
Restricted Funds	2,037,000	2,037,000
TOTAL	19,678,600	20,073,500

(1) **KET Digital Infrastructure Increase:** Included in the above General Fund appropriation is \$750,000 in each fiscal year to increase KET's digital content and infrastructure. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

5. ENVIRONMENTAL EDUCATION COUNCIL

	2024-25	2025-26
Restricted Funds	527,700	536,200
Federal Funds	430,200	430,300
TOTAL	957,900	966,500

(1) **Environmental Education Council:** Notwithstanding KRS 224.43-505(2)(b), the Council may use interest received to support the operations of the Council.

6. LIBRARIES AND ARCHIVES**a. General Operations**

	2024-25	2025-26
General Fund	6,777,800	6,901,300
Restricted Funds	1,412,100	1,424,200
Federal Funds	3,057,400	3,090,400
TOTAL	11,247,300	11,415,900

b. Direct Local Aid

	2024-25	2025-26
General Fund	6,609,700	6,259,700
Restricted Funds	1,046,900	1,046,900
TOTAL	7,656,600	7,306,600

(1) **Per Capita Grants:** Notwithstanding KRS 171.201, no General Fund is provided for nonconstruction state aid.

(2) **Public Library Facilities Construction:** Included in the above General Fund appropriation is \$4,109,700 in fiscal year 2024-2025 and \$3,759,700 in fiscal year 2025-2026 for the Public Library Facilities Construction Fund. Notwithstanding KRS 45.229 and 171.027 to 171.223, any expired debt service payments shall

lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) **Dolly Parton's Imagination Library:** Included in the above General Fund appropriation is \$2,500,000 in each fiscal year for the Imagination Library of Kentucky Program. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

TOTAL - LIBRARIES AND ARCHIVES

	2024-25	2025-26
General Fund	13,387,500	13,161,000
Restricted Funds	2,459,000	2,471,100
Federal Funds	3,057,400	3,090,400
TOTAL	18,903,900	18,722,500

7. WORKFORCE DEVELOPMENT

	2024-25	2025-26
General Fund	37,927,300	38,603,900
Restricted Funds	13,023,100	13,197,600
Federal Funds	482,861,000	484,892,800
TOTAL	533,811,400	536,694,300

(1) **Cafeteria Service Contracts:** No state agency shall enter into any contract with a nongovernmental entity for the operation of food services provided in the cafeterias located in the Kentucky Transportation Cabinet office building and/or the Cabinet for Human Resources office building in Frankfort unless the Office of Vocational Rehabilitation has declined in writing to provide such services.

(2) **Adult Education:** Included in the above General Fund appropriation are sufficient funds in each fiscal year to support the Office of Adult Education. Notwithstanding KRS 45.229, the General Fund appropriation for the Office of Adult Education in each fiscal year shall not lapse and shall carry forward. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) **Employer and Apprenticeship Services:** Included in the above General Fund appropriation are sufficient funds in each fiscal year for the Office of Employer and Apprenticeship Services. The Education and Labor Cabinet shall provide a report by December 1 of each year to the Interim Joint Committee on State Government detailing the use of these funds.

(4) **Overpayment of Unemployment Insurance Benefits Waiver:** Notwithstanding KRS 341.413, the Secretary may waive an overpayment of benefits for unemployment insurance claims filed between January 27, 2020, and September 6, 2021.

(5) **Unemployment Insurance Program Staff Positions:** Included in the above Federal Funds appropriation is \$5,965,800 in each fiscal year to support 45 additional staff positions in the Office of Unemployment Insurance if funding is available. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(6) **Unemployment Insurance System Replacement:** Notwithstanding KRS 341.243(8), the Service Capacity Upgrade Fund may collect up to \$68,000,000 for the purpose of funding the Replace Unemployment Insurance System project in Part II of this Act. The Office of Unemployment Insurance shall prepare a report detailing the replacement of the unemployment insurance system. The report shall include a description of how the allocated Restricted Funds are being utilized and a timeline of expected completion and implementation of a new system. This report shall be submitted to the Interim Joint Committee on Appropriations and Revenue quarterly, beginning November 1, 2024.

8. WORKPLACE STANDARDS

	2024-25	2025-26
General Fund	1,831,100	1,873,900
Restricted Funds	8,895,200	9,001,600

Federal Funds	4,061,000	4,232,900
TOTAL	14,787,300	15,108,400

9. WORKERS' CLAIMS

	2024-25	2025-26
Restricted Funds	62,757,500	63,209,600

(1) **Professional Employer Organization Unit:** Included in the above Restricted Funds appropriation is \$482,600 in each fiscal year to create and staff the Professional Employer Organization unit within the Department of Workers' Claims in order to implement the provisions of 2022 Ky. Acts ch. 50. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

10. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

	2024-25	2025-26
Restricted Funds	809,100	822,200

11. WORKERS' COMPENSATION FUNDING COMMISSION

	2024-25	2025-26
Restricted Funds	90,742,700	90,995,800

12. WORKERS' COMPENSATION NOMINATING COMMITTEE

	2024-25	2025-26
Restricted Funds	1,100	1,100

TOTAL - EDUCATION AND LABOR CABINET

	2024-25	2025-26
General Fund (Tobacco)	1,200,000	1,200,000
General Fund	89,010,000	87,103,900
Restricted Funds	207,275,900	208,760,100
Federal Funds	508,966,400	511,230,700
TOTAL	806,452,300	808,294,700

E. ENERGY AND ENVIRONMENT CABINET**Budget Units****1. SECRETARY**

	2024-25	2025-26
General Fund	4,334,800	4,448,700
Restricted Funds	2,737,600	2,765,900
Federal Funds	1,982,300	2,024,400
TOTAL	9,054,700	9,239,000

2. ADMINISTRATIVE SERVICES

	2024-25	2025-26
General Fund	5,905,600	6,052,800
Restricted Funds	5,586,900	5,672,300
Federal Funds	2,850,700	2,909,900
TOTAL	14,343,200	14,635,000

(1) **Mobile Inspection Application:** Included in the above Restricted Funds appropriation is \$700,000 in each fiscal year to support a mobile inspection application. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

3. ENVIRONMENTAL PROTECTION

	2023-24	2024-25	2025-26
General Fund	-0-	31,856,400	33,280,100
Restricted Funds	1,611,300	87,731,100	88,560,200
Federal Funds	-0-	37,077,700	37,609,700
TOTAL	1,611,300	156,665,200	159,450,000

(1) **Debt Service:** Included in the above General Fund appropriation is \$1,324,000 in fiscal year 2024-2025 and \$2,691,000 in fiscal year 2025-2026 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(2) **Public and Private Dam Rehabilitation:** The Department for Environmental Protection shall submit a report to the Legislative Research Commission, Office of Budget Review, by September 1, 2024, recommending the priority ranking and funding mechanisms for rehabilitating public and private high hazard dams within the Commonwealth. The Department may work collaboratively with the Soil and Water Conservation Commission (KRS 146.110).

(3) **Chemical and Laboratory Supplies:** Included in the above General Fund appropriation is \$320,000 in fiscal year 2024-2025 and \$350,000 in fiscal year 2025-2026 to purchase chemical and laboratory supplies. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **Waste Tire Trust Fund Inflationary Costs:** Included in the above Restricted Funds appropriation is \$1,611,300 in fiscal year 2023-2024 to support inflationary costs associated with the collection of waste tires and site cleanup. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(5) **Perfluoroalkyl and Polyfluoroalkyl Substances:** Included in the above General Fund appropriation is \$1,806,900 in fiscal year 2024-2025 and \$1,207,600 in fiscal year 2025-2026 to support additional personnel and operating costs associated with the analysis of per- and polyfluoroalkyl substances. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(6) **Merchant Electric Generating Facility Monitoring and Enforcement Program:** Included in the above Restricted Funds appropriation is \$560,700 in fiscal year 2024-2025 and \$581,000 in fiscal year 2025-2026 to support the Merchant Electric Generating Facility Monitoring and Enforcement Program. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(7) **Petroleum Storage Tank Environmental Assurance Fund Rate Increase:** Included in the above Restricted Funds appropriation is \$4,423,600 in each fiscal year to support the increased reimbursement rates associated with remedial cleanup activities. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

4. NATURAL RESOURCES

	2024-25	2025-26
General Fund (Tobacco)	3,000,000	3,000,000
General Fund	43,690,600	44,908,200
Restricted Funds	24,847,500	24,872,100
Federal Funds	176,959,500	177,587,600
TOTAL	248,497,600	250,367,900

(1) **Emergency Forest Fire Suppression:** Not less than \$2,500,000 of the above General Fund appropriation in each fiscal year shall be set aside for emergency forest fire suppression. Notwithstanding KRS 45.229, any portion of the \$2,500,000 not expended for emergency forest fire suppression shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705) at the end of each fiscal year. There is appropriated from the General

Fund the necessary funds, subject to the conditions and procedures provided in this Act, which are required as a result of emergency fire suppression activities in excess of \$2,500,000 in each fiscal year. Fire suppression costs in excess of \$2,500,000 annually shall be deemed necessary government expenses and shall be paid, up to \$4,000,000 in each fiscal year, from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

(2) **Environmental Stewardship Program:** Included in the above General Fund (Tobacco) appropriation is \$2,000,000 in each fiscal year for the Environmental Stewardship Program. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) **Conservation District Local Aid:** Included in the above General Fund (Tobacco) appropriation is \$1,000,000 in each fiscal year for the Division of Conservation to provide direct aid to local conservation districts. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **Debt Service:** Included in the above General Fund appropriation is \$111,500 in fiscal year 2024-2025 and \$223,000 in fiscal year 2025-2026 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(5) **Acid Mine Drainage Projects:** Included in the above Restricted Funds appropriation is \$12,465,900 in each fiscal year to support acid mine drainage abatement projects. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

~~*(6) **Coal Mine Reclamation:** The Department for Natural Resources shall fully investigate and analyze through site visits, file reviews, and all other means necessary the current and future reclamation obligations on all active, dormant, and abandoned permitted and unpermitted coal mining sites in the Commonwealth and shall deliver a report detailing the Department's findings to the Interim Joint Committee on Appropriations and Revenue on or before December 1, 2024, as follows:~~

~~(a) The report shall include for each mining site:~~

- ~~1. A description with its location;~~
- ~~2. The identities of the site owner, operator, and any other persons or entities responsible for reclamation of the site;~~
- ~~3. Its permitting status and permit number;~~
- ~~4. A summary of the status, nature, extent, and timing of its current and future reclamation obligations;~~
- ~~5. The dollar amount of each reclamation bond posted, the bonding company, the terms of the bonds, and whether any of the bonds are subject to nonrenewal;~~
- ~~6. The current estimate of the total costs of reclamation and a description of how that estimate was determined; and~~
- ~~7. Whether the mining site is subject to enforcement action, including the nature and status of the enforcement action; and~~

~~(b) The report shall also:~~

- ~~1. Identify each mining site for which the Department knows or reasonably expects the owner, operator, or any other person or entity responsible for reclamation of the site is not fully and timely complying with or will not fully and timely comply with their current or further reclamation obligations as a result of failure or unwillingness to complete their reclamation obligations, insolvency, bankruptcy, or any other reason;~~
- ~~2. Specify the reason or reasons for noncompliance or anticipated noncompliance for each mining site with references to court or administrative proceedings, where applicable;~~
- ~~3. Include for each mining site an analysis of whether the reclamation bonds that are posted are sufficient and adequate to cover any current or future reclamation obligations, including calculations of the dollar amounts for deficiencies for each mining site, and the cumulative dollar amount for deficiencies for all mining sites;~~
- ~~4. Include a summary of each mining site where the reclamation obligations have been deferred through permitting or other activity or status, the anticipated timing of commencement of reclamation obligations, and the prospects of a full and timely completion of reclamation obligations;~~

~~5. — Include the dollar amount of all funds available for addressing mine reclamation obligations through the Kentucky Reclamation Guaranty Fund and the dollar amount of any other resources of private or federal, state, or local public funds available to apply to the reclamation of coal mining sites in the Commonwealth, including a description of those sources of funds; and~~

~~6. — Include an analysis of the total dollar amount of current and anticipated reclamation obligations at mining sites where it is reasonable to conclude that those reclamation obligations will not be fully or timely completed by the site owners, operators, or other responsible persons or entities or through available reclamation bonds and an analysis of the liabilities, exposures, and responsibilities of the Commonwealth for the reclamation of those mining sites.]**~~

5. ENERGY POLICY

	2023-24	2024-25	2025-26
General Fund	835,500	1,741,100	1,764,600
Restricted Funds	-0-	618,500	620,900
Federal Funds	-0-	17,563,900	62,585,400
TOTAL	835,500	19,923,500	64,970,900

(1) Grid Resilience Grant Program: Included in the above General Fund appropriation is \$835,500 in fiscal year 2023-2024 to support the matching requirement for the federal Grid Resilience Grant Program. Included in the above appropriation is \$832,400 in General Fund and \$5,549,000 in Federal Funds in each year of the 2024-2026 fiscal biennium to support the federal Grid Resilience Grant Program. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) Home Energy Rebate Programs: Included in the above Federal Funds appropriation is \$5,750,000 in fiscal year 2024-2025 and \$50,750,000 in fiscal year 2025-2026 to support consumer home energy rebate programs. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

6. KENTUCKY NATURE PRESERVES

	2024-25	2025-26
General Fund	1,669,300	1,737,600
Restricted Funds	2,898,500	2,912,300
Federal Funds	274,800	279,300
TOTAL	4,842,600	4,929,200

7. PUBLIC SERVICE COMMISSION

	2024-25	2025-26
General Fund	13,833,400	14,620,900
Restricted Funds	3,042,300	3,042,300
Federal Funds	1,120,500	1,138,700
TOTAL	17,996,200	18,801,900

(1) Additional Personnel: Included in the above General Fund appropriation is \$500,000 in fiscal year 2024-2025 and \$1,000,000 in fiscal year 2025-2026 to support additional personnel. The funds shall be limited to Public Utilities Financial Analysts, Environmental Engineers, and a position responsible for wholesale market issues. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

TOTAL - ENERGY AND ENVIRONMENT CABINET

	2023-24	2024-25	2025-26
General Fund (Tobacco)	-0-	3,000,000	3,000,000
General Fund	835,500	103,031,200	106,812,900

Restricted Funds	1,611,300	127,462,400	128,446,000
Federal Funds	-0-	237,829,400	284,135,000
TOTAL	2,446,800	471,323,000	522,393,900

F. FINANCE AND ADMINISTRATION CABINET

Budget Units

1. GENERAL ADMINISTRATION

	2023-24	2024-25	2025-26
General Fund	3,700,000	15,527,500	15,027,800
Restricted Funds	400,000	39,178,000	39,146,800
Federal Funds	-0-	119,900	119,900
TOTAL	4,100,000	54,825,400	54,294,500

(1) **Fleet Management Vehicle Replacement:** Included in the above Restricted Funds appropriation is \$2,565,700 in fiscal year 2024-2025 and \$2,252,000 in fiscal year 2025-2026 to support replacing state fleet vehicles. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) **Postal Equipment Replacement and Maintenance:** Included in the above Restricted Funds appropriation is \$232,000 in each fiscal year to replace and perform required maintenance on postal equipment. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) **Rural Housing Trust Fund:** Restricted Funds are appropriated in the amount of \$400,000 for interest earned and to be utilized in fiscal year 2023-2024. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **Kentucky Affordable Prepaid Tuition Trust Fund:** Included in the above General Fund appropriation is \$3,700,000 in fiscal year 2023-2024, \$7,500,000 in fiscal year 2024-2025, and \$6,800,000 in fiscal year 2025-2026 to support projected tuition payments and refunds through fiscal year 2025-2026. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

2. CONTROLLER

	2024-25	2025-26
General Fund	7,567,800	7,852,400
Restricted Funds	15,640,600	15,992,100
TOTAL	23,208,400	23,844,500

(1) **Social Security Contingent Liability Fund:** Any expenditures that may be required by KRS 61.470 are hereby deemed necessary government expenses and shall be paid first from the General Fund Surplus Account (KRS 48.700), if available, or from any available balance in the Budget Reserve Trust Fund Account (KRS 48.705), subject to the conditions and procedures provided in this Act.

(2) **Debt Service:** Included in the above General Fund appropriation is \$224,000 in fiscal year 2024-2025 and \$448,000 in fiscal year 2025-2026 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(3) **Local Government Filing Software:** Included in the above Restricted Funds appropriation is \$200,000 in each fiscal year to purchase new filing software and software maintenance in order to modernize outdated processes for the Division of Local Government Services. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **Software Update:** Included in the above Restricted Funds appropriation is \$75,000 in each fiscal year to update the Office of Financial Management's software and related maintenance. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(5) **Additional Personnel:** Included in the above Restricted Funds appropriation is \$406,000 in fiscal year 2024-2025 and \$412,300 in fiscal year 2025-2026 to support two additional positions. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(6) **Customer Resource Center:** Included in the above Restricted Funds appropriation is \$538,800 in fiscal year 2024-2025 and \$657,000 in fiscal year 2025-2026 to support ongoing upgrades and maintenance costs for the Commonwealth's Enhanced Management Administrative Reporting System. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

3. DEBT SERVICE

	2024-25	2025-26
General Fund (Tobacco)	23,466,900	16,783,700
General Fund	379,897,300	498,842,800
TOTAL	403,364,200	515,626,500

(1) **General Fund (Tobacco) Debt Service Lapse:** Notwithstanding Part X, (4) of this Act, \$1,318,000 in fiscal year 2024-2025 and \$1,124,700 in fiscal year 2025-2026 shall lapse to the General Fund.

4. FACILITIES AND SUPPORT SERVICES

	2024-25	2025-26
General Fund	17,097,200	25,331,500
Restricted Funds	57,303,300	57,335,100
TOTAL	74,400,500	82,666,600

(1) **Debt Service:** Included in the above General Fund appropriation is \$7,717,500 in fiscal year 2024-2025 and \$15,759,500 in fiscal year 2025-2026 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(2) **Facility Maintenance:** Included in the above Restricted Funds appropriation is \$841,000 in fiscal year 2024-2025 and \$364,000 in fiscal year 2025-2026 to fund rising costs for current services in the Office of Building and Mechanical Services. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) **Additional Personnel:** Included in the above General Fund appropriation is \$600,000 in each fiscal year to support four additional Project Managers. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **Capitol Annex Renovation:** Notwithstanding KRS 42.425 and any statute to the contrary, the administration and management of the Capitol Annex Renovation project authorized in Part II, Capital Projects Budget, of this Act shall be approved by the Director of the Legislative Research Commission or his designee.

5. COUNTY COSTS

	2024-25	2025-26
General Fund	29,243,500	29,243,500
Restricted Funds	1,702,500	1,702,500
TOTAL	30,946,000	30,946,000

(1) **County Costs:** Funds required to pay county costs are appropriated and additional funds may be allotted from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705) by the Secretary of the Finance and Administration Cabinet, subject to the conditions and procedures provided in this Act.

(2) **Reimbursement to Sheriffs' Offices for Court Security Services:** Notwithstanding KRS 64.092(6), the sheriff or other law enforcement officer serving a Circuit or District Court shall be compensated at the rate of \$15 per hour of service. To be eligible for this enhanced rate, deputies providing services must be paid at least \$10 per hour.

6. COMMONWEALTH OFFICE OF TECHNOLOGY

	2024-25	2025-26
General Fund	318,500	955,500
Restricted Funds	137,414,600	138,364,600
Federal Funds	1,716,600	1,716,600
TOTAL	139,449,700	141,036,700

(1) **Computer Services Fund Receipts:** The Secretary of the Finance and Administration Cabinet shall provide a listing of fee receipts from the Executive, Judicial, and Legislative Branches of government itemized by appropriation units, cost allocation methodology, and a report detailing the rebate of excess fee receipts to the agencies to the Interim Joint Committee on Appropriations and Revenue by August 1 of each fiscal year.

(2) **Debt Service:** Included in the above General Fund appropriation is \$318,500 in fiscal year 2024-2025 and \$955,500 in fiscal year 2025-2026 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(3) **Legacy Modernization:** The Commonwealth Office of Technology shall prepare a report for the Legacy Modernization capital project. The report shall include a list of legacy IT systems that have been completed, the date in which they were completed, the state agency the IT system was for, and a status report for the completion percentage of all other ongoing modernization projects. This report shall be submitted to the Interim Joint Committee on Appropriations and Revenue by December 31 and June 30 of each fiscal year.

7. REVENUE

	2024-25	2025-26
General Fund (Tobacco)	250,000	250,000
General Fund	117,664,600	119,721,400
Restricted Funds	12,065,400	12,445,500
Federal Funds	15,000	15,000
TOTAL	129,995,000	132,431,900

(1) **Operations of Revenue:** Notwithstanding KRS 132.672, 134.552(2), 136.652, and 365.390(2), funds may be expended in support of the operations of the Department of Revenue.

(2) **State Enforcement:** Notwithstanding KRS 248.654 and 248.703(4), a total of \$250,000 of the Tobacco Settlement payments received in each fiscal year is appropriated to the Finance and Administration Cabinet, Department of Revenue, for the state's diligent enforcement of noncompliant nonparticipating manufacturers.

8. PROPERTY VALUATION ADMINISTRATORS

	2024-25	2025-26
General Fund	67,671,500	69,626,800
Restricted Funds	4,786,800	4,786,800
TOTAL	72,458,300	74,413,600

(1) **Management of Expenditures:** Notwithstanding KRS 132.590 and 132.597, the property valuation administrators are authorized to take necessary actions to manage expenditures within the appropriated amounts contained in this Act.

(2) **Mandatory Services:** Included in the above General Fund appropriation is \$1,635,900 in fiscal year 2024-2025 and \$1,664,700 in fiscal year 2025-2026 to support the continuation of mandatory services in the property valuation administrators' offices. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) **Salary Increment:** Notwithstanding KRS 132.590(3)(b), the increment provided on the base salary or wages of each eligible property valuation administrator shall be the same as that provided for eligible state employees in Part IV of this Act.

TOTAL - FINANCE AND ADMINISTRATION CABINET

	2023-24	2024-25	2025-26
General Fund (Tobacco)	-0-	23,716,900	17,033,700
General Fund	3,700,000	634,987,900	766,601,700
Restricted Funds	400,000	268,091,200	269,773,400
Federal Funds	-0-	1,851,500	1,851,500
TOTAL	4,100,000	928,647,500	1,055,260,300

G. HEALTH AND FAMILY SERVICES CABINET**Budget Units****1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT**

	2024-25	2025-26
General Fund	15,443,300	13,684,700
Restricted Funds	79,418,200	79,988,000
Federal Funds	68,374,300	69,116,200
TOTAL	163,235,800	162,788,900

(1) **Human Service Transportation Delivery:** Notwithstanding KRS 281.010(27), the Kentucky Works Program shall not participate in the Human Service Transportation Delivery Program or the Coordinated Transportation Advisory Committee.

(2) **Federally Funded Positions:** Notwithstanding KRS 18A.010(2) and any provisions of this Act to the contrary, direct service units of the Office of Inspector General, Department for Income Support, Office for Children with Special Health Care Needs, Department for Community Based Services, Department for Behavioral Health, Developmental and Intellectual Disabilities, Family Resource Centers and Volunteer Services, Department for Aging and Independent Living, and the Department for Public Health shall be authorized to establish and fill such positions that are 100 percent federally funded for salary and fringe benefits.

(3) **Special Olympics:** Included in the above General Fund appropriation is \$150,000 in each fiscal year to support the operations of Special Olympics Kentucky. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **Office of Medical Cannabis:** Included in the above appropriations is \$5,215,000 in General Fund and \$2,906,200 in Restricted Funds in fiscal year 2024-2025 and \$5,154,600 in General Fund and \$1,986,200 in Restricted Funds in fiscal year 2025-2026 to support staffing and operations of the Office of Medical Cannabis. No funds shall become available until the Board of Physicians and Advisors, as defined in KRS 218B.020(2), finds there is a propensity of peer-reviewed, published research with sufficient evidence as to the efficacy of medical cannabis for the persistent reduction of symptoms of diseases and conditions. The Office shall utilize Restricted Funds to the fullest extent possible before expending the General Fund moneys. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(5) **Long-Term Care Surveyor Contract:** Included in the above Restricted Funds appropriation is \$1,000,000 in each fiscal year to support additional contracted services to conduct required certification surveys of Kentucky long-term care facilities. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

2. OFFICE FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS

	2024-25	2025-26
General Fund	7,689,600	7,916,500
Restricted Funds	9,499,900	9,580,500
Federal Funds	4,881,600	4,978,200
TOTAL	22,071,100	22,475,200

3. MEDICAID SERVICES**a. Medicaid Administration**

	2024-25	2025-26
General Fund	67,047,400	77,182,900
Restricted Funds	31,580,200	31,819,000
Federal Funds	313,355,400	334,858,600
TOTAL	411,983,000	443,860,500

(1) Transfer of Excess Administrative Funds for Medicaid Benefits: If any portion of the above General Fund appropriation in either fiscal year is deemed to be in excess of the necessary expenses for administration of the Department for Medicaid Services, the amount may be used for Medicaid Benefits in accordance with statutes governing the functions and activities of the Department for Medicaid Services. In no instance shall these excess funds be used without prior written approval of the State Budget Director to:

- (a) Establish a new program;
- (b) Expand the services of an existing program; or
- (c) Increase rates or payment levels in an existing program.

Any transfer authorized under this subsection shall be approved by the Secretary of the Finance and Administration Cabinet upon recommendation of the State Budget Director.

(2) Medicaid Service Category Expenditure Information: No Medicaid managed care contract shall be valid and no payment to a Medicaid managed care vendor by the Finance and Administration Cabinet or the Cabinet for Health and Family Services shall be made, unless the Medicaid managed care contract contains a provision that the contractor shall collect Medicaid expenditure data by the categories of services paid for by the Medicaid Program. Actual statewide Medicaid expenditure data by all categories of Medicaid services, including mandated and optional Medicaid services, special expenditures/offsets, and Disproportionate Share Hospital payments by type of hospital, shall be compiled by the Department for Medicaid Services for all Medicaid providers and forwarded to the Interim Joint Committee on Appropriations and Revenue on a quarterly basis. Projections of Medicaid expenditures by categories of Medicaid services shall be provided to the Interim Joint Committee on Appropriations and Revenue upon request.

(3) Medicaid Information Technology Development: Included in the above appropriations is \$9,941,300 in General Fund and \$21,256,400 in Federal Funds in fiscal year 2025-2026 to support information technology projects for claims administration and federal, state, and regulatory reporting. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) Federal Data Hub: Included in the above appropriation is \$3,600,000 in General Fund and \$10,800,000 in Federal Funds in each fiscal year to support income verification services provided by the federal data hub. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(5) Interim Restricted Funds Appropriation Increase: Notwithstanding KRS 48.630, Medicaid Administration may request an allotment of unbudgeted Restricted Funds appropriation not to exceed 10 percent per fiscal year.

b. Medicaid Benefits

	2023-24	2024-25	2025-26
General Fund	-0-	2,501,029,800	3,011,674,800
Restricted Funds	-0-	1,855,294,500	1,619,883,600
Federal Funds	1,096,152,800	14,747,533,400	15,468,151,600
TOTAL	1,096,152,800	19,103,857,700	20,099,710,000

(1) Intergovernmental Transfers (IGTs): Any funds received through an Intergovernmental Transfer (IGT) agreement between the Department for Medicaid Services and other governmental entities, in accordance with

a federally approved State Plan amendment, shall be used to provide for the health and welfare of the citizens of the Commonwealth through the provision of Medicaid Benefits. Revenues from IGTs are contingent upon agreement by the parties, including but not limited to the Cabinet for Health and Family Services, Department for Medicaid Services, and the appropriate providers. The Secretary of the Cabinet for Health and Family Services shall make the appropriate interim appropriations increase requests pursuant to KRS 48.630.

(2) **Medicaid Benefits Budget Deficit:** If Medicaid Benefits expenditures are projected to exceed available funds, the Secretary of the Cabinet for Health and Family Services may recommend and implement that reimbursement rates, optional services, eligibles, or programs be reduced or maintained at levels existing at the time of the projected deficit in order to avoid a budget deficit. The projected deficit shall be confirmed and approved by the Office of State Budget Director. No rate, service, eligible, or program reductions shall be implemented by the Cabinet for Health and Family Services without prior written notice of such action to the Interim Joint Committee on Appropriations and Revenue and the State Budget Director. Such actions taken by the Cabinet for Health and Family Services shall be reported, upon request, at the next meeting of the Interim Joint Committee on Appropriations and Revenue.

(3) **Disproportionate Share Hospital (DSH) Program:** Hospitals shall report the uncompensated care for which, under federal law, the hospital is eligible to receive disproportionate share payments. Disproportionate share payments shall equal the maximum amounts established under federal law.

(4) **Hospital Indigent Patient Billing:** Hospitals shall not bill patients for services if the services have been reported to the Cabinet and the hospital has received disproportionate share payments for the specific services.

(5) **Provider Tax Information:** Any provider who posts a sign or includes information on customer receipts or any material distributed for public consumption indicating that it has paid provider tax shall also post, in the same size typeset as the provider tax information, the amount of payment received from the Department for Medicaid Services during the same period the provider tax was paid. Providers who fail to meet this requirement shall be excluded from the Disproportionate Share Hospital and Medicaid Programs. The Cabinet for Health and Family Services shall include this provision in facilities' annual licensure inspections.

(6) **Medicaid Budget Analysis Reports:** The Department for Medicaid Services shall submit a quarterly budget analysis report to the Interim Joint Committee on Appropriations and Revenue no later than 75 days after the end of the quarter. The report shall provide monthly detail of actual expenditures, eligibles, and average monthly cost per eligible by eligibility category along with current trailing 12-month averages for each of these figures. The report shall also provide actual figures for all categories of noneligible-specific expenditures such as Supplemental Medical Insurance premiums, Kentucky Patient Access to Care, nonemergency transportation, drug rebates, cost settlements, and Disproportionate Share Hospital payments by type of hospital. The report shall compare the actual expenditure experience with those underlying the enacted or revised enacted budget and explain any significant variances which may occur.

(7) **Medicaid Managed Care Organization Reporting:** Except as provided by KRS 61.878, all records and correspondence relating to Kentucky Medicaid, revenues derived from Kentucky Medicaid funds, and expenditures utilizing Kentucky Medicaid funds of a Medicaid managed care company operating within the Commonwealth shall be subject to the Kentucky Open Records Act, KRS 61.870 to 61.884. All records and correspondence relating to Medicaid specifically prohibited from disclosure by the federal Health Insurance Portability and Accountability Act privacy rules shall not be provided under this Act.

No later than 60 days after the end of a quarter, each Medicaid managed care company operating within the Commonwealth shall prepare and submit to the Department for Medicaid Services sufficient information to allow the department to meet the following requirements 90 days after the end of the quarter. The Department shall forward to the Legislative Research Commission, Office of Budget Review, a quarterly report detailing monthly actual expenditures by service category, monthly eligibles, and average monthly cost per eligible for Medicaid and the Kentucky Children's Health Insurance Program (KCHIP) along with current trailing 12-month averages for each of these figures. The report shall also provide actual figures for other categories such as pharmacy rebates and reinsurance. Finally, the Department shall include in this report the most recent information or report available regarding the amount withheld to meet Department of Insurance reserve requirements, and any distribution of moneys received or retained in excess of these reserve requirements.

(8) **Critical Access Hospitals:** Beginning on the effective date of this Act through June 30, 2026, no acute care hospital shall convert to a critical access hospital unless the hospital has either received funding for a feasibility study from the Kentucky Office of Rural Health or filed a written request by January 1, 2024, with the Kentucky Office of Rural Health requesting funding for conducting a feasibility study.

(9) Appeals: An appeal from denial of a service or services provided by a Medicaid managed care organization for medical necessity, or denial, limitation, or termination of a health care service in a case involving a medical or surgical specialty or subspecialty, shall, upon request of the recipient, authorized person, or provider, include a review by a board-eligible or board-certified physician in the appropriate specialty or subspecialty area; except in the case of a health care service rendered by a chiropractor or optometrist, for which the denial shall be made respectively by a chiropractor or optometrist duly licensed in Kentucky as specified in KRS 304.17A-607(1)(b). The physician reviewer shall not have participated in the initial review and denial of service and shall not be the provider of the service or services under consideration in the appeal.

(10) Medicaid Prescription Benefits Reporting: Notwithstanding KRS 205.647, the Department for Medicaid Services shall submit a report to the Interim Joint Committee on Appropriations and Revenue by December 1 of each fiscal year on the dispensing of prescription medications to persons eligible under KRS 205.560. The report shall include:

- (a) The total Medicaid dollars paid to the state pharmacy benefit manager by a managed care organization;
- (b) The total amount of Medicaid dollars paid to the state pharmacy benefit manager by a managed care organization which were not subsequently paid to a pharmacy licensed in Kentucky;
- (c) The average reimbursement by drug ingredient cost, dispensing fee, and any other fee paid by the state pharmacy benefit manager to licensed pharmacies with which the state pharmacy benefit manager shares common ownership, management, or control; or which are owned, managed, or controlled by any of the state pharmacy benefit manager's management companies, parent companies, subsidiary companies, jointly held companies, or companies otherwise affiliated by a common owner, manager, or holding company; or which share any common members on the board of directors; or which share managers in common;
- (d) The average reimbursement by drug ingredient cost, dispensing fee, or any other fee paid by the state pharmacy benefit manager to pharmacies licensed in Kentucky which operate 10 locations, 10 or fewer locations, or 10 or more locations; and
- (e) All common ownership, management, common members of a board of directors, shared managers, or control of the state pharmacy benefit manager, or any of the state pharmacy benefit manager's management companies, parent companies, subsidiary companies, jointly held companies, or companies otherwise affiliated by a common owner, manager, or holding company with any managed care organization contracted to administer Kentucky Medicaid benefits, any entity which contracts on behalf of a pharmacy, or any pharmacy services administration organization, or any common ownership management, common members of a board of directors, shared managers, or control of a pharmacy services administration organization that is contracted with the state pharmacy benefit manager, with any drug wholesaler or distributor or any of the pharmacy services administration organizations, management companies, parent companies, subsidiary companies, jointly held companies, or companies otherwise affiliated by a common owner, common members of a board of directors, manager, or holding company.

(11) Kentucky Children's Health Insurance Program (KCHIP): Included in the above appropriations is \$142,829,200 in General Fund, \$400,000 in Restricted Funds, and \$583,555,200 in Federal Funds in fiscal year 2024-2025 and \$151,221,300 in General Fund, \$400,000 in Restricted Funds, and \$616,231,900 in Federal Funds in fiscal year 2025-2026 to support the continuation of KCHIP services.

(12) Medicaid Benefits Program Support: Included in the above appropriations is \$1,096,152,800 in Federal Funds in fiscal year 2023-2024, \$123,416,800 in Restricted Funds and \$1,082,541,700 in Federal Funds in fiscal year 2024-2025, and \$394,598,900 in General Fund and \$1,725,765,200 in Federal Funds in fiscal year 2025-2026 to support estimated program needs.

(13) Michelle P. Waiver Slots: Included in the above appropriations is \$3,621,500 in General Fund and \$9,116,800 in Federal Funds in fiscal year 2024-2025 to support 250 additional slots and \$10,864,500 in General Fund and \$27,350,300 in Federal Funds in fiscal year 2025-2026 to support 500 additional slots for a total of 750 slots over the 2024-2026 fiscal biennium. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(14) Supports for Community Living Waiver Slots: Included in the above appropriations is \$3,711,000 in General Fund and \$9,342,100 in Federal Funds in fiscal year 2024-2025 to support 125 additional slots and \$11,132,900 in General Fund and \$28,026,200 in Federal Funds in fiscal year 2025-2026 to support 250 additional slots for a total of 375 slots over the 2024-2026 fiscal biennium. Notwithstanding KRS 45.229, any portion of

General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(15) Home and Community Based Services Waiver Slots: Included in the above appropriations is \$2,405,600 in General Fund and \$6,055,900 in Federal Funds in fiscal year 2024-2025 to support 250 additional slots and \$7,216,800 in General Fund and \$18,167,700 in Federal Funds in fiscal year 2025-2026 to support 500 additional slots for a total of 750 slots over the 2024-2026 fiscal biennium. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(16) Acquired Brain Injury - Long Term Care Waiver Slots: Included in the above appropriations is \$729,800 in General Fund and \$1,837,200 in Federal Funds in fiscal year 2024-2025 to support 25 additional slots and \$1,463,200 in General Fund and \$3,670,800 in Federal Funds in fiscal year 2025-2026 to support 25 additional slots for a total of 50 slots over the 2024-2026 fiscal biennium. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(17) Nursing Facility Reimbursement Rates: Included in the above appropriations is \$62,546,000 in General Fund and \$157,454,000 in Federal Funds in fiscal year 2024-2025 and \$66,975,000 in General Fund and \$168,025,000 in Federal Funds in fiscal year 2025-2026 to support an increase and rebasing of nursing facility reimbursement rates effective July 1, 2024, to reflect actual facility costs. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(18) Serious Mental Illness Waiver: Included in the above appropriations is \$4,307,100 in Restricted Funds and \$10,842,900 in Federal Funds in fiscal year 2024-2025 and \$4,626,300 in Restricted Funds and \$11,606,300 in Federal Funds in fiscal year 2025-2026 to implement a Section 1115 demonstration waiver to provide services to Medicaid eligible individuals with a serious mental illness. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(19) Substance Use Disorder Waiver: Included in the above appropriations is \$11,341,400 in Restricted Funds and \$28,550,900 in Federal Funds in fiscal year 2024-2025 and \$13,041,200 in Restricted Funds and \$32,717,300 in Federal Funds in fiscal year 2025-2026 to implement a Section 1115 demonstration waiver to provide services to Medicaid eligible individuals with substance use disorders. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(20) Waiver Rate Study Implementation: Included in the above appropriations is \$47,051,700 in General Fund and \$118,448,300 in Federal Funds in fiscal year 2024-2025 and \$47,167,500 in General Fund and \$118,332,500 in Federal Funds in fiscal year 2025-2026 to update and increase the benchmark reimbursement rates for the Medicaid Section 1915(c) Home and Community Based Services waivers. If the Acquired Brain Injury (ABI), Acquired Brain Injury Long Term Care (ABI-LTC), Home and Community Based (HCB), Model II Waiver (MIIW), Supports for Community Living (SCL), or the Michelle P. waiver programs experience a material change in funding based upon a new or amended waiver that is approved by the Centers for Medicare and Medicaid Services, the Department for Medicaid Services may adjust the upper payment limit amount for an ABI, ABI-LTC, HCB, MIIW, SCL, or Michelle P. waiver service as long as the upper payment limit for each service is not less than the upper payment limit in effect on January 1, 2024. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(21) HCBS for Individuals with Serious Mental Illness and Substance Use Disorder: Included in the above appropriations is \$36,500,500 in General Fund and \$91,886,900 in Federal Funds in fiscal year 2024-2025 and \$36,590,400 in General Fund and \$91,797,000 in Federal Funds in fiscal year 2025-2026 to provide home and community based services for Medicaid eligible individuals with serious mental illness and substance use disorder. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(22) Child Specific Waiver: Included in the above appropriations is \$4,201,900 in General Fund and \$10,541,600 in Federal Funds in fiscal year 2025-2026 to develop a HCBS Section 1915(c) waiver for children ages 0-21 with severe emotional disabilities, autism spectrum disorder, and intellectual disabilities and related conditions. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(23) Incarceration Waiver: Included in the above appropriations is \$10,649,100 in Restricted Funds and \$26,808,100 in Federal Funds in fiscal year 2024-2025 and \$10,962,800 in Restricted Funds and \$27,503,100 in Federal Funds in fiscal year 2025-2026 to develop a Section 1115 demonstration waiver to enhance and expand substance use disorder treatment services to Medicaid eligible incarcerated individuals returning to the community. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(24) Personal Needs Allowance: Included in the above General Fund appropriation is \$3,775,000 in each fiscal year to increase the Personal Needs Allowance from \$40 to \$60 per month effective July 1, 2024. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(25) Interim Restricted Funds Appropriation Increase: Notwithstanding KRS 48.630, Medicaid Benefits may request an allotment of unbudgeted Restricted Funds appropriation not to exceed 10 percent per fiscal year.

(26) Kentucky Access Fund: Notwithstanding KRS 304.17B-021, funds are transferred from this source to Medicaid Benefits in each fiscal year.

(27) 1915(c) Home and Community Based Services (HCBS) Waivers Wait List Management Assessment: The General Assembly recognizes the vital role of waiver services in the daily lives of Kentuckians in home and community based settings and the importance of an efficient and effective system for the delivery of those services. The Department for Medicaid Services shall conduct an analysis and assessment of the wait lists for all of the Kentucky Medicaid 1915(c) HCBS waiver programs. For each of the waiver programs the assessment shall include:

- (a) The current eligibility criteria for the waiver program;
- (b) A description of the process for an individual to be assessed for a waiver program;
- (c) A description of the method used to determine the level of priority for receiving services for an individual on the wait list;
- (d) The number of current waiver participants;
- (e) The number, demographics, and eligibility category of individuals on the wait list;
- (f) The acuity level of individuals on the wait list;
- (g) The level of care and services needed by individuals on the wait list;
- (h) The average cost of waiver services provided;
- (i) The date of entry and length of time on the wait list; and
- (j) The number of applicants on the wait list for more than one waiver program as can most accurately be determined.

The results and findings from the assessment and recommendations to achieve a more efficient and effective management of the Kentucky 1915(c) HCBS waiver programs wait lists shall be reported to the Interim Joint Committees on Appropriations and Revenue and Health Services by October 1, 2024.

(28) Medicaid Reimbursement Rebasing Efforts: The General Assembly recognizes the need to assure that the Kentucky Medicaid program has sufficient resources, including providers, to deliver Medicaid services. To that end, included in the above General Fund appropriation is \$25,000,000 in fiscal year 2025-2026 to support Medicaid reimbursement rebasing efforts contingent on the approval by the General Assembly of a comprehensive proposal to rebase Medicaid reimbursement rates. The proposal shall be developed and presented to the Interim Joint Committee on Appropriations and Revenue by December 1, 2024. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

TOTAL - MEDICAID SERVICES

	2023-24	2024-25	2025-26
General Fund	-0-	2,568,077,200	3,088,857,700
Restricted Funds	-0-	1,886,874,700	1,651,702,600
Federal Funds	1,096,152,800	15,060,888,800	15,803,010,200
TOTAL	1,096,152,800	19,515,840,700	20,543,570,500

4. BEHAVIORAL HEALTH, DEVELOPMENTAL AND INTELLECTUAL DISABILITIES

	2023-24	2024-25	2025-26
General Fund (Tobacco)	-0-	1,300,000	1,300,000
General Fund	-0-	190,981,100	196,300,900
Restricted Funds	13,000,000	245,931,800	246,283,700
Federal Funds	-0-	98,660,800	98,895,200
TOTAL	13,000,000	536,873,700	542,779,800

(1) **Disproportionate Share Hospital Funds:** Pursuant to KRS 205.640(3)(a)2., mental health disproportionate share funds are budgeted at the maximum amounts permitted by Section 1923(h) of the Social Security Act. Upon publication in the Federal Register of the Annual Institutions for Mental Disease (IMD) Disproportionate Share Hospital (DSH) limit, 92.3 percent of the federal IMD DSH limit goes to the state-operated mental hospitals. If there are remaining funds within the psychiatric pool after all private psychiatric hospitals reach their hospital-specific DSH limit, state mental hospitals may exceed the 92.3 percent limit but may not exceed their hospital-specific DSH limit.

(2) **Lease Payments for Eastern State Hospital:** Included in the above General Fund appropriation is \$9,808,200 in fiscal year 2024-2025 and \$9,810,800 in fiscal year 2025-2026 to make lease payments to the Lexington-Fayette Urban County Government to retire its debt for the construction of the new facility.

(3) **Tobacco Settlement Funds:** Included in the above General Fund (Tobacco) appropriation is \$1,300,000 in each fiscal year for substance abuse prevention and treatment for pregnant women with a history of substance abuse problems. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **Debt Service:** Included in the above General Fund appropriation is \$3,404,000 in fiscal year 2024-2025 and \$6,808,000 in fiscal year 2025-2026 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(5) **The Healing Place:** Included in the above General Fund appropriation is \$900,000 in each fiscal year to support direct services to clients provided by The Healing Place. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(6) **Appalachian Regional Hospital:** Included in the above General Fund appropriation is \$14,600,000 in each fiscal year to support contracted inpatient psychiatric services provided within Hospital District IV under KRS 210.300. The Secretary of the Cabinet for Health and Family Services shall provide a report on total expenditures by fund source and program area for fiscal year 2024-2025 and estimated funding required for a continuation of services in fiscal year 2025-2026 to the Interim Joint Committees on Health Services and Appropriations and Revenue by September 1, 2025. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(7) **Substance Abuse Funding Report:** The Department for Behavioral Health, Developmental and Intellectual Disabilities shall compile for each fiscal year a report on the funding received by the Cabinet for Health and Family Services to provide substance abuse prevention, treatment, and recovery services in the Commonwealth. The report shall include the amount, source, and duration of the funding, the purpose of the funding, the number of individuals served, and any available information on outcomes demonstrated as a result of the funding provided for substance abuse prevention, treatment, and recovery services. The report shall be submitted to the Legislative Research Commission, Office of Budget Review, by September 1 of each fiscal year.

(8) **Residential Facilities Services:** Included in the above Restricted Funds appropriation is \$13,000,000 in fiscal year 2023-2024, \$16,264,600 in fiscal year 2024-2025, and \$16,264,600 in fiscal year 2025-2026 to support increased costs related to staffing and an increased patient census in state run psychiatric and ICF/IID facilities. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(9) **Tim's Law Pilot Program Expansion:** Included in the above General Fund appropriation is \$2,500,000 in fiscal year 2024-2025 and \$3,000,000 in fiscal year 2025-2026 to support expansion of a pilot program for individuals with severe mental illness to additional locations to ensure statewide access to services offered

through the pilot program. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(10) Lee Specialty Clinic: Included in the above General Fund appropriation is an additional \$750,000 in each fiscal year to support specialty medical services for individuals with moderate developmental and intellectual disabilities living in residential and community settings. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

5. PUBLIC HEALTH

	2023-24	2024-25	2025-26
General Fund (Tobacco)	-0-	10,103,300	10,580,000
General Fund	-0-	81,462,200	83,563,800
Restricted Funds	6,000,000	113,033,400	117,473,900
Federal Funds	-0-	267,950,700	268,636,400
TOTAL	6,000,000	472,549,600	480,254,100

(1) Tobacco Settlement Funds: Included in the above General Fund (Tobacco) appropriation is \$5,634,000 in fiscal year 2024-2025 and \$5,980,000 in fiscal year 2025-2026 for the Health Access Nurturing Development Services (HANDS) Program, \$700,000 in each fiscal year for the Healthy Start Initiatives, \$700,000 in each fiscal year for Early Childhood Mental Health, \$700,000 in each fiscal year for Early Childhood Oral Health, \$500,000 in each fiscal year for the Lung Cancer Screening Program, and \$1,869,300 in fiscal year 2024-2025 and \$2,000,000 in fiscal year 2025-2026 for Smoking Cessation. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) Local and District Health Department Fees: Notwithstanding KRS 211.170 and 211.186, local and district health departments shall retain 90 percent of the fees collected for delivering foundational public health program services to fund the costs of operations, services, and the employer contributions for the Kentucky Employees Retirement System.

(3) Kentucky Poison Control Center: Included in the above General Fund appropriation is \$750,000 in each fiscal year to support the Kentucky Poison Control Center. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) Kentucky Colon Cancer Screening Program: Included in the above General Fund appropriation is \$500,000 in each fiscal year to support the Kentucky Colon Cancer Screening Program. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(5) Kentucky Pediatric Cancer Research Trust Fund: Included in the above General Fund appropriation is \$5,000,000 in each fiscal year to the Kentucky Pediatric Cancer Research Trust Fund for general pediatric cancer research and support of expansion of clinical trials at the University of Kentucky and the University of Louisville. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(6) Folic Acid Program: General Fund (Tobacco) continuing appropriation reserves allotted to the Folic Acid Program shall be utilized by the Department for Public Health during the 2024-2026 fiscal biennium to continue the Folic Acid Program. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(7) Public Health Transformation: Included in the above General Fund appropriation is \$20,021,400 in fiscal year 2024-2025 and \$21,022,500 in fiscal year 2025-2026 to support the costs of workforce and operations for the local health departments. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(8) Lung Cancer Screening MCO: Each Medicaid Managed Care Organization that has a participating contract with the Commonwealth for the next contract renewal cycle shall provide services for lung cancer screenings, which may include genetic prescreen testing.

(9) Environmental Health Programs: Included in the above Restricted Funds appropriation is \$767,500 in fiscal year 2024-2025 and \$884,300 in fiscal year 2025-2026 to support an increase in environmental health program services. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(10) HIV Pharmaceuticals: Included in the above Restricted Funds appropriation is \$6,000,000 in fiscal year 2023-2024, \$10,000,000 in fiscal year 2024-2025, and \$14,000,000 in fiscal year 2025-2026 to support increased pharmacy costs in the Ryan White Program. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(11) Central Laboratory Expansion: The Cabinet for Health and Family Services shall submit a yearly report detailing the progress of the Central Laboratory Expansion as set forth in Part II, Capital Projects Budget, of this Act. The report shall include but not be limited to the targeted and achieved milestones, expenditures incurred, challenges encountered, and mitigation strategies implemented. The report shall be submitted to the Interim Joint Committee on Appropriations and Revenue with the first report due July 1, 2025.

(12) Debt Service: Included in the above General Fund appropriation is \$1,468,500 in fiscal year 2024-2025 and \$2,937,000 in fiscal year 2025-2026 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(13) Area Health Education Centers: Included in the above General Fund appropriation is \$2,500,000 in each fiscal year to support the operations of the Commonwealth’s eight regional Area Health Education Centers. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(14) Kentucky Early Intervention System (KEIS): The KEIS program plays a vital role in supporting the development of young children with disabilities. To ensure the program’s continued effectiveness, the Department of Public Health shall conduct a feasibility study on the various coaching models used in the program. The study shall at a minimum identify the existing coaching models, identify the alternative coaching models, assess the feasibility and cost implications of implementing alternative coaching models, and provide recommendations. The study shall be submitted to the Interim Joint Committee on Health Services by December 1, 2024.

6. FAMILY RESOURCE CENTERS AND VOLUNTEER SERVICES

	2024-25	2025-26
General Fund	26,578,200	26,626,200
Federal Funds	19,731,200	19,754,100
TOTAL	46,309,400	46,380,300

(1) Family Resource and Youth Services Centers Funds: No more than two percent of the total funds transferred from the Department of Education to the Family Resource and Youth Services Centers, as consistent with KRS 156.496, shall be used for administrative purposes in each fiscal year.

(2) Additional Centers: Included in the above General Fund appropriation is \$3,950,000 in each fiscal year to support the operations of additional centers that currently serve more than one school. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

7. INCOME SUPPORT

	2024-25	2025-26
General Fund	13,616,600	13,616,600
Restricted Funds	17,703,400	17,822,000
Federal Funds	102,357,700	103,694,200
TOTAL	133,677,700	135,132,800

(1) Child Support Enforcement Contract Increase: Included in the above appropriations is \$884,000 in Restricted Funds and \$1,716,000 in Federal Funds in each fiscal year to support increases in customer service contracts to reduce wait times. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) Kentucky Child Support Enforcement System (KASES): The provisions of 2023 Ky. Acts ch. 124 transfer the Child Support Enforcement Program from the Cabinet for Health and Family Services to the Office of the

Attorney General effective July 1, 2025, and 2022 Ky. Acts ch. 199, Part II, G., 5., 001. authorizes an upgrade to the KASES system. During the transition period which begins July 1, 2024, both the Cabinet and the Attorney General shall work collaboratively regarding modifications to the KASES system. All modifications shall be approved by the Attorney General prior to any work completed by the Cabinet.

8. COMMUNITY BASED SERVICES

	2024-25	2025-26
General Fund (Tobacco)	11,800,000	11,500,000
General Fund	726,121,100	726,960,600
Restricted Funds	226,383,300	230,755,100
Federal Funds	794,424,100	788,837,800
TOTAL	1,758,728,500	1,758,053,500

(1) **Tobacco Settlement Funds:** Included in the above General Fund (Tobacco) appropriation is \$9,800,000 in fiscal year 2024-2025 and \$9,500,000 in fiscal year 2025-2026 for the Early Childhood Development Program and \$2,000,000 in each fiscal year for the Early Childhood Adoption and Foster Care Supports Program. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) **Fostering Success:** Included in the above General Fund appropriation is \$500,000 in each fiscal year to support the Fostering Success Program. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) **Relative Placement Support Benefit:** Included in the above General Fund appropriation is \$1,000,000 in each fiscal year for start-up costs associated with placing children with nonparental relatives. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **Dually Licensed Pediatric Facilities:** Included in the above General Fund appropriation is \$550,000 in each fiscal year to provide supplemental payments to dually licensed pediatric facilities for emergency shelter services for children. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(5) **Child Care Assistance Program:** Included in the above General Fund appropriation is \$10,600,000 in each fiscal year to provide services to families at or below 160 percent of the federal poverty level as determined annually by the U.S. Department of Health and Human Services. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(6) **Family Counseling and Trauma Remediation:** Included in the above General Fund appropriation is \$50,000 in each fiscal year to provide forensic interviews, family counseling, and trauma remediation services primarily in Jefferson County and surrounding Kentucky counties. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(7) **Family Scholar House:** Included in the above General Fund appropriation is \$1,000,000 in each fiscal year to support the operations of the Family Scholar House. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(8) **Personal Care Homes:** Included in the above General Fund appropriation is \$12,000,000 in each fiscal year to support reimbursements provided to personal care homes. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(9) **Children's Services Contractors:** Notwithstanding KRS Chapter 45A, no contracts awarded for the use and benefit of the Department for Community Based Services shall interfere with the contractor's freedom of religion as set forth in KRS 446.350. Any such contracts shall contain a provision allowing a contractor to allow a substitute contractor who is also licensed or approved by the Cabinet to deliver the contracted services if the contractor cannot perform a contracted service because of sincerely held religious beliefs as outlined in KRS 446.350.

(10) Additional Social Service Workers: Included in the above appropriations is \$3,210,000 in Restricted Funds and \$1,800,000 in Federal Funds in fiscal year 2024-2025 to support an additional 50 Social Service Worker positions and \$6,420,000 in Restricted Funds and \$3,600,000 in Federal Funds in fiscal year 2025-2026 to support an additional 50 Social Service Worker positions for a total of 100 Social Service Worker positions over the 2024-2026 fiscal biennium. The Cabinet for Health and Family Services shall submit a quarterly report containing the number of Social Service Worker, Social Service Clinician, Social Service Specialist, and Family Services Office Supervisor filled positions to the Interim Joint Committee on Appropriations and Revenue, with the first report due November 1, 2024.

(11) Victims Advocacy Programs: Included in the above General Fund appropriation is \$5,500,000 for the Children's Advocacy Centers, \$6,000,000 for the Domestic Violence Shelters, and \$2,000,000 for the Rape Crisis Centers in each fiscal year to support operational costs. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(12) Seven Counties Services - Family Recovery Court: Included in the above General Fund appropriation is \$375,000 in each fiscal year to support the operations of the Seven Counties Services through the Jefferson County Family Recovery Court to assist families involved with the child welfare system. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(13) Maryhurst: Included in the above General Fund appropriation is \$1,350,000 in each fiscal year to provide a reimbursement rate increase for children in the 5 Specialized Program. Included in the above General Fund appropriation is an additional one-time allocation of \$775,000 in each fiscal year to support facility improvements. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(14) Foster Care Independent Living: Included in the above General Fund appropriation is \$2,000,000 in each fiscal year for independent living supports to children aging out of the foster care system. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(15) Employee Child Care Assistance Partnership: Included in the above General Fund appropriation is \$2,000,000 in each fiscal year to support the Employee Child Care Assistance Partnership for matching contributions. There shall be a two percent cap on administrative costs for the oversight of this program. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(16) Foster Home Rate Equity: Included in the above appropriations is \$10,600,000 in Restricted Funds and \$2,400,000 in Federal Funds in each fiscal year to support an increase in the DCBS foster care rate per diem and to align the rates to be more equitable with the Private Child Caring and Private Child Placing agency rate per diems. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(17) Relative Caregiver Rate Increase: Included in the above appropriations is \$3,000,000 in General Fund, \$2,000,000 in Restricted Funds, and \$3,000,000 in Federal Funds in fiscal year 2024-2025 and \$6,000,000 in General Fund, \$2,000,000 in Restricted Funds, and \$3,000,000 in Federal Funds in fiscal year 2025-2026 to support an increase in rates provided to relative caregivers. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(18) Summer EBT: Included in the above appropriation is \$1,500,000 in Restricted Funds and \$1,500,000 in Federal Funds in each fiscal year to support the administrative match for the summer EBT program. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(19) Child Care Provider Reimbursement Rate Increase: Included in the above appropriations is \$21,000,000 in General Fund and \$7,000,000 in Federal Funds in fiscal year 2024-2025 and \$28,000,000 in General Fund in fiscal year 2025-2026 to maintain reimbursements to child care providers for CCAP families at the 80th percentile of the Market Rate Survey. The Department shall utilize the American Rescue Plan Act Child Care Development Fund remaining balance to the fullest extent possible and shall expend any additional federal funds that become available before expending the General Fund moneys. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(20) Child Care Assistance Program (CCAP) Initiatives: Included in the above appropriations is \$12,750,000 in General Fund and \$5,050,000 in Federal Funds in fiscal year 2024-2025 and \$18,500,000 in General Fund and \$1,300,000 in Federal Funds in fiscal year 2025-2026 to support the CCAP program. The Department shall utilize the American Rescue Plan Act Child Care Development Fund remaining balance to the fullest extent possible and shall expend any additional Federal Funds that become available before expending the General Fund moneys. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

The appropriations shall be allocated to the individual programs as follows:

(a) \$11,250,000 in General Fund and \$3,750,000 in Federal Funds in fiscal year 2024-2025 and \$15,000,000 in General Fund in fiscal year 2025-2026 to support an income exclusion from eligibility determinations for child care providers;

(b) \$1,500,000 in General Fund in each fiscal year to support a six-month transition for families no longer eligible for CCAP benefits;

(c) \$1,300,000 in Federal Funds in each fiscal year to cover the cost of fees for child care providers for all mandatory background checks; and

(d) \$2,000,000 in General Fund in fiscal year 2025-2026 to establish an Innovations in Early Childhood Education Delivery Grant Program. The allocation set out in this paragraph shall be contingent on submission by the Department for Community Based Services and approval by the General Assembly of the grant funding plan.

(21) Holly Hill Child and Family Solutions: Included in the above General Fund appropriation is a one-time allocation of \$6,500,000 in fiscal year 2024-2025 to support an infrastructure modernization program. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(22) Volunteers of America - Family Recovery Court: Included in the above General Fund appropriation is \$500,000 in each fiscal year to support the operations of the Volunteers of America - Family Recovery Court. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(23) Victims of Crime Act Support: Notwithstanding KRS 141.020(2)(a)2., included in the above General Fund appropriation is a one-time allocation of \$5,100,000 for Children's Advocacy Centers, a one-time allocation of \$7,100,000 to Domestic Violence Shelters, and a one-time allocation of \$5,700,000 to Rape Crisis Centers in fiscal year 2024-2025 to offset reduced Victims of Crime Act funding. These allocations shall not be identified as GF appropriations when certifying the reduction conditions pursuant to KRS 141.020(2)(a)5. and (d)2. to 5. Notwithstanding KRS 45.229, any portion of these funds that have not been expended by the end of fiscal year 2024-2025 shall not lapse and shall carry forward into fiscal year 2025-2026. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(24) Early Childhood Development Scholarship Program: Included in the above General Fund appropriation is \$2,500,000 in each fiscal year to support the Early Childhood Development Scholarship Program. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

9. AGING AND INDEPENDENT LIVING

	2024-25	2025-26
General Fund	59,230,400	59,801,300
Restricted Funds	4,137,100	4,169,500
Federal Funds	44,581,200	44,750,500
TOTAL	107,948,700	108,721,300

(1) Local Match Requirements: Notwithstanding KRS 205.460, entities contracting with the Cabinet for Health and Family Services to provide essential services under KRS 205.455 and 205.460 shall provide local match equal to or greater than the amount in effect during fiscal year 2023-2024. Local match may include any combination of materials, commodities, transportation, office space, personal services, or other types of facility services or funds. The Secretary of the Cabinet for Health and Family Services shall prescribe the procedures to certify the local match compliance.

(2) **Expansion of Senior Meals:** Included in the above General Fund appropriation is \$10,000,000 in each fiscal year to support the expansion of meals to senior citizens in the community. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) **Additional Staff Positions:** Included in the above Restricted Funds appropriation is \$793,100 in each fiscal year for additional staff positions to support training and compliance efforts. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **Office of Dementia Services and State Long-Term Care Ombudsman Program:** Included in the above appropriations is \$1,050,300 in General Fund and \$394,300 in Restricted Funds in each fiscal year to support staffing and operations in the Office of Dementia Services and the State Long-Term Care Ombudsman Program. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

TOTAL - HEALTH AND FAMILY SERVICES CABINET

	2023-24	2024-25	2025-26
General Fund (Tobacco)	-0-	23,203,300	23,380,000
General Fund	-0-	3,689,199,700	4,217,328,300
Restricted Funds	19,000,000	2,582,981,800	2,357,775,300
Federal Funds	1,096,152,800	16,461,850,400	17,201,672,800
TOTAL	1,115,152,800	22,757,235,200	23,800,156,400

H. JUSTICE AND PUBLIC SAFETY CABINET

Budget Units

1. JUSTICE ADMINISTRATION

	2024-25	2025-26
General Fund (Tobacco)	3,037,500	3,250,000
General Fund	50,548,700	50,889,300
Restricted Funds	3,661,100	3,587,200
Federal Funds	46,152,600	41,216,200
TOTAL	103,399,900	98,942,700

(1) **Operation UNITE:** (a) Included in the above General Fund appropriation is \$1,500,000 in each fiscal year for the Operation UNITE Program. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(b) For the periods ending June 30, 2024, and June 30, 2025, the Secretary of the Justice and Public Safety Cabinet, in coordination with the Chief Executive Officer of Operation UNITE, shall prepare reports detailing for what purpose and function the funds were utilized. The reports shall be submitted to the Interim Joint Committee on Appropriations and Revenue by September 1 of each fiscal year.

(2) **Office of Drug Control Policy:** Included in the above General Fund (Tobacco) appropriation is \$2,804,000 in fiscal year 2024-2025 and \$3,000,000 in fiscal year 2025-2026 for the Office of Drug Control Policy. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) **Access to Justice:** Included in the above General Fund appropriation is \$500,000 in each fiscal year to support the Access to Justice Program. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **Court-Appointed Special Advocate Funding:** (a) Included in the above General Fund appropriation is \$3,000,000 in each fiscal year for grants to support Court-Appointed Special Advocate (CASA) funding programs. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(b) No administrative costs shall be paid from the appropriation provided in paragraph (a) of this subsection.

(5) **Restorative Justice:** Included in the above General Fund (Tobacco) appropriation is \$233,500 in fiscal year 2024-2025 and \$250,000 in fiscal year 2025-2026 to support the Restorative Justice Program administered by the Volunteers of America. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(6) **Substance Abuse Treatment Programs:** The Secretary of the Justice and Public Safety Cabinet shall compile for each fiscal year a report on funding received by the Cabinet to provide substance abuse treatment, prevention, and recovery programs in the Commonwealth. The report shall include the amount, source, and duration of the funding, the purpose of the funding, the number of individuals served, and any available information on program outcomes. The Secretary shall submit the report to the Interim Joint Committee on Appropriations and Revenue by September 1 of each year.

(7) **Volunteers of America - Freedom House:** Included in the above General Fund appropriation is \$5,000,000 in each fiscal year to support the Freedom House administered by Volunteers of America. Included in the above General Fund appropriation is \$250,000 in each fiscal year to support the Lincoln County Family Recovery Court to assist families involved with the child welfare system. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(8) **Child Fatality Review Panel:** Included in the above General Fund appropriation is \$594,100 in fiscal year 2024-2025 and \$592,900 in fiscal year 2025-2026 to support the operations of the Child Fatality and Near Fatality External Review Panel. Included in the above General Fund appropriation is an additional \$200,000 in fiscal year 2024-2025 for a new case management system. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(9) **Northern Kentucky Regional Medical Examiners Office:** Notwithstanding KRS 45.229, any unexpended funds from the \$1,800,000 authorized in 2022 Ky. Acts ch. 199, Part I, H., 1., (11) to reestablish the Northern Kentucky Regional Medical Examiners Office shall not lapse and shall carry forward.

(10) **Violence Against Women Act Grant State Match:** Included in the above General Fund appropriation is \$84,000 in fiscal year 2024-2025 and \$86,000 in fiscal year 2025-2026 to support the state match requirement for the Violence Against Women Act federal grant. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(11) **Rocket Docket Program:** Notwithstanding KRS 196.288(5)(b)8., included in the above General Fund appropriation is \$2,000,000 in each fiscal year, which shall be allocated annually in quarterly payments, to support the Rocket Docket Program at the Prosecutors Advisory Council. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

2. CRIMINAL JUSTICE TRAINING

	2024-25	2025-26
Restricted Funds	101,798,500	109,736,200

(1) **Kentucky Law Enforcement Foundation Program Fund:** Included in the above Restricted Funds appropriation is \$94,684,900 in fiscal year 2024-2025 and \$102,551,600 in fiscal year 2025-2026 for the Kentucky Law Enforcement Foundation Program Fund.

(2) **Training Incentive Payments:** Notwithstanding KRS 15.460(1) and 15.420(2)(a)1.a., included in the above Restricted Funds appropriation is \$4,429 in fiscal year 2024-2025 and \$4,562 in fiscal year 2025-2026 for each full-time participant for training incentive payments, and \$2,215 in fiscal year 2024-2025 and \$2,281 in fiscal year 2025-2026 for each part-time participant for training incentive payments. KRS 15.460(1)(b) to (f) shall remain applicable, except that the administrative expense reimbursement cap under KRS 15.460(1)(c)3. shall not exceed \$1,000,000.

(3) **Administrative Reimbursement:** Notwithstanding KRS 15.450(3), the Department of Criminal Justice Training shall not receive reimbursement for the salaries and other costs of administering the fund, to include the Kentucky Law Enforcement Council operations and expenses, Peace Officers Professional Standards Office, attorney positions in Justice Administration, the Professional Development and Wellness Branch, Office of the State School

Security Marshal, Office of Kentucky Law Enforcement Council Support, debt service, capital outlay, and Department personnel costs and expenses in excess of \$39,936,900 in fiscal year 2024-2025 and \$41,127,700 in fiscal year 2025-2026. The Department shall submit a report detailing reimbursed expenditures for the prior fiscal year to the Interim Joint Committee on Appropriations and Revenue by August 1 of each fiscal year.

(4) Criminal Justice Council: Pursuant to KRS 15.410 to 15.518, the Department of Criminal Justice Training shall not transfer funds from the Kentucky Law Enforcement Foundation Program Fund to support the Criminal Justice Council.

(5) Kentucky Law Enforcement Council Funding: Notwithstanding KRS 15.450 and any other statute to the contrary, funding to support the operations of the Kentucky Law Enforcement Council shall not exceed \$648,900 in each fiscal year.

(6) Operating Cost Increases: Included in the above Restricted Funds appropriation is \$843,500 in fiscal year 2024-2025 and \$744,600 in fiscal year 2025-2026 to support various operating cost increases. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(7) Post-Critical Incident Seminars: Included in the above Restricted Funds appropriation is \$820,700 in each fiscal year to support an increase in the number of post-critical incident seminars to 12 per year. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(8) Additional Positions: (a) Included in the above Restricted Funds appropriation is \$1,335,500 in fiscal year 2024-2025 and \$1,396,300 in fiscal year 2025-2026 to support additional positions, including ten law enforcement instructors, one budget specialist, and one document processing specialist.

(b) Included in the above Restricted Funds appropriation is \$790,000 in fiscal year 2025-2026 to support an additional ten law enforcement instructors. The Department of Criminal Justice Training shall prepare a report detailing expenditures on these additional positions, including the number of filled positions and the number of vacancies supported by the provisions of paragraphs (a) and (b) of this subsection. The Department shall submit this report on a quarterly basis beginning November 1, 2024, to the Interim Joint Committee on Appropriations and Revenue.

(c) The funds for the positions in paragraph (b) of this subsection are authorized contingent upon the opening of the Western Kentucky Law Enforcement Training Academy.

(9) Training Track Vehicles: Included in the above Restricted Funds appropriation is \$169,600 in each fiscal year to support leases for law enforcement training vehicles. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(10) Officer Revocation Hearing Expenses: Included in the above Restricted Funds appropriation is \$120,000 in each fiscal year to eliminate the backlog of officer revocation hearings. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

3. JUVENILE JUSTICE

	2024-25	2025-26
General Fund	146,847,000	172,526,200
Restricted Funds	16,695,800	13,961,500
Federal Funds	10,706,900	10,951,700
TOTAL	174,249,700	197,439,400

(1) Medical Services Contract Appropriation and Reporting: Included in the above General Fund appropriation is \$20,000,000 in fiscal year 2025-2026 to support a medical services contract, including primary care and mental health services, for youth under the care of the Department of Juvenile Justice. The Department shall submit a report to the Interim Joint Committee on Appropriations and Revenue by September 1, 2024, detailing the specifics of any potential requests for proposal, including but not limited to services to be delivered and cost parameters. Notwithstanding any statute to the contrary, no contract shall be awarded or any funds expended until the report is submitted and reviewed. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) **Transport Vehicles:** Included in the above Restricted Funds appropriation is \$2,734,300 in fiscal year 2024-2025 to purchase vehicles for juvenile transportation. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) **Detention Alternative Programming and Support:** Included in the above General Fund appropriation is \$3,883,600 in fiscal year 2024-2025 and \$3,913,000 in fiscal year 2025-2026 to support increased alternatives to detention programming. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **Evidence-Based Programming:** Included in the above General Fund appropriation is \$3,524,600 in each fiscal year to support evidence-based programming, including 21 social service specialists, youth screening tools, software, and training. The Department of Juvenile Justice shall prepare a report detailing expenditures for evidence-based programming provided by the Department, as well as the number of youth served by each program, the number of filled positions providing services and the number of program vacancies, the number of youth on waitlists for services, and any other key performance indicators deemed appropriate by the Department. The Department of Juvenile Justice shall submit this report on a quarterly basis to the Interim Joint Committee on Appropriations and Revenue and the Juvenile Justice Oversight Council beginning November 1, 2024. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(5) **Debt Service:** Included in the above General Fund appropriation is \$2,092,500 in fiscal year 2024-2025 and \$4,185,000 in fiscal year 2025-2026 to support debt service for new bonds as set forth in Part II. Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(6) **Louisville Detention Center Renovation:** The Department of Juvenile Justice shall submit a report to the Interim Joint Committee on Appropriations and Revenue by September 1, 2024, detailing the design and cost parameters of the Renovate Louisville Detention Center project authorized in Part II, Capital Projects Budget, of this Act. Notwithstanding any statute to the contrary, no contract shall be let or any funds expended until the report is submitted and reviewed.

(7) **Diversions Program:** Notwithstanding KRS 45.229, unexpended funds from the fiscal year 2023-2024 General Fund appropriation from 2023 Ky. Acts ch 106, Section 15, shall not lapse and shall carry forward.

(8) **Transportation Costs for Female Youth Detained:** Notwithstanding KRS 45.229, unexpended funds from the fiscal year 2023-2024 General fund appropriation from 2023 Ky. Acts ch. 106, sec. 18, shall not lapse and shall carry forward.

(9) **Design Experts Retention Project:** Notwithstanding any statute to the contrary, unexpended funds at the close of fiscal year 2023-2024 from the fiscal year 2022-2023 General Fund appropriation set out in 2023 Ky. Acts ch. 106, sec. 16, shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(10) **Juvenile Mental Health Treatment Facility:** The Department of Juvenile Justice shall submit a report to the Interim Joint Committee on Appropriations and Revenue by December 1, 2024, detailing the High-Acuity Juvenile Mental Health Treatment Facility project, including but not limited to services provided, cost parameters, design elements, and operational capacity. The report shall address possible models for delivering necessary services, including contracting alternatives and alternative sites for any facility.

4. STATE POLICE

	2024-25	2025-26
General Fund	232,878,200	255,072,800
Restricted Funds	34,592,200	34,740,100
Federal Funds	23,376,200	23,343,000
Road Fund	56,289,600	56,372,700
TOTAL	347,136,200	369,528,600

(1) **Call to Extraordinary Duty:** There is appropriated from the General Fund to the Department of Kentucky State Police, subject to the conditions and procedures provided in this Act, funds which are required as a result of the Governor's call of the Kentucky State Police to extraordinary duty when an emergency situation has been

declared to exist by the Governor. Funding is authorized to be provided from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

(2) **Restricted Funds Uses:** Notwithstanding KRS 24A.179, 42.320(2)(h), 65.7631, 189A.050(3)(a), 237.110(18), and 281A.160(2)(b), funds are included in the above Restricted Funds appropriation to maintain the operations and administration of the Department of Kentucky State Police.

(3) **Telecommunicator Salary Conversion:** Included in the above General Fund appropriation is sufficient funding to convert the annual training incentive stipend to a \$3,100 salary increase for telecommunicators effective July 1, 2024.

(4) **Debt Service:** Included in the above General Fund appropriation is \$3,739,500 in fiscal year 2024-2025 and \$7,479,000 in fiscal year 2025-2026 to support debt service for new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(5) **Capitol Campus Security Personnel:** Included in the above General Fund appropriation is \$125,600 in each fiscal year to support two Trooper R contracts designated specifically for the Capitol campus. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(6) **Training Incentive Payments:** Notwithstanding KRS 15.460(1), included in the above Restricted Funds appropriation is \$4,429 in fiscal year 2024-2025 and \$4,562 in fiscal year 2025-2026 for each participant for training incentive payments. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(7) **Background Check Fees:** Pursuant to KRS 7.111, 7.112, and 11.160(1)(e), the Department of Kentucky State Police shall not charge a fee for the cost of background checks requested by the Legislative Research Commission during investigation processes related to confirmations of appointments or reappointments to boards and commissions and administrative law judges.

(8) **Statutory Salary Schedule Adjustments:** Included in the above General Fund appropriation is \$8,310,600 in fiscal year 2024-2025 and \$14,213,100 in fiscal year 2025-2026 to support the statutory adjustment to the salary schedule based on the consumer price index for troopers and commercial vehicle enforcement officers. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(9) **Increases to Trooper Personnel:** Included in the above General Fund appropriation is \$6,031,800 in fiscal year 2024-2025 and \$16,583,800 in fiscal year 2025-2026 to support the addition of personnel from two trooper cadet classes. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(10) **Kentucky Emergency Warning System Leases:** Included in the above General Fund appropriation is \$3,125,000 in fiscal year 2024-2025 and \$2,925,200 in fiscal year 2025-2026 to support leases for the Kentucky Emergency Warning System. The Department of Kentucky State Police shall prepare a report detailing by county, including but not limited to the number of leases contracted, the cost of each lease, and the number of leases yet to be contracted. The Department of Kentucky State Police shall submit this report to the Interim Joint Committee on Appropriations and Revenue on a quarterly basis beginning November 1, 2024. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(11) **Licensing Cost Increases:** Included in the above General Fund appropriation is \$427,000 in fiscal year 2024-2025 and \$450,000 in fiscal year 2025-2026 to support licensing cost increases for network security and digital evidence systems. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(12) **Fleet Vehicles:** Included in the above General Fund appropriation is \$2,550,000 in fiscal year 2025-2026 to support the purchase of 25 marked cruisers and 25 unmarked cruisers. The Department of Kentucky State Police shall prepare a report detailing fleet vehicle purchases, including but not limited to total expenditures, price per vehicle, the timing of purchases, the distribution of new vehicles purchased, as well as the assigned use for each vehicle purchased. The Department of Kentucky State Police shall submit this report on a quarterly basis to the Interim Joint Committee on Appropriations and Revenue beginning November 1, 2025. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(13) Facilities Security Personnel: Included in the above Restricted Funds appropriation is \$745,300 in fiscal year 2024-2025 and \$761,300 in fiscal year 2025-2026 to support additional facilities security officer positions. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(14) Laboratory Equipment and Service Contracts: Included in the above General Fund appropriation is \$1,100,000 in each fiscal year to support service contracts for toxicology and DNA equipment, and evidence collection kits. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(15) Criminal Justice Information System Messaging System: Included in the above General Fund appropriation is \$750,000 in each fiscal year to support improvements to the Criminal Justice Information System Messaging System. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(16) Cell Phones for Troopers: Included in the above General Fund appropriation is \$240,000 in each fiscal year to support agency-issued cell phones for trooper personnel. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(17) Sex Offender Registry and Notification: Included in the above General Fund appropriation is \$710,700 in each fiscal year to support additional positions and increased software service contracts to meet requirements of the Sex Offender Registry and Notification Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(18) Recruitment and Retention Reporting: The Department of Kentucky State Police shall prepare a report detailing recruitment, retention, and demographic statistics, including but not limited to age, gender, race, education-level, and geography, for trooper cadet classes occurring in fiscal years 2023-2024, 2024-2025, and 2025-2026. The Department of Kentucky State Police shall submit this report on a quarterly basis to the Interim Joint Committee on Appropriations and Revenue beginning November 1, 2024.

(19) Sworn Trooper Detail: Notwithstanding any statute to the contrary, beginning with fiscal year 2025-2026, no more than 25 percent of sworn troopers shall be assigned to detail other than a post.

(20) Land Acquisition Authorization: Notwithstanding KRS 56.040, the Department of Kentucky State Police may directly acquire, on behalf of the Commonwealth, any land required for tower sites related to the Kentucky Emergency Warning System or the Emergency Radio System Replacement project authorized in Part II, Capital Projects Budget, of this Act.

5. CORRECTIONS

a. Corrections Management

	2024-25	2025-26
General Fund	20,212,900	20,405,200
Restricted Funds	150,000	150,000
Federal Funds	124,800	124,800
TOTAL	20,487,700	20,680,000

(1) Local Correctional Facilities: Notwithstanding KRS 441.420, no funds are provided for reimbursement to counties for design fees for architectural and engineering services associated with any new local correctional facility approved by the Kentucky Local Correctional Facilities Construction Authority.

(2) Facility Reporting: (a) The Department of Corrections shall continuously monitor its bed utilization of county jails, halfway houses, Recovery Kentucky drug treatment centers, and all other community correctional residential facilities that are under contract with the Department. This monitoring shall include periodic review of its classification system to ensure that all offenders are placed in the least restrictive housing that provides appropriate security to protect public safety and provide ample opportunity for treatment and successful reentry.

(b) On a monthly basis, the Department shall submit a report detailing the average occupancy rate for each of these facility types outlined in paragraph (a) of this subsection, as well as a projection of bed utilization one year from the reported period, to the Interim Joint Committee on Appropriations and Revenue.

(3) **Kentucky Offender Management System:** Included in the above General Fund appropriation is \$325,000 in fiscal year 2024-2025 to support upgrades to the Kentucky Offender Management System. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **Operational Costs for Inmate Population and Excess Local Jail Per Diem Costs:** In the event that actual operational costs and/or actual local jail per diem payments exceed the amounts appropriated to support the budgeted average daily population of state felons for each fiscal year, the additional payments, up to \$5,000,000 in fiscal year 2023-2024 and up to \$10,000,000 in each fiscal year of the 2024-2026 fiscal biennium, shall be deemed necessary government expenses and shall be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705), subject to notification as to necessity and amount by the State Budget Director who shall report any certified expenditure to the Interim Joint Committee on Appropriations and Revenue.

b. Adult Correctional Institutions

	2024-25	2025-26
General Fund	448,922,400	504,847,300
Restricted Funds	24,854,500	21,369,600
Federal Funds	20,265,000	98,000
TOTAL	494,041,900	526,314,900

(1) **Debt Service:** Included in the above General Fund appropriation is \$11,866,500 in fiscal year 2024-2025 and \$25,260,000 in fiscal year 2025-2026 to support debt service for new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(2) **Transfer to State Institutions:** Notwithstanding KRS 532.100(8), state prisoners, excluding the Class C and Class D felons qualifying to serve time in county jails, may be transferred to a state institution within 90 days of final sentencing, if the county jail does not object to the additional 45 days.

(3) **Correctional Facilities Support:** Included in the above Federal Funds appropriation is \$19,988,100 in fiscal year 2024-2025 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 to support the operations of congregate facilities within the Department of Corrections. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **Little Sandy Correctional Complex Expansion:** Included in the above General Fund appropriation is \$9,791,700 in fiscal year 2024-2025 and \$19,830,600 in fiscal year 2025-2026 to support the expansion of Little Sandy Correctional Complex. The Department of Corrections shall prepare a report, including but not limited to the expenditures related to the expansion, the number of full-time positions filled and vacant, the number of offenders housed, and the number of offenders transferred from other facilities by facility. The Department of Corrections shall submit this report on a quarterly basis to the Interim Joint Committee on Appropriations and Revenue beginning November 1, 2024. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(5) **Kentucky Correctional Industries:** Included in the above General Fund appropriation is \$1,284,000 in each fiscal year to support Kentucky Correctional Industries. The Department of Corrections shall prepare a report detailing the cost of goods produced for fiscal year 2023-2024 and the preceding five fiscal years, as well as a feasibility study on managing Kentucky Correctional Industries through an external contract, to include an analysis of the impact of terminating Kentucky Correctional Industries. The Department of Corrections shall submit this report to the Interim Joint Committee on Appropriations and Revenue by September 1, 2024. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(6) **Institutional Support:** Included in the above appropriations is \$5,000,000 in General Fund and \$9,789,500 in Restricted Funds in fiscal year 2024-2025 and \$10,000,000 in General Fund and \$6,137,900 in Restricted Funds in fiscal year 2025-2026 to support increased medical, utility, and capital outlay costs.

Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(7) Environmental Impact and Feasibility Study: Notwithstanding KRS 45.229, unexpended funds from the fiscal year 2023-2024 General Fund appropriation set out in 2022 Ky. Acts ch. 199, Part I, H., 5., b., (8), shall not lapse and shall carry forward.

c. Community Services and Local Facilities

	2024-25	2025-26
General Fund	251,867,100	258,358,400
Restricted Funds	7,178,400	7,217,800
Federal Funds	874,200	874,200
TOTAL	259,919,700	266,450,400

(1) Local Jails Funding: Notwithstanding KRS 441.605 to 441.695, funds in the amount of \$3,000,000 in each fiscal year shall be expended from the Kentucky Local Correctional Facilities Construction Authority for local correctional facility and operational support. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) Parole for Infirm Inmates: (a) The Commissioner of the Department of Corrections shall certify and notify the Parole Board when a prisoner meets the requirements of paragraph (c) of this subsection for parole.

(b) Notwithstanding any statute to the contrary, within 30 days of receiving notification as prescribed by paragraph (a) of this subsection, the Parole Board shall grant parole.

(c) A prisoner who has been determined by the Department of Corrections to be physically or mentally debilitated, incapacitated, or infirm as a result of advanced age, chronic illness, disease, or any other qualifying criteria that constitutes an infirm prisoner shall be eligible for parole if:

1. The prisoner was not convicted of a capital offense and sentenced to death or was not convicted of a sex crime as defined in KRS 17.500;
2. The prisoner has reached his or her parole eligibility date or has served one-half of his or her sentence, whichever occurs first;
3. The prisoner is substantially dependent on others for the activities of daily living; and
4. There is a low risk of the prisoner presenting a threat to society if paroled.

(d) Unless a new offense is committed that results in a new conviction subsequent to a prisoner being paroled, paroled prisoners shall not be considered to be under the custody of the state in any way.

(e) Prisoners paroled under this subsection shall be paroled to a licensed long-term care facility, nursing home, or family placement in the Commonwealth.

(f) The Cabinet for Health and Family Services and the Justice and Public Safety Cabinet shall provide all needed assistance and support in seeking and securing approval from the United States Department of Health and Human Services for federal assistance, including Medicaid funds, for the provision of long-term-care services to those eligible for parole under paragraph (c) of this subsection.

(g) The Cabinet for Health and Family Services and the Justice and Public Safety Cabinet shall have the authority to contract with community providers that meet the requirements of paragraph (e) of this subsection and that are willing to house any inmates deemed to meet the requirements of this subsection so long as contracted rates do not exceed current expenditures related to the provisions of this subsection.

(h) The Cabinet for Health and Family Services and the Justice and Public Safety Cabinet are encouraged to collaborate with other states that are engaged in similar efforts so as to achieve the mandates of this subsection.

(i) The Cabinet for Health and Family Services and the Justice and Public Safety Cabinet shall provide a report to the Interim Joint Committee on Appropriations and Revenue by December 15 of each fiscal year concerning the administration of this subsection. The report shall include the number of persons paroled, the identification of the residential facilities utilized, an estimate of cost savings as a result of the project, and any other relevant material to assist the General Assembly in assessing the value of continuing and expanding the project.

(3) Participation in Transparent Governing - Full Disclosure of Inmate Population Forecasts and Related Materials: The Office of State Budget Director shall provide the methodology, assumptions, data, and all

other related materials used to project biennial offender population forecasts conducted by the Office of State Budget Director, the Kentucky Department of Corrections, and any consulting firms, to the Interim Joint Committee on Appropriations and Revenue by October 1, 2025. This submission shall include but not be limited to the projected state, county, and community offender populations for the 2026-2028 fiscal biennium and must coincide with the budgeted amount for these populations. This submission shall clearly divulge the methodology and reasoning behind the budgeted and projected offender population in a commitment to participate in transparent governing.

(4) Calculating Avoided Costs Relating to Legislative Action: Notwithstanding KRS 196.288(5)(a), \$4,630,200 has been determined to meet the intent of the statute for the amount of avoided costs to be provided to the Local Corrections Assistance Fund. The actions implemented pursuant to the implementation of 2011 Ky. Acts ch. 2 now are no longer able to be calculated validly due to the length of time they have been embedded in the criminal justice system.

(5) County Jail Per Diem Increase: Included in the above General Fund appropriation are sufficient funds in each fiscal year to support the \$4 increase, from \$31.34 per day to \$35.34 per day, to the per diem payments to county jails that house state inmates implemented in the 2022-2024 fiscal biennium. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(6) Substance Abuse, Mental Health, and Reentry Service Centers: (a) Notwithstanding any statute to the contrary, for each fiscal year, the Department of Corrections shall pay each contracted provider of substance abuse, mental health, and reentry centers a minimum of 65 percent of the contracted beds monthly. Any unfilled contracted beds as of the effective date of this Act may, at the discretion of the provider, be terminated.

(b) Each contracted provider, as provided for in paragraph (a) of this subsection, shall report 100 percent of their occupancy to the Department of Corrections. The report shall detail the total number of beds, the number of beds available, the type of individual occupying bed space, and shall be prepared in a method established at the Department's discretion and submitted on a monthly basis to the Interim Joint Committee on Appropriations and Revenue.

(7) Probation and Parole Growth: Included in the above General Fund appropriation is \$307,400 in fiscal year 2024-2025 and \$1,987,200 in fiscal year 2025-2026 and in the above Restricted Funds appropriation is \$2,000,000 in each fiscal year to support additional probation and parole officer positions and associated operating expenses. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(8) Addiction Services: Included in the above General Fund appropriation is \$863,100 in each fiscal year to support medications necessary for medically assisted treatment services. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(9) Program Completion and Sentence Credit Payments: Notwithstanding KRS 197.045(6), payments for program completions resulting in sentencing credit shall not expire and shall continue through the 2024-2026 fiscal biennium. Included in the above General Fund appropriation is \$12,000,000 in each fiscal year to support payments for program completions resulting in sentencing credit as prescribed in KRS 197.045(6)(a), (b), and (c). The Department of Corrections shall prepare a report annually, including but not limited to the number of program completions, the cost of payments for each category of sentencing credit, and the programmatic impact on recidivism. The Department of Corrections shall submit this report to the Interim Joint Committee on Appropriations and Revenue by October 1 of each year. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

d. Local Jail Support

	2024-25	2025-26
General Fund	16,788,600	16,788,600

(1) Local Corrections Assistance Fund Allocation: Notwithstanding KRS 196.288(5)(a), included in the above General Fund appropriation is \$4,630,200 in each fiscal year for the Local Corrections Assistance Fund. Moneys in the fund shall be distributed to the counties each year. Amounts distributed from the fund shall be used to support local correctional facilities and programs, including the transportation of prisoners, as follows:

(a) In each fiscal year, the first \$3,000,000 received by the fund, or, if the fund receives less than \$3,000,000, the entire balance of the fund, shall be divided equally among all counties; and

(b) Any moneys remaining after making the distributions required by paragraph (a) of this subsection shall be distributed to each county based on a ratio, the numerator of which shall be the county's county inmate population on the second Thursday in January during the prior fiscal year, and the denominator of which shall be the total counties' county inmate population for the entire state on the second Thursday in January during the prior fiscal year. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) **Life Safety or Closed Jails:** Included in the above General Fund appropriation is \$860,000 in each fiscal year to provide a monthly payment of an annual amount of \$20,000 to each county with a life safety jail or closed jail. The payment shall be in addition to the payment required by KRS 441.206(2). Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) **Inmate Medical Care Expenses:** Included in the above General Fund appropriation is \$792,800 in each fiscal year for medical care contracts to be distributed, upon approval of the Department of Corrections, to counties by the formula codified in KRS 441.206, and \$851,800 in each fiscal year, on a partial reimbursement basis, for medical claims in excess of the statutory threshold pursuant to KRS 441.045. The funding support for medical contracts and catastrophic medical expenses for indigents shall be maintained in discrete accounts. Any medical claim that exceeds the statutory threshold may be reimbursed for that amount in excess of the statutory threshold. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **Pretrial Housing Study:** (a) County jails shall cooperate with the Department of Corrections to produce a detailed report determining the costs to the county jails, costs to the Department of Corrections, and the projected savings to county jails, if defendants who are charged during the 2024-2025 fiscal year with a capital crime, capital crime with aggravators, Class A felony, or Class B felony sex offense were transferred to a state prison upon the expiration of 60 days subsequent to arraignment in Circuit Court on one or more of said charges.

(b) The report shall include the costs and savings analysis referenced in paragraph (a) of this subsection and shall include the following:

1. The average number of days of pre-adjudication incarceration by each offense listed in paragraph (a) of this subsection, from arraignment in District Court until conviction in Circuit Court and until post-conviction sentencing. Analysis of the average shall include that of the total state aggregate, of the regional Circuit Courts, and of each specific Circuit Court;

2. The average number of days of pre-adjudication incarceration by each offense listed in paragraph (a) of this subsection, from arraignment in District Court to arraignment in Circuit Court. Analysis of the average shall include that of the total state aggregate, of the regional District Courts, and of each specific District Court;

3. The average number of days of pre-adjudication incarceration by each offense listed in paragraph (a) of this subsection, from arraignment in Circuit Court until conviction and until post-conviction sentencing. Analysis of the average shall include that of the total state aggregate, of the regional Circuit Courts, and of each specific Circuit Court; and

4. Any other data or analysis deemed relevant by both the Department of Corrections and the county jails.

(c) The report shall be submitted to the Interim Joint Committee on Appropriations and Revenue on or before October 1, 2025.

TOTAL - CORRECTIONS

	2024-25	2025-26
General Fund	737,791,000	800,399,500
Restricted Funds	32,182,900	28,737,400
Federal Funds	21,264,000	1,097,000
TOTAL	791,237,900	830,233,900

6. PUBLIC ADVOCACY

	2024-25	2025-26
General Fund	96,178,700	98,448,500
Restricted Funds	4,511,100	4,511,100
Federal Funds	2,392,400	2,392,400

TOTAL	103,082,200	105,352,000
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(1) Jefferson County Public Advocacy Office: Included in the above General Fund appropriation is \$10,984,300 in fiscal year 2024-2025 and \$11,378,300 in fiscal year 2025-2026 to support costs associated with state assumption of the Louisville-Jefferson County Public Defender's Office. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

TOTAL - JUSTICE AND PUBLIC SAFETY CABINET

	2024-25	2025-26
General Fund (Tobacco)	3,037,500	3,250,000
General Fund	1,264,243,600	1,377,336,300
Restricted Funds	193,441,600	195,273,500
Federal Funds	103,892,100	79,000,300
Road Fund	56,289,600	56,372,700
TOTAL	1,620,904,400	1,711,232,800

I. PERSONNEL CABINET

Budget Units

1. GENERAL OPERATIONS

	2024-25	2025-26
Restricted Funds	33,776,000	33,296,500

(1) Public Employee Health Insurance Trust Fund Actuarial Projections: The Department of Employee Insurance shall prepare a report that includes actuarial projections of the operating net gain or loss, recommended reserves, and remaining balance after reserves, by plan year, for all active plan years and a minimum of two upcoming plan years for the Public Employee Health Insurance Trust Fund, as of September 30 of each fiscal year. This report shall be submitted to the Interim Joint Committee on Appropriations and Revenue by December 1 of each year.

(2) Salary Compression Report: Included in the above Restricted Funds appropriation is \$1,000,000 in fiscal year 2024-2025 for the Personnel Cabinet to contract with an independent consultant to review all personnel and payroll records of all current employees from January 1, 2018, thru June 30, 2024, to determine the exact salary compression issues which exist in the Executive Branch. The consultant shall, by December 15, 2024, present a comprehensive data-driven report with at least three options for potential corrective actions to address any issues by the General Assembly to the Interim Joint Committee on Appropriations and Revenue. The comprehensive data-driven report with options for potential corrective actions shall include and contain the following items at a minimum:

(a) The report shall provide data driven detail on each of the types of personnel actions and salary establishment practices or salary increase practices that caused the issues and the consultants' recommendations of potential corrective options to address the issues;

(b) The report shall include a review of the practice of employing individuals up to the mid-point of the salary schedule, allowing individuals to resign and then be reappointed at a higher salary, and the compression of the salary difference that exist in employee salaries when a special entrance rate is established for a classification and all employees in the classification are raised to the same new entrance salary;

(c) The review shall include all other types of salary increases and practices that have been utilized by the Executive Branch to increase the salary of employees including locality pay;

(d) The report shall include any other personnel practice or policy that is identified by the data to have contributed to the salary compression issues of the Executive Branch;

(e) The report shall also make recommendations on all potential changes to the current administrative regulations and/or, KRS Chapter 18A to prevent the type of personnel actions or practices that have caused salary compression; and

(f) The report shall also contain all other recommendations the consultant feels are appropriate to prevent salary compression in the future.

The Personnel Cabinet Secretary shall determine the cost to implement each of the options provided by the consultant, effective July 16, 2025, and provide those estimates by option, fund source, and appropriation unit to the Interim Joint Committee on Appropriations and Revenue within 30 days of receipt of the report and recommendations.

The Personnel Cabinet Secretary shall also provide a response to the consultant's recommendation for changes to the administrative regulations, KRS Chapter 18A, and the personnel practices of the Executive Branch to both the Interim Joint Committees of Appropriations & Revenue and State Government within 30 days of receipt of the report and recommendations.

(3) Local District Health Insurance: It is the intent of the 2024 General Assembly that future appropriations supporting health insurance for active local school district employees under the Learning and Results Services budget unit shall be made directly to local school districts to provide maximum flexibility in offering employee benefits and compensation. The Kentucky Group Health Insurance Board shall develop a high deductible health insurance benefit option for the state employee health insurance group to be offered for local school district employees by July 1, 2025. The benefit option shall be available for the open enrollment period beginning in October 2025 for coverage beginning January 1, 2026.

2. PUBLIC EMPLOYEES DEFERRED COMPENSATION AUTHORITY

	2024-25	2025-26
Restricted Funds	8,462,900	8,520,000

3. WORKERS' COMPENSATION BENEFITS AND RESERVE

	2024-25	2025-26
Restricted Funds	24,379,600	24,404,900

4. FIXED ALLOCATION NON-HAZARDOUS PENSION FUND

	2024-25	2025-26
General Fund	75,657,300	69,750,400

(1) Quasi-State Agency Subsidy Distributions: (a) Included in the above General Fund appropriation is \$332,100 in each fiscal year to maintain each Non-P1 state agency's fiscal year 2019-2020 baseline subsidy.

(b) Included in the above General Fund appropriation is \$18,882,100 in each fiscal year to maintain each Regional Mental Health Unit's fiscal year 2019-2020 baseline subsidy.

(c) Included in the above General Fund appropriation is \$25,151,300 in each fiscal year to maintain each health department's fiscal year 2019-2020 baseline subsidy.

(d) The distribution of the baseline subsidy to each employer classification identified in paragraphs (a), (b), and (c) of this subsection shall be distributed in the following manner: In July and January of each year, the Office of State Budget Director shall obtain the total creditable compensation reported by each employer to the Kentucky Public Pensions Authority and utilize that number to determine how much of each total appropriation shall be distributed to each employer within its own unique employer classification. Payments to each employer shall be made on September 1 and April 1 of each fiscal year. The Office of State Budget Director shall provide a report to the Interim Joint Committee on Appropriations and Revenue by May 1 of each fiscal year. The report shall detail the disbursement of funds in this subsection and include the creditable compensation, by employer, for which disbursements are made.

(e) Notwithstanding KRS 61.5991(6)(b), included in the above General Fund appropriation is \$31,291,800 in fiscal year 2024-2025 and \$25,384,900 in fiscal year 2025-2026 to support each employer's share of the anticipated retirement costs over each employer's fiscal year 2019-2020 baseline contribution as adjusted and posted under the 2024 Budget Bills tile on the Legislative Research Commission's website.

5. STATE SALARY AND COMPENSATION FUND

	2024-25	2025-26
Restricted Funds	1,500,000	1,500,000

(1) **Information Technology Job Classifications:** General Fund moneys in the amount of \$1,500,000 in each fiscal year shall be transferred from the General Fund appropriation of \$200,000,000 in fiscal year 2023-2024 set out in 2022 Ky. Acts ch. 199, Part I, N., 1. to implement pay raises for Information Technology job classifications resulting from the pay review performed by the Personnel Cabinet as reported to the Interim Joint Committee on Appropriations and Revenue on November 1, 2023.

TOTAL - PERSONNEL CABINET

	2024-25	2025-26
General Fund	75,657,300	69,750,400
Restricted Funds	68,118,500	67,721,400
TOTAL	143,775,800	137,471,800

J. POSTSECONDARY EDUCATION

Budget Units

1. COUNCIL ON POSTSECONDARY EDUCATION

	2023-24	2024-25	2025-26
General Fund (Tobacco)	-0-	5,843,200	6,250,000
General Fund	2,000,000	22,452,900	17,920,500
Restricted Funds	-0-	4,907,400	4,820,100
Federal Funds	1,280,200	8,942,900	1,507,900
TOTAL	3,280,200	42,146,400	30,498,500

(1) **Interest Earnings Transfer from the Strategic Investment and Incentive Trust Fund Accounts:** Notwithstanding KRS 164.7911 to 164.7927, any expenditures from the Strategic Investment and Incentive Trust Fund accounts in excess of appropriated amounts by the Council on Postsecondary Education shall be subject to KRS 48.630.

(2) **Cancer Research and Screening:** Included in the above General Fund (Tobacco) appropriation is \$5,843,200 in fiscal year 2024-2025 and \$6,250,000 in fiscal year 2025-2026 for cancer research and screening. The appropriation in each fiscal year shall be equally shared between the University of Kentucky and the University of Louisville. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) **Southern Regional Education Board Dues:** Included in the above General Fund appropriation is \$224,800 in each fiscal year for Southern Regional Education Board dues. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **Doctoral Scholars:** Included in the above General Fund appropriation is \$50,000 in each fiscal year for the Southern Regional Education Board Doctoral Scholars Program. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(5) **Ovarian Cancer Screening:** Included in the above General Fund appropriation is \$1,000,000 in each fiscal year for the Ovarian Cancer Screening Outreach Program at the University of Kentucky. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(6) **Redistribution of Resources:** Notwithstanding KRS 164.028 to 164.0282, no General Fund is provided for Professional Education Preparation.

(7) **Postsecondary Education Debt:** Notwithstanding KRS 45.750 to 45.810, in order to lower the cost of borrowing, any university that has issued or caused to be issued debt obligations through a not-for-profit corporation or a municipality or county government for which the rental or use payments of the university substantially meet the debt service requirements of those debt obligations is authorized to refinance those debt obligations if the principal amount of the debt obligations is not increased and the rental payments of the university are not increased. Any funds used by a university to meet debt obligations issued by a university pursuant to this subsection shall be subject to interception of state-appropriated funds pursuant to KRS 164A.608.

(8) Disposition of Postsecondary Institution Property: Notwithstanding KRS 45.777, a postsecondary institution's governing board may elect to sell or dispose of real property or major items of equipment and proceeds from the sale shall be designated to the funding sources, on a proportionate basis, used for acquisition of the equipment or property to be sold.

(9) Spinal Cord and Head Injury Research: Included in the above General Fund appropriation is \$2,000,000 in each fiscal year for spinal cord and head injury research. In accordance with KRS 211.500 to 211.504, the appropriation in each fiscal year shall be shared between the University of Kentucky and the University of Louisville. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(10) Kentucky State University Oversight: Included in the above General Fund appropriation is \$750,000 in fiscal year 2024-2025 for the administrative oversight of Kentucky State University's financial stability. Notwithstanding KRS 45.229, these funds shall not lapse and shall carry forward. The Council on Postsecondary Education shall submit a report to the Interim Joint Committee on Appropriations and Revenue detailing a timeline for the conclusion of their oversight of Kentucky State University by November 1, 2024.

(11) Kentucky Healthcare Workforce Investment Fund: Included in the above General Fund appropriation is \$7,000,000 in fiscal year 2024-2025 and \$3,000,000 in fiscal year 2025-2026 for the Kentucky Healthcare Workforce Investment Fund. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(12) Postbaccalaureate Initiatives: Included in the above General Fund appropriation is \$2,000,000 in fiscal year 2023-2024 to contract with an outside entity to conduct a study on the postbaccalaureate initiatives of each of the comprehensive universities. The study shall be prioritized according to 2024 Regular Session SJR 170. Notwithstanding KRS 45.229, these funds shall not lapse and shall carry forward to fiscal year 2024-2025. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(13) Immunity for Postsecondary Institutions: Notwithstanding any statute to the contrary, a public postsecondary institution, including any affiliated corporation, its officers, employees, and agents, shall be immune from all claims, including class action claims for damages, a declaratory judgment, and equitable relief based on an act or omission if:

(a) The claim arises out of or in connection with tuition paid to the public postsecondary institution for an academic term that included the months of March, April, and May 2020;

(b) The claim alleges losses or damages arising from an act or omission by the public postsecondary institution during or in response to the COVID-19 emergency;

(c) The alleged act or omission of the public postsecondary institution was related to protecting public health and safety interests in response to the COVID-19 emergency in compliance with federal, state, or local guidance, including but not limited to:

1. Transition to online or otherwise remote instruction;
2. Pause or modification to instruction available through the institution of higher education;
3. Closure of, or modification to, operation of on-campus facilities of the public postsecondary institution;

or

4. The public postsecondary institution offered online and otherwise remote learning options that allowed students to complete the coursework in the academic term that included the months of March, April, and May 2020 and receive academic credit.

(14) Simmons College: Included in the above Federal Funds appropriation is \$1,280,200 in fiscal year 2023-2024 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 to support the Teacher Education Initiative and public health initiatives.

2. KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

	2024-25	2025-26
General Fund	369,805,400	393,373,800
Restricted Funds	130,922,600	118,686,100
Federal Funds	86,000	86,000

TOTAL	500,814,000	512,145,900
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(1) **College Access Program:** Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is \$163,809,100 in fiscal year 2024-2025 and \$179,344,800 in fiscal year 2025-2026 for the College Access Program. Included in the above Restricted Funds appropriation is \$79,319,500 in fiscal year 2024-2025 and \$69,612,500 in fiscal year 2025-2026 from previous fiscal years' excess Lottery funds held in a trust and agency account. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) **Kentucky Tuition Grant Program:** Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is \$45,975,000 in each fiscal year for the Kentucky Tuition Grant Program. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) **Kentucky National Guard Tuition Award Program:** Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is \$7,398,100 in each fiscal year for the National Guard Tuition Award Program. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **Kentucky Educational Excellence Scholarships (KEES):** Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is \$86,771,500 in fiscal year 2024-2025 and \$90,556,600 in fiscal year 2025-2026 for the Kentucky Educational Excellence Scholarships (KEES). Included in the above Restricted Funds appropriation is \$27,796,300 in fiscal year 2024-2025 and \$25,151,800 in fiscal year 2025-2026 for KEES. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(5) **Work Ready Kentucky Scholarship Program:** Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is \$20,000,000 in each fiscal year for the Work Ready Kentucky Scholarship Program. Notwithstanding KRS 164.787, the dual credit component of the Work Ready Kentucky Scholarship Program for high school students shall be funded and administered through the Dual Credit Scholarship Program. It is the intent of the General Assembly for Work Ready Kentucky Scholarships to only be awarded to recipients that complete eligible courses. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(6) **Dual Credit Scholarship Program:** (a) Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is \$13,150,000 in each fiscal year for the Dual Credit Scholarship Program. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(b) Notwithstanding KRS 164.786(1)(f) and 164.787(2)(d), the dual credit tuition rate ceiling shall be one-half of the per credit hour tuition amount charged by the Kentucky Community and Technical College System for in-state students. Notwithstanding KRS 164.786(4)(c), eligible high school students may receive a dual credit scholarship for two career and technical education dual credit courses per academic year and four general education dual credit courses over the junior and senior years, up to a maximum of 12 approved dual credit courses.

(7) **Veterinary Medicine Contract Spaces:** Included in the above General Fund appropriation is \$5,659,000 in fiscal year 2024-2025 and \$5,800,400 in fiscal year 2025-2026 to fund 164 veterinary slots. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(8) **Optometry Scholarship Program:** Included in the above General Fund appropriation is \$848,400 in each fiscal year for the Optometry Scholarship Program. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(9) **Use of Lottery Revenues:** Notwithstanding KRS 154A.130(3) and (4), lottery revenues in the amount of \$344,103,700 in fiscal year 2024-2025 and \$363,424,500 in fiscal year 2025-2026 are appropriated to the Kentucky Higher Education Assistance Authority. Notwithstanding KRS 154A.130(4) and any provisions of this Act to the contrary, if lottery receipts received by the Commonwealth, excluding any unclaimed prize money received under Part III, 20. of this Act, exceed \$340,574,700 in fiscal year 2023-2024, \$350,679,200 in fiscal year 2024-2025, or \$370,000,000 in fiscal year 2025-2026, the additional excess shall be transferred to a trust and agency account and shall not be expended or appropriated without the express authority of the General Assembly.

(10) **Redistribution of Resources:** Notwithstanding KRS 164.740 to 164.764, 164.7890(11)(c), 164.7891(11)(b), and 164.7894, no General Fund is provided for Work Study, Coal County Pharmacy Scholarships, Osteopathic Medicine Scholarships, and Coal County College Completion Scholarships in order to provide additional funding to the College Access Program and Kentucky Tuition Grant Program.

(11) **Teacher Scholarship Program:** Notwithstanding KRS 154A.130(4), included in the above appropriation is \$2,000,000 in General Fund in each fiscal year and \$300,000 in Restricted Funds in each fiscal year for the Teacher Scholarship Program. The Kentucky Higher Education Assistance Authority, in coordination with the Council on Postsecondary Education, shall submit a report on the number of teacher scholarships provided in each fiscal year, the program of study in which recipients are enrolled, recipient retention rates, total number of

applications, and the impact of the scholarships on recruitment. This report shall be submitted to the Interim Joint Committee on Education by September 1 of each fiscal year. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(12) General Administration and Support: Included in the above General Fund appropriation is \$6,000,000 in each fiscal year to support general administration and support services. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(13) John R. Justice Grant Program: Included in the above Federal Funds appropriation is \$86,000 in each fiscal year for the John R. Justice Grant Program. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(14) Student Teacher Stipend Program: Included in the above General Fund appropriation is \$7,300,000 in each fiscal year to assist postsecondary students who are enrolled in a teacher preparatory program complete their student teaching requirement by offering a stipend program administered by the Kentucky Higher Education Assistance Authority and providing a \$5,000 stipend for each student completing this graduation and certification requirement. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(15) Teacher Recruitment Student Loan Forgiveness Pilot Program: Included in the above General Fund appropriation is \$4,800,000 in fiscal year 2024-2025 and \$10,000,000 in fiscal year 2025-2026 to assist teachers with student debt by providing a loan forgiveness program administered by the Kentucky Higher Education Assistance Authority to qualifying candidates. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(16) Innovative Scholarship Pilot Project: Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is \$5,000,000 in each fiscal year for the Innovative Scholarship pilot project. The Kentucky Higher Education Assistance Authority shall work in coordination with the Council on Postsecondary Education to develop and implement the Innovative Scholarship pilot project. Notwithstanding KRS 45.229, any portion of funds that have not been expended by the end of fiscal year 2024-2025 shall not lapse and shall carry forward into fiscal year 2025-2026. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(17) KEES Merit Scholarships: It is the intent of the General Assembly for Kentucky Higher Education Assistance Authority to conduct an evaluation and examine the effectiveness of the distribution of KEES merit scholarships based off a recipient's high school grade point average.

(18) Kentucky Rural Veterinarian Loan Repayment Program: Included in the above General Fund appropriation is \$1,093,800 in fiscal year 2024-2025 for the Kentucky Rural Veterinarian Loan Repayment Program. Notwithstanding KRS 45.229, these funds shall not lapse and shall carry forward. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

3. EASTERN KENTUCKY UNIVERSITY

	2024-25	2025-26
General Fund	81,067,200	84,645,700
Restricted Funds	216,509,400	216,509,400
Federal Funds	135,500,000	135,500,000
TOTAL	433,076,600	436,655,100

(1) Mandated Programs: Included in the above General Fund appropriation are the following:

(a) \$4,571,900 in each fiscal year for the Model Laboratory School;

(b) Notwithstanding KRS 61.5991(6)(b)1.a. and b., \$6,236,800 in fiscal year 2024-2025 and \$5,345,800 in fiscal year 2025-2026 to support the university's share of the anticipated retirement costs over the university's fiscal year 2019-2020 baseline contribution as adjusted and posted under the 2024 Budget Bills tile on the Legislative Research Commission's website; and

(c) \$3,125,500 in each fiscal year to cover the increase in the state's Fire and Tornado Fund Insurance Premium.

Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) **Debt Service:** Included in the above General Fund appropriation is \$3,424,500 in fiscal year 2024-2025 and \$7,894,000 in fiscal year 2025-2026 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(3) **Advancement of Childhood Education:** Eastern Kentucky University and the Model Laboratory School shall collaborate on advancing childhood education in the Commonwealth.

(4) **University Inflation Adjustment:** Included in the above General Fund appropriation is \$2,866,200 in each fiscal year to offset inflationary increases in expenses. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

4. KENTUCKY STATE UNIVERSITY

	2023-24	2024-25	2025-26
General Fund	2,107,500	32,650,900	35,272,400
Restricted Funds	-0-	39,641,500	52,519,700
Federal Funds	-0-	22,323,600	20,163,200
TOTAL	2,107,500	94,616,000	107,955,300

(1) **Mandated Programs:** Included in the above General Fund appropriation are the following:

(a) \$2,107,500 in fiscal year 2023-2024 and \$10,381,000 in each fiscal year of the 2024-2026 biennium to fund the state match payments required of land-grant universities under federal law;

(b) \$822,000 in each fiscal year to cover the increase in the state's Fire and Tornado Fund Insurance Premium; and

(c) \$895,000 in each fiscal year as a one-time allocation for litigation support, with the provision that no funds shall be used for settlements.

Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) **Debt Service:** Included in the above General Fund appropriation is \$1,209,000 in fiscal year 2024-2025 and \$3,830,500 in fiscal year 2025-2026 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(3) **University Inflation Adjustment:** Included in the above General Fund appropriation is \$1,108,400 in each fiscal year to offset inflationary increases in expenses. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **Design Health Sciences Center:** The project authorization set out in Part II, Capital Projects Budget, of this Act shall be contingent on approval by the General Assembly.

5. MOREHEAD STATE UNIVERSITY

	2024-25	2025-26
General Fund	51,396,200	56,354,900
Restricted Funds	110,360,300	115,189,000
Federal Funds	43,707,700	43,707,700
TOTAL	205,464,200	215,251,600

(1) **Mandated Programs:** Included in the above General Fund appropriation are the following:

(a) \$5,134,700 in fiscal year 2024-2025 and \$5,442,700 in fiscal year 2025-2026 for the Craft Academy for Excellence in Science and Mathematics;

(b) Notwithstanding KRS 61.5991(6)(b)1.a. and b., \$3,439,100 in fiscal year 2024-2025 and \$2,947,800 in fiscal year 2025-2026 to support the university's share of the anticipated retirement costs over the university's fiscal

year 2019-2020 baseline contribution as adjusted and posted under the 2024 Budget Bills tile on the Legislative Research Commission's website; and

(c) \$1,775,000 in each fiscal year to cover the increase in the state's Fire and Tornado Fund Insurance Premium.

Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) **Debt Service:** Included in the above General Fund appropriation is \$4,382,000 in fiscal year 2024-2025 and \$9,524,000 in fiscal year 2025-2026 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(3) **University Inflation Adjustment:** Included in the above General Fund appropriation is \$1,733,900 in each fiscal year to offset inflationary increases in expenses. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

6. MURRAY STATE UNIVERSITY

	2024-25	2025-26
General Fund	52,804,800	56,218,800
Restricted Funds	114,723,600	114,723,600
Federal Funds	34,812,400	34,812,400
TOTAL	202,340,800	205,754,800

(1) **Mandated Programs:** Included in the above General Fund appropriation are the following:

(a) \$4,034,200 in each fiscal year for the Breathitt Veterinary Center;

(b) Notwithstanding KRS 61.5991(6)(b)1.a. and b., \$1,800,000 in each fiscal year to support the university's share of the anticipated retirement costs over the university's fiscal year 2019-2020 baseline contribution as adjusted and posted under the 2024 Budget Bills tile on the Legislative Research Commission's website; and

(c) \$2,069,600 in each fiscal year to cover the increase in the state's Fire and Tornado Fund Insurance Premium.

Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) **Debt Service:** Included in the above General Fund appropriation is \$2,472,500 in fiscal year 2024-2025 and \$5,886,500 in fiscal year 2025-2026 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(3) **University Inflation Adjustment:** Included in the above General Fund appropriation is \$1,874,700 in each fiscal year to offset inflationary increases in expenses. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

7. NORTHERN KENTUCKY UNIVERSITY

	2024-25	2025-26
General Fund	60,649,400	65,990,400
Restricted Funds	214,312,200	214,312,200
Federal Funds	14,029,500	14,029,500
TOTAL	288,991,100	294,332,100

(1) **Mandated Programs:** Included in the above General Fund appropriation are the following:

(a) \$1,323,900 in each fiscal year for the Kentucky Center for Mathematics; and

(b) \$1,902,000 in each fiscal year to cover the increase in the state's Fire and Tornado Fund Insurance Premium.

Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) **Debt Service:** Included in the above General Fund appropriation is \$4,410,000 in fiscal year 2024-2025 and \$9,751,000 in fiscal year 2025-2026 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(3) **University Inflation Adjustment:** Included in the above General Fund appropriation is \$2,089,900 in each fiscal year to offset inflationary increases in expenses. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

8. UNIVERSITY OF KENTUCKY

	2024-25	2025-26
General Fund	308,359,100	321,374,600
Restricted Funds	6,605,603,100	7,243,898,900
Federal Funds	445,827,900	485,335,200
TOTAL	7,359,790,100	8,050,608,700

(1) **Mandated Programs:** Included in the above General Fund appropriation are the following:

(a) \$35,420,800 in each fiscal year for the College of Agriculture, Food and Environment’s Cooperative Extension Service. Of this amount, \$4,145,500 in each fiscal year is provided to support extension agent compensation;

(b) \$31,434,100 in each fiscal year for the Kentucky Agricultural Experiment Station;

(c) \$10,176,200 in each fiscal year for the Center for Applied Energy Research;

(d) \$4,076,300 in each fiscal year for the Kentucky Geological Survey;

(e) \$4,034,200 in each fiscal year for the Veterinary Diagnostic Laboratory;

(f) \$2,040,500 in each fiscal year for the Sanders-Brown Center on Aging;

(g) \$1,800,000 in each fiscal year for the College of Agriculture, Food and Environment’s Division of Regulatory Services;

(h) \$600,000 in each fiscal year for the College of Agriculture, Food and Environment’s Kentucky Small Business Development Center;

(i) \$586,300 in each fiscal year for the University Press of Kentucky;

(j) Notwithstanding KRS 154A.130(4), \$500,000 in each fiscal year for the Human Development Institute for the Supported Higher Education Project;

(k) \$450,200 in each fiscal year for the Center of Excellence in Rural Health;

(l) \$950,200 in each fiscal year for the Kentucky Cancer Registry;

(m) \$100,000 in each fiscal year for the Sports Medicine Research Institute; and

(n) \$9,944,600 in each fiscal year to cover the increase in the state's Fire and Tornado Fund Insurance Premium.

Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) **Debt Service:** Included in the above General Fund appropriation is \$10,530,500 in fiscal year 2024-2025 and \$23,546,000 in fiscal year 2025-2026 to provide new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(3) **University Inflation Adjustment:** Included in the above General Fund appropriation is \$11,053,200 in each fiscal year to offset inflationary increases in expenses. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

9. UNIVERSITY OF LOUISVILLE

	2024-25	2025-26
General Fund	150,882,700	162,326,200
Restricted Funds	1,360,861,900	1,407,019,000
Federal Funds	209,406,600	217,100,400
TOTAL	1,721,151,200	1,786,445,600

(1) Mandated Programs: Included in the above General Fund appropriation are the following:

- (a) \$695,200 in each fiscal year for the Rural Health Education Program;
- (b) \$150,000 in each fiscal year for the Kentucky Autism Training Center;
- (c) \$100,000 in each fiscal year for the School of Dentistry to provide dental care to patients with dental issues related to drug use;
- (d) \$450,000 in fiscal year 2024-2025 and \$150,000 in fiscal year 2025-2026 for the Mid-South REACH Grant; and
- (e) \$4,826,600 in each fiscal year to cover the increase in the state's Fire and Tornado Fund Insurance Premium.

Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) Debt Service: Included in the above General Fund appropriation is \$11,851,000 in fiscal year 2024-2025 and \$25,094,500 in fiscal year 2025-2026 to provide new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(3) University Inflation Adjustment: Included in the above General Fund appropriation is \$5,098,300 in each fiscal year to offset inflationary increases in expenses. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) Immigration Law Clinic: Included in the above General Fund appropriation is a one-time allocation of \$1,500,000 in fiscal year 2024-2025 for a five-year Immigration Law Clinic at the Louis D. Brandeis School of Law. No funds shall be utilized to provide legal services to individuals deemed to be residing in the country illegally. The University of Louisville shall submit an annual report on the utilization of services beginning August 1, 2025. Notwithstanding KRS 45.229, these funds shall not lapse and shall carry forward.

10. WESTERN KENTUCKY UNIVERSITY

	2024-25	2025-26
General Fund	91,070,600	100,119,600
Restricted Funds	277,036,900	280,443,800
Federal Funds	31,144,000	31,144,000
TOTAL	399,251,500	411,707,400

(1) Mandated Programs: Included in the above General Fund appropriation are the following:

- (a) \$5,134,700 in fiscal year 2024-2025 and \$5,442,700 in fiscal year 2025-2026 for the Gatton Academy of Mathematics and Science in Kentucky;
- (b) \$1,750,000 in each fiscal year for the Kentucky Mesonet;
- (c) Notwithstanding KRS 61.5991(6)(b)1.a. and b., \$1,522,200 in each fiscal year to support the university's share of the anticipated retirement costs over the university's fiscal year 2019-2020 baseline contribution as adjusted and posted under the 2024 Budget Bills tile on the Legislative Research Commission's website; and
- (d) \$2,180,800 in each fiscal year to cover the increase in the state's Fire and Tornado Fund Insurance Premium.

Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) **Debt Service:** Included in the above General Fund appropriation is \$7,589,000 in fiscal year 2024-2025 and \$16,330,000 in fiscal year 2025-2026 to provide new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(3) **LifeWorks at WKU:** Included in the above General Fund appropriation is a one-time allocation of \$2,200,000 in each fiscal year for the LifeWorks at WKU Program. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **University Inflation Adjustment:** Included in the above General Fund appropriation is \$3,074,900 in each fiscal year to offset inflationary increases in expenses. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(5) **Reimbursement of Design Expenditures:** Notwithstanding any statute to the contrary, the Office of State Budget Director shall release funds from monies authorized in 2022 Ky. Acts ch. 199, Part II, I., 11., 002. to reimburse Western Kentucky University for all expenses incurred prior to July 1, 2023, associated with the design of the Gordon Ford College of Business building.

11. KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM

	2024-25	2025-26
General Fund	187,556,400	196,810,900
Restricted Funds	578,815,300	584,717,900
Federal Funds	294,770,800	294,770,700
TOTAL	1,061,142,500	1,076,299,500

- (1) **Mandated Programs:** Included in the above General Fund appropriation are the following:
- (a) \$4,149,800 in each fiscal year for KCTCS-TRAINS;
 - (b) \$1,869,900 in each fiscal year for the Kentucky Fire Commission;
 - (c) \$1,000,000 in each fiscal year for Adult Agriculture Education; and
 - (d) \$4,637,500 in each fiscal year to cover the increase in the state's Fire and Tornado Fund Insurance Premium; and
 - (e) \$1,000,000 in fiscal year 2025-2026 as a one-time allocation for a forensic audit.
- Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) **Firefighters Foundation Program Fund:** (a) Included in the above Restricted Funds appropriation is \$59,101,700 in fiscal year 2024-2025 and \$59,972,100 in fiscal year 2025-2026 for the Firefighters Foundation Program Fund.

(b) Notwithstanding KRS 95A.250(1)(a), included in the above Restricted Funds appropriation are sufficient funds for an incentive payment of \$4,429 in fiscal year 2024-2025 and \$4,562 in fiscal year 2025-2026, plus an amount equal to the required employer’s contribution on the supplement in each fiscal year for each qualified professional firefighter under the Firefighters Foundation Program Fund. KRS 95A.250(1)(b) to (e) shall remain applicable, except that the administrative expense reimbursement cap under KRS 95A.250(1)(e)(3) shall not exceed \$500,000.

(c) Notwithstanding KRS 95A.262(2), included in the above Restricted Funds appropriation is \$15,000 in each fiscal year for aid payments for each qualified volunteer fire department.

(d) Notwithstanding KRS 95A.200 to 95A.300, \$16,800,000 in fiscal year 2024-2025 shall be transferred to support projects as set forth in Part II, Capital Projects Budget, of this Act.

(3) **Firefighters Training Center Fund:** Notwithstanding KRS 95A.262(3), \$1,000,000 in Restricted Funds is provided in each fiscal year for the Firefighters Training Center Fund.

(4) **Guaranteed Energy Savings Performance Contracts:** Notwithstanding KRS 56.770 and 56.774, guaranteed energy savings performance contracts may be executed for buildings operated by the Kentucky Community and Technical College System under agreements governed by KRS 164.593.

(5) **Debt Service:** Included in the above General Fund appropriation is \$3,202,500 in fiscal year 2024-2025 and \$11,457,000 in fiscal year 2025-2026 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(6) **Community and Technical College Inflation Adjustment:** Included in the above General Fund appropriation is \$6,935,100 in each fiscal year to offset inflationary increases in expenses. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(7) **Commonwealth West Healthcare Workforce Innovation Center - Carry Forward of Appropriation Balance:** Notwithstanding KRS 45.229, the Federal Fund appropriation balance from 2022 Ky. Acts ch. 199, Part I, J., 11., (6) shall not lapse and shall carry forward.

(8) **Efficient Operations and Innovation Plan:** The General Assembly recognizes the need to improve and advance the existing Kentucky Community and Technical College System. To address this need, the project authorization set out in Part II, Capital Projects Budget, of this Act is contingent on the Kentucky Community and Technical College System, in collaboration with the Council on Postsecondary Education, submitting a proposal for approval by the General Assembly that analyzes the Huron Group’s recommendations. The proposal shall include action steps on the following topics:

- (a) Academic programming and training offering, including the quality of credentials and program relevancy;
- (b) A comprehensive statewide KCTCS workforce plan which may include financial and academic supports, comprehensive career counseling, and experiential learning elements;
- (c) The KCTCS geographic footprint, including but not limited to the need for mergers and consolidations;
- (d) Single system accreditation versus individual college accreditation;
- (e) Governance reform, including the KCTCS Board of Regents and the 16 college board of directors;
- (f) The KCTCS funding model and its adequacy, including state appropriations, existing performance funding, the funding of the system office, and modern outcome-based funding structures;
- (g) Tuition rates, with a commitment to ensuring affordability and return on investment;
- (h) The personnel system for KCTCS employees;
- (i) Effectiveness and affordability of dual credit course offerings;
- (j) Transferability of associate’s degrees to four-year institutions; and
- (k) Outdated or conflicting statutory language.

The Kentucky Community and Technical College System, in collaboration with the Council on Postsecondary Education, shall develop the proposal and submit it to the Legislative Research Commission by December 1, 2024.

(9) **Disposition of KCTCS Property:** Notwithstanding KRS 45.777, the KCTCS governing board may elect to sell or dispose of real property or major equipment and proceeds that are surplus to its needs and retain the proceeds of any sale.

12. POSTSECONDARY EDUCATION PERFORMANCE FUND

	2024-25	2025-26	
General Fund	105,000,000	115,000,000	
TOTAL - POSTSECONDARY EDUCATION			
	2023-24	2024-25	2025-26
General Fund (Tobacco)	-0-	5,843,200	6,250,000
General Fund	4,107,500	1,513,695,600	1,605,407,800
Restricted Funds	-0-	9,653,694,200	10,352,839,700
Federal Funds	1,280,200	1,240,551,400	1,278,157,000
TOTAL	5,387,700	12,413,784,400	13,242,654,500

K. PUBLIC PROTECTION CABINET**Budget Units****1. SECRETARY**

	2024-25	2025-26
Restricted Funds	13,228,900	12,344,700
Federal Funds	1,900	1,900
TOTAL	13,230,800	12,346,600

(1) **Additional Personnel:** Included in the above Restricted Funds appropriation is \$1,612,500 in fiscal year 2024-2025 and \$1,613,500 in fiscal year 2025-2026 to support additional personnel. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

2. PROFESSIONAL LICENSING

	2024-25	2025-26
Restricted Funds	5,449,500	5,561,900
Federal Funds	204,700	204,700
TOTAL	5,654,200	5,766,600

3. BOXING AND WRESTLING AUTHORITY

	2024-25	2025-26
Restricted Funds	241,500	247,100

(1) **Increase Part-Time Hours:** Included in the above Restricted Funds appropriation is \$40,000 in each fiscal year to support an increase in hours for part-time employees. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

4. ALCOHOLIC BEVERAGE CONTROL

	2024-25	2025-26
Restricted Funds	6,963,200	7,149,600
Federal Funds	1,011,400	1,014,700
TOTAL	7,974,600	8,164,300

(1) **Training Incentive Payments:** Notwithstanding KRS 15.460(1), included in the above Restricted Funds appropriation is \$4,429 in fiscal year 2024-2025 and \$4,562 in fiscal year 2025-2026 for each participant for training incentive payments.

(2) **Special Temporary Nonprofit License:** (a) Notwithstanding any provisions of KRS Chapters 241 to 244, or regulations promulgated thereunder to the contrary, a special temporary nonprofit license shall be issued to a nonprofit organization for its use at a national conference.

(b) A special temporary nonprofit license shall authorize the holder and its employees or agents to purchase, transport, receive, possess, store, sell, donate, deliver, and serve alcoholic beverages, including wine, malt beverages, and distilled spirits, to be sold by the package or the drink, or to be served free of charge by the drink, in-person to attendees of national conferences, by auction, or by raffle, or sold or served free of charge by the drink to attendees of national conferences, and to receive alcoholic beverages from distillers, rectifiers, wineries, small farm wineries, brewers, microbreweries, wholesalers, distributors, retailers, or any other person, by gift or donation, for its use at a national conferences.

(c) The location at which the alcoholic beverages are auctioned, sold, raffled, served, or consumed under the provisions of this subsection shall not constitute a public place for the purposes of KRS Chapter 222. Nonprofit events, including national conferences, may be conducted on licensed or unlicensed premises.

(d) A special temporary nonprofit license shall not be issued for any period longer than thirty days.

(e) Notwithstanding any other provision of KRS Chapters 241 to 244, a distiller, rectifier, winery, small farm winery, brewer, microbrewery, wholesaler, distributor, or retailer may donate, give away, or deliver any of its products to a nonprofit organization possessing a special temporary nonprofit license.

(f) Nothing herein shall prohibit the employees of a nonprofit organization that holds a special temporary nonprofit license from serving or selling wine, malt beverages, and distilled spirits by the drink to attendees of national conferences.

(g) Nothing herein shall prohibit the employees of retail drink licensees, including but not limited to NQ1, NQ2, NQ3, and licensed caterers from serving or selling wine, malt beverages, and distilled spirits by the drink at a national conference on the account of or on behalf of a nonprofit organization that holds a special temporary nonprofit license.

5. CHARITABLE GAMING

	2024-25	2025-26
Restricted Funds	4,264,300	4,380,000

(1) **Training Incentive Payments:** Notwithstanding KRS 15.460(1), included in the above Restricted Funds appropriation is \$4,429 in fiscal year 2024-2025 and \$4,562 in fiscal year 2025-2026 for each participant for training incentive payments.

6. FINANCIAL INSTITUTIONS

	2024-25	2025-26
Restricted Funds	18,310,600	18,675,300

(1) **Additional Personnel:** Included in the above Restricted Funds appropriation is \$2,600,000 in each fiscal year to support additional personnel and salary increases equivalent to the salaries paid by the Federal Deposit Insurance Corporation, Securities and Exchange Commission, and other federal supervisory agencies of similar jurisdiction. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

7. HORSE RACING COMMISSION

	2024-25	2025-26
General Fund	3,666,500	3,771,200
Restricted Funds	116,451,000	116,575,300
TOTAL	120,117,500	120,346,500

(1) **Kentucky Thoroughbred Development Fund Supplemental Purse:** Included in the above Restricted Funds appropriation is \$45,000,000 in each fiscal year to support the Kentucky Thoroughbred Development Fund supplemental purse money. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) **Kentucky Standardbred Development Fund Supplemental Purse:** Included in the above Restricted Funds appropriation is \$20,000,000 in each fiscal year to support the Kentucky Standardbred Development Fund supplemental purse money. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

8. HOUSING, BUILDINGS AND CONSTRUCTION

	2024-25	2025-26
General Fund	3,085,400	3,178,000
Restricted Funds	25,455,200	26,040,300
TOTAL	28,540,600	29,218,300

(1) **School Building Plan Reviews and Inspections:** Notwithstanding KRS 198B.060, local governments may have jurisdiction for plan review, inspection, and enforcement responsibilities over buildings intended for educational purposes, other than licensed day-care centers, at the discretion of the local school districts.

(2) **Industrial or Business Project Plan Reviews and Inspections:** Notwithstanding KRS 198B.060, permit applicants may request local or state governments to perform plan review, inspection, and enforcement responsibilities related to industrial or business projects.

(3) Inspectors and Reviewers Reporting Requirement: The Department of Housing, Buildings and Construction shall submit a report to the Legislative Research Commission, Office of Budget Review, by December 1 of each fiscal year detailing the number of full-time inspectors and reviewers, in addition to the number of completed inspections and plan reviews.

(4) Replacement Vehicles: Included in the above Restricted Funds appropriation is \$420,000 in each fiscal year to replace inspector vehicles. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(5) Uniforms: Included in the above Restricted Funds appropriation is \$80,000 in each fiscal year to support the purchase of uniforms and gear for field inspection staff. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(6) Plumbing Code Books: Included in the above Restricted Funds appropriation is \$16,000 in fiscal year 2024-2025 to support printing updated booklets of the Kentucky State Plumbing Law, Regulations, and Code. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(7) Building Codes Enforcement Updates: Included in the above Restricted Funds appropriation is \$130,000 in fiscal year 2024-2025 and \$290,000 in fiscal year 2025-2026 to support the purchase of updated equipment and additional operating expenses. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(8) Additional Plumbing Personnel: Included in the above Restricted Funds appropriation is \$663,700 in fiscal year 2024-2025 and \$548,700 in fiscal year 2025-2026 to support additional personnel and vehicles. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(9) Additional HVAC Personnel: Included in the above Restricted Funds appropriation is \$152,300 in fiscal year 2024-2025 and \$113,300 in fiscal year 2025-2026 to support additional personnel and vehicles. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

9. INSURANCE

	2024-25	2025-26
Restricted Funds	17,845,800	18,060,300

(1) Training Incentive Payments: Notwithstanding KRS 15.460(1), included in the above Restricted Funds appropriation is \$4,429 in fiscal year 2024-2025 and \$4,562 in fiscal year 2025-2026 for each participant for training incentive payments.

(2) National Association of Insurance Commissioners Database: Included in the above Restricted Funds appropriation is \$100,000 in fiscal year 2024-2025 to support the update and revision of the technology database to comply with proposed changes. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) Additional Insurance Personnel: Included in the above Restricted Funds appropriation is \$300,000 in each fiscal year to support additional personnel. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) Additional Health and Life and Managed Care Personnel: Included in the above Restricted Funds appropriation is \$312,500 in fiscal year 2024-2025 and \$313,500 in fiscal year 2025-2026 to support additional personnel. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(5) Additional Financial Standards and Examination Personnel: Included in the above Restricted Funds appropriation is \$242,800 in fiscal year 2024-2025 and \$243,800 in fiscal year 2025-2026 to support additional personnel. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

10. CLAIMS AND APPEALS

	2023-24	2024-25	2025-26
General Fund	1,000,000	2,215,700	2,246,800
Restricted Funds	-0-	1,317,200	1,317,300
Federal Funds	-0-	768,100	769,100
TOTAL	1,000,000	4,301,000	4,333,200

(1) Crime Victims' Compensation Fund: Included in the above General Fund appropriation is \$1,000,000 in fiscal years 2023-2024, 2024-2025, and 2025-2026 to support the Crime Victims' Compensation Fund.

Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) **Additional Personnel:** Included in the above Federal Funds appropriation is \$104,100 in fiscal year 2024-2025 and \$105,100 in fiscal year 2025-2026 to support additional personnel. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

TOTAL - PUBLIC PROTECTION CABINET

	2023-24	2024-25	2025-26
General Fund	1,000,000	8,967,600	9,196,000
Restricted Funds	-0-	209,527,200	210,351,800
Federal Funds	-0-	1,986,100	1,990,400
TOTAL	1,000,000	220,480,900	221,538,200

L. TOURISM, ARTS AND HERITAGE CABINET

Budget Units

1. SECRETARY

	2024-25	2025-26
General Fund	3,830,500	3,908,000
Restricted Funds	22,750,000	25,250,000
TOTAL	26,580,500	29,158,000

(1) **Kentucky Center for African American Heritage:** Included in the above General Fund appropriation is \$500,000 in each fiscal year for the Kentucky Center for African American Heritage. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) **Kentucky Mountain Regional Recreation Authority:** Restricted Funds in the amount of \$1,750,000 in fiscal year 2024-2025 and \$1,250,000 in fiscal year 2025-2026 shall be transferred to the Department for Local Government from taxes collected pursuant to KRS 142.400(2) to support the Kentucky Mountain Regional Recreation Authority. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) **Tourism Marketing:** Included in the above Restricted Funds appropriation is an additional \$3,000,000 in fiscal year 2024-2025 and \$7,000,000 in fiscal year 2025-2026 for tourism marketing. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **National Quilt Museum:** Included in the above Restricted Funds appropriation is \$500,000 in fiscal year 2024-2025 to support a new temporary structure for the National Quilt Museum. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(5) **Southern Kentucky Tourism Initiative:** Included in the above Restricted Funds appropriation is \$500,000 in fiscal year 2024-2025 to support the Southeast Kentucky Chamber of Commerce for the Southern Kentucky Tourism Initiative. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

2. ARTISANS CENTER

	2024-25	2025-26
General Fund	1,239,200	1,286,100
Restricted Funds	1,641,900	1,648,400
TOTAL	2,881,100	2,934,500

3. TOURISM

	2024-25	2025-26
General Fund	3,624,900	3,709,400
Restricted Funds	22,700	22,700

TOTAL	3,647,600	3,732,100
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(1) **Whitehaven Welcome Center:** Included in the above General Fund appropriation is \$130,000 in each fiscal year to support the Whitehaven Welcome Center. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

4. PARKS

	2024-25	2025-26
General Fund	65,406,600	72,386,300
Restricted Funds	52,651,900	52,699,500
TOTAL	118,058,500	125,085,800

(1) **Park Capital Maintenance and Renovation Fund:** Notwithstanding KRS 148.810, no transfer to the Park Capital Maintenance and Renovation Fund shall be made.

(2) **Debt Service:** Included in the above General Fund appropriation is \$2,159,500 in fiscal year 2024-2025 and \$7,236,500 in fiscal year 2025-2026 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(3) **Training Incentive Payments:** Notwithstanding KRS 15.460(1), included in the above Restricted Funds appropriation is \$4,429 in fiscal year 2024-2025 and \$4,562 in fiscal year 2025-2026 for each participant for training incentive payments.

(4) **Parks Capital Project Tracking Plan and Report:** The Department of Parks shall establish a project tracking plan and prepare a report on capital projects authorized in Part II, Capital Projects Budget, of this Act, including but not limited to the projects funded, the current status of each project and projected completion date, the amount expended on each project, and filled positions associated to the projects. The Department of Parks shall submit this report on a quarterly basis beginning August 1, 2024, to the Interim Joint Budget Review Subcommittee on Economic Development, Tourism, and Environmental Protection.

5. HORSE PARK COMMISSION

	2024-25	2025-26
General Fund	2,389,100	2,572,700
Restricted Funds	12,729,500	12,906,600
Federal Funds	89,900	-0-
TOTAL	15,208,500	15,479,300

(1) **Debt Service:** Included in the above General Fund appropriation is \$63,000 in fiscal year 2024-2025 and \$189,000 in fiscal year 2025-2026 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(2) **Training Incentive Payments:** Notwithstanding KRS 15.460(1), included in the above Restricted Funds appropriation is \$4,429 in fiscal year 2024-2025 and \$4,562 in fiscal year 2025-2026 for each participant for training incentive payments.

(3) **Additional Operating:** Included in the above Restricted Funds appropriation is \$350,000 in each fiscal year to support increased operating costs. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

6. STATE FAIR BOARD

	2023-24	2024-25	2025-26
General Fund	-0-	10,055,500	24,562,200
Restricted Funds	1,900,000	56,076,200	56,293,700
TOTAL	1,900,000	66,131,700	80,855,900

(1) **Debt Service:** Included in the above General Fund appropriation is \$3,228,500 in fiscal year 2024-2025 and \$15,096,500 in fiscal year 2025-2026 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(2) **Kentucky Exposition Center Equipment Replacement:** Included in the above General Fund appropriation is \$2,050,000 in fiscal year 2025-2026 for the replacement of equipment at the Kentucky Exposition Center. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) **Kentucky Exposition Center Operations:** Included in the above Restricted Funds appropriation is \$1,700,000 in fiscal year 2023-2024, \$2,158,500 in fiscal year 2024-2025, and \$2,163,100 in fiscal year 2025-2026 to support increased operating costs at the Kentucky Exposition Center. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **Kentucky International Convention Center Operations:** Included in the above Restricted Funds appropriation is \$200,000 in fiscal year 2023-2024 and in each year of the 2024-2026 fiscal biennium to support increased operating costs at the Kentucky International Convention Center. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(5) **State Fair Board Property Improvements:** Notwithstanding any statute to the contrary, the State Fair Board shall offer a right of first refusal to Kentucky businesses with which the Board has existing relationships before offering partnership opportunities to other businesses to make improvements to hotel redevelopment. The Board shall recommend the participation of Kentucky-based businesses with which it has existing relationships and shall also recommend the participation of other Kentucky-based businesses offering solutions to accomplish the goal of improving hotel redevelopment. For the purposes of this subsection, "Kentucky-based business" means a business that has employees working in Kentucky and that operates a principle executive office in Kentucky from which those employees, other offices, and affiliated entities are directed and controlled.

(6) **Kentucky Exposition Center Redevelopment Plan - Phase II:** The General Assembly recognizes the need to secure the future of Kentucky State Fair Board properties. To address this need, the project authorization set out in Part II, Capital Projects Budget, of this Act is contingent on the State Fair Board's submission and approval by the General Assembly via joint resolution of a comprehensive statewide proposal regarding improvements to the properties. The proposal shall include the following:

(a) Recommendations for private and/or local government partnerships. In developing its proposal regarding private partnerships, the Board shall offer a right of first refusal to Kentucky-based businesses with which it has existing relationships and shall also recommend the participation of other Kentucky-based businesses offering solutions to accomplish the goal of improving Board properties. For the purposes of this paragraph, "Kentucky-based business" means a business that has employees working in Kentucky and that operates a principle executive office in Kentucky from which those employees, other offices, and affiliated entities are directed and controlled;

(b) Detailed financial information regarding return on investment resulting from partnerships; and

(c) A 50 percent match of the state contribution from private and/or local government partners.

The proposal may also include a plan of action regarding disposal of property to local governments. The State Fair Board shall develop the proposal and present it to the Interim Joint Committee on Appropriations and Revenue by December 1, 2024.

(7) **Public-Private Partnerships Sunset:** Notwithstanding KRS 45A.077(8), the utilization of the public-private partnership delivery method for State Fair Board projects of at least \$25,000,000 does not need to be explicitly authorized by the General Assembly.

7. FISH AND WILDLIFE RESOURCES

	2024-25	2025-26
Restricted Funds	68,557,900	69,671,300
Federal Funds	36,625,000	36,446,400
TOTAL	105,182,900	106,117,700

(1) **Fish and Wildlife Resources Peace Officers' Stipend:** Notwithstanding KRS 15.460(1), included in the above Restricted Funds appropriation is \$4,429 in fiscal year 2024-2025 and \$4,562 in fiscal year 2025-2026 for each participant for training incentive payments.

(2) **Fees-in-Lieu-of Stream Mitigation Reporting:** The Department of Fish and Wildlife Resources shall develop a report of all projects managed by the Fees-in-Lieu-of Stream Mitigation Program. The Department shall present this report to the Interim Joint Committee on Tourism, Small Business, and Information Technology by August 1 of each fiscal year.

(3) **Conservation Camps:** Included in the above Restricted Funds appropriation is \$250,000 in each fiscal year to support conservation camps. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **Bio-Acoustic Fish Fence at Lake Barkley Lock:** Included in the above appropriations is \$200,000 in Restricted Funds and \$600,000 in Federal Funds in fiscal year 2024-2025 for a bio-acoustic fish fence at Lake Barkley Lock. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

8. HISTORICAL SOCIETY

	2024-25	2025-26
General Fund	10,310,100	10,849,600
Restricted Funds	351,200	316,200
Federal Funds	170,000	170,000
TOTAL	10,831,300	11,335,800

(1) **Debt Service:** Included in the above General Fund appropriation is \$51,000 in fiscal year 2024-2025 and \$144,500 in fiscal year 2025-2026 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(2) **Sestercentennial Commissions:** Included in the above General Fund appropriation is \$2,180,000 in fiscal year 2024-2025 and \$2,505,000 in fiscal year 2025-2026 to support the Kentucky Sestercentennial Commission and the Harrodsburg Sestercentennial Commission. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

9. ARTS COUNCIL

	2024-25	2025-26
General Fund	1,833,500	1,860,300
Restricted Funds	87,200	87,200
Federal Funds	828,000	831,300
TOTAL	2,748,700	2,778,800

10. HERITAGE COUNCIL

	2024-25	2025-26
General Fund	1,783,800	1,844,900
Restricted Funds	691,700	691,700
Federal Funds	1,060,500	1,078,400
TOTAL	3,536,000	3,615,000

(1) **Kentucky African American Heritage Commission:** Included in the above General Fund appropriation is \$50,000 in each fiscal year to support the Kentucky African American Heritage Commission. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) **American Battlefield Trust:** Notwithstanding KRS 45.229, any unexpended balance from the appropriation set forth in 2022 Ky. Acts ch. 199, Part I, L., 10., (2), shall not lapse and shall carry forward into fiscal year 2025-2026.

11. KENTUCKY CENTER FOR THE ARTS

	2024-25	2025-26
General Fund	622,500	622,500

(1) **Governor's School for the Arts:** Included in the above General Fund appropriation is \$622,500 in each fiscal year to support the Governor's School for the Arts. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

TOTAL - TOURISM, ARTS AND HERITAGE CABINET

	2023-24	2024-25	2025-26
General Fund	-0-	101,095,700	123,602,000
Restricted Funds	1,900,000	215,560,200	219,587,300
Federal Funds	-0-	38,773,400	38,526,100
TOTAL	1,900,000	355,429,300	381,715,400

M. BUDGET RESERVE TRUST FUND**Budget Unit****1. BUDGET RESERVE TRUST FUND**

	2023-24	2024-25	2025-26
General Fund	2,017,591,200	873,650,500	-0-

PART II**CAPITAL PROJECTS BUDGET**

(1) **Capital Construction Fund Appropriations and Reauthorizations:** Moneys in the Capital Construction Fund are appropriated for the following capital projects subject to the conditions and procedures in this Act. Items listed without appropriated amounts are previously authorized for which no additional amount is required. These items are listed in order to continue their current authorization into the 2024-2026 fiscal biennium. Unless otherwise specified, reauthorized projects shall conform to the original authorization enacted by the General Assembly.

(2) **Expiration of Existing Line-Item Capital Construction Projects:** All appropriations to existing line-item capital construction projects expire on June 30, 2024, unless reauthorized in this Act with the following exceptions: (a) A construction or purchase contract for the project shall have been awarded by June 30, 2024; (b) Permanent financing or a short-term line of credit sufficient to cover the total authorized project scope shall have been obtained in the case of projects authorized for bonds, if the authorized project completes an initial draw on the line of credit within the fiscal biennium immediately subsequent to the original authorization; and (c) Grant or loan agreements, if applicable, shall have been finalized and properly signed by all necessary parties by June 30, 2024. Notwithstanding the criteria set forth in this subsection and KRS 45.229 and 45.770(5)(d), funds appropriated to 2024-2026 fiscal biennium nonstatutory maintenance pools shall not lapse and shall carry forward.

(3) **Bond Proceeds Investment Income:** Investment income earned from bond proceeds beyond that which is required to satisfy Internal Revenue Service arbitrage rebates and penalties and excess bond proceeds upon the completion of a bond-financed capital project shall be used to pay debt service according to the Internal Revenue Service Code and accompanying regulations.

(4) **Appropriations for Projects Not Line-Itemized:** Inasmuch as the identification of specific projects in a variety of areas of the state government cannot be ascertained with absolute certainty at this time, amounts are appropriated for specific purposes to projects which are not individually identified in this Act in the following areas: Kentucky Infrastructure Authority Water and Sewer projects; Flood Control projects; Repair of State-Owned Dams; Guaranteed Energy Savings Performance Contract projects; Wetland and Stream Mitigation projects; General Fund, Investment Income, Restricted Fund, Federal Fund, Bond-funded, and Aircraft maintenance pools; Economic Development projects, which shall include authorization for the High-Tech Construction Pool and the High-Tech Investment Pool; Postsecondary Education pools; Legacy System Retirement Pool; Wastewater Treatment Upgrades Pool; Utility Infrastructure Replacement Pool; and State Fair Board property improvements. Notwithstanding any

statute to the contrary, projects estimated to cost \$1,000,000 and over and equipment estimated to cost \$200,000 and over shall be reported to the Capital Projects and Bond Oversight Committee.

(5) Capital Construction and Equipment Purchase Contingency Account: If funds in the Capital Construction and Equipment Purchase Contingency Account are not sufficient, then up to \$1,000,000 of expenditures are to be paid first from the General Fund Surplus Account (KRS 48.700), if available, or from the Budget Reserve Trust Fund Account (KRS 48.705), subject to the conditions and procedures provided in this Act.

(6) Emergency Repair, Maintenance, and Replacement Account: If funds in the Emergency Repair, Maintenance, and Replacement Account are not sufficient, then up to \$2,500,000 of expenditures are to be paid first from the General Fund Surplus Account (KRS 48.700), if available, or from the Budget Reserve Trust Fund Account (KRS 48.705), subject to the conditions and procedures provided in this Act.

(7) Appropriation-Supported Debt: To lower the cost of borrowing, the agencies identified in KRS 45A.850(1)(a) and (2)(a) are authorized to refinance appropriation-supported debt obligations that have previously been issued and for which the Commonwealth is currently making lease-rental payments to meet the current debt service requirements. Such action is authorized provided that the principal amount of any such debt obligation is not increased and the term of the debt obligation is not extended. Any such refinancing shall still be subject to the requirements of KRS 45.750 to 45.810 for reporting to the Capital Projects and Bond Oversight Committee.

(8) Cash Defeasance: State agencies identified in KRS 45A.850(1)(a) and (2)(a) are authorized to economically or legally defease debt obligations that have previously been issued by the agency, or through a third party but for which the Commonwealth or the agency is currently making lease-rental payments to meet the current debt service requirements. If Restricted Funds are used for the defeasance of bonds, the agency may use a prior Agency Bond authorization for a new debt obligation so long as the debt service for the new debt obligation is not greater than the debt service of the defeased bonds and the term of the new debt obligation is not greater than the term of the defeased bonds. Any such refinancing shall still be subject to the requirements of KRS 45.750 to 45.810 for reporting to the Capital Projects and Bond Oversight Committee.

(9) Public-Private Partnerships Sunset: Notwithstanding KRS 45A.077(8), the utilization of the public-private partnership delivery method for projects of at least \$25,000,000 does not need to be explicitly authorized by the General Assembly.

A. GENERAL GOVERNMENT

Budget Units	2023-24	2024-25	2025-26
1. VETERANS' AFFAIRS			
001. Maintenance Pool - 2024-2026			
Investment Income	-0-	1,000,000	1,000,000
002. Renovate Interior/Exterior Thomson-Hood Veterans Center			
Bond Funds	-0-	-0-	7,000,000
003. Replace Roof Eastern Kentucky Veterans Center			
Bond Funds	-0-	1,500,000	-0-
004. Replace Exterior Lighting Thomson-Hood Veterans Center			
Bond Funds	-0-	1,500,000	-0-
005. Replace Fire System Western Kentucky Veterans Center			
Bond Funds	-0-	1,500,000	-0-
006. Replace Roof Western Kentucky Veterans Center			
Bond Funds	-0-	1,500,000	-0-
007. Expansion of Columbarium Wall Kentucky Veterans Cemetery West			
Federal Funds	1,281,000	-0-	-0-
008. Expansion of Columbarium Wall Kentucky Veterans Cemetery Central			
Federal Funds	1,862,000	-0-	-0-

009.	Radcliff Veterans Center HVAC System Replacement			
	Bond Funds	-0-	9,000,000	-0-
2.	KENTUCKY INFRASTRUCTURE AUTHORITY			
001.	KIA Fund A - Federally Assisted Wastewater Program			
	Federal Funds	38,784,000	51,881,000	54,291,000
	Bond Funds	-0-	4,563,000	9,369,000
	Agency Bonds	-0-	-0-	30,000,000
	TOTAL	38,784,000	56,444,000	93,660,000
002.	KIA Fund F - Drinking Water Revolving Loan Program			
	Federal Funds	69,596,000	84,218,000	86,546,000
	Bond Funds	-0-	3,766,000	8,286,000
	Agency Bonds	-0-	-0-	30,000,000
	TOTAL	69,596,000	87,984,000	124,832,000
003.	KIA Fund B - Infrastructure Revolving Fund			
	Bond Funds	-0-	-0-	25,000,000
3.	MILITARY AFFAIRS			
001.	Construct Readiness Center Somerset - Additional			
	Federal Funds	-0-	5,438,000	-0-
	Bond Funds	-0-	4,032,000	-0-
	TOTAL	-0-	9,470,000	-0-
002.	Construct Armory Addition - Shelbyville			
	Federal Funds	-0-	3,000,000	-0-
	Bond Funds	-0-	1,000,000	-0-
	TOTAL	-0-	4,000,000	-0-
003.	Armory Installation Facility Maintenance Pool - 2024-2026			
	Bond Funds	-0-	4,000,000	4,000,000
004.	Bluegrass Station Facility Maintenance Pool - 2024-2026			
	Restricted Funds	-0-	1,000,000	1,000,000
005.	Construct Support Building W. H. Ford Reserve Training Center - Additional			
	Federal Funds	-0-	1,000,000	-0-
006.	Extension of Utilities W. H. Ford Training Site			
	Federal Funds	-0-	2,000,000	-0-
007.	Construct Improve Sewer System Bluegrass Station			
	Restricted Funds	-0-	5,000,000	-0-
008.	Construct Armory 4 - Frankfort			
	Federal Funds	-0-	3,000,000	-0-
	Bond Funds	-0-	1,000,000	-0-
	TOTAL	-0-	4,000,000	-0-
009.	Modernization Pool KY National Guard - 2024-2026			

Federal Funds	-0-	6,000,000	-0-
Bond Funds	-0-	2,000,000	-0-
TOTAL	-0-	8,000,000	-0-
010. Construct Fitness Center Facility at WHFRTC			
Federal Funds	-0-	5,000,000	-0-
011. Construct Civil Support Team Facility - Additional			
Federal Funds	-0-	7,200,000	-0-
012. KY Youth Challenge Academy Maintenance Pool - 2024-2026			
Investment Income	-0-	1,000,000	1,000,000
013. Upgrade of HVAC JSO			
Federal Funds	-0-	2,000,000	-0-
014. Construct New Barracks at HLDTS			
Federal Funds	-0-	3,000,000	-0-
015. Construct New Barracks at WHFRTC - Additional			
Federal Funds	-0-	1,000,000	-0-
016. Construct HLDTS Athletic Field - Additional			
Federal Funds	-0-	1,000,000	-0-
017. Restoration Ashland Armory - Phase 1			
Federal Funds	-0-	3,000,000	-0-
Bond Funds	-0-	1,000,000	-0-
TOTAL	-0-	4,000,000	-0-
018. Construct HLDTS Drainage Improvement			
Federal Funds	-0-	2,000,000	-0-
019. Construct Bowman Organizational Maintenance Shop Restoration			
Federal Funds	-0-	3,000,000	-0-
020. Construct Facilities Operations Maintenance Complex WHFRTC			
Federal Funds	-0-	3,000,000	-0-
021. Construct Jackson Field Maintenance Shop			
Federal Funds	-0-	15,000,000	-0-
022. Construct FMS Burlington-Additional			
Federal Funds	-0-	1,750,000	-0-
023. Bluegrass Station Setzer Properties - Lease			
024. Bluegrass Station BLDGS 341 & 344 - Lease			
025. Bluegrass Station Building 197 - Lease			
026. Bluegrass Station BLDG 102 - Lease			
027. Bluegrass Station Crumley Hangar BLDG 352 - Lease			
4. DEPARTMENT FOR LOCAL GOVERNMENT			
001. Flood Control Local Match			
Bond Funds	-0-	6,000,000	6,000,000

5. ATTORNEY GENERAL**001.** Franklin County - Lease**6. TREASURY****001.** Xerox Check Printer

Investment Income -0- 66,000 66,000

002. Xerox Check Printer - Secondary

Investment Income -0- 66,000 66,000

7. COMMONWEALTH'S ATTORNEYS**001.** Jefferson County - Lease**8. AGRICULTURE****001.** Franklin County - Lease**9. KENTUCKY RIVER AUTHORITY****001.** Design and Repair Dam 7 Reauthorization (\$6,400,000 Restricted Funds)**002.** Design Lock 5 Reauthorization (\$800,000 Restricted Funds)**003.** Locks 2 & 3 Upper Guide Wall Repairs Reauthorization (\$4,131,000 Restricted Funds)**10. SCHOOL FACILITIES CONSTRUCTION COMMISSION****001.** Offers of Assistance - 2022-2024

Bond Funds -0- 85,000,000 -0-

002. School Facilities Construction Commission Reauthorization (\$75,900,000 Bond Funds)**003.** Special Offers of Assistance - 2024-2025

Bond Funds -0- 61,641,000 -0-

004. Secondary Area Technology Center Renovation Pool - 2025-2026

Bond Funds -0- -0- 50,000,000

005. School Facility Assistance Fund - 2025-2026

Bond Funds -0- -0- 146,696,000

11. KENTUCKY COMMUNICATIONS NETWORK AUTHORITY**001.** KentuckyWired Critical Infrastructure Upgrades

Bond Funds -0- 6,464,000 6,463,000

002. KentuckyWired Critical Infrastructure Purchases

Bond Funds -0- 12,432,000 -0-

B. ECONOMIC DEVELOPMENT CABINET

(1) **Economic Development Bond Issues:** Before any economic development bonds are issued, the proposed bond issue shall be approved by the Secretary of the Finance and Administration Cabinet and the State Property and Buildings Commission under KRS 56.440 to 56.590. In addition to the terms and conditions of KRS 154.12-100, administration of the Economic Development Bond Program by the Secretary of the Cabinet for Economic Development is subject to the following guideline: project selection shall be documented when presented to the Secretary of the Finance and Administration Cabinet. Included in the documentation shall be the rationale for selection and expected economic development impact.

(2) **Use of New Economy Funds:** Notwithstanding KRS 154.12-100, 154.12-278(4) and (5), and 154.20-035, the Secretary of the Cabinet for Economic Development may use funds appropriated in the Economic Development Fund Program, High-Tech Construction/Investment Pool, and the Kentucky Economic Development Finance Authority Loan Pool interchangeably for economic development projects.

Budget Unit	2024-25	2025-26
1. ECONOMIC DEVELOPMENT		
001. Economic Development Bond Programs - 2024-2026		
Bond Funds	5,000,000	5,000,000
002. High-Tech Construction/Investment Pool - 2024-2026		
Bond Funds	5,000,000	5,000,000
003. Kentucky Economic Development Finance Authority Loan Pool - 2024-2026		
Bond Funds	5,000,000	5,000,000

C. DEPARTMENT OF EDUCATION

Budget Units	2024-25	2025-26
1. OPERATIONS AND SUPPORT SERVICES		
001. Maintenance Pool - 2024-2026		
Investment Income	3,100,000	-0-
002. Education Finance Application Phase 2		
Bond Funds	2,000,000	-0-
2. LEARNING AND RESULTS SERVICES		
001. Dormitory Cottage Renovation		
Investment Income	500,000	-0-
002. McDaniel/Scoggin Classroom Building Upgrades		
Bond Funds	8,000,000	-0-
003. State Schools Exterior Building Maintenance		
Bond Funds	1,000,000	-0-
004. State Schools Safety and Security Pool		
Bond Funds	1,000,000	-0-
005. Future Farmers of America Activity Center		
Bond Funds	1,000,000	-0-

D. EDUCATION AND LABOR CABINET

Budget Units	2024-25	2025-26
1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT		
001. Maintenance Pool - 2024-2026		
Investment Income	500,000	500,000
2. KENTUCKY EDUCATIONAL TELEVISION		
001. Maintenance Pool - 2024-2026		
Investment Income	750,000	750,000
002. KET Capitol Production Center Maintenance Pool - 2024-2026		
Investment Income	500,000	500,000
003. KET Studio Lighting		
General Fund	1,750,000	-0-
3. LIBRARIES AND ARCHIVES		

a. General Operations

001. Franklin County - Lease

4. WORKFORCE DEVELOPMENT

001. Maintenance Pool - 2024-2026

Investment Income	700,000	700,000
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002. Replace Vocational Rehabilitation Case Management System

Federal Funds	3,180,000	-0-
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003. Replace Workforce Innovation and Opportunity Act/Career Development Office Case Management System

Federal Funds	2,250,000	1,000,000
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004. Replace Wastewater Treatment Plant - Carl D. Perkins Treatment Facility

Federal Funds	3,000,000	-0-
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005. Replace Unemployment Insurance System Additional Reauthorization (\$7,500,000 General Fund, \$30,000,000 Restricted Funds, \$10,000,000 Bond Funds)

Restricted Funds	38,000,000	-0-
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006. Kenton County - Lease

007. Hardin County - Lease

E. ENERGY AND ENVIRONMENT CABINET

Budget Units	2023-24	2024-25	2025-26
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1. SECRETARY

001. Maintenance Pool - 2024-2026

Investment Income	-0-	479,000	533,000
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2. ENVIRONMENTAL PROTECTION

001. State-Owned Dam Repair - 2024-2026

Bond Funds	-0-	22,200,000	-0-
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002. Remediate and Cleanup Wiley Property Site

Bond Funds	-0-	9,480,000	-0-
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003. Remediate and Cleanup State Superfund Sites

Bond Funds	-0-	1,038,000	1,000,000
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004. Replace Emergency Response Team Command Unit

Restricted Funds	275,000	-0-	-0-
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3. NATURAL RESOURCES

001. Replace Unsafe Fire Equipment

Bond Funds	-0-	1,273,000	-0-
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002. Kentucky Abandoned Storage Tank and Orphan Well Program Reauthorization (\$1,000,000 General Fund)

003. Remediate and Cleanup Abandoned Storage Tanks and Orphan Wells

General Fund	-0-	500,000	500,000
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F. FINANCE AND ADMINISTRATION CABINET

Budget Units	2024-25	2025-26
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1. CONTROLLER		
001. Upgrade & Enhancement eMARS Systems		
Bond Funds	3,500,000	-0-
2. FACILITIES AND SUPPORT SERVICES		
001. Guaranteed Energy Savings Performance Contracts		
Other Funds	50,000,000	-0-
002. Maintenance Pool - 2024-2026		
Investment Income	7,500,000	7,500,000
003. Renovate Cabinet for Human Resources Phase 1		
Bond Funds	5,000,000	-0-
004. Asphalt Pool		
Bond Funds	1,500,000	-0-
005. Roof Pool		
Bond Funds	3,000,000	-0-
006. Replace Roof for Transportation Building		
Bond Funds	-0-	8,000,000
007. Replace Roof for Central Lab Building		
Bond Funds	8,000,000	-0-
008. Historic Properties Deferred Maintenance Pool - 2024-2026		
Bond Funds	6,000,000	-0-
009. Capitol Annex Renovation		
Bond Funds	168,000,000	-0-
3. COMMONWEALTH OFFICE OF TECHNOLOGY		
001. Replace and Modernize Legacy Systems		
Bond Funds	5,000,000	5,000,000
002. Alternate Data Center Lease		
003. Kentucky Business OneStop (KyBOS) Phase IV Reauthorization (\$4,128,000 General Fund)		

G. HEALTH AND FAMILY SERVICES CABINET

Budget Units	2024-25	2025-26
1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT		
001. Maintenance Pool - 2024-2026		
Investment Income	12,154,000	12,154,000
2. OFFICE FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS		
001. Jefferson County - Lease		
3. BEHAVIORAL HEALTH, DEVELOPMENTAL AND INTELLECTUAL DISABILITIES		
001. Construct Forensic Psychiatric Hospital - KCPC		
Bond Funds	63,863,000	-0-
002. Upgrade Mechanical Lines - WSH		

Bond Funds	3,985,000	-0-
003. Replace Water Lines - Oakwood		
Bond Funds	4,507,000	-0-
004. Replace HVAC Piping - WSH		
Bond Funds	12,019,000	-0-
4. PUBLIC HEALTH		
001. Expand Central Laboratory		
Bond Funds	36,450,000	-0-
5. INCOME SUPPORT		
001. Franklin County - Lease		
6. COMMUNITY BASED SERVICES		
001. Kenton County - Lease		
002. Fayette County - Lease		
003. Warren County - Lease		
004. Daviess County - Lease		
005. Perry County - Lease		
006. Boone County - Lease		
007. Hardin County - Lease		
008. Boyd County - Lease		
009. Campbell County - Lease		
010. Johnson County - Lease		
011. Shelby County - Lease		
012. Greenup County - Lease		
013. Muhlenberg County - Lease		
014. Madison County - Lease		
015. Marshall County - Lease		

H. JUSTICE AND PUBLIC SAFETY CABINET

Budget Units	2023-24	2024-25	2025-26
1. JUSTICE ADMINISTRATION			
001. Northern Kentucky Medical Examiner Office - Lease			
2. CRIMINAL JUSTICE TRAINING			
001. Maintenance Pool - 2024-2026			
Restricted Funds	-0-	3,000,000	3,000,000
3. JUVENILE JUSTICE			
001. Maintenance Pool - 2024-2026			
Investment Income	-0-	5,000,000	5,000,000
002. Renovate Louisville Detention Center Additional Reauthorization (\$13,400,000 General Fund)			
Bond Funds	-0-	25,500,000	-0-
003. Renovate Lyndon Facility Additional Reauthorization (\$4,500,000 General Fund)			

	Bond Funds	-0-	3,000,000	-0-
	004. Retrofit McCracken County Juvenile Detention Center			
	Bond Funds	-0-	11,000,000	-0-
	005. Retrofit Breathitt County Juvenile Detention Center			
	Bond Funds	-0-	9,600,000	-0-
	006. Retrofit Fayette County Juvenile Detention Center			
	Bond Funds	-0-	2,600,000	-0-
4.	STATE POLICE			
	001. Maintenance Pool - 2024-2026			
	Bond Funds	-0-	7,000,000	-0-
	Investment Income	-0-	-0-	5,000,000
	TOTAL	-0-	7,000,000	5,000,000
	002. Construct New Skills Pad at Training Academy			
	Bond Funds	-0-	3,900,000	-0-
	003. Purchase of New Helicopter			
	Bond Funds	-0-	8,000,000	-0-
	004. Replace and Repair Various HVAC			
	Bond Funds	-0-	5,000,000	-0-
	005. Upgrade Telecommunicator Technology			
	Bond Funds	-0-	2,200,000	-0-
	006. Construct Post 1 (Hickory) Radio Room Expansion			
	Bond Funds	-0-	1,000,000	-0-
	007. Emergency Radio System Replacement Additional			
	Bond Funds	-0-	47,900,000	-0-
	008. Posts 7 (Richmond) & 10 (Harlan) Construction Additional Reauthorization (\$8,456,000 Bond Funds)			
	Bond Funds	-0-	7,250,000	-0-
5.	CORRECTIONS			
	a. Adult Correctional Institutions			
	001. Maintenance Pool - 2024-2026			
	Bond Funds	-0-	20,000,000	20,000,000
	002. Repair Northpoint Training Center - Exterior Dorms Masonry Tuckpoint			
	Bond Funds	-0-	2,320,000	-0-
	003. Replace KY State Penitentiary - Gates & Controls at Cellhouses 3, 4, 5, & 6			
	Bond Funds	-0-	-0-	5,950,000
	004. Install Little Sandy Correctional Complex - Furniture Package			
	Bond Funds	-0-	5,000,000	-0-
	005. Renovate Northpoint Training Center - Restricted Housing Unit			
	Bond Funds	-0-	1,800,000	-0-
	006. Replace Northpoint Training Center - HVAC at Dormitories			

Bond Funds	-0-	-0-	4,720,000
007. Upgrade Green River Correctional Complex - Full Electrical System			
Bond Funds	-0-	4,000,000	-0-
008. Assess Statewide Electrical System			
Bond Funds	-0-	2,000,000	-0-
009. Design Level 4 Prison in Eastern KY			
Bond Funds	-0-	29,000,000	-0-
010. Replace KY State Penitentiary - Utilities Infrastructure			
Bond Funds	-0-	4,320,000	-0-
011. Southeast State Correctional Complex - Lease			
012. Repair and Paint Various Water Towers - Additional			
Bond Funds	-0-	2,400,000	-0-
013. Relocate Medical Services Phase II			
Bond Funds	-0-	58,013,000	-0-
014. Eastern Kentucky Correctional Complex - Facade and Structural Repair/Replacement			
Bond Funds	-0-	85,400,000	-0-
015. Eastern Kentucky Correctional Complex - HVAC Replacement			
Bond Funds	-0-	80,000,000	-0-
016. Kentucky State Reformatory - Demolition			
Bond Funds	-0-	-0-	7,036,000
017. Kentucky State Penitentiary Security Fence Additional Reauthorization (\$1,517,000 General Fund)			
General Fund	2,100,000	-0-	-0-
b. Community Services and Local Facilities			
001. Bellevue Probation and Parole - Lease			
002. Lexington Probation and Parole - Lease			
6. PUBLIC ADVOCACY			
001. Franklin County - Lease			
002. Fayette County - Lease			
003. Louisville/Jefferson County - Lease			
004. Case Management System Reauthorization (\$1,650,000 General Fund)			

I. POSTSECONDARY EDUCATION

(1) **Postsecondary Education Asset Preservation Pool:** The Postsecondary Education Asset Preservation Pool provides funding for individual asset preservation, renovation, and maintenance projects at Kentucky's public postsecondary institutions in Education, General, and state-owned and operated residential housing facilities. For fiscal years 2024-2025 and 2025-2026, each project for research institutions shall be matched at 25 percent from funds provided by each research institution. Capital projects as defined in KRS 45.750(1)(f) are hereby authorized from these funds or combination of funds thereof and shall be reported to the Capital Projects and Bond Oversight Committee.

Budget Units	2024-25	2025-26
1. KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY		
001. Mobile Outreach Vehicle		

Restricted Funds	950,000	-0-
2. KENTUCKY HIGHER EDUCATION STUDENT LOAN CORPORATION		
001. Jefferson County - Lease		
3. EASTERN KENTUCKY UNIVERSITY		
001. Asset Preservation Pool - 2024-2026		
Bond Funds	25,910,000	25,910,000
002. Construct New Model Laboratory School Phase II		
Bond Funds	59,100,000	-0-
003. Athletics Capital Improvements Pool - 2024-2026		
Restricted Funds	25,000,000	-0-
Agency Bonds	25,000,000	-0-
Other Funds	25,000,000	-0-
TOTAL	75,000,000	-0-
004. Maintain/Expand Begley Building		
Agency Bonds	40,000,000	-0-
005. Upgrade Campus Infrastructure		
Other Funds	40,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
006. Miscellaneous Maintenance Pool - 2024-2026		
Restricted Funds	20,000,000	-0-
007. Innovation and Commercialization Pool - 2024-2026		
Restricted Funds	5,000,000	-0-
Other Funds	10,000,000	-0-
TOTAL	15,000,000	-0-
008. Improve Campus Pedestrian, Park and Transportation Pool - 2024-2026		
Restricted Funds	3,000,000	-0-
Agency Bonds	8,000,000	-0-
Other Funds	3,000,000	-0-
TOTAL	14,000,000	-0-
009. Campus Data Network Pool - 2024-2026		
Restricted Funds	13,000,000	-0-
010. Property Acquisitions Pool - 2024-2026		
Restricted Funds	5,000,000	-0-
Other Funds	5,000,000	-0-
TOTAL	10,000,000	-0-
011. Upgrade and Improve Residence Halls Pool - 2024-2026		
Restricted Funds	10,000,000	-0-
012. Academic Computing Pool - 2024-2026		
Restricted Funds	8,000,000	-0-

013.	Scientific and Research Equipment Pool - 2024-2026		
	Restricted Funds	3,000,000	-0-
	Federal Funds	2,200,000	-0-
	Other Funds	2,200,000	-0-
	TOTAL	7,400,000	-0-
014.	Administrative Computing Pool - 2024-2026		
	Restricted Funds	6,500,000	-0-
015.	Renovate/Repurpose Commonwealth Hall		
	Restricted Funds	6,000,000	-0-
016.	Aviation Acquisition Pool - 2024-2026		
	Restricted Funds	5,000,000	-0-
017.	Renovate Additional University Services Space		
	Restricted Funds	2,000,000	-0-
	Other Funds	500,000	-0-
	TOTAL	2,500,000	-0-
018.	Chemistry and Translational Research Pool - 2024-2026		
	Restricted Funds	900,000	-0-
	Other Funds	425,000	-0-
	TOTAL	1,325,000	-0-
019.	Natural Areas Improvement Pool - 2024-2026		
	Restricted Funds	1,000,000	-0-
020.	Asset Preservation Pool - 2022-2024 Reauthorization (\$8,222,000 Restricted Funds)		
021.	Guaranteed Energy Savings Performance Contracts		
022.	Lease - Aviation		
023.	Lease - New Housing Space		
024.	Lease - Madison County - Student Housing		
025.	Lease - Madison County - Land		
026.	Lease 1 - Multi-Property - Multi-Use		
027.	Lease 2 - Multi-Property - Multi-Use		
4.	KENTUCKY STATE UNIVERSITY		
001.	Asset Preservation Pool - 2024-2026		
	Bond Funds	30,000,000	30,000,000
002.	Design Health Sciences Center		
	Bond Funds	-0-	5,000,000
003.	Acquire Land		
	Restricted Funds	1,044,000	-0-
	Federal Funds	1,044,000	-0-
	TOTAL	2,088,000	-0-
004.	Asset Preservation Pool - 2022-2024 Reauthorization (\$2,412,000 Restricted Funds)		

5. MOREHEAD STATE UNIVERSITY**001. Asset Preservation Pool - 2024-2026**

Bond Funds	18,835,000	18,835,000
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002. Construct Multi-Disciplinary Classroom Building

Bond Funds	90,000,000	-0-
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003. Construct New Residence Hall #1

Agency Bonds	49,800,000	-0-
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004. Construct New Residence Hall #2

Agency Bonds	40,350,000	-0-
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005. Capital Renewal and Maintenance Pool - Auxiliary Additional Reauthorization (\$4,639,000 Agency Bonds)

Agency Bonds	6,428,000	-0-
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006. Renovate Fields Residence Hall Additional Reauthorization (\$4,920,000 Agency Bonds)

Agency Bonds	4,124,000	-0-
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007. Renovate Grote-Thompson Residence Hall Additional Reauthorization (\$4,920,000 Agency Bonds)

Agency Bonds	4,124,000	-0-
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008. Renovate and Replace Exterior Precast Panels - Nunn Hall Additional Reauthorization (\$3,148,000 Agency Bonds)

Agency Bonds	630,000	-0-
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009. Renovate Normal Residence Hall Additional Reauthorization (\$3,840,000 Agency Bonds)

Agency Bonds	580,000	-0-
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010. Comply with ADA - Auxiliary Reauthorization (\$2,079,000 Agency Bonds)**011. Construct New Residence Hall Reauthorization (\$38,792,000 Agency Bonds)****012. Guaranteed Energy Savings Performance Contracts****6. MURRAY STATE UNIVERSITY****001. Asset Preservation Pool - 2024-2026**

Bond Funds	23,341,000	23,341,000
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002. Construct Learning Commons with Housing

Bond Funds	38,000,000	-0-
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003. Athletic Facilities Improvement Pool - 2024-2026

Restricted Funds	20,000,000	-0-
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Agency Bonds	20,000,000	-0-
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TOTAL	40,000,000	-0-
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004. Construct/Renovate Dining Facility

Restricted Funds	30,000,000	-0-
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005. Replace College Courts Apartments

Agency Bonds	15,000,000	-0-
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006. Asset Preservation Pool - Residence Halls

Agency Bonds	6,000,000	-0-
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007. Enhance Dining Facility

Restricted Funds	4,884,000	-0-
008. Acquire Property		
Restricted Funds	4,180,000	-0-
009. Construct New Auxiliary Services Building		
Restricted Funds	1,350,000	-0-
Agency Bonds	1,350,000	-0-
TOTAL	2,700,000	-0-
010. Acquire Agriculture Research Farm Land		
Restricted Funds	1,254,000	-0-
011. Acquire Nuclear Magnetic Resonance Equipment		
Restricted Funds	650,000	-0-
012. Construct Residential Housing Reauthorization (\$68,970,000 Agency Bonds)		
013. Renovate Residence Hall Electrical System Reauthorization (\$4,369,000 Agency Bonds)		
014. Renovate Residence Hall HVAC System Reauthorization (\$3,661,000 Agency Bonds)		
015. Renovate Residence Hall Interior Reauthorization (\$1,674,000 Agency Bonds)		
016. Replace Residence Hall Domestic Water Piping Reauthorization (\$1,195,000 Agency Bonds)		
017. Guaranteed Energy Savings Performance Contracts		
7. NORTHERN KENTUCKY UNIVERSITY		
001. Asset Preservation Pool - 2024-2026		
Bond Funds	23,076,000	23,076,000
002. Renew/Renovate Steely Library		
Bond Funds	49,000,000	-0-
Other Funds	3,000,000	-0-
TOTAL	52,000,000	-0-
003. Enhance Online Programs		
Bond Funds	20,000,000	-0-
004. Expand/Renovate Soccer Complex		
Agency Bonds	16,000,000	-0-
Other Funds	20,000,000	-0-
TOTAL	36,000,000	-0-
005. Renovate/Expand Civic Center for Northern Kentucky Medical Examiner and Kentucky State Police Crime Lab Relocation		
Restricted Funds	3,700,000	-0-
Bond Funds	17,300,000	-0-
TOTAL	21,000,000	-0-
006. Renovate Nunn Hall Phase I		
Other Funds	4,500,000	-0-
007. Replace Event Center Technology		
Other Funds	4,500,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

008. Renew/Repair Parking Garage Pool

Agency Bonds	3,000,000	-0-
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009. Asset Preservation Pool - 2022-2024 Reauthorization (\$7,020,000 Restricted Funds)

010. Acquire Land/Master Plan 2010-2012 Reauthorization (\$17,500,000 Agency Bonds, \$4,000,000 Restricted Funds, \$4,000,000 Other Funds)

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

011. Renovate Residence Halls Additional Reauthorization (\$15,000,000 Agency Bonds)

012. Replace Recreation Field Turf Reauthorization (\$2,000,000 Restricted Funds)

013. Expand Herrmann Science Center Additional Reauthorization (\$79,900,000 Bond Funds, \$5,000,000 Other Funds)

014. Guaranteed Energy Savings Performance Contracts

8. UNIVERSITY OF KENTUCKY

(1) **University of Kentucky Acquisitions:** Notwithstanding any statute to the contrary, the University of Kentucky or one of its affiliated corporations, for the benefit of the University’s multifaceted education, healthcare, research, and service mission shall be permitted to assume any and all leases, debt instruments, and liabilities associated with the acquisition of St. Claire Medical Center, Inc, a nonprofit corporation duly organized and existing by virtue of the Laws of the Commonwealth of Kentucky with its principal place of business located at 222 Medical Circle, Morehead, Kentucky 40351. Assumption of leases and debt instruments shall be reported to the Capital Projects and Bond Oversight Committee.

001. Acquire/Partnership Academic/HealthCare Enterprise 1 (Restricted Funds)

002. Asset Preservation Pool - 2024-2026

Bond Funds	61,725,000	61,725,000
Agency Bonds	15,431,000	15,431,000
TOTAL	77,156,000	77,156,000

003. Construct Agriculture Research Facility 1

Restricted Funds	30,000,000	-0-
Bond Funds	200,000,000	-0-
TOTAL	230,000,000	-0-

004. Construct/Improve Medical/Administrative Facility 3 Additional Reauthorization (\$200,000,000 Restricted Funds)

Restricted Funds	1,000,000,000	-0-
Agency Bonds	800,000,000	-0-
TOTAL	1,800,000,000	-0-

005. Construct/Improve Medical/Administrative Facility 6

Restricted Funds	300,000,000	-0-
Other Funds	300,000,000	-0-
TOTAL	600,000,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

006. Construct/Improve Medical/Administrative Facility 1 Additional Reauthorization (\$250,000,000 Restricted Funds)

Restricted Funds	50,000,000	-0-
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Other Funds	500,000,000	-0-
TOTAL	550,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

007. Construct Multi-Use Living Complex

Restricted Funds	100,000,000	-0-
Other Funds	400,000,000	-0-
TOTAL	500,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

008. Acquire/Improve Medical/Administrative Facility 4

Restricted Funds	500,000,000	-0-
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009. Construct/Improve Medical/Administrative Facility 5

Restricted Funds	500,000,000	-0-
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010. Construct/Improve Medical/Administrative Facility 7

Restricted Funds	500,000,000	-0-
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011. Construct/Improve Medical/Administrative Facility 8

Restricted Funds	500,000,000	-0-
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012. Construct/Improve Medical/Administrative Facility 9

Other Funds	500,000,000	-0-
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(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

013. Construct/Improve Student Housing

Restricted Funds	50,000,000	-0-
Other Funds	400,000,000	-0-
TOTAL	450,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

014. Improve Central Plants

Restricted Funds	200,000,000	-0-
Other Funds	200,000,000	-0-
TOTAL	400,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

015. Acquire/Improve Medical/Administrative Facility 2

Restricted Funds	400,000,000	-0-
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016. Construct/Improve Medical/Administrative Facility 4

Restricted Funds	400,000,000	-0-
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017. Construct/Improve Utilities Infrastructure UK HealthCare

Restricted Funds	200,000,000	-0-
Other Funds	200,000,000	-0-
TOTAL	400,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

018. Construct Utilities Infrastructure - Hamburg

Restricted Funds	200,000,000	-0-
Other Funds	200,000,000	-0-
TOTAL	400,000,000	-0-

(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

019. Construct Cancer/Ambulatory Facility Phase 2

Restricted Funds	350,000,000	-0-
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020. Acquire/Partnership Medical System 1

Restricted Funds	350,000,000	-0-
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021. Acquire/Partnership Medical System 2

Restricted Funds	350,000,000	-0-
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022. Construct/Improve Dining Facilities

Restricted Funds	150,000,000	-0-
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Other Funds	150,000,000	-0-
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TOTAL	300,000,000	-0-
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(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

023. Acquire/Improve Medical/Administrative Facility 1

Restricted Funds	300,000,000	-0-
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024. Construct/Improve Medical/Administrative Facility 2

Restricted Funds	150,000,000	-0-
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Other Funds	150,000,000	-0-
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TOTAL	300,000,000	-0-
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(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

025. Improve UK HealthCare IT Systems

Restricted Funds	300,000,000	-0-
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026. Construct/Improve Innovation Complex

Restricted Funds	100,000,000	-0-
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Other Funds	150,000,000	-0-
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TOTAL	250,000,000	-0-
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(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

027. Construct/Improve Research Data Center

Restricted Funds	240,000,000	-0-
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028. Construct/Improve Academic/Research Facility

Restricted Funds	225,000,000	-0-
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029. Improve Campus Parking and Transportation System

Restricted Funds	100,000,000	-0-
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Other Funds	100,000,000	-0-
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TOTAL	200,000,000	-0-
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(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

030. Implement Land Use Plan 1

ACTS OF THE GENERAL ASSEMBLY

Restricted Funds	200,000,000	-0-
031. Improve Parking/Transportation Systems - UK HealthCare		
Other Funds	200,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
032. Construct Parking/Transportation System - Hamburg		
Other Funds	200,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
033. Improve Utilities Infrastructure - King's Daughters Medical Center		
Restricted Funds	100,000,000	-0-
Other Funds	100,000,000	-0-
TOTAL	200,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
034. Construct Digital Village Building 3		
Restricted Funds	95,000,000	-0-
Other Funds	95,000,000	-0-
TOTAL	190,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
035. Construct Hotel/Conference Center		
Other Funds	150,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
036. Acquire E&G Enterprise 1		
Restricted Funds	150,000,000	-0-
037. Acquire E&G Enterprise 2		
Restricted Funds	150,000,000	-0-
038. Improve UK HealthCare Facilities - UK Chandler Hospital		
Restricted Funds	150,000,000	-0-
039. Implement Land Use Plan 2		
Restricted Funds	150,000,000	-0-
040. Construct Academic Building		
Restricted Funds	149,000,000	-0-
041. Construct/Improve Dental Sciences Building		
Restricted Funds	130,000,000	-0-
042. Construct Agriculture Federal Research Facility I		
Federal Funds	108,000,000	-0-
043. Acquire Land		
Restricted Funds	75,000,000	-0-
Agency Bonds	25,000,000	-0-
TOTAL	100,000,000	-0-
044. Construct/Improve Research Space		

Restricted Funds	100,000,000	-0-
045. Construct Retail/Parking Facility 2		
Other Funds	100,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
046. Construct Retail/Parking Facility 1		
Other Funds	100,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
047. Construct Medical Facility - King's Daughters Medical Center		
Restricted Funds	100,000,000	-0-
048. Improve Medical Facility 1 - King's Daughters Medical Center		
Restricted Funds	100,000,000	-0-
049. Acquire/Improve Service Core Systems - King's Daughters Medical Center		
Restricted Funds	100,000,000	-0-
050. Improve Building Systems - King's Daughters Medical Center		
Restricted Funds	100,000,000	-0-
051. Improve Parking/Transportation Systems - King's Daughters Medical Center		
Restricted Funds	100,000,000	-0-
052. Improve Site/Civil Infrastructure - King's Daughters Medical Center		
Restricted Funds	100,000,000	-0-
053. Construct Equine/Horticulture Campus		
Restricted Funds	90,000,000	-0-
054. Construct Meats/Food Development Center		
Restricted Funds	90,000,000	-0-
055. Improve Funkhouser Building Additional Reauthorization (\$15,000,000 Restricted Funds, \$15,000,000 Other Funds)		
Restricted Funds	90,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
056. Improve Chemistry/Physics Building Phase 3		
Restricted Funds	88,000,000	-0-
057. Improve White Hall Classroom Building		
Restricted Funds	83,000,000	-0-
058. Improve Taylor Education Building		
Restricted Funds	80,000,000	-0-
059. Improve King Library		
Restricted Funds	80,000,000	-0-
060. Improve Fine Arts Building		
Restricted Funds	80,000,000	-0-
061. Improve Singletary Center		
Restricted Funds	80,000,000	-0-

062. Improve Johnson Center		
Agency Bonds	75,000,000	-0-
063. Construct Agriculture Research Facility 2		
Restricted Funds	75,000,000	-0-
064. Construct Agriculture Research Facility 3		
Restricted Funds	75,000,000	-0-
065. Improve Center for Applied Energy Research (CAER) Facilities		
Restricted Funds	75,000,000	-0-
066. Upgrade/Renovate/Expand Research Labs		
Restricted Funds	75,000,000	-0-
067. Construct/Improve Parking I		
Restricted Funds	75,000,000	-0-
068. Acquire/Improve Service Core Systems - UK HealthCare		
Restricted Funds	75,000,000	-0-
069. Construct Service Core Systems - Hamburg		
Restricted Funds	75,000,000	-0-
070. Improve Building Systems - UK HealthCare		
Restricted Funds	75,000,000	-0-
071. Construct/Improve Greek Housing		
Restricted Funds	36,000,000	-0-
Other Funds	36,000,000	-0-
TOTAL	72,000,000	-0-
072. Improve Scovell Hall		
Restricted Funds	70,000,000	-0-
073. Construct Academic Facility		
Restricted Funds	68,000,000	-0-
074. Construct Office Park at Coldstream		
Other Funds	65,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
075. Construct/Improve Research Administration Space		
Restricted Funds	60,000,000	-0-
076. Improve Oswald Building		
Restricted Funds	60,000,000	-0-
077. Construct/Improve Enterprise Data Center		
Restricted Funds	60,000,000	-0-
078. Construct/Improve Athletics Facility 1		
Other Funds	60,000,000	-0-
079. Construct/Improve Office Building		
Restricted Funds	55,000,000	-0-

080. Improve Kastle Hall		
Restricted Funds	54,000,000	-0-
081. Construct Tennis Facility		
Restricted Funds	27,000,000	-0-
Other Funds	27,000,000	-0-
TOTAL	54,000,000	-0-
082. Improve Campus Core Quadrangle Facilities		
Restricted Funds	54,000,000	-0-
083. Construct/Relocate/Replace Greenhouses		
Restricted Funds	50,000,000	-0-
084. Purchase/Construct CO2 Capture Process Plant		
Restricted Funds	1,500,000	-0-
Federal Funds	40,000,000	-0-
Other Funds	8,500,000	-0-
TOTAL	50,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
085. Improve Health Sciences Research Building		
Restricted Funds	50,000,000	-0-
086. Improve Angliana Facilities		
Restricted Funds	50,000,000	-0-
087. Construct/Improve Parking II		
Restricted Funds	50,000,000	-0-
088. Improve Coldstream Research Campus		
Restricted Funds	50,000,000	-0-
089. Improve Site/Civil Infrastructure		
Restricted Funds	50,000,000	-0-
090. Decommission Facilities		
Restricted Funds	50,000,000	-0-
091. Construct West End Zone Club Space		
Other Funds	50,000,000	-0-
092. Improve Clinical/Ambulatory Services Facilities		
Restricted Funds	50,000,000	-0-
093. Improve State Street Medical Facilities		
Restricted Funds	50,000,000	-0-
094. Construct/Improve Ambulatory Care		
Restricted Funds	50,000,000	-0-
095. Construct Building Systems - Hamburg		
Restricted Funds	50,000,000	-0-
096. Improve Site/Civil Infrastructure - UK HealthCare		

Restricted Funds	50,000,000	-0-
097. Construct Site/Civil Infrastructure - Hamburg		
Restricted Funds	50,000,000	-0-
098. Construct Health Education Building Additional Reauthorization (\$250,000,000 Bond Funds, \$50,000,000 Agency Bonds, \$50,000,000 Other Funds, \$30,000,000 Restricted Funds)		
Restricted Funds	50,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
099. Improve Jacobs Science Building		
Restricted Funds	48,000,000	-0-
100. Improve McVey Hall		
Restricted Funds	48,000,000	-0-
101. Construct/Improve Wildcat Coal Lodge		
Other Funds	48,000,000	-0-
102. Improve Memorial Hall		
Restricted Funds	45,000,000	-0-
103. Construct/Improve Library Depository Facility		
Restricted Funds	45,000,000	-0-
104. Improve Willard Medical Education/Science Building		
Restricted Funds	40,000,000	-0-
105. Construct/Improve Student Success/Academic Facility		
Restricted Funds	40,000,000	-0-
106. Improve Building Shell Systems		
Restricted Funds	40,000,000	-0-
107. Improve Markey Cancer Center Facilities		
Restricted Funds	40,000,000	-0-
108. Construct Teaching Pavilion		
Restricted Funds	38,000,000	-0-
109. Construct Police Headquarters		
Restricted Funds	35,000,000	-0-
110. Construct Support Services Building		
Restricted Funds	35,000,000	-0-
111. Construct/Improve Recreation Quad 1		
Restricted Funds	35,000,000	-0-
112. Improve Building Mechanical Systems		
Restricted Funds	35,000,000	-0-
113. Improve Moloney Building		
Restricted Funds	35,000,000	-0-
114. Improve Pence Hall		
Restricted Funds	32,000,000	-0-

115. Improve Seaton Center		
Restricted Funds	30,000,000	-0-
116. Improve Student Services Space II		
Restricted Funds	30,000,000	-0-
117. Research Equipment Pool - 2024-2026		
Restricted Funds	30,000,000	-0-
118. Construct/Improve Alumni Center		
Restricted Funds	15,000,000	-0-
Other Funds	15,000,000	-0-
TOTAL	30,000,000	-0-
119. Improve Parking Garage 1		
Restricted Funds	30,000,000	-0-
120. Improve Parking Garage 2		
Restricted Funds	30,000,000	-0-
121. Improve UK Good Samaritan Hospital Facilities		
Restricted Funds	30,000,000	-0-
122. Construct/Improve Patient Support Facility		
Restricted Funds	30,000,000	-0-
123. Improve Medical Facility 2 - King's Daughters Medical Center		
Restricted Funds	30,000,000	-0-
124. Improve Medical Facility 7 - King's Daughters Medical Center		
Restricted Funds	30,000,000	-0-
125. Improve Electrical Infrastructure		
Restricted Funds	28,000,000	-0-
126. Improve Lexington Theological Seminary (LTS) Facilities		
Restricted Funds	27,000,000	-0-
127. Improve Library Facility		
Restricted Funds	27,000,000	-0-
128. Improve Mechanical Infrastructure		
Restricted Funds	26,000,000	-0-
129. Improve Academic and Tech Science Building		
Restricted Funds	25,000,000	-0-
130. Improve W.T. Young Facility		
Restricted Funds	25,000,000	-0-
131. Improve Barnhart Building		
Restricted Funds	25,000,000	-0-
132. Construct/Improve Transformative Learning Center		
Restricted Funds	25,000,000	-0-
133. Improve Life Safety		

Restricted Funds	25,000,000	-0-
134. Construct Childcare Center Facility		
Restricted Funds	25,000,000	-0-
135. Improve Student Center Space 2		
Restricted Funds	25,000,000	-0-
136. Improve Student Center Space 3		
Restricted Funds	25,000,000	-0-
137. Repair Critical Infrastructure/Building Systems		
Restricted Funds	25,000,000	-0-
138. Improve Medical Facility 3		
Restricted Funds	25,000,000	-0-
139. Improve Medical Facility 4		
Restricted Funds	25,000,000	-0-
140. Improve Medical Facility 5		
Restricted Funds	25,000,000	-0-
141. Improve Medical Facility 6		
Restricted Funds	25,000,000	-0-
142. Improve Medical Facility 7		
Restricted Funds	25,000,000	-0-
143. Implement Patient Communication System		
Restricted Funds	25,000,000	-0-
144. Construct/Improve Machine Lab		
Restricted Funds	20,000,000	-0-
145. Acquire/Improve Service Core Systems		
Restricted Funds	20,000,000	-0-
146. Improve Academic Facility 1		
Restricted Funds	20,000,000	-0-
147. Improve Academic/Administrative Space 1		
Restricted Funds	20,000,000	-0-
148. Improve Academic/Administrative Space 2		
Restricted Funds	20,000,000	-0-
149. Improve Academic/Administrative Space 3		
Restricted Funds	20,000,000	-0-
150. Improve Academic/Administrative Space 4		
Restricted Funds	20,000,000	-0-
151. Lease/Purchase Enterprise IT Systems		
Restricted Funds	20,000,000	-0-
152. Improve Athletics Facility 1		
Other Funds	20,000,000	-0-

153. Construct UK HealthCare Medical Transport Facility		
Restricted Funds	20,000,000	-0-
154. Improve Medical Facility 3 - King's Daughters Medical Center		
Restricted Funds	20,000,000	-0-
155. Improve Medical Facility 4 - King's Daughters Medical Center		
Restricted Funds	20,000,000	-0-
156. Improve Medical Facility 5 - King's Daughters Medical Center		
Restricted Funds	20,000,000	-0-
157. Improve Medical Facility 6 - King's Daughters Medical Center		
Restricted Funds	20,000,000	-0-
158. Improve Medical Facility 8 - King's Daughters Medical Center		
Restricted Funds	20,000,000	-0-
159. Improve Medical Facility 9 - King's Daughters Medical Center		
Restricted Funds	20,000,000	-0-
160. Improve Medical Facility 10 - King's Daughters Medical Center		
Restricted Funds	20,000,000	-0-
161. Construct/Improve King's Daughters Medical Center Medical Transport Facility		
Restricted Funds	20,000,000	-0-
162. Improve King's Daughters Medical Center Medical Pavilion		
Restricted Funds	20,000,000	-0-
163. Improve Hilary J. Boone Center		
Restricted Funds	18,000,000	-0-
164. Improve Medical Center Library		
Restricted Funds	17,000,000	-0-
165. Improve Lancaster Aquatic Center 1		
Other Funds	17,000,000	-0-
166. Improve Multi-Disciplinary Science Building		
Restricted Funds	15,000,000	-0-
167. Improve Student Services Space III		
Restricted Funds	15,000,000	-0-
168. Construct/Fit-up Retail Space		
Restricted Funds	10,000,000	-0-
Other Funds	5,000,000	-0-
TOTAL	15,000,000	-0-
169. Improve Spindletop Hall Facilities		
Restricted Funds	15,000,000	-0-
170. Construct/Improve Athletics Facility 2		
Other Funds	15,000,000	-0-
171. Improve Athletics Facility 2		

Other Funds	15,000,000	-0-
172. Improve Kroger Field 1		
Other Funds	15,000,000	-0-
173. Improve Boone Tennis Center		
Other Funds	15,000,000	-0-
174. Acquire Data Center Hardware		
Restricted Funds	15,000,000	-0-
175. Construct Metal Arts/Digital Media Building		
Restricted Funds	14,000,000	-0-
176. Improve Gray Design Building		
Restricted Funds	14,000,000	-0-
177. Improve CAFE Motor Pool Building		
Restricted Funds	14,000,000	-0-
178. Construct Agriculture Federal Research Facility II		
Federal Funds	14,000,000	-0-
179. Improve Peterson Service Building		
Restricted Funds	14,000,000	-0-
180. Improve Baseball Facility Phase II		
Other Funds	14,000,000	-0-
181. Improve Patterson Office Tower		
Restricted Funds	12,000,000	-0-
182. Improve University Storage Facility		
Restricted Funds	12,000,000	-0-
183. Acquire/Improve Clinical/Research Facility		
Restricted Funds	11,000,000	-0-
184. Improve Campus Infrastructure		
Restricted Funds	10,000,000	-0-
185. Improve DLAR Facilities		
Restricted Funds	10,000,000	-0-
186. ADA Compliance Pool - 2024-2026		
Restricted Funds	10,000,000	-0-
187. Acquire/Improve Administrative Facility		
Restricted Funds	10,000,000	-0-
188. Improve Building Electrical Systems		
Restricted Funds	10,000,000	-0-
189. Improve Senior Center		
Restricted Funds	10,000,000	-0-
190. Improve Fume Hood Systems		
Restricted Funds	10,000,000	-0-

191. Improve Vaughan Facility		
Restricted Funds	10,000,000	-0-
192. Expand Arboretum Visitor Center		
Restricted Funds	10,000,000	-0-
193. Lease/Purchase Enterprise Network Security		
Restricted Funds	10,000,000	-0-
194. Lease/Purchase High Performance Computer		
Restricted Funds	10,000,000	-0-
195. Lease/Purchase Campus IT System		
Restricted Funds	10,000,000	-0-
196. Improve Memorial Coliseum		
Restricted Funds	10,000,000	-0-
197. Acquire Equipment/Furnishings Pool - 2024-2026		
Other Funds	10,000,000	-0-
198. Construct/Improve Gymnastics Practice Facility		
Other Funds	10,000,000	-0-
199. Improve Athletics Facility 3		
Other Funds	10,000,000	-0-
200. Improve Lancaster Aquatic Center 2		
Other Funds	10,000,000	-0-
201. Acquire Telemedicine/Virtual ICU		
Restricted Funds	10,000,000	-0-
202. Renovate/Improve Nursing Units		
Restricted Funds	10,000,000	-0-
203. Improve Administrative/Medical Facility - King's Daughters Medical Center		
Restricted Funds	10,000,000	-0-
204. Improve Anderson Tower		
Restricted Funds	9,000,000	-0-
205. Improve Mineral Industries Building		
Restricted Funds	9,000,000	-0-
206. Renovate Carnahan House		
Restricted Funds	8,000,000	-0-
207. Acquire/Improve Golf Facility		
Other Funds	8,000,000	-0-
208. Improve Kroger Field 2		
Other Funds	8,000,000	-0-
209. Improve Whalen Building and Bay Facility - Kentucky Advanced Manufacturing		
Restricted Funds	7,000,000	-0-
210. Improve Medical Plaza		

Restricted Funds	7,000,000	-0-
211. Renovate Space for a Testing Center		
Restricted Funds	7,000,000	-0-
212. Improve Nursing Building		
Restricted Funds	7,000,000	-0-
213. Improve Enterprise Networking 1		
Restricted Funds	7,000,000	-0-
214. Improve Enterprise Networking 2		
Restricted Funds	7,000,000	-0-
215. Lease/Purchase Enterprise Infrastructure		
Restricted Funds	7,000,000	-0-
216. Improve Nutter Training Facility		
Other Funds	7,000,000	-0-
217. Improve Soccer/Softball Facility		
Other Funds	7,000,000	-0-
218. Improve Cooper House		
Restricted Funds	6,000,000	-0-
219. Expand KGS Well Sample and Core Repository		
Restricted Funds	6,000,000	-0-
220. Improve Parking Structure 2 Enterprise Data Center		
Restricted Funds	6,000,000	-0-
221. Improve Athletics Facility 4		
Other Funds	6,000,000	-0-
222. Improve Athletics Facility 5		
Other Funds	6,000,000	-0-
223. Improve Joe Craft Center		
Other Funds	6,000,000	-0-
224. Improve Student Services Space I		
Restricted Funds	5,000,000	-0-
225. Improve Counseling Center Space		
Restricted Funds	5,000,000	-0-
226. Improve Enterprise Cable Infrastructure		
Restricted Funds	5,000,000	-0-
227. Lease/Purchase Enterprise Call Center System		
Restricted Funds	5,000,000	-0-
228. Lease/Purchase Enterprise Voice Infrastructure		
Restricted Funds	5,000,000	-0-
229. Acquire Information Technology Systems		
Other Funds	5,000,000	-0-

230. Construct Athletics Hall of Fame Plaza		
Other Funds	5,000,000	-0-
231. Improve Sturgill Development Building		
Restricted Funds	4,000,000	-0-
232. Acquire Transportation Buses		
Restricted Funds	3,000,000	-0-
233. Improve Indoor/Outdoor Track		
Other Funds	3,000,000	-0-
234. Construct Cross Country Trail		
Other Funds	3,000,000	-0-
235. Construct/Improve Athletics Surfaces 1		
Other Funds	3,000,000	-0-
236. Construct/Improve Athletics Surfaces 2		
Other Funds	3,000,000	-0-
237. Improve Joe Craft Football Practice Facility		
Other Funds	3,000,000	-0-
238. Replace Basketball Playing Floors		
Other Funds	3,000,000	-0-
239. Construct/Improve Athletics Surfaces 3		
Other Funds	2,000,000	-0-
240. Facilities Renewal and Modernization 1 Reauthorization (\$125,000,000 Restricted Funds)		
241. Lease - Off-Campus 1 - Fayette Co.		
242. Lease - Off-Campus 3		
243. Lease - Off-Campus 4		
244. Lease - Off-Campus 6		
245. Lease - Off-Campus 7		
246. Lease - Off-Campus 12		
247. Lease - Off-Campus 13		
248. Lease - Off-Campus 14		
249. Lease - Off-Campus 15		
250. Lease - Off-Campus 16		
251. Lease - Off-Campus 17		
252. Lease - Off-Campus 18		
253. Lease - Off-Campus 19		
254. Lease - Off-Campus 20		
255. Lease - Off-Campus 21		
256. Lease - Off-Campus 22		
257. Lease - Off-Campus Housing 1		
258. Lease - Off-Campus Housing 2		

259. Lease - Health Science Colleges 1
260. Lease - Health Science Colleges 2
261. Lease - Health Science College 3
262. Lease - Off-Campus Athletics 1
263. Lease - Off-Campus Athletics 2
264. Lease - Health Affairs Office 1
265. Lease - Health Affairs Office 3
266. Lease - Health Affairs Office 5
267. Lease - Health Affairs Office 11
268. Lease - Health Affairs Office 12
269. Lease - Health Affairs Office 14
270. Lease - Health Affairs Office 15
271. Lease - Health Affairs Office 18
272. Lease - Health Affairs Office 19
273. Lease - Lease Health Affairs 20
274. Lease - UK HealthCare Off-Campus Facility 2
275. Lease - UK HealthCare Off-Campus Facility 3
276. Lease - UK HealthCare Off-Campus Facility 12
277. Lease - UK HealthCare Off-Campus Facility 13
278. Lease - UK HealthCare Off-Campus Facility 14
279. Lease - UK HealthCare Off-Campus Facility 15
280. Lease - UK HealthCare Off-Campus Facility 16
281. Lease - UK HealthCare Off-Campus Facility 17
282. Lease - UK HealthCare Off-Campus Facility 18
283. Lease - UK HealthCare Off-Campus Facility 19
284. Lease - UK HealthCare Off-Campus Facility 20
285. Lease - UK HealthCare Off-Campus Facility 21
286. Lease - UK HealthCare Off-Campus Facility 22
287. Lease - UK HealthCare Off-Campus Facility 23
288. Lease - UK HealthCare Off-Campus Facility 24
289. Lease - UK HealthCare Off-Campus Facility 25
290. Lease - UK HealthCare Off-Campus Facility 26
291. Lease - UK HealthCare Off-Campus Facility 27
292. Lease - UK HealthCare Off-Campus Facility 28
293. Lease - UK HealthCare Off-Campus Facility 29
294. Lease - UK HealthCare Off-Campus Facility 30
295. Lease - UK HealthCare Off-Campus Facility 31
296. Lease - UK HealthCare Off-Campus Facility 32
297. Lease - UK HealthCare Off-Campus 33

- 298. Lease - UK HealthCare Off-Campus 34
- 299. Lease - Off-Campus 2
- 300. Lease - Off-Campus 11
- 301. Lease - College of Medicine 1
- 302. Lease - College of Medicine 2
- 303. Lease - Health Affairs Office 2
- 304. Lease - Health Affairs Office 4
- 305. Lease - Health Affairs Office 6
- 306. Lease - Health Affairs Office 7
- 307. Lease - Health Affairs Office 8
- 308. Lease - Health Affairs Office 9
- 309. Lease - Health Affairs Office 10
- 310. Lease - Health Affairs Office 13
- 311. Lease - Health Affairs Office 16
- 312. Lease - Health Affairs Office 17
- 313. Lease - Good Samaritan - UK Healthcare
- 314. Lease - UK HealthCare Off-Campus Facility 1
- 315. Lease - UK HealthCare Off-Campus Facility 4
- 316. Lease - UK HealthCare Off-Campus Facility 5
- 317. Lease - UK HealthCare Off-Campus Facility 6
- 318. Lease - UK HealthCare Off-Campus Facility 7
- 319. Lease - UK HealthCare Off-Campus Facility 8
- 320. Lease - UK HealthCare Off-Campus Facility 9
- 321. Lease - UK HealthCare Off-Campus Facility 10
- 322. Lease - UK HealthCare Off-Campus Facility 11
- 323. Lease - Off-Campus 8
- 324. Lease - Off-Campus 9
- 325. Lease - Off-Campus 10
- 326. Lease - UK HealthCare Royal Blue Health 1
- 327. Lease - UK HealthCare Royal Blue Health 2
- 328. Lease - UK HealthCare Royal Blue Health 3
- 329. Lease - UK HealthCare Royal Blue Health 4
- 330. Lease - UK HealthCare Royal Blue Health 5
- 331. Lease - UK HealthCare Royal Blue Health 6
- 332. Lease - UK HealthCare Royal Blue Health 7
- 333. Lease - UK HealthCare Royal Blue Health 8
- 334. Guaranteed Energy Savings Performance Contracts
- 335. Guaranteed Energy Savings Performance Contracts UK Healthcare

001. Asset Preservation Pool - 2024-2026		
Bond Funds	34,553,000	34,553,000
Agency Bonds	8,638,000	8,638,000
TOTAL	43,191,000	43,191,000
002. Construct Health Sciences Simulation Center and Collaboration Hub		
Bond Funds	260,000,000	-0-
Agency Bonds	20,000,000	-0-
TOTAL	280,000,000	-0-
003. Construct Athletics Village		
Other Funds	150,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
004. Construct STEM Building		
Other Funds	142,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
005. Modernize Campus Infrastructure		
Other Funds	100,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
006. Construct P3 Housing Complex		
Other Funds	80,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45A.077.		
007. Construct Resident Hall		
Agency Bonds	80,000,000	-0-
008. Purchase Residence Housing Facility		
Other Funds	75,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
009. Arts and Sciences Reinvention		
Other Funds	70,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
010. Construct Natatorium		
Other Funds	60,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
011. Guaranteed Energy Savings Contract		
Agency Bonds	50,000,000	-0-
012. Structural Improvement Pool - 2024-2026		
Other Funds	40,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
013. Modernize Steam and Chill Water Plant		
Agency Bonds	40,000,000	-0-
014. Replace Building Mechanical/Electrical/Plumbing		

Other Funds	25,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
015. Expand Basketball/Lacrosse Practice Facility		
Other Funds	25,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
016. Renovate Cardinal Football Stadium		
Other Funds	25,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
017. Renovate Exterior Envelope Replacement-55A		
Agency Bonds	20,000,000	-0-
018. Vivarium Equipment Replacement and Upgrade Pool - 2024-2026		
Other Funds	20,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
019. Expand Patterson Stadium/Construct Indoor Facility		
Other Funds	20,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
020. Construct Indoor Facility		
Other Funds	20,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
021. Purchase Next Generation/Enterprise Resource Planning Support System		
Other Funds	20,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
022. Construct Student Commons and Recreational Fields		
Agency Bonds	17,000,000	-0-
023. Renovate School of Nursing		
Other Funds	17,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
024. Frazier Rehabilitation, Renovation, Build-Out and Equip		
Other Funds	16,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
025. Renovate College of Business Academic Space		
Agency Bonds	15,000,000	-0-
026. Improve Housing Facilities Pool		
Other Funds	15,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
027. Purchase Land		
Agency Bonds	15,000,000	-0-
028. Expand Ulmer Softball Stadium/Construct Indoor Facility		
Other Funds	15,000,000	-0-

(1) Authorization:	The above authorization is approved pursuant to KRS 45.763.	
029.	Speed School Multidisciplinary Engineering Building 1 - Speed School Addition Reauthorization (\$65,000,000 Bond Funds, \$10,000,000 Restricted Funds)	
Agency Bonds	15,000,000	-0-
030.	Campus Code Improvement Pool - 2024-2026	
Other Funds	10,000,000	-0-
(1) Authorization:	The above authorization is approved pursuant to KRS 45.763.	
031.	Purchase Content Management System	
Other Funds	10,000,000	-0-
(1) Authorization:	The above authorization is approved pursuant to KRS 45.763.	
032.	Construct Connector Speed School to Research Park	
Agency Bonds	10,000,000	-0-
033.	Replace Electronic Video Boards	
Other Funds	10,000,000	-0-
(1) Authorization:	The above authorization is approved pursuant to KRS 45.763.	
034.	Expand and Renovate Marshall Center Complex	
Other Funds	10,000,000	-0-
(1) Authorization:	The above authorization is approved pursuant to KRS 45.763.	
035.	Renovate Cardinal Park	
Other Funds	10,000,000	-0-
(1) Authorization:	The above authorization is approved pursuant to KRS 45.763.	
036.	Capital Renewal for Athletic Venues	
Other Funds	10,000,000	-0-
(1) Authorization:	The above authorization is approved pursuant to KRS 45.763.	
037.	Expand and Renovate Wright Natatorium	
Other Funds	10,000,000	-0-
(1) Authorization:	The above authorization is approved pursuant to KRS 45.763.	
038.	Replace Cardinal Stadium Seats	
Other Funds	10,000,000	-0-
(1) Authorization:	The above authorization is approved pursuant to KRS 45.763.	
039.	Update and Replace Technology in Athletic Venues	
Other Funds	10,000,000	-0-
(1) Authorization:	The above authorization is approved pursuant to KRS 45.763.	
040.	Renovate L&N Arena	
Other Funds	10,000,000	-0-
(1) Authorization:	The above authorization is approved pursuant to KRS 45.763.	
041.	Purchase Networking System	
Other Funds	8,000,000	-0-
(1) Authorization:	The above authorization is approved pursuant to KRS 45.763.	

042.	Construct Athletics Office Building		
	Other Funds	7,500,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.		
043.	Renovate Cardinal Stadium Club Upgrades		
	Other Funds	7,500,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.		
044.	Purchase Computing for Research Infrastructure		
	Other Funds	7,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.		
045.	Replace Seats in Athletic Venues		
	Other Funds	7,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.		
046.	Demolish Resident Halls		
	Other Funds	6,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.		
047.	Renovate and Update Student/Athlete Dormitory		
	Other Funds	6,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.		
048.	Purchase Security and Firewall Infrastructure		
	Other Funds	5,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.		
049.	ADA Building Upgrade Pool - 2024-2026		
	Agency Bonds	3,000,000	-0-
	Other Funds	2,000,000	-0-
	TOTAL	5,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.		
050.	Construct Athletic Grounds Building		
	Other Funds	5,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.		
051.	Construct Football Practice Field Lighting		
	Other Funds	5,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.		
052.	Renovate Bass Rudd Tennis Center		
	Other Funds	5,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.		
053.	Renovate Lynn Soccer Stadium		
	Other Funds	5,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.		
054.	Renovate Thornton's Academic Center		

Other Funds	5,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
055. Renovate Trager Football Practice Facility		
Other Funds	5,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
056. Renovate Patterson Baseball Stadium		
Other Funds	5,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
057. Construct Practice Bubble		
Other Funds	5,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
058. Demolish and Construct Golf Maintenance/Chemical Building		
Other Funds	5,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
059. Expand and Renovate Athletic Parking Lots		
Other Funds	5,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
060. Expand and Renovate Tailgate Space		
Other Funds	5,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
061. Renovate Garvin Brown Boathouse		
Other Funds	4,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
062. Renovate and Expand ACC Network Studio		
Other Funds	4,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
063. Update and Replace Equipment in ACCN Studio		
Other Funds	4,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
064. Renovate Parking Structures		
Other Funds	3,600,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
065. Purchase Fiber Infrastructure		
Other Funds	3,500,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
066. Purchase Computer Processing System and Storage		
Other Funds	3,500,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
067. Renovate College of Education Academic Space Pool - 2024-2026		

Other Funds	3,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
068. Renovate Gross Anatomy Lab		
Other Funds	3,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
069. Renovate Golf Club - Shelby County		
Other Funds	3,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
070. Renovate and Expand Lee Street Facility		
Other Funds	3,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
071. Replace Fiber Pathway from ACC Studio to Venues		
Other Funds	3,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
072. Expand, Replace and Maintain Grass Practice Fields		
Other Funds	3,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
073. Renovate Miller IT Building		
Other Funds	2,500,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
074. Construct Belknap Stormwater Mitigation Improvements		
Other Funds	2,500,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
075. Renovate Resurface and Repair Parking Lot		
Other Funds	2,500,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
076. Construct Belknap 3rd Street Improvements		
Restricted Funds	2,500,000	-0-
077. Construct Belknap Stormwater Mitigation Improvement		
Other Funds	2,500,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
078. Update Green Health Sciences Campus Courtyard		
Other Funds	2,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
079. Build Out Space for UofL Departments in P3 building		
Other Funds	2,000,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.		
080. Renovate Dental School Space		
Other Funds	2,000,000	-0-

(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.		
081.	Workday Enhancements - Post Implementation		
	Other Funds	2,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.		
082.	Replace Artificial Turf Field IV		
	Other Funds	2,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.		
083.	Replace Artificial Turf Field V		
	Other Funds	2,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.		
084.	Renovate Interfaith Center		
	Other Funds	1,500,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.		
085.	Upgrade Plumbing and Sanitary Lines Dental School		
	Other Funds	1,200,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.		
086.	Asset Preservation Pool - 2022-2024 Reauthorization (\$24,566,000 Restricted Funds)		
087.	Lease - Medical Center One		
088.	Lease - Kidney Dialysis Center		
089.	Lease - Nucleus 1 Building		
090.	Lease - University Pointe		
091.	Lease - Cardinal Towne		
092.	Lease - Province Apartments		
093.	Lease - Trager Institute		
094.	Lease - 1212 S. 4th St, Louisville, KY		
095.	Lease - Liberty Green Community Center		
096.	Lease - Western Kentucky Community and Technical College		
097.	Lease - Denny Crum Hall		
098.	Lease - Soccer Stadium		
099.	Lease - Founders Square		
100.	Lease - Cardinal Station - Human Resources and Risk Management		
101.	Lease - Rowan Building - A&S Fine Arts		
102.	Lease - Academic Space 1		
103.	Lease - Academic Space 2		
104.	Lease - Arthur Street - Tafel Building		
105.	Lease - Athletic/Student Dormitory		
106.	Lease - Housing Facilities		
107.	Lease - Housing 1		
108.	Lease - Housing 2		

109.	Lease - Housing 3		
110.	Lease - Housing 4		
111.	Lease - Jefferson County Clinic Space - State of Kentucky		
112.	Lease - Jefferson County Clinic Space 1		
113.	Lease - Jefferson County Clinic Space 2		
114.	Lease - Jefferson County Clinic Space 3		
115.	Lease - Jefferson County - Office Space 1		
116.	Lease - Jefferson County - Office Space 2		
117.	Lease - Jefferson County - Office Space 3		
118.	Lease - Jefferson County - Office Space 4		
119.	Lease - Medical Center One 2		
120.	Lease - Nucleus 1 Building 2		
121.	Lease - Support Space 1		
122.	Lease - Cardinal Station - Development Office		
10.	WESTERN KENTUCKY UNIVERSITY		
001.	Asset Preservation Pool - 2024-2026		
	Bond Funds	28,581,000	28,581,000
002.	Replace Academic Complex		
	Bond Funds	160,000,000	-0-
003.	Renovate Center for Research and Development Phase I		
	Restricted Funds	6,000,000	-0-
	Other Funds	6,000,000	-0-
	TOTAL	12,000,000	-0-
004.	Reauthorize WKU Asset Preservation Restricted Match		
	Restricted Funds	10,212,000	-0-
005.	Construct Parking Structure IV Additional Reauthorization (\$25,000,000 Agency Bonds)		
	Agency Bonds	10,000,000	-0-
006.	Renovate and Expand Clinical Education Complex		
	Other Funds	10,000,000	-0-
007.	Expand Track and Field Facilities		
	Other Funds	6,500,000	-0-
008.	Renovate South Campus		
	Restricted Funds	6,000,000	-0-
009.	Construct Baseball Grandstand		
	Other Funds	6,000,000	-0-
010.	Renovate/Expand Cliff Todd Center		
	Agency Bonds	6,000,000	-0-
011.	Construct Football Press Box		
	Other Funds	6,000,000	-0-

012.	Acquire Furniture, Fixtures, and Equipment Diddle Arena		
	Other Funds	5,000,000	-0-
013.	Acquire Furniture Fixtures & Equipment Pool		
	Restricted Funds	5,000,000	-0-
014.	Remove and Replace Student Housing at Farm		
	Other Funds	5,000,000	-0-
015.	Add Club Seating at Diddle Arena		
	Other Funds	5,000,000	-0-
016.	Enhance Avenue of Champions Streetscaping		
	Restricted Funds	2,000,000	-0-
	Other Funds	2,000,000	-0-
	TOTAL	4,000,000	-0-
017.	Construct South Plaza		
	Other Funds	3,600,000	-0-
018.	Purchase Property/Parking and Street Improve		
	Restricted Funds	3,000,000	-0-
019.	Purchase Property for Campus Expansion		
	Restricted Funds	3,000,000	-0-
020.	Acquire Furniture, Fixtures, and Equipment for Hilltopper Fieldhouse		
	Other Funds	3,000,000	-0-
021.	Install New Turf on Athletic Fields		
	Other Funds	3,000,000	-0-
022.	Renovate State/Normal Street Properties		
	Restricted Funds	2,000,000	-0-
023.	Asset Preservation - 2022-2024 Reauthorization (\$10,212,000 Restricted Funds)		
024.	Construct New Gordon Ford College of Business Additional Reauthorization (\$74,400,000 Bond Funds, \$25,000,000 Agency Bonds)		
025.	Construct, Renovate, and Improve Athletics Facilities Reauthorization (\$8,434,300 Agency Bonds)		
026.	Guaranteed Energy Savings Performance Contracts		
027.	Lease - Alumni Center		
028.	Lease - Parking Garage		
029.	Lease - Nursing/Physical Therapy		
11.	KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM		
001.	Asset Preservation Pool - 2024-2026		
	Bond Funds	35,500,000	35,500,000
002.	Efficient Operations and Innovation Plan		
	Bond Funds	-0-	90,000,000
003.	Renovate Occupational Technical Building Phase II - Elizabethtown CTC		
	Bond Funds	44,000,000	-0-

004.	Construct Quad and Green Space - Jefferson CTC		
	Restricted Funds	8,000,000	-0-
005.	Construct Fire Academy Dormitory - Fire Commission		
	Restricted Funds	7,800,000	-0-
006.	Expand Culinary Arts Program - Elizabethtown CTC		
	Restricted Funds	5,000,000	-0-
007.	Property Acquisition Pool - Fire Commission - 2024-2026		
	Restricted Funds	5,000,000	-0-
008.	KCTCS Equipment Pool - 2024-2026		
	Restricted Funds	2,500,000	-0-
	Federal Funds	2,500,000	-0-
	TOTAL	5,000,000	-0-
009.	KCTCS Property Acquisition Pool - 2024-2026		
	Restricted Funds	5,000,000	-0-
010.	Acquisition of System Office Building		
	Restricted Funds	4,000,000	-0-
011.	Construct Multicultural Center Atrium Enclosure - JCTC		
	Restricted Funds	3,000,000	-0-
012.	Procure Training Equipment - Fire Commission		
	Restricted Funds	2,000,000	-0-
013.	Construct Fire Academy Maintenance Building - Fire Commission		
	Restricted Funds	2,000,000	-0-
014.	Acquire and Improve Parking Lots - JCTC - Additional Reauthorization (\$5,000,000 Restricted Funds)		
	Restricted Funds	2,000,000	-0-
015.	Procure CDL Simulators - Gateway CTC		
	Restricted Funds	800,000	-0-
016.	Asset Preservation Pool - 2022-2024 Reauthorization (\$26,890,000 Restricted Funds)		
017.	Lease - Elizabethtown CTC - Hardin County		
018.	Lease - Jefferson CTC - Bullitt County Campus		
019.	Lease - Jefferson CTC - Jefferson Education Center		
020.	Lease - KCTCS System Office		

J. PUBLIC PROTECTION CABINET

Budget Unit	2024-25	2025-26
1. HOUSING, BUILDINGS AND CONSTRUCTION		
001. Modernize Application System		
Restricted Funds	1,944,000	1,644,000

K. TOURISM, ARTS AND HERITAGE CABINET

Budget Units	2024-25	2025-26
1. ARTISANS CENTER		

001.	Maintenance Pool - 2024-2026		
	Investment Income	500,000	500,000
2.	PARKS		
001.	Maintenance Pool - 2024-2026		
	Investment Income	10,000,000	10,000,000
002.	Utility Infrastructure Replacement Phase 2		
	Bond Funds	25,000,000	20,000,000
003.	Wastewater Treatment Plant System Upgrades - Multiple Parks		
	Bond Funds	9,000,000	9,000,000
004.	Jenny Wiley Marina Reconstruction		
	Bond Funds	-0-	12,200,000
005.	JJ Audubon Beach House Conversion		
	Bond Funds	1,045,000	-0-
006.	Kenlake Structure Refurbishment (Cherokee)		
	Bond Funds	1,500,000	-0-
007.	Cumberland Falls Lodge Room Upgrade/Reconfiguration		
	Bond Funds	1,500,000	8,500,000
008.	Lake Barkley - Lodge Wing Exterior Repair		
	Bond Funds	2,000,000	4,000,000
009.	Yatesville Marina Replacement		
	Bond Funds	1,000,000	14,000,000
010.	JJ Audubon New Conference Center		
	Bond Funds	3,125,000	4,375,000
011.	Big Bone Lick State Park Nature Center		
	Restricted Funds	3,125,000	-0-
012.	Conference Center Upgrades		
	Bond Funds	3,065,000	-0-
013.	Lake Barkley Fitness Center Upgrades		
	Bond Funds	3,000,000	-0-
014.	Perryville ADA Accessible Restroom Facility		
	Restricted Funds	1,545,000	-0-
015.	Jenny Wiley New Archery Center		
	Bond Funds	1,450,000	-0-
016.	Pennyrile Beach Complex Repair/Upgrade		
	Bond Funds	1,200,000	-0-
3.	HORSE PARK COMMISSION		
001.	Maintenance Pool - 2024-2026		
	Bond Funds	1,500,000	1,500,000
4.	STATE FAIR BOARD		

001.	Kentucky Exposition Center Paving Pool		
	Bond Funds	10,000,000	-0-
002.	Construct Kentucky Exposition Center Dirt/Salt Storage Facility		
	Investment Income	500,000	-0-
003.	Maintenance Pool - 2024-2026		
	Investment Income	3,000,000	3,000,000
004.	Backup Power Supply		
	Bond Funds	30,000,000	-0-
005.	Upgrade Air Handling and Filtration System		
	Bond Funds	2,000,000	2,000,000
006.	Replace IT Infrastructure		
	Bond Funds	2,100,000	-0-
007.	Land Acquisition		
	Investment Income	1,090,000	-0-
008.	Kentucky Exposition Center Redevelopment Plan Phase II		
	Bond Funds	-0-	212,709,000
5.	FISH AND WILDLIFE RESOURCES		
001.	Fees-in-Lieu-of Stream Mitigation Projects Pool		
	Restricted Funds	64,500,000	48,600,000
002.	Construct Camp Earl Wallace Dining Hall		
	Restricted Funds	1,935,000	-0-
	Federal Funds	2,565,000	-0-
	TOTAL	4,500,000	-0-
003.	Cumberland Forest Conservation Program/Ataya		
	Federal Funds	6,650,000	-0-
004.	Construct Lakes and Streams Building		
	Restricted Funds	430,000	-0-
	Federal Funds	1,173,000	-0-
	TOTAL	1,603,000	-0-
005.	Ballard Wildlife Management Area Big Pump - Additional		
	Federal Funds	4,125,000	-0-
	Other Funds	1,375,000	-0-
	TOTAL	5,500,000	-0-
006.	Construct Critical Species Investigation Building		
	Federal Funds	1,602,000	-0-
007.	Construct Veterans' Memorial Shooting Range		
	Restricted Funds	400,000	-0-
	Federal Funds	3,600,000	-0-
	TOTAL	4,000,000	-0-

008. Maintenance Pool - 2024-2026

Restricted Funds	1,500,000	1,500,000
Federal Funds	1,500,000	1,500,000
TOTAL	3,000,000	3,000,000

6. HISTORICAL SOCIETY**001. Kentucky Old State Capitol Preservation**

Bond Funds	1,192,000	993,000
Other Funds	105,000	64,000
TOTAL	1,297,000	1,057,000

7. KENTUCKY CENTER FOR THE ARTS**001. Maintenance Pool - 2024-2026**

Investment Income	550,000	550,000
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002. Renovate Building to Improve Security

Investment Income	625,000	900,000
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PART III**GENERAL PROVISIONS**

1. Funds Designations: Restricted Funds designated in the biennial budget bills are classified in the state financial records and reports as the Agency Revenue Fund, State Enterprise Funds (State Parks, State Fair Board, Insurance Administration, and Kentucky Horse Park), Internal Services Funds (Fleet Management, Computer Services, Correctional Industries, Central Printing, Risk Management, and Property Management), and selected Fiduciary Funds (Other Expendable Trust Funds). Separate fund records and reports shall be maintained in a manner consistent with the branch budget bills.

The sources of Restricted Funds appropriations in this Act shall include all fees (which includes fees for room and board, athletics, and student activities) and rentals, admittances, sales, bond proceeds, licenses collected by law, gifts, subventions, contributions, income from investments, and other miscellaneous receipts produced or received by a budget unit, except as otherwise specifically provided, for the purposes, use, and benefit of the budget unit as authorized by law. Restricted Funds receipts shall be credited and allotted to the respective fund or account out of which a specified appropriation is made in this Act. All receipts of Restricted Funds shall be deposited in the State Treasury and credited to the proper account as provided in KRS Chapters 12, 42, 45, and 48.

The sources of Federal Funds appropriations in this Act shall include federal subventions, grants, contracts, or other Federal Funds received, income from investments, other miscellaneous federal receipts received by a budget unit, and the Unemployment Compensation Fund, except as otherwise provided, for the purposes, use, and benefit of the budget unit as authorized by law. Federal Funds receipts shall be credited and allotted to the respective fund account out of which a specified appropriation is made in this Act. All Federal Funds receipts shall be deposited in the State Treasury and credited to the proper account as provided in KRS Chapters 12, 42, 45, and 48.

2. Expenditure of Excess Restricted Funds or Federal Funds Receipts: If receipts received or credited to the Restricted Funds accounts or Federal Funds accounts of a budget unit during fiscal year 2024-2025 or fiscal year 2025-2026, and any balance forwarded to the credit of these same accounts from the previous fiscal year, exceed the appropriation made by a specific sum for these accounts of the budget unit as provided in Part I, Operating Budget, of this Act, for the fiscal year in which the excess occurs, the excess funds in the accounts of the budget unit shall become available for expenditure for the purpose of the account during the fiscal year only upon compliance with the conditions and procedures specified in KRS 48.400, 48.500, 48.600, 48.605, 48.620, 48.630, 48.730, and 48.800, and with the authorization of the State Budget Director and approval of the Secretary of the Finance and Administration Cabinet.

Prior to authorizing the appropriation of any excess, unbudgeted Restricted Funds pursuant to this section, the State Budget Director and the Secretary of the Finance and Administration Cabinet shall review the adequacy of the General Fund Surplus Account with respect to its availability to support authorized expenditures from the General Fund Surplus Account, known as Necessary Government Expenses. If General Fund Surplus Account moneys are determined by this review to be adequate to meet known or anticipated Necessary Government Expenses during

fiscal year 2024-2025 or fiscal year 2025-2026, respectively, then the appropriation increase may be approved. If the review indicates that there are insufficient funds available or reasonably estimated to become available to the General Fund Surplus Account to meet known or projected Necessary Government Expenses for the fiscal years enumerated above, the State Budget Director and the Secretary of the Finance and Administration Cabinet may disapprove the request for additional Restricted Funds expenditure authority and may direct the excess Restricted Funds identified to the General Fund Surplus Account in order to meet Necessary Government Expense obligations. The results of any review shall be reported to the Interim Joint Committee on Appropriations and Revenue in accordance with KRS 48.400, 48.500, 48.600, 48.605, 48.610, 48.620, 48.630, 48.730, and 48.800.

Any request made by a budget unit pursuant to KRS 48.630 that relates to Restricted Funds or Federal Funds shall include documentation showing a comparative statement of revised estimated receipts by fund source and the proposed expenditures by proposed use, with the appropriated sums specified in the Budget of the Commonwealth, and statements which explain the cause, source, and use for any variances which may exist.

Notwithstanding KRS 48.630(2), any request for allotment of unbudgeted appropriations from any fund source shall be made in writing 14 days in advance of any allotment revision by the head of the budget unit and transmitted simultaneously to the State Budget Director and the Interim Joint Committee on Appropriations and Revenue. The State Budget Director shall report all approved revisions of unbudgeted appropriations to the Interim Joint Committee on Appropriations and Revenue within 14 days of the revision. This report shall include analysis, including but not limited to the amount, necessity, remaining unbudgeted funds, and anticipated future needs for unbudgeted funds.

Each budget unit shall submit its reports in print and electronic format consistent with the Restricted Funds and Federal Funds records contained in the fiscal biennium 2024-2026 Branch Budget Request Manual and according to the following schedule in each fiscal year: (a) on or before the beginning of each fiscal year; (b) on or before October 1; (c) on or before January 1; and (d) on or before April 1.

3. Interim Appropriation Increases: No appropriation from any fund source shall exceed the sum specified in this Act until the agency has documented the necessity, purpose, use, and source, and the documentation has been submitted to the Interim Joint Committee on Appropriations and Revenue for its review and action in accordance with KRS 48.630 and Section 2. of this Part. Proposed revisions to an appropriation contained in the enacted State/Executive Branch Budget or allotment of an unbudgeted appropriation shall conform to the conditions and procedures of KRS 48.630 and this Act.

4. Revision of Appropriation Allotments: Allotments within appropriated sums for the activities and purposes contained in the enacted State/Executive Branch Budget shall conform to KRS 48.610 and may be revised pursuant to KRS 48.605 and this Act.

5. Permitted Appropriation Obligations: No state agency, cabinet, department, office, or program shall incur any obligation against the General Fund or Road Fund appropriations contained in this Act unless the obligation may be reasonably determined to have been contemplated in the enacted State/Executive Branch Budget and is based upon supporting documentation considered by the General Assembly and legislative and executive records.

6. Lapse of General Fund or Road Fund Appropriations Supplanted by Federal Funds: Notwithstanding KRS 45.229, any General Fund appropriation made in anticipation of a lack, loss, or reduction of Federal Funds shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705) to the extent the Federal Funds otherwise become available. Any Road Fund appropriation made in anticipation of a lack, loss, or reduction of Federal Funds shall lapse to the Road Fund Surplus Account to the extent the Federal Funds otherwise become available.

7. Federally Funded Agencies: A state agency entitled to Federal Funds, which would represent 100 percent of the cost of a program, shall conform to KRS 48.730.

8. Lapse of General Fund or Road Fund Excess Debt Service Appropriations: Notwithstanding KRS 48.720, any excess General Fund debt service shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705) unless otherwise directed in this Act. Pursuant to KRS 48.720, any excess Road Fund debt service shall lapse to the Road Fund Surplus Account unless otherwise directed in this Act.

9. Statutes in Conflict: All statutes and portions of statutes in conflict with any of the provisions of this Act, to the extent of the conflict, are suspended unless otherwise provided by this Act.

10. Interpretation of Appropriations: Notwithstanding KRS 48.500, all questions that arise in interpreting this Act and the Transportation Cabinet budget shall be decided by the Attorney General, and the decision of the Attorney General shall be final and conclusive.

11. Publication of the Budget of the Commonwealth: The State Budget Director shall cause the Governor's Office for Policy and Management, within 60 days of adjournment of the 2024 Regular Session of the General Assembly, to publish a final enacted budget document, styled the Budget of the Commonwealth, based upon the Legislative Branch Budget, State/Executive Branch Budget, Transportation Cabinet Budget, and Judicial Branch Budget as enacted by the 2024 Regular Session, as well as other Acts which contain appropriation provisions for the 2024-2026 fiscal biennium, and based upon supporting documentation and legislative records as considered by the 2024 Regular Session. This document shall include, for each agency and budget unit, a consolidated budget summary statement of available regular and continuing appropriated revenue by fund source, corresponding appropriation allocations by program or subprogram as appropriate, budget expenditures by principal budget class, and any other fiscal data and commentary considered necessary for budget execution by the Governor's Office for Policy and Management and oversight by the Interim Joint Committee on Appropriations and Revenue. The enacted State/Executive Branch Budget and Transportation Cabinet Budget shall be revised or adjusted only upon approval by the Governor's Office for Policy and Management as provided in each Part of this Act and by KRS 48.400 to 48.810, and upon review and approval by the Interim Joint Committee on Appropriations and Revenue.

12. State Financial Condition: Pursuant to KRS 48.400, the State Budget Director shall monitor and report on the financial condition of the Commonwealth.

13. Prorating Administrative Costs: The Secretary of the Finance and Administration Cabinet is authorized to establish a system or formula or a combination of both for prorating the administrative costs of the Finance and Administration Cabinet, the Department of the Treasury, and the Office of the Attorney General relative to the administration of programs in which there is joint participation by the state and federal governments for the purpose of receiving the maximum amount of participation permitted under the appropriate federal laws and regulations governing the programs. The receipts and allotments under this section shall be reported to the Interim Joint Committee on Appropriations and Revenue prior to any transfer of funds.

14. Construction of Budget Provisions Regarding Executive Reorganization Orders: Nothing in this Act shall be construed to confirm or ratify, under KRS 12.028, any executive reorganization order unless the executive order was confirmed or ratified by appropriate amendment to the Kentucky Revised Statutes in another Act of the 2024 Regular Session of the General Assembly.

15. Executive Orders: For the purpose of ensuring transparent government, the Governor shall provide a comprehensive report to the Legislative Research Commission simultaneously with each and every executive order issued pertaining to:

- (1) Authorizing the expenditure of state funds over \$10,000;
- (2) Establishing or altering the organization of state agencies;
- (3) Establishing or altering the services provided by state government; or
- (4) Establishing a new program or altering an existing program administered by state government.

The comprehensive report shall contain the following items:

- (1) A complete statement of each essential fact upon which the order is based;
- (2) A complete statement of each goal sought through issuance of the order;
- (3) A comprehensive analysis explaining how the executive order achieves each stated goal with the least burden placed upon the constitutional rights of the citizens of the Commonwealth of Kentucky and how each stated goal is accomplished with the most efficient use of taxpayer money;
- (4) A detailed estimate of the anticipated expenditures of all state funds and all state employee time required for implementation or enforcement itemized in the smallest categories reasonably identifiable and stated in weekly increments; and
- (5) A detailed statement of all state funds and all state employee time actually expended for implementation or enforcement of each and every prior executive order upon the same issue or event or substantially similar issue or event itemized in the smallest categories reasonably identifiable and stated in weekly increments.

Each comprehensive report shall be updated every 30 days subsequent to issuance of an executive order and shall be provided to the Legislative Research Commission.

Notwithstanding any statute to the contrary, except as provided in this Act, no state funds or state employee time shall be expended by any person or agency to implement or enforce any executive order issued other than as authorized by KRS Chapters 39A to 39F, as amended by 2021 Regular Session SB 1 and further amended by

subsequent acts of the 2021 General Assembly, or other than as may be implemented or enforced for a total sum not exceeding \$100,000, inclusive of all state employee time and costs, or other than as may relate to an emergency order issued relative to a natural disaster, or other than as may be approved by the General Assembly.

16. Tax Expenditure Revenue Loss Estimates: By September 1 of each fiscal year, the Office of State Budget Director shall provide to each branch of government detailed estimates for the General Fund and Road Fund for the current and next two fiscal years of the revenue loss resulting from tax expenditures. The Department of Revenue shall provide assistance and furnish data, which is not restricted by KRS 131.190. "Tax expenditure" as used in this section means an exemption, exclusion, or deduction from the base of a tax, a credit against the tax, a deferral of a tax, or a preferential tax rate. The estimates shall include for each tax expenditure the amount of revenue loss, a citation of the legal authority for the tax expenditure, the year in which it was enacted, and the tax year in which it became effective.

17. Duplicate Appropriations: Any appropriation item and sum in Parts I to X of this Act and in an appropriation provision in any Act of the 2024 Regular Session which constitutes a duplicate appropriation shall be governed by KRS 48.312.

18. Priority of Individual Appropriations: KRS 48.313 shall control when a total or subtotal figure in this Act conflicts with the sum of the appropriations of which it consists.

19. Severability of Budget Provisions: Appropriation items and sums in Parts I to X of this Act shall conform to KRS 48.311. If any section, any subsection, or any provision is found by a court of competent jurisdiction in a final, unappealable order to be invalid or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions.

20. Unclaimed Lottery Prize Money: For fiscal year 2024-2025 and fiscal year 2025-2026, all unclaimed lottery prize money under KRS 154A.110(3) shall be credited to the Kentucky Educational Excellence Scholarship Reserve Account to be held as a subsidiary account within the Finance and Administration Cabinet for the purpose of funding the KEES Program as appropriated in this Act. If the Kentucky Higher Education Assistance Authority certifies to the State Budget Director that the appropriations in this Act for the KEES Program under the existing award schedule are insufficient to meet funds required for eligible applicants, then the State Budget Director shall provide the necessary allotment of funds in the balance of the KEES Reserve Account to fund the KEES Program. Actions taken under this section shall be reported to the Interim Joint Committee on Appropriations and Revenue on a timely basis.

21. Workers' Compensation: Notwithstanding KRS 342.340(1) and 803 KAR 25:021, Section 4, the Personnel Cabinet shall be exempt from procuring excess risk insurance in fiscal year 2024-2025 and fiscal year 2025-2026 for the Workers' Compensation Benefits and Reserve Program administered by the Cabinet.

22. Carry Forward and Undesignated General Fund and Road Fund Carry Forward: Notwithstanding KRS 48.700 and 48.705, and other Parts of this Act, the Secretary of the Finance and Administration Cabinet shall determine and certify, within 30 days of the close of fiscal year 2023-2024 and fiscal year 2024-2025, the actual amount of undesignated balance of the General Fund and the Road Fund for the year just ended. The amounts from the undesignated fiscal year 2023-2024 and fiscal year 2024-2025 General Fund and Road Fund balances that are designated and carried forward for budgeted purposes in the 2024-2026 fiscal biennium shall be determined by the State Budget Director during the close of the respective fiscal year and shall be reported to the Interim Joint Committee on Appropriations and Revenue within 30 days of the close of the fiscal year. Any General Fund undesignated balance in excess of the amount designated for budgeted purposes under this section shall be made available for the General Fund Surplus Expenditure Plan contained in Part VII of this Act unless otherwise provided in this Act. The Road Fund undesignated balance in excess of the amount designated for budgeted purposes under this section shall be made available for the Road Fund Surplus Expenditure Plan contained in Part IX of this Act unless otherwise provided in this Act.

23. Reallocation of Appropriations Among Budget Units: Notwithstanding any statute to the contrary, or provisions of this Act, the Secretary of a Cabinet, the Commissioner of the Department of Education, and other agency heads may request a reallocation among budget units under his or her administrative authority up to five percent of General Fund appropriations contained in Part I, Operating Budget, of this Act for fiscal years 2023-2024, 2024-2025, and 2025-2026 for approval by the State Budget Director. A request shall explain the need and use for the transfer authority under this section. The amount of transfer of General Fund appropriations shall be separately recorded and reported in the system of financial accounts and reports provided in KRS Chapter 45. The State Budget Director shall report a transfer made under this section, in writing, to the Interim Joint Committee on Appropriations and Revenue.

24. Budget Implementation: The General Assembly directs that the Executive Branch shall carry out all appropriations and budgetary language provisions as contained in the State/Executive Branch Budget. The Legislative Research Commission shall review quarterly expenditure data to determine if an agency is out of compliance with this directive. If the Legislative Research Commission suspects that any entity has acted in non-conformity with this section, the Legislative Research Commission may order an audit or review at the agency's expense. Such audit findings, reviews, and reports shall be subject to the Kentucky Open Records Law. The Secretary of each Cabinet, the Commissioner of Education, or agency head shall provide a comprehensive semiannual report, beginning February 1, 2025, to the standing Appropriations and Revenue Committees of the General Assembly or the Interim Joint Committee on Appropriations and Revenue, as appropriate, detailing expenditures related to the appropriations contained within the budgetary language provisions for each budget unit within their cabinet. If an agency does not expend the full General Fund appropriation contained within a budgetary language provision, the unexpended funds shall be transferred to the Budget Reserve Trust Fund Account (KRS 48.705).

25. Appropriations Expenditure Purpose and Transfer Restrictions: Funds appropriated in this Act shall be expended only for the purposes specified and authorized by the General Assembly in this Act. No funds appropriated in this Act shall be transferred to or between any cabinet, department, board, commission, institution, agency, or budget unit of state government unless specifically authorized by the General Assembly in this Act and KRS 48.400 to 48.810. Semiannually, beginning February 1, 2025, the State Budget Director shall submit a letter to the Legislative Research Commission certifying any known violations of any provision of this section for that six-month period or any prior six-month period. Compliance with the provisions of this section shall be reviewed and determined by the Interim Joint Committee on Appropriations and Revenue.

26. Information Technology: All authorized computer information technology projects shall submit a semiannual progress report to the Capital Projects and Bond Oversight Committee. The reporting process shall begin six months after the project is authorized and shall continue through completion of the project. The initial report shall establish a timeline for completion and cash disbursement schedule. Each subsequent report shall update the timeline and budgetary status of the project and explain in detail any issues with completion date and funding.

27. Equipment Service Contracts and Energy Efficiency Measures: The General Assembly mandates that the Finance and Administration Cabinet review all equipment service contracts to maximize savings to the Commonwealth to strictly adhere to the provisions of KRS 56.772, 56.782, and 56.784 in maximizing the use of energy efficiency measures.

28. Debt Restructuring: Notwithstanding any other provision of the Kentucky Revised Statutes, no General Fund or Road Fund debt restructuring transactions shall be undertaken during the 2024-2026 fiscal biennium.

29. Effects of Subsequent Legislation: If any measure enacted during the 2024 Regular Session of the General Assembly subsequent to this Act contains an appropriation or is projected to increase or decrease General Fund revenues, the amount in the Budget Reserve Trust Fund shall be revised to accommodate the appropriation or the reduction or increase in projected revenues. Notwithstanding any provision of KRS 48.120(3) and (4) to the contrary, the official enacted revenue estimates of the Commonwealth described in KRS 48.120(4) shall be adjusted at the conclusion of the 2024 Regular Session of the General Assembly, respectively, to incorporate any projected revenue increases or decreases that will occur as a result of actions taken by the General Assembly subsequent to the passage of this Act by both chambers.

30. Permitted Use of Water and Sewer Bond Funds: Notwithstanding Part II, (3) of this Act and any statute to the contrary, any balances remaining for either closed or open project grant agreements authorized pursuant to bond pools set forth in 2003 Ky. Acts ch. 156, Part II, A., 3., d. Water and Sewer Resources Development Fund for Tobacco Counties and e. Water and Sewer Resources Development Fund For Coal Producing Counties; 2005 Ky. Acts ch. 173, Part II, A., 3., 003. Infrastructure for Economic Development Fund for Coal-Producing Counties and 004. Infrastructure for Economic Development Fund for Tobacco Counties; 2006 Ky. Acts ch. 252, Part II, A., 2., 003. Infrastructure for Economic Development Fund for Non-Coal Producing Counties and 004. Infrastructure for Economic Development Fund for Coal-Producing Counties; 2008 Ky. Acts ch. 123, Section 3., 004. Infrastructure for Economic Development Fund for Coal-Producing Counties and 005. Infrastructure for Economic Development Fund for Non-Coal Producing Counties; 2008 Ky. Acts ch. 174, Section 2.; and 2009 Ky. Acts ch. 87, Section 2. shall not lapse and shall remain to the credit of projects previously authorized by the General Assembly unless expressly reauthorized and reallocated by action of the General Assembly.

31. COVID-19 Federal Funds: No Federal Funds received from the Coronavirus Aid, Relief, and Economic Security (CARES) Act or any other Federal Funds related to the COVID-19 emergency response shall be used to establish any new programs unless those new programs can be fully supported from existing appropriation amounts once all of the Federal Funds have been expended. No new positions shall be established unless those new positions are established as federally funded time-limited positions. The Office of State Budget Director shall submit

a report to the Interim Joint Committee on Appropriations and Revenue by December 1 of each fiscal year on the expenditure of all Federal Funds and associated matching funds related to the COVID-19 emergency response. Any unexpended Federal Funds that require an interim reallocation must be approved by both the Governor and the State Treasurer.

32. Approval of State Aircraft Travel: Notwithstanding KRS 45.101, 174.508, and any other statute or administrative regulation to the contrary, the use of state aircraft by any secretary or other state official of any Executive Branch cabinet for out-of-state travel shall be approved by the State Treasurer. The State Treasurer shall only approve requests which document that the use of state aircraft is the lowest cost option as measured by both travel costs and travel time. The State Treasurer shall not designate approval authority for out-of-state travel on state aircraft by Executive Branch cabinet secretaries or other state officials to any other person. Any requests and documentation regarding the use of state aircraft collected by the State Treasurer shall be subject to the Kentucky Open Records Act, KRS 61.870 to 61.884.

33. Lapse of General Fund or Road Fund Appropriations Supplanted by Pandemic Relief Funds: Notwithstanding KRS 45.229, any General Fund appropriations that become available due to supplantation of Federal Funds related to COVID-19 emergency response or pandemic relief shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Any Road Fund appropriations that become available due to supplantation of Federal Funds related to the COVID-19 emergency response or pandemic relief shall lapse to the Emergency Disaster Relief Account.

34. Federal Acts: Notwithstanding KRS 48.630, Section 2. of this Part, and any statute to the contrary, the state portion of the Coronavirus State and Local Fiscal Recovery Fund and the Coronavirus Capital Projects Fund of the American Rescue Plan Act of 2021 shall not be expended or appropriated without the express authority of the General Assembly.

35. Pandemic Relief Funds: No Federal Funds received related to COVID-19 emergency response or pandemic relief shall be used to establish any new programs unless those new programs can be fully supported from existing appropriation amounts once all of the Federal Funds have been expended. No new positions shall be established unless those new positions are established as federally funded time-limited positions. The Office of State Budget Director shall prepare a monthly report for all federal pandemic relief funds. The report shall include, at a minimum, the federal grant program name, the recipient, the purpose of the funding, the total award amount, monthly detail of actual expenditures by object code, and the fund source and amounts of any state funds that have been supplanted. The report shall be submitted to the Legislative Research Commission, Office of Budget Review, by the 15th of each month during the 2024-2026 fiscal biennium.

36. Electronic Access to Budget Information: In accordance with KRS 48.950, the State Budget Director shall continue to work cooperatively with the Legislative Research Commission to provide relevant budgetary information in a timely manner. To ensure that this information is transmitted in its most useful format, the State Budget Director shall provide electronic versions of all documents requested by the Legislative Research Commission in an editable format in order for documents to be manipulated without the use of specialized software. Electronic access shall also include the ability to access and view, but not edit, documents contained in KBUD and all related or successor budgetary systems of record.

37. Motor Vehicles: Notwithstanding any statute to the contrary, no agency, department, air pollution control district, or political subdivision of the Commonwealth, including the Transportation Cabinet, shall mandate the purchase of electric vehicles, and no Request for Proposal shall limit purchasing of vehicles to solely electric vehicles.

PART IV

STATE SALARY/COMPENSATION, BENEFIT, AND EMPLOYMENT POLICY

1. Authorized Personnel Complement: On July 1, 2024, and July 1, 2025, the Personnel Cabinet and the Office of State Budget Director shall establish a record for each budget unit of authorized permanent full-time and other positions based upon the enacted State/Executive Branch Budget of the Commonwealth and any adjustments authorized by provisions in this Act. The total number of filled permanent full-time and all other positions shall not exceed the authorized complements pursuant to this section. An agency head may request an increase in the number of authorized positions to the State Budget Director. Upon approval of the State Budget Director, the Secretary of the Personnel Cabinet may authorize the employment of individuals in addition to the authorized complement. A report of the actions authorized in this section shall be provided to the Legislative Research Commission on a monthly basis.

2. Salary Increment: Notwithstanding KRS 18A.355, relating to anniversary date, and notwithstanding KRS 156.808(6)(e), a three percent salary increase is provided, effective July 1, 2024, and a three percent salary increase is provided, effective July 1, 2025, on the base salary or wages of each eligible state employee.

3. Employee Cross-Reference: The Personnel Cabinet may permit married couples who are both eligible to participate in the state health insurance plan to be covered under one family health benefit plan.

4. Full-Time Positions: Notwithstanding KRS 18A.005(18)(a), full-time positions in the state parks, where the work assigned is dependent upon fluctuations in tourism, may be assigned work hours from 25 hours per week and remain in full-time positions.

5. Employer Retirement Contribution Rates: Notwithstanding KRS 61.565 and 61.702, the employer contribution rates for Kentucky Employees Retirement System from July 1, 2024, through June 30, 2026, and except as otherwise provided in this Act, shall be 23.74 percent, consisting of 23.74 percent for pension for hazardous duty employees; for the same period, the employer contribution for employees of the State Police Retirement System shall be 68.10 percent, consisting of 65.79 percent for pension and 2.31 percent for health insurance. Notwithstanding any other provision of this Act or KRS 61.565 or 61.702 to the contrary, the initial actuarially accrued liability employer contribution rate from July 1, 2024, through June 30, 2026, for nonhazardous employees in the Executive Branch departments shall be determined by the State Budget Director by May 1, 2024. The employer contribution rate shall include the normal cost contribution of 8.44 percent and be sufficient to adhere to the prorated amount of the actuarially accrued liability to each individual nonhazardous employer as determined by the Kentucky Employees Retirement System. The rates in this section apply to wages and salaries earned for work performed during the described period regardless of when the employee is paid for the time worked.

6. Health Care Spending Account: Notwithstanding KRS 18A.2254(2)(a) and (b), if a public employee waives coverage provided by his or her employer under the Public Employee Health Insurance Program, the employer shall forward a monthly amount to be determined by the Secretary of the Personnel Cabinet for that employee as an employer contribution to a health reimbursement account or a health flexible spending account, but not less than \$175 per month, subject to any conditions or limitations imposed by the Secretary of the Personnel Cabinet to comply with applicable federal law. The administrative fees associated with a health reimbursement account or health flexible spending account shall be an authorized expense to be charged to the Public Employee Health Insurance Trust Fund.

7. State Group Health Insurance Plan - Transfer Between Plan Years: Notwithstanding KRS 18A.2254, the Secretary of the Finance and Administration Cabinet and the Secretary of the Personnel Cabinet are authorized to use the excess funds from any prior plan year to satisfy claims or expenses in Plan Year 2021, Plan Year 2022, Plan Year 2023, Plan Year 2024, Plan Year 2025, and Plan Year 2026.

8. State Group Health Insurance Plan – Plan Year Closure: Notwithstanding KRS 18A.2254, Plan Year 2020 shall be considered closed as of June 30, 2024, and the balance from that Plan Year shall be transferred to Plan Year 2021. All other income and expenses attributable to the closed Plan Year shall be deposited in or charged to the Plan Year 2021 account after that date.

PART V

FUNDS TRANSFER

The General Assembly finds that the financial condition of state government requires the following action.

Notwithstanding the statutes or requirements of the Restricted Funds enumerated below, there is transferred to the General Fund the following amounts in fiscal year 2024-2025 and fiscal year 2025-2026:

	2024-25	2025-26
A. ENERGY AND ENVIRONMENT		
1. Secretary		
Kentucky Pride Trust Fund	227,900	209,000
(KRS 224.43-505(2)(a)3.)		

Notwithstanding KRS 224.43-505(2)(a)3., these funds transfers to the General Fund support the General Fund debt service on the bonds sold as appropriated by 2003 Ky. Acts ch. 156, Part II, A., 3., c.

B. JUSTICE AND PUBLIC SAFETY

1. Criminal Justice Training

Criminal Justice Training	2,301,000	2,301,000
(KRS 15.430 and 136.392(2))		

Notwithstanding KRS 15.430 and 136.392(2), these funds transfers to the General Fund support the General Fund debt service for the capital project in 2022 Ky. Acts ch. 199, Part II, H., 2., 002.

TOTAL - FUNDS TRANSFER	2,528,900	2,510,000
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PART VI

GENERAL FUND BUDGET REDUCTION PLAN

Pursuant to KRS 48.130 and 48.600, a General Fund Budget Reduction Plan is enacted for state government in the event of an actual or projected revenue shortfall in General Fund revenue receipts, excluding Tobacco Settlement – Phase I receipts, of \$15,554,500,000 in fiscal year 2023-2024, \$15,549,500,000 in fiscal year 2024-2025, and \$15,643,600,000 in fiscal year 2025-2026, as modified pursuant to Part III, 29. of this Act and by related Acts and actions of the General Assembly in any subsequent extraordinary or regular session. Notwithstanding KRS 48.130, direct services, obligations essential to the minimum level of constitutional functions, and other items that may be specified in this Act, are exempt from the requirements of this Plan. Each branch head shall prepare a specific plan to address the proportionate share of the General Fund revenue shortfall applicable to the respective branch. No budget revision action shall be taken by a branch head in excess of the actual or projected revenue shortfall.

The Governor, the Secretary of State, the Attorney General, the Treasurer, the Commissioner of Agriculture, the Auditor of Public Accounts, the Chief Justice, and the Legislative Research Commission shall direct and implement reductions in allotments and appropriations only for their respective branch budget units as may be necessary, as well as take other measures which shall be consistent with the provisions of this Part and biennial branch budget bills.

Pursuant to KRS 48.130(4), in the event of a revenue shortfall of five percent or less, the following General Fund budget reduction actions shall be implemented:

(1) The Local Government Economic Assistance Fund and the Local Government Economic Development Fund shall be adjusted by the Secretary of the Finance and Administration Cabinet to equal revised estimates of receipts pursuant to KRS 42.4582 as modified by the provisions of this Act;

(2) Transfers of excess unappropriated Restricted Funds, notwithstanding any statutes to the contrary, other than fiduciary funds, to the General Fund shall be applied as determined by the head of each branch for its respective budget units. No transfers to the General Fund shall be made from the following:

(a) Local Government Economic Assistance Fund and Local Government Economic Development Fund;

(b) Unexpended debt service from the Tobacco-Settlement Phase I Funds, including but not limited to unexpended debt service and the Tobacco Unbudgeted Interest Income-Rural Development Trust Fund, in either fiscal year; and

(c) The Kentucky Permanent Pension Fund;

(3) Unexpended debt service;

(4) Any unanticipated Phase I Master Settlement Agreement revenues in both fiscal years shall be appropriated according to Part X of this Act and shall not be transferred to the General Fund;

(5) Use of the unappropriated balance of the General Fund surplus shall be applied;

(6) Any language provision that expresses legislative intent regarding a specific appropriation shall not be reduced by a greater percentage than the reduction to the General Fund appropriation for that budget unit;

(7) Contributions appropriated to pensions in excess of statutory requirements;

(8) Contributions appropriated to pension insurance in excess of actuarially required contributions;

(9) Reduce General Fund appropriations in Executive Branch agencies' operating budget units by a sufficient amount to balance either fiscal year. No reductions of General Fund appropriations shall be made from the Local Government Economic Assistance Fund or the Local Government Economic Development Fund;

(10) Notwithstanding subsection (9) of this Part, no reductions shall be made to the Secretary of State, the Attorney General, the Treasurer, the Commissioner of Agriculture, or the Auditor of Public Accounts, or their offices, Commonwealth's Attorneys or their offices, or County Attorneys or their offices. The Governor may request

their participation in a budget reduction; however, the level of participation shall be at the discretion of the Constitutional Officer or the Prosecutors Advisory Council, and shall not exceed the actual percentage of revenue shortfall;

(11) Excess General Fund appropriations which accrue as a result of personnel vacancies and turnover, and reduced requirements for operating expenses, grants, and capital outlay shall be determined and applied by the heads of the executive, judicial, and legislative departments of state government for their respective branches. The branch heads shall certify the available amounts which shall be applied to budget units within the respective branches and shall promptly transmit the certification to the Secretary of the Finance and Administration Cabinet and the Legislative Research Commission. The Secretary of the Finance and Administration Cabinet shall execute the certified actions as transmitted by the branch heads.

Branch heads shall take care, by their respective actions, to protect, preserve, and advance the fundamental health, safety, legal and social welfare, and educational well-being of the citizens of the Commonwealth; and

(12) Pursuant to KRS 48.130 and 48.600, if the actions contained in subsections (1) to (11) of this Part are insufficient to eliminate an actual or projected General Fund revenue shortfall, then the Governor is empowered and directed to take necessary actions with respect to the Executive Branch budget units to balance the budget by such actions conforming with the criteria expressed in this Part.

PART VII

GENERAL FUND SURPLUS EXPENDITURE PLAN

(1) Notwithstanding KRS 48.130(7), 48.140(3), 48.700, and 48.705, there is established a plan for the expenditure of General Fund surplus moneys pursuant to a General Fund Surplus Expenditure Plan contained in this Part for fiscal years 2023-2024, 2024-2025, and 2025-2026. Pursuant to the enactment of the Surplus Expenditure Plan, General Fund moneys made available for the General Fund Surplus Expenditure Plan pursuant to Part III, General Provisions, Section 22. of this Act are appropriated to the following:

(a) Expenditures without a sum-specific appropriation amount, known as Necessary Government Expenses, as authorized in Part I of this Act;

(b) The entire remaining amount to the Budget Reserve Trust Fund; and

(c) No surplus moneys in any fiscal year shall be reserved for Necessary Government Expenses in a subsequent fiscal year.

(2) The Secretary of the Finance and Administration Cabinet shall determine, within 30 days after the close of each fiscal year, based on the official financial records of the Commonwealth, the amount of actual General Fund undesignated fund balance for the General Fund Surplus Account that may be available for expenditure pursuant to the Plan in fiscal year 2024-2025 and fiscal year 2025-2026. The Secretary of the Finance and Administration Cabinet shall certify the amount of actual General Fund undesignated fund balance available for expenditure to the Legislative Research Commission.

PART VIII

ROAD FUND BUDGET REDUCTION PLAN

There is established a Road Fund Budget Reduction Plan for fiscal years 2023-2024, 2024-2025, and 2025-2026. Notwithstanding KRS 48.130(1) and (3) relating to statutory appropriation adjustments related to the revenue sharing of motor fuels taxes, in the event of an actual or projected revenue shortfall in Road Fund revenue receipts of \$1,881,700,000 in fiscal year 2023-2024, \$1,825,000,000 in fiscal year 2024-2025, and \$1,894,300,000 in fiscal year 2025-2026, as modified by related Acts and actions of the General Assembly in an extraordinary or regular session, the Governor shall implement sufficient reductions as may be required to protect the highest possible level of service.

PART IX

ROAD FUND SURPLUS EXPENDITURE PLAN

Notwithstanding KRS 48.110, 48.140, and 48.710, there is established a plan for the expenditure of the Road Fund Surplus Account. All moneys in the Road Fund Surplus Account shall be appropriated to the State Construction Account within the Highways budget unit and utilized to support projects in the 2024-2026 Biennial Highway Construction Program.

PART X

PHASE I TOBACCO SETTLEMENT

(1) **General Purpose:** This Part prescribes the policy implementing aspects of the national settlement agreement between the tobacco industry and the collective states as described in KRS 248.701 to 248.727. In furtherance of that agreement, the General Assembly recognizes that the Commonwealth of Kentucky is a party to the Phase I Master Settlement Agreement (MSA) between the Participating Tobacco Manufacturers and 46 Settling States which provides reimbursement to states for smoking-related expenditures made over time.

(2) **State's MSA Share:** The Commonwealth's share of the MSA is equal to 1.7611586 percent of the total settlement amount. Payments under the MSA are made to the states annually in April of each year.

(3) **MSA Payment Amount Variables:** The total settlement amount to be distributed on each payment date is subject to change pursuant to several variables provided in the MSA, including inflation adjustments, volume adjustments, previously settled states adjustments, and the nonparticipating manufacturers adjustment.

(4) **Distinct Identity of MSA Payment Deposits:** The General Assembly has determined that it shall be the policy of the Commonwealth that all Phase I Tobacco Settlement payments shall be deposited to the credit of the General Fund and shall maintain a distinct identity as Phase I Tobacco Settlement payments that shall not lapse to the credit of the General Fund surplus but shall continue forward from each fiscal year to the next fiscal year to the extent that any balance is unexpended.

(5) **MSA Payment Estimates and Adjustments:** Based on the official estimates of the Consensus Forecasting Group, the amount of MSA payments expected to be received in fiscal year 2024-2025 is \$97,800,000 and in fiscal year 2025-2026 is \$93,100,000. It is recognized that payments to be received by the Commonwealth are estimated and are subject to change. If MSA payments received are less than the official estimates, appropriation reductions shall be applied as follows: after exempting appropriations for debt service, the Attorney General, and the Department of Revenue, 50 percent to the Agricultural Development Fund, 30 percent to the Early Childhood Development Fund, and 20 percent to the Health Care Improvement Fund. If MSA payments received exceed the official estimates, appropriation increases shall be applied as follows: after exempting appropriations for debt service, the Attorney General, and the Department of Revenue, 50 percent to the Agricultural Development Fund, 30 percent to the Early Childhood Development Fund, and 20 percent to the Health Care Improvement Fund.

a. **State Enforcement:** Notwithstanding KRS 248.654 and 248.703(4), a total of \$150,000 of the MSA payments in each fiscal year is appropriated to the Attorney General for the state's diligent enforcement of noncompliant nonparticipating manufacturers.

b. **State Enforcement:** Notwithstanding KRS 248.654 and 248.703(4), a total of \$250,000 of the MSA payments in each fiscal year is appropriated to the Finance and Administration Cabinet, Department of Revenue for the state's diligent enforcement of noncompliant nonparticipating manufacturers.

c. **Debt Service:** Notwithstanding KRS 248.654 and 248.703(4), \$23,466,900 in MSA payments in fiscal year 2024-2025 and \$16,783,700 in MSA payments in fiscal year 2025-2026 are appropriated to the Finance and Administration Cabinet, Debt Service budget unit.

d. **Agricultural Development Initiatives:** Notwithstanding KRS 248.654 and 248.703(4), \$41,967,100 in MSA payments in fiscal year 2024-2025 and \$42,961,000 in MSA payments in fiscal year 2025-2026 are appropriated to the Kentucky Agricultural Development Fund to be used for agricultural development initiatives as specified in this Part.

e. **Early Childhood Development Initiatives:** Notwithstanding KRS 248.654, \$22,534,000 in MSA payments in fiscal year 2024-2025 and \$22,580,000 in MSA payments in fiscal year 2025-2026 are appropriated to the Early Childhood Development Initiatives as specified in this Part.

f. **Health Care Initiatives:** Notwithstanding KRS 164.476, 248.654, and 304.17B-003(5), \$10,750,000 in MSA payments in fiscal year 2024-2025 and \$11,500,000 in MSA payments in fiscal year 2025-2026 are appropriated to the Health Care Improvement Fund for health care initiatives as specified in this Part.

A. STATE ENFORCEMENT

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

Notwithstanding KRS 248.654 and 248.703(4), appropriations for state enforcement shall be as follows:

1. GENERAL GOVERNMENT

Budget Unit	2024-25	2025-26
a. Attorney General	150,000	150,000

2. FINANCE AND ADMINISTRATION CABINET

Budget Unit	2024-25	2025-26
a. Revenue	250,000	250,000

B. DEBT SERVICE**GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS**

Notwithstanding KRS 248.654 and 248.703(4), appropriations for debt service shall be as follows:

1. FINANCE AND ADMINISTRATION CABINET

Budget Unit	2024-25	2025-26
a. Debt Service	23,466,900	16,783,700

(1) **Debt Service:** To the extent that revenues sufficient to support the required debt service appropriations are received from the Tobacco Settlement Program, those revenues shall be made available from those accounts to the appropriate account of the General Fund. All necessary debt service amounts shall be appropriated from the General Fund and shall be fully paid regardless of whether there is a sufficient amount available to be transferred from tobacco-supported funding program accounts to other accounts of the General Fund.

(2) **General Fund (Tobacco) Debt Service Lapse:** Notwithstanding Part X, (4) of this Act, \$1,318,000 in fiscal year 2024-2025 and \$1,124,700 in fiscal year 2025-2026 shall lapse to the General Fund.

(3) **Appropriation of Unexpended Tobacco Debt Service:** Any unexpended balance from the fiscal year 2024-2025 or fiscal year 2025-2026 General Fund (Tobacco) debt service appropriation in the Finance and Administration Cabinet, Debt Service budget unit, shall continue and be appropriated to the Department of Agriculture, Kentucky Office of Agricultural Policy.

C. AGRICULTURAL DEVELOPMENT APPROPRIATIONS**GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS**

Notwithstanding KRS 248.654 and 248.703(4), appropriations for Agricultural Development shall be as follows:

1. DEPARTMENT OF AGRICULTURE

Budget Unit	2024-25	2025-26
a. Agriculture	38,967,100	39,961,000

(1) **Tobacco Settlement Funds - Allocations:** Notwithstanding KRS 248.711(2), and from the allocation provided therein, counties that are allocated in excess of \$20,000 annually may provide up to four percent of the individual county allocation, not to exceed \$15,000 annually, to the county council in that county for administrative costs.

(2) **Counties Account:** Notwithstanding KRS 248.703(1), included in the above General Fund (Tobacco) appropriation is \$12,938,200 in fiscal year 2024-2025 and \$13,285,300 in fiscal year 2025-2026 for the counties account as specified in KRS 248.703(1)(a). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) **State Account:** Notwithstanding KRS 248.703(1), included in the above General Fund (Tobacco) appropriation is \$24,028,900 in fiscal year 2024-2025 and \$24,675,700 in fiscal year 2025-2026 for the state account as specified in KRS 248.703(1)(b). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(4) **Farms to Food Banks Program:** Included in the above General Fund (Tobacco) appropriation is \$850,000 in fiscal year 2024-2025 and \$1,000,000 in fiscal year 2025-2026 to support the Farms to Food Banks Program. The use of the moneys provided by this appropriation shall be restricted to purchases of Kentucky-grown produce from Kentucky farmers who participate in the Farms to Food Banks Program. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(5) **Kentucky Rural Mental Health and Suicide Prevention Program:** Included in the above General Fund (Tobacco) appropriation is \$1,000,000 in each fiscal year to support the Kentucky Rural Mental Health, Suicide Prevention, and Farm Safety Program known as the Raising Hope Initiative. The Department of Agriculture shall enhance awareness of the National Suicide Prevention Lifeline (988) in rural communities in Kentucky, improve access to information on rural mental health issues and available treatment services, provide outreach, and provide other necessary services to improve the mental health outcomes of rural communities in Kentucky. The Department

of Agriculture may apply for Federal Funds. The Department of Agriculture may utilize up to \$100,000 in each fiscal year for program administration purposes. The Department of Agriculture shall coordinate with the Raising Hope Initiative to take custody of and maintain any intellectual property assets that were created or developed by any state agency in connection with the Raising Hope Initiative. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(6) Comprehensive Agriculture Plan: Included in the above General Fund (Tobacco) appropriation is \$150,000 in fiscal year 2024-2025 for the Department of Agriculture to complete a comprehensive plan to review the short and long-term goals, strategies, and investments in Kentucky agriculture. At a minimum, the plan shall include recommendations to increase net farm income, to diversify Kentucky agriculture products beyond tobacco, and to address the current and future needs of Kentucky’s agriculture industry. The plan shall be submitted to the Interim Joint Committee on Appropriations and Revenue on or before October 1, 2025.

2. ENERGY AND ENVIRONMENT CABINET

Budget Unit	2024-25	2025-26
a. Natural Resources	3,000,000	3,000,000
(1) Environmental Stewardship Program: Included in the above General Fund (Tobacco) appropriation is \$2,000,000 in each fiscal year for the Environmental Stewardship Program. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.		
(2) Conservation District Local Aid: Included in the above General Fund (Tobacco) appropriation is \$1,000,000 in each fiscal year for the Division of Conservation to provide direct aid to local conservation districts. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.		
TOTAL - AGRICULTURAL	41,967,100	42,961,000
APPROPRIATIONS		

D. EARLY CHILDHOOD DEVELOPMENT

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

Notwithstanding KRS 248.654, appropriations for Early Childhood Development shall be as follows:

1. EDUCATION AND LABOR CABINET

Budget Unit	2024-25	2025-26
a. General Administration and Program Support	1,200,000	1,200,000
(1) Early Childhood Development: Included in the above General Fund (Tobacco) appropriation is \$1,200,000 in each fiscal year for the Early Childhood Advisory Council. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.		

2. CABINET FOR HEALTH AND FAMILY SERVICES

Budget Units	2024-25	2025-26
a. Community Based Services	11,800,000	11,500,000
(1) Early Childhood Development Program: Included in the above General Fund (Tobacco) appropriation is \$9,800,000 fiscal year 2024-2025 and \$9,500,000 in fiscal year 2025-2026 for the Early Childhood Development Program. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.		

(2) Early Childhood Adoption and Foster Care Supports: Included in the above General Fund (Tobacco) appropriation is \$2,000,000 in each fiscal year for the Early Childhood Adoption and Foster Care Supports Program. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

Budget Units	2024-25	2025-26
b. Public Health	8,234,000	8,580,000
(1) HANDS Program, Healthy Start, Early Childhood Mental Health, and Early Childhood Oral Health: Included in the above General Fund (Tobacco) appropriation is \$5,634,000 in fiscal year 2024-2025 and \$5,980,000 in fiscal year 2025-2026 for the Health Access Nurturing Development Services (HANDS) Program, \$700,000 in each fiscal year for Healthy Start initiatives, \$700,000 in each fiscal year for Early Childhood Mental		

Health, \$700,000 in each fiscal year for Early Childhood Oral Health, and \$500,000 in each fiscal year for Lung Cancer Screening. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) **Folic Acid Program:** General Fund (Tobacco) continuing appropriation reserves allotted to the Folic Acid Program shall be utilized by the Department for Public Health in each fiscal year to continue the Folic Acid Program.

c. Behavioral Health, Developmental and Intellectual Disabilities Services	2024-25	2025-26
	1,300,000	1,300,000

(1) **Substance Abuse Prevention and Treatment:** Included in the above General Fund (Tobacco) appropriation is \$1,300,000 in each fiscal year for substance abuse prevention and treatment for pregnant women with a history of substance abuse problems. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

TOTAL - EARLY CHILDHOOD	22,534,000	22,580,000
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APPROPRIATIONS

E. HEALTH CARE IMPROVEMENT APPROPRIATIONS

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

Notwithstanding KRS 164.476, 248.654 and 304.17B-003(5), appropriations for health care improvement shall be as follows:

1. CABINET FOR HEALTH AND FAMILY SERVICES

Budget Unit	2024-25	2025-26
a. Public Health	1,869,300	2,000,000

(1) **Smoking Cessation Program:** Included in the above General Fund (Tobacco) appropriation is \$1,869,300 in fiscal year 2024-2025 and \$2,000,000 in fiscal year 2025-2026 for Smoking Cessation. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

2. JUSTICE AND PUBLIC SAFETY CABINET

Budget Unit	2024-25	2025-26
a. Justice Administration	3,037,500	3,250,000

(1) **Office of Drug Control Policy:** Included in the above General Fund (Tobacco) appropriation is \$2,804,000 in fiscal year 2024-2025 and \$3,000,000 in fiscal year 2025-2026 for the Office of Drug Control Policy. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) **Restorative Justice:** Included in the above General Fund (Tobacco) appropriation is \$233,500 in fiscal year 2024-2025 and \$250,000 in fiscal year 2025-2026 to support the Restorative Justice Program administered by the Volunteers of America. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

3. POSTSECONDARY EDUCATION

Budget Unit	2024-25	2025-26
a. Council on Postsecondary Education	5,843,200	6,250,000

(1) **Cancer Research and Screening:** Included in the above General Fund (Tobacco) appropriation is \$5,843,200 in fiscal year 2024-2025 and \$6,250,000 in fiscal year 2025-2026 for cancer research and screening. The appropriation in each fiscal year shall be equally shared between the University of Kentucky and the University of Louisville. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

TOTAL - HEALTH CARE	10,750,000	11,500,000
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TOTAL - PHASE I TOBACCO SETTLEMENT

FUNDING PROGRAM	99,118,000	94,224,700
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PART XI

STATE/EXECUTIVE BRANCH BUDGET SUMMARY

OPERATING BUDGET

	2023-24	2024-25	2025-26
General Fund (Tobacco)	-0-	99,118,000	94,224,700
General Fund	2,032,516,900	14,821,070,700	15,246,424,000
Restricted Funds	28,077,300	13,941,020,700	14,427,253,100
Federal Funds	1,097,433,000	21,258,903,500	21,852,281,300
Road Fund	-0-	56,289,600	56,372,700
SUBTOTAL	3,158,027,200	50,176,402,500	51,676,555,800

CAPITAL PROJECTS BUDGET

	2023-24	2024-25	2025-26
General Fund	2,100,000	2,250,000	500,000
Restricted Funds	275,000	14,791,103,000	55,744,000
Federal Funds	111,523,000	400,876,000	143,337,000
Bond Funds	-0-	2,337,514,000	995,318,000
Agency Bonds	-0-	1,465,455,000	84,069,000
Investment Income	-0-	49,580,000	49,719,000
Other Funds	-0-	6,180,505,000	64,000
SUBTOTAL	113,898,000	25,227,283,000	1,328,751,000

TOTAL - STATE/EXECUTIVE BUDGET

	2023-24	2024-25	2025-26
General Fund (Tobacco)	-0-	99,118,000	94,224,700
General Fund	2,034,616,900	14,823,320,700	15,246,924,000
Restricted Funds	28,352,300	28,732,123,700	14,482,997,100
Federal Funds	1,208,956,000	21,659,779,500	21,995,618,300
Road Fund	-0-	56,289,600	56,372,700
Bond Funds	-0-	2,337,514,000	995,318,000
Agency Bonds	-0-	1,465,455,000	84,069,000
Investment Income	-0-	49,580,000	49,719,000
Other Funds	-0-	6,180,505,000	64,000
TOTAL FUNDS	3,271,925,200	75,403,685,500	53,005,306,800

Vetoed in Part and Overridden in Part April 12, 2024.

CHAPTER 176**(HB 7)**

AN ACT relating to autonomous vehicles.

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

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

As used in Sections 1 to 8 of this Act:

- (1) *"Automated driving system" means hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether it is limited to a specific operational design domain;*
- (2) *"Dynamic driving task" or "DDT":*
- (a) *Means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic, including without limitation:*
1. *Lateral vehicle motion control via steering;*
 2. *Longitudinal motion control via acceleration and deceleration;*
 3. *Monitoring the driving environment via object and event detection, recognition, classification, and response preparation;*
 4. *Object and event response execution;*
 5. *Maneuver planning; and*
 6. *Enhancing conspicuity via lighting, signaling, and gesturing; and*
- (b) *Does not include strategic functions such as trip scheduling and the selection of destinations and waypoints;*
- (3) *"DDT fallback" means the response by:*
- (a) *The person or human driver to either perform the DDT or achieve a minimal risk condition after occurrence of a DDT performance relevant system failure, or upon operational design domain exit; or*
- (b) *An automated driving system to achieve minimal risk condition, given the same circumstances identified in paragraph (a) of this subsection;*
- (4) *"Fully autonomous vehicle" means a motor vehicle equipped with an automated driving system designed to function without a human driver as a level 4 or 5 system under SAE J3016;*
- (5) *"Human driver" means a natural person in the vehicle with a valid license to operate a motor vehicle who controls all or part of the dynamic driving task;*
- (6) *"Minimal risk condition" means a condition to which a person, human driver, or an automated driving system may bring a vehicle after performing the DDT fallback in order to reduce the risk of a crash when a given trip cannot or should not be completed;*
- (7) *"Operational design domain" or "ODD" means the operating conditions under which a given automated driving system is specifically designed to function, including but not limited to:*
- (a) *Environmental, geographical, and time-of-day restrictions; and*
- (b) *The requisite presence or absence of certain traffic and roadway characteristics;*
- (8) *"Public agency" has the same meaning as in KRS 61.870;*
- (9) *"Request to intervene" means a notification by an automated driving system to a human driver that the human driver should promptly begin or resume performance of part or all of the dynamic driving task; and*
- (10) *"SAE J3016" means the "Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles" published by SAE International on June 15, 2018, as amended.*

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

- (1) *Subject to the limitations in subsection (2) of this section, a person may operate a fully autonomous vehicle on the highways of this state without a human driver provided that the automated driving system is engaged and the vehicle meets the following conditions:*
- (a) *If a failure of the automated driving system occurs that renders that system unable to perform the entire dynamic driving task relevant to its intended operational design domain, the fully autonomous vehicle will achieve a minimal risk condition;*

- (b) *The fully autonomous vehicle is capable of operating in compliance with the applicable traffic and motor vehicle safety laws and regulations of this state when reasonable to do so, unless an exemption has been granted by the Transportation Cabinet; and*
 - (c) *When required by federal law, the vehicle bears the required manufacturer's certification label indicating that at the time of its manufacture it has been certified to be in compliance with all applicable federal motor vehicle safety standards, including any exemptions granted by the National Highway Traffic Safety Administration.*
- (2) *From the effective date of this Act until July 31, 2026, a fully autonomous vehicle for which the declared gross weight of the vehicle and any towed unit is more than sixty-two thousand (62,000) pounds shall have a human driver, with the appropriate credentials to operate the vehicle, present in the vehicle to monitor the performance of the vehicle and intervene if necessary.*
 - (3) *Prior to operating a fully autonomous vehicle on the highways of this state without a human driver, a person shall submit a law enforcement interaction plan to the Transportation Cabinet and the Department of Kentucky State Police that describes:*
 - (a) *How to communicate with a fleet support specialist who is available during the times the vehicle is in operation;*
 - (b) *How to safely remove the fully autonomous vehicle from the roadway and steps to safely tow the vehicle;*
 - (c) *How to recognize whether the automated driving system is engaged on the fully autonomous vehicle; and*
 - (d) *Any additional information the manufacturer or owner deems necessary regarding hazardous conditions or public safety risks associated with the operation of the fully autonomous vehicle.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

- (1) *Before operating a fully autonomous vehicle that does not meet the definition of a motor carrier under Section 12 of this Act on a highway in this state without a human driver, a person shall submit proof of financial responsibility satisfactory to the Transportation Cabinet that the fully autonomous vehicle has single limits liability coverage, by contract of insurance or by qualifying as a self-insurer, of not less than one million dollars (\$1,000,000) that satisfies the requirements of KRS 304.39-080.*
- (2) *Before operating a fully autonomous vehicle that meets the definition of a motor carrier under Section 12 of this Act on a highway in this state without a human driver, a person shall submit proof of financial responsibility satisfactory to the Transportation Cabinet that the fully autonomous vehicle is covered by insurance or proof of self-insurance that satisfies the requirements of Section 15 of this Act.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

A fully autonomous vehicle shall be properly titled and registered in accordance with KRS Chapters 186 and 186A. If a fully autonomous vehicle is titled and registered in this state, the vehicle shall be identified on the title and registration as a fully autonomous vehicle.

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

- (1) *A person may operate a motor vehicle equipped with an automated driving system capable of performing the entire dynamic driving task if the automated driving system:*
 - (a) *Will achieve a minimal risk condition or issue a request to intervene with the expectation that the person will respond appropriately to such a request whenever the automated driving system is not capable of performing the entire dynamic driving task; and*
 - (b) *Is capable of being operated in compliance with KRS 189.285 to 189.450, unless an exemption has been granted by the Transportation Cabinet.*
- (2) *Nothing in this chapter or KRS Chapter 189 prohibits or restricts a human driver from operating a fully autonomous vehicle equipped with controls that allow for the human driver to control all or part of the dynamic driving task.*

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

A fully autonomous vehicle that meets the definition of a motor carrier under Section 12 of this Act shall also be subject to KRS Chapter 281.

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

- (1) *Unless otherwise provided in this chapter, KRS Chapter 189, and KRS Chapter 281, fully autonomous vehicles and automated driving systems are governed exclusively by the provisions of Sections 1 to 8 of this Act. The Transportation Cabinet is the sole and exclusive state agency that may implement Sections 1 to 8 of this Act.*
- (2) *No state agency shall prohibit the operation of fully autonomous vehicles or automated driving systems, or otherwise enact or keep in force rules or ordinances that would impose taxes, fees, or other requirements, including performance standards, that are specific to the operation of fully autonomous vehicles or automated driving systems.*
- (3) *The Transportation Cabinet may promulgate administrative regulations in accordance with KRS Chapter 13A to implement procedural provision of Sections 1 to 8 of this Act, but shall not impose additional requirements on the operation of fully autonomous vehicles or automated driving systems that are inconsistent with Sections 1 to 8 of this Act.*

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

- (1) *The provisions of Sections 1 to 8 of this Act are intended to be a comprehensive scheme of legislation governing the operational and performance standards of fully autonomous vehicles and automated driving systems. No public agency shall prohibit the operation of fully autonomous vehicles or automated driving systems or impose any rule, regulation, or ordinance in conflict with Sections 1 to 8 of this Act or that otherwise differentiates the treatment of fully autonomous vehicles and automated driving systems from non-autonomous vehicles.*
- (2) *Nothing in subsection (1) of this section shall be interpreted or construed to prohibit a city, county, charter county government, consolidated local government, or urban-county government from exercising the powers and authorities provided by law to govern the public streets and roadways within their respective jurisdictions, provided that any action does not impose additional requirements in conflict with Sections 1 to 8 of this Act or otherwise differentiate the treatment of fully autonomous vehicles and automated driving systems from nonautonomous vehicles.*

➔Section 9. KRS 186.410 is amended to read as follows:

- (1) *Except as provided in subsection (6) of this section, every person ~~not[except those]~~ exempted by KRS 186.420 and 186.430 shall, before operating a motor vehicle, motorcycle, or moped upon a highway, secure an operator's license as provided in this chapter.*
- (2) *Except as provided in KRS 186.4121, all original, renewal, and duplicate personal identification cards and licenses for the operation of motor vehicles, motorcycles, or mopeds shall be applied for with the Transportation Cabinet, or through alternative technology, and issued by the Transportation Cabinet. Subject to the provisions of KRS 186.4101, applications for renewal licenses and personal identification cards shall be made every eight (8) years within the birth month of the applicant. A license shall not be issued until the application has been certified by the cabinet and the applicant has, if required under KRS 186.635, successfully completed the examinations required under KRS 186.480.*
- (3) *All personal identification cards shall be issued under the provisions of KRS 186.4102, 186.4122, and 186.4123.*
- (4) *A person under the age of eighteen (18) years who applies for an instruction permit shall, at any time between the age of sixteen (16) and before the person's eighteenth birthday, enroll in one (1) of the following driver training programs:*
 - (a) *A driver's education course administered by a school district;*
 - (b) *A driver training school licensed pursuant to KRS Chapter 332 which offers a course meeting or exceeding the minimum standards established by the Transportation Cabinet; or*
 - (c) *State traffic school. The person may seek to enroll in state traffic school before the person's eighteenth birthday. Persons enrolling in state traffic school pursuant to this paragraph shall not be required to pay a fee.*

- (5) Any applicant for any initial or renewal instruction permit, operator's license, or personal identification card under KRS 186.400 to 186.640 may apply for either:
- (a) A voluntary travel ID document; or
 - (b) A standard document that does not meet standards for federal identification purposes.
- (6) *When an automated driving system as defined in Section 1 of this Act is installed on a motor vehicle and is engaged, and the motor vehicle is operating as a fully autonomous vehicle as defined in Section 1 of this Act, the:*
- (a) *Owner of the motor vehicle is considered the operator of the fully autonomous vehicle and shall comply with applicable traffic or motor vehicle laws, regardless of whether the owner is physically present in the vehicle while the vehicle is operating; and*
 - (b) *Automated driving system is considered to be licensed to operate the vehicle and a licensed human operator is not required to operate the motor vehicle.*

➔SECTION 10. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "fully autonomous vehicle" and "automated driving system" shall have the same meaning as in Section 1 of this Act.*
- (2) *A fully autonomous vehicle that is designed to be operated exclusively by the automated driving system for all trips shall not be subject to any of the provisions of KRS 189.020 to 189.205 that:*
- (a) *Relate to or support motor vehicle operation by a human driver seated in the vehicle; and*
 - (b) *Are not relevant to an automated driving system.*

➔Section 11. KRS 189.635 is amended to read as follows:

- (1) The Justice and Public Safety Cabinet, Department of Kentucky State Police, shall be responsible for maintaining a reporting system for all vehicle accidents which occur within the Commonwealth. ~~These~~~~Such~~ accident reports shall be utilized for~~such~~ purposes as will improve the traffic safety program in the Commonwealth involving the collection, processing, storing, and dissemination of~~such~~ data and the establishment of procedures by administrative regulations to ensure that uniform definitions, classifications, and other federal requirements are in compliance.
- (2) (a) Any person operating a vehicle on the highways of this state who is involved in an accident resulting in fatal or nonfatal personal injury to any person or damage to the vehicle rendering the vehicle inoperable shall be required to immediately notify a law enforcement officer having jurisdiction.
- (b) In the event the operator fails to notify or is incapable of notifying a law enforcement officer having jurisdiction, ~~the~~~~such~~ responsibility **to make the notification under this subsection** shall rest with the owner of the vehicle or any occupant of the vehicle at the time of the accident.
- (c) ***If the accident involves a fully autonomous vehicle, as defined in Section 1 of this Act, the responsibility to make the notification under this subsection shall rest with the owner of the fully autonomous vehicle or a person on behalf of the vehicle owner.***
- (d) A law enforcement officer having jurisdiction shall investigate the accident and file a written report of the accident with his or her law enforcement agency.
- (3) Every law enforcement agency whose officers investigate a vehicle accident of which a report must be made as required in this chapter shall file a report of the accident with the Department of Kentucky State Police within ten (10) days after investigation of the accident upon forms supplied by the department.
- (4) (a) Any person operating a vehicle on the highways of this state who is involved in an accident resulting in any property damage exceeding five hundred dollars (\$500) in which an investigation is not conducted by a law enforcement officer shall file a written report of the accident with the Department of Kentucky State Police within ten (10) days of occurrence of the accident upon forms provided by the department.
- (b) ***If the accident involves a fully autonomous vehicle, as defined in Section 1 of this Act, the responsibility to file the report under this subsection shall rest with the owner of the fully autonomous vehicle or a person on behalf of the vehicle owner.***

- (5) (a) All accident reports filed with the Department of Kentucky State Police in compliance with subsection (4) of this section shall not be considered open records under KRS 61.870 to 61.884 and shall remain confidential, except that the department may:
1. Disclose the identity of a person involved in an accident when his or her identity is not otherwise known or when he or she denies his or her presence at an accident; and
 2. Make the reports available:
 - a. To the persons named in paragraph (c) of this subsection; and
 - b. In accordance with subsection (8) of this section.
- (b) All other accident reports required by this section, and the information contained in the reports, shall be confidential and exempt from public disclosure under KRS 61.870 to 61.884, except when:
1. Produced pursuant to a properly executed subpoena or court order; or
 2. Disclosed as provided in this section.
- (c) Accident reports shall be made available to:
1. The parties to the accident;
 2. The parents or guardians of a minor who is party to the accident;
 3. Insurers or their written designee for insurance business purposes of any party who is the subject of the report;
 4. The attorneys of the parties to the accident;
 5. Any party to litigation who files with the department a request for the report and includes a copy of the first page of a District or Circuit Court clerk-stamped complaint naming all parties; and
 6. The Department of Workplace Standards in the Education and Labor Cabinet if the accident report is pertinent to an occupational safety and health investigation.
- (6) (a) Except as provided for in paragraph (b) of this subsection, the department shall not release accident reports for a commercial purpose.
- (b) Notwithstanding any other provision of this section, the department may, as a matter of public safety, contract with an outside entity and release unredacted vehicle damage data extracted from accident reports to the entity if the data is used solely for the purpose of providing the public a means of determining a vehicle's accident history. The department may further contract with a third party to provide electronic access to reports for persons and entities who are entitled to the reports under subsection (5) of this section.
- (7) The department shall promulgate administrative regulations in accordance with KRS Chapter 13A to set out a fee schedule for accident reports made available pursuant to subsections (5) and (8) of this section. These fees shall be in addition to those charged to the public for records produced under KRS Chapter 61.
- (8) (a) The report shall be made available to a news-gathering organization, solely for the purpose of publishing or broadcasting the news. The news-gathering organization shall not use or distribute the report, or knowingly allow its use or distribution, for a commercial purpose other than the news-gathering organization's publication or broadcasting of the information in the report.
- (b) For the purposes of this subsection:
1. "News-gathering organization" includes:
 - a. A newspaper or periodical if it:
 - i. Is published at least fifty (50) of fifty-two (52) weeks during a calendar year;
 - ii. Contains at least twenty-five percent (25%) news content in each issue or no more than seventy-five percent (75%) advertising content in any issue in the calendar year; and
 - iii. Contains news of general interest to its readers that can include news stories, editorials, sports, weddings, births, and death notices;

- b. A television or radio station with a valid broadcast license issued by the Federal Communications Commission;
 - c. A news organization that broadcasts over a multichannel video programming service as defined in KRS 136.602;
 - d. A ~~website~~~~Web site~~ published by or affiliated with any entity described in subdivision a., b., or c. of this subparagraph;
 - e. An online-only newspaper or magazine that publishes news or opinion of interest to a general audience and is not affiliated with any entity described in subparagraph 2. of this paragraph; and
 - f. Any other entity that publishes news content by any means to the general public or to members of a particular profession or occupational group; and
2. "News-gathering organization" does not include any product or publication with the primary purpose of distributing advertising or of publishing names and other personal identifying information concerning parties to motor vehicle accidents which may be used to solicit for services covered under Subtitle 39 of KRS Chapter 304.
- (c) A news-gathering organization shall not be held to have used or knowingly allowed the use of the report for a commercial purpose merely because of its publication or broadcast.
- (d) A request under this subsection shall be completed using a form promulgated by the department through administrative regulations in accordance with KRS Chapter 13A. The form under this paragraph shall include:
- 1. The name and address of the requestor and the news-gathering organization the requestor represents;
 - 2. A statement that the requestor is a news-gathering organization under this subsection and identifying the specific subdivision of paragraph (b)1. of this subsection under which the requester qualifies;
 - 3. A statement that the request is in compliance with the criteria contained in this section; and
 - 4. A declaration of the requestor as to the accuracy and truthfulness of the information provided in the request.
- (e) 1. The department shall redact all personal information from a report prior to making it available to a news-gathering organization as defined under paragraph (b)1.f. of this subsection.
2. Reports may be provided to news-gathering organizations as defined under paragraph (b)1.a. to e. of this subsection without redaction.
3. For the purposes of this paragraph, "personal information" means:
- a. The address, driver's license number, phone number, date of birth, and any other contact information contained in the report for each person listed on the report; and
 - b. The vehicle identification numbers (VINs) for each vehicle listed on the report.
- (9) The motor vehicle insurers of any train engineer or other train crew member involved in an accident on a railroad while functioning in their professional capacity shall be prohibited from obtaining a copy of any accident report filed on the accident under this section without written consent from the individual the company insures. Insurance companies issuing motor vehicle policies in the Commonwealth shall be prohibited from raising a policyholder's rates solely because the policyholder, in his or her professional capacity, is a train engineer or other train crew member involved in an accident on a railroad.
- (10) For reporting and statistical purposes, motor scooters and autocycles as defined in KRS 186.010 shall be listed as a distinct category and shall not be considered to be a motor vehicle or a motorcycle for reports issued under this section.

➔Section 12. KRS 281.010 is amended to read as follows:

As used in this chapter:

- (1) "Automobile club" means a person that, for consideration, promises to assist its members or subscribers in matters relating to the assumption of or reimbursement of the expense or a portion thereof for towing of a motor vehicle; emergency road service; matters relating to the operation, use, and maintenance of a motor vehicle; and the supplying of services which includes, augments, or is incidental to theft or reward services, discount services, arrest bond services, lock and key services, trip interruption services, and legal fee reimbursement services in defense of traffic-related offenses;
- (2) "Automobile utility trailer" means any trailer or semitrailer designed for use with and towed behind a passenger motor vehicle;
- (3) "Automobile utility trailer certificate" means a certificate authorizing a person to engage in the business of automobile utility trailer lessor;
- (4) "Automobile utility trailer lessor" means any person operating under an automobile utility trailer certificate who is engaged in the business of leasing or renting automobile utility trailers, but shall not include the agents of such persons;
- (5) "Broker" means a person selected by the cabinet through a request for proposal process to coordinate human service transportation delivery within a specific delivery area. A broker may also provide transportation services within the specific delivery area for which the broker is under contract with the cabinet;
- (6) "Bus" means a motor vehicle operating under a bus certificate transporting passengers for hire between points over regular routes;
- (7) "Bus certificate" means a certificate granting authority for the operation of one (1) or more buses;
- (8) "Cabinet" means the Kentucky Transportation Cabinet;
- (9) "Certificate" means a certificate of compliance issued under this chapter to motor carriers;
- (10) "Charter bus" means a motor vehicle operating under a charter bus certificate providing for-hire intrastate transportation of a group of persons who, pursuant to a common purpose under a single contract at a fixed charge for the motor vehicle, have acquired the exclusive use of the motor vehicle to travel together under an itinerary either specified in advance or modified after having left the place of origin;
- (11) "Charter bus certificate" means a certificate granting authority for the operation of one (1) or more charter buses;
- (12) "Commissioner" means the commissioner of the Department of Vehicle Regulation;
- (13) "CTAC" means the Coordinated Transportation Advisory Committee created in KRS 281.870;
- (14) "Department" means the Department of Vehicle Regulation;
- (15) "Delivery area" means one (1) or more regions established by the cabinet in administrative regulations promulgated under KRS Chapter 13A for the purpose of providing human service transportation delivery in that region;
- (16) "Disabled persons vehicle carrier" means a motor carrier for hire, transporting passengers including the general public who require transportation in disabled persons vehicles;
- (17) "Disabled persons vehicle" means a motor vehicle operating under a disabled persons vehicle certificate especially equipped for the transportation of passengers with disabilities in accordance with 49 C.F.R. pt. 38, and is designed or constructed with not more than fifteen (15) regular seats. It shall not mean an ambulance as defined in KRS 311A.010. It shall not mean a motor vehicle equipped with a stretcher;
- (18) "Disabled persons vehicle certificate" means a certificate granting authority for the operation of one (1) or more disabled persons vehicles transporting passengers for hire;
- (19) "Driveaway" means the transporting and delivering of motor vehicles, except semitrailers and trailers, whether destined to be used in either a private or for-hire capacity, under their own power or by means of a full mount method, saddle mount method, the tow bar method, or any combination of them over the highways of this state from any point of origin to any point of destination for hire. "Driveaway" does not include the transportation of such vehicles by the full mount method on trailers or semitrailers;
- (20) "Driveaway certificate" means a certificate granting authority for the operation of one (1) or more motor carrier vehicles operating as a driveaway;
- (21) "Driver" means the person physically operating the motor vehicle;

- (22) "Flatbed/rollback service" means a form of towing service which involves moving vehicles by loading them onto a flatbed platform;
- (23) **"Fully autonomous vehicle" has the same meaning as in Section 1 of this Act;**
- (24) "Highway" means all public roads, highways, streets, and ways in this state, whether within a municipality or outside of a municipality;
- ~~(25)(24)~~ "Household goods" has the same meaning as in 49 C.F.R. sec. 375.103;
- ~~(26)(25)~~ "Household goods carrier" has the same meaning as "household goods motor carrier" in 49 C.F.R. sec. 375.103;
- ~~(27)(26)~~ "Household goods certificate" means a certificate granting authority for the operation of one (1) or more household goods vehicles;
- ~~(28)(27)~~ "Human service transportation delivery" means the provision of transportation services to any person that is an eligible recipient in one (1) of the following state programs:
- (a) Nonemergency medical transportation under KRS Chapter 205;
 - (b) Mental health, intellectual disabilities, or comprehensive care under KRS Chapter 202A, 202B, 210, or 645;
 - (c) Work programs for public assistance recipients under KRS Chapter 205;
 - (d) Adult services under KRS Chapter 205, 209, 216, or 273;
 - (e) Vocational rehabilitation under KRS Chapter 151B or 157; or
 - (f) Blind industries or rehabilitation under KRS Chapter 151B or 163;
- ~~(29)(28)~~ "Interstate commerce" has the same meaning as in 49 C.F.R. sec. 390.5;
- ~~(30)(29)~~ "Intrastate commerce" has the same meaning as in 49 C.F.R. sec. 390.5;
- ~~(31)(30)~~ "Limousine" means a motor vehicle operating under a limousine certificate that is designed or constructed with not more than fifteen (15) regular seats;
- ~~(32)(31)~~ "Limousine certificate" means a certificate granting authority for the operation of one (1) or more limousines transporting passengers for hire;
- ~~(33)(32)~~ "Mobile application" means an application or a computer program designed to run on a smartphone, tablet computer, or other mobile device that is used by a TNC to connect drivers with potential passengers;
- ~~(34)(33)~~ "Motor carrier" means any person in either a private or for-hire capacity who owns, controls, operates, manages, or leases, except persons leasing to authorized motor carriers, any motor vehicle for the transportation of passengers or property upon any highway, and any person who engages in the business of automobile utility trailer lessor, vehicle towing, driveaway, or U-Drive-It;
- ~~(35)(34)~~ "Motor carrier vehicle" means a motor vehicle, **including a fully autonomous vehicle**, used by a motor carrier to transport passengers or property;
- ~~(36)(35)~~ "Motor carrier vehicle license" means a license issued by the department for a motor carrier vehicle authorized to operate under a certificate;
- ~~(37)(36)~~ "Motor carrier license plate" means a license plate issued by the department to a motor carrier authorized to operate under a certificate other than a household goods, property, TNC, peer-to-peer car sharing, or U-Drive-It certificate;
- ~~(38)(37)~~ "Motor vehicle" means any motor-propelled vehicle used for the transportation of passengers or property on a public highway, including any such vehicle operated as a unit in combination with other vehicles;
- ~~(39)(38)~~ "Passenger" means an individual or group of people;
- ~~(40)(39)~~ "Peer-to-peer car sharing":
- (a) Means the authorized use of a motor vehicle by an individual other than the vehicle's owner through a peer-to-peer car sharing program; and
 - (b) Does not:

1. Include the operation of a U-Drive-It certificate as defined in this section; or
 2. Involve the sale or provision of rental vehicle insurance as defined in KRS 304.9-020;
- (41)~~((40))~~ "Peer-to-peer car sharing certificate" means a certificate granting the authority for the operation of a peer-to-peer car sharing program;
- (42)~~((41))~~ "Peer-to-peer car sharing company" means a person that operates a peer-to-peer car sharing program;
- (43)~~((42))~~ "Peer-to-peer car sharing program":
- (a) Means a business platform that connects shared vehicle owners with shared vehicle drivers to enable the sharing of motor vehicles for financial consideration; and
 - (b) Does not include a:
 1. U-Drive-It;
 2. Motor vehicle renting company as defined in KRS 281.687;
 3. Rental vehicle agent as defined in KRS 304.9-020; or
 4. Service provider that is solely providing hardware or software as a service to a person or entity that is not effectuating payment of financial consideration for use of a shared vehicle;
- (44)~~((43))~~ "Permit" means a temporary permit of compliance issued under this chapter for a specified period not to exceed ten (10) days, and for a specific vehicle, to any motor carrier, including one who is a nonresident of the Commonwealth, who operates a motor vehicle and is not entitled to an exemption from the payment of fees imposed under KRS 186.050 because of the terms of a reciprocal agreement between the Commonwealth and the state in which the vehicle is licensed;
- (45)~~((44))~~ "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and includes any trustee, assignee, or personal representative thereof;
- (46)~~((45))~~ "Platoon" means a group of two (2) individual commercial motor vehicles traveling in a unified manner at electronically coordinated speeds at following distances that are closer than would ordinarily be allowed under KRS 189.340(9)(b);
- (47)~~((46))~~ "Prearranged ride" means the period of time that begins when a transportation network company driver accepts a requested ride through a digital network or mobile application, continues while the driver transports the rider in a personal vehicle, and ends when the transportation network company services end;
- (48)~~((47))~~ "Pre-trip acceptance liability policy" means the transportation network company liability insurance coverage for incidents involving the driver for a period of time when a driver is logged into a transportation network company's digital network or mobile application but is not engaged in a prearranged ride;
- (49)~~((48))~~ "Property" means general or specific commodities, including hazardous and nonhazardous materials;
- (50)~~((49))~~ "Property certificate" means a certificate granting authority for the transportation of property, other than household goods, not exempt under KRS 281.605;
- (51)~~((50))~~ "Recovery":
- (a) Means a form of towing service which involves moving vehicles by the use of a wheel-lift device, such as a lift, crane, hoist, winch, cradle, jack, automobile ambulance, tow dolly, or any other similar device as requested by a state or local law enforcement agency; and
 - (b) Includes:
 1. Relocating a vehicle or cargo from a place where towing is not possible to a place where towing is possible; and
 2. The cleanup of debris or cargo, and returning an area to pre-event condition;
- (52)~~((51))~~ "Regular route" means the scheduled transportation of passengers between designated points over designated routes under time schedules that provide a regularity of services;
- (53)~~((52))~~ "Regular seat" means a seat ordinarily and customarily used by one (1) passenger and, in determining such seating capacity, the manufacturer's rating may be considered;
- (54)~~((53))~~ "Shared vehicle":

- (a) Means a motor vehicle that is available for car sharing through a peer-to-peer car sharing program; and
 - (b) Does not include a motor vehicle leased or rented by a person operating under a U-Drive-It certificate;
- (55)~~(54)~~ "Shared vehicle driver" means an individual who has been authorized to drive the shared vehicle by the shared vehicle owner under a car sharing program agreement;
- (56)~~(55)~~ "Shared vehicle owner":
- (a) Means the registered owner, or a person designated by the registered owner, of a motor vehicle made available for sharing to shared vehicle drivers, through a peer-to-peer car sharing program; and
 - (b) Does not include a:
 - 1. Person operating a U-Drive-It certificate;
 - 2. Motor vehicle renting company as defined in KRS 281.687; or
 - 3. Rental vehicle agent as defined in KRS 304.9-020;
- (57)~~(56)~~ "Storage facility" means any lot, facility, or other property used to store motor vehicles that have been removed from another location by a tow truck;
- (58)~~(57)~~ "Street hail" means a request for service made by a potential passenger using hand gestures or verbal statement;
- (59)~~(58)~~ "Subcontractor" means a person who has signed a contract with a broker to provide human service transportation delivery within a specific delivery area and who meets human service transportation delivery requirements, including proper operating authority;
- (60)~~(59)~~ "Tariff" means the listing of compensation received by a motor carrier for household goods that includes the manner in which and the amount of fares an authorized motor carrier may charge;
- (61)~~(60)~~ "Taxicab" means a motor vehicle operating under a taxicab certificate that is designed or constructed with not more than eight (8) regular seats and may be equipped with a taximeter;
- (62)~~(61)~~ "Taxicab certificate" means a certificate granting authority for the operation of one (1) or more taxicabs transporting passengers for hire;
- (63)~~(62)~~ "Taximeter" means an instrument or device approved by the department that automatically calculates and plainly indicates the charge to a passenger for hire who is being charged on the basis of mileage;
- (64)~~(63)~~ "Tow truck" means a motor vehicle equipped to provide any form of towing service, including recovery service or flatbed/rollback service;
- (65)~~(64)~~ "Tow truck operator" means an individual who operates a tow truck as an employee or agent of a towing company;
- (66)~~(65)~~ "Towing" means:
- (a) Emergency towing, which is the towing of a motor vehicle, with or without the owner's consent, because of:
 - 1. A motor vehicle accident on a public highway;
 - 2. An incident related to an emergency; or
 - 3. An incident that necessitates the removal of the motor vehicle from a location for public safety reasons;
 - (b) Private property towing, which is the towing of a motor vehicle, without the owner's consent, from private property:
 - 1. On which the motor vehicle was illegally parked; or
 - 2. Because of an exigent circumstance necessitating its removal to another location; and
 - (c) Seizure towing, which is the towing of a motor vehicle for law enforcement purposes involving the:
 - 1. Maintenance of the chain of custody of evidence;
 - 2. Forfeiture of assets; or

3. Delinquency of highway fuel tax, weight distance tax, or any other taxes and fees administered by the Transportation Cabinet;
- ~~(67)~~~~(66)~~ "Towing company":
- (a) Means a service or business operating as a motor carrier that:
 - 1. Tows or otherwise moves motor vehicles by means of a tow truck; or
 - 2. Owns or operates a storage lot;
 - (b) Includes a tow truck operator acting on behalf of a towing company when appropriate in the context; and
 - (c) Does not include an automobile club, car dealership, insurance company, repossession company, lienholders and entities hired by lienholders for the purpose of repossession, local government, or any other entity that contracts with a towing company;
- ~~(68)~~~~(67)~~ "Transportation network company" or "TNC" means a person or entity that connects passengers through its digital network or mobile application to its drivers for the provision of transportation network company services;
- ~~(69)~~~~(68)~~ "Transportation network company certificate" or "TNC certificate" means a certificate granting the authority for the operation of one (1) or more transportation network company vehicles transporting passengers for hire;
- ~~(70)~~~~(69)~~ "Transportation network company driver" or "TNC driver" means an individual who operates a motor vehicle that is owned or leased by the individual, or a motor vehicle for which the driver is an insured driver and has the permission of the owner or lessee of the motor vehicle, and used to provide transportation network company services;
- ~~(71)~~~~(70)~~ "Transportation network company service" or "TNC service" means a prearranged passenger transportation service offered or provided through the use of a transportation network company mobile application or digital network to connect potential passengers with transportation network company drivers;
- ~~(72)~~~~(71)~~ "Transportation network company vehicle" or "TNC vehicle" means a privately owned or leased motor vehicle, *including a fully autonomous vehicle*, designed or constructed with not more than eight (8) regular seats, operating under a transportation network company certificate;
- ~~(73)~~~~(72)~~ "U-Drive-It" means any person operating under a U-Drive-It certificate who leases or rents a motor vehicle for consideration to be used for the transportation of persons or property, but for which no driver is furnished, and the use of which motor vehicle is not for the transportation of persons or property for hire by the lessee or rentee; and
- ~~(74)~~~~(73)~~ "U-Drive-It certificate" means a certificate granting authority for the operation of one (1) or more U-Drive-Its.

➔Section 13. KRS 281.630 is amended to read as follows:

- (1) A person shall not act as a motor carrier without first obtaining a certificate from the department.
- (2) A certificate for the intrastate transportation of passengers or property, including household goods, shall be issued to any qualified applicant authorizing operation covered by the application, if it is found that the applicant conforms to the provisions of this chapter and the requirements of the administrative regulations promulgated in accordance with this section.
- (3) (a) The department shall issue the following certificates:
 - 1. Taxicab certificate;
 - 2. Limousine certificate;
 - 3. Disabled persons vehicle certificate;
 - 4. Transportation network company certificate;
 - 5. Household goods certificate;
 - 6. Charter bus certificate;
 - 7. Bus certificate;

8. U-Drive-It certificate;
 9. Property certificate;
 10. Driveaway certificate;
 11. Peer-to-peer car sharing certificate; and
 12. Automobile utility trailer certificate.
- (b) Application for a certificate shall be made in such form as the department may require. The department shall receive an application fee of two hundred fifty dollars (\$250) for all applications, except that the department shall receive an application fee of twenty-five dollars (\$25) for a property certificate.
- (c) Before the department may issue a certificate, an applicant shall:
1. Pay the application fee established under paragraph (b) of this subsection;
 2. For entities other than TNCs and peer-to-peer car sharing companies, file a motor carrier vehicle license application for each motor carrier vehicle as required by KRS 281.631. The applicant shall file at least one (1) motor carrier vehicle license application before being eligible for a certificate;
 3. For TNCs, file a TNC authority application with the department pursuant to administrative regulations promulgated by the department;
 4. For peer-to-peer car sharing companies, file a peer-to-peer car sharing certificate application with the department pursuant to administrative regulations promulgated by the department;
 5. File with the department one (1) or more approved indemnifying bonds or insurance policies as required by KRS 281.655;
 6. For taxicab, limousine, disabled persons vehicle, TNC, household goods, charter bus, and bus certificates, obtain and retain for a period of at least three (3) years, a nationwide criminal background check, in compliance with KRS 281.6301, of each owner, official, employee, independent contractor, or agent operating a passenger vehicle or household goods vehicle or entering a private residence or storage facility for the purpose of providing or facilitating the transportation of household goods;
 7. For household goods certificates, file with the department a current tariff; and
 8. For a bus certificate, file with the department authorization from a city as required by KRS 281.635.
- (4) (a) Every certificate shall be renewed annually. Application for renewal shall be in such form as the department may require.
- (b) A certificate not renewed within one (1) calendar year after the date for its renewal shall become null and void.
- (c) The department shall not renew any certificate if it has been revoked or, if suspended, during the period of any suspension. A certificate shall not be considered revoked or suspended when an appeal of the revocation or suspension is pending in a court of competent jurisdiction.
- (d) For the renewal of an intrastate certificate, the department shall receive a fee of two hundred fifty dollars (\$250), except for an application for renewal of a property certificate, for which the department shall receive a fee of twenty-five dollars (\$25).
- (e) Before the department may renew a certificate, the certificate holder shall:
1. Pay the renewal fee established under paragraph (d) of this subsection;
 2. For the entities other than TNCs and peer-to-peer car sharing companies, file a motor carrier vehicle license application or renewal for each motor carrier vehicle as required by KRS 281.631. The certificate holder shall file at least one (1) motor carrier vehicle license application or renewal before being eligible for renewal;
 3. For TNCs, file a TNC authority application with the department pursuant to administrative regulations promulgated by the department;

4. For peer-to-peer car sharing companies, file a peer-to-peer car sharing certificate application with the department pursuant to administrative regulations promulgated by the department;
 5. File with the department one (1) or more approved indemnifying bonds or insurance policies as required by KRS 281.655;
 6. Every three (3) years, for taxicab, limousine, disabled persons vehicle, TNC, household goods, charter bus, and bus certificates, obtain and retain for a period of at least three (3) years, a nationwide criminal background check in compliance with KRS 281.6301, of each owner, official, employee, independent contractor, or agent operating a passenger vehicle or entering a private residence or storage facility for the purpose of providing or facilitating the transportation of household goods. However, within the three (3) year period:
 - a. If a new owner, official, employee, independent contractor, or agent joins the certificate holder and performs the aforementioned duties; or
 - b. If the certificate holder has knowledge that a current owner, official, employee, independent contractor, or agent who performs the aforementioned duties has been convicted of or pled guilty to any of the offenses listed in KRS 281.6301(2);

then the certificate holder shall obtain and retain for a period of at least three (3) years, a nationwide criminal background check for that owner, official, employee, independent contractor, or agent; and
 7. For household goods certificates, have on file with the department a current tariff.
- (5) (a) A motor carrier operating under a household goods certificate shall, at all times the certificate is in effect, maintain on file with the department a current tariff.
 - (b) Except for a household goods certificate holder that has had only an out-of-state address on file with the department prior to January 1, 2015, all certificate holders shall maintain on file with the department an address within the Commonwealth. The certificate holder shall keep open for public inspection at that address such information as the department may require.
 - (c) The certificate holder shall not charge, demand, collect, or receive a greater, less, or different compensation for the transportation of household goods or for any service in connection therewith, than the tariff filed with the department and in effect at the time would require. A certificate holder shall not make or give any unreasonable preference or advantage to any person, or subject any person to any unreasonable discrimination.
- (6) A certificate shall not be transferred unless the transfer involves either the change of the legal name of the existing certificate holder or the incorporation of a sole proprietor certificate holder.
 - (7) A certificate authorizing a person to act as an automobile utility trailer lessor shall also authorize the agents of the person to act on his or her behalf during the period of their agency.
 - (8) A motor carrier vehicle shall not be operated after the expiration of the certificate under which it is operated.
 - (9) A person shall not knowingly employ the services of a motor carrier not authorized to perform such services.
 - (10) If the department, after a hearing held upon its own motion or upon complaint, finds any existing rate unjustly discriminatory, or finds the services rendered or facilities employed by any motor carrier to be unsafe, inadequate, inconvenient, or in violation of law or of the administrative regulations of the department, it may by final order do any or all of the following:
 - (a) Require the certificate holder to follow any rate or time schedule in effect at the time of service;
 - (b) Require the certificate holder to issue a refund to the complainant;
 - (c) Require the certificate holder to pay the fine set out in KRS 281.990 to the department; and
 - (d) Determine the reasonable, safe, adequate, and convenient service to be thereafter furnished.
 - (11) Hearings conducted under authority of this section shall be conducted in the same manner as provided in KRS 281.640.
 - (12) (a) ***Subject to the limitation of paragraph (b) of this subsection***, the department shall have the power to promulgate administrative regulations as it may deem necessary to carry out the provisions of this section.

(b) *Any administrative regulation that reasonably applies only to a human driver shall not apply to the operation of a fully autonomous vehicle licensed under this section.*

➔Section 14. KRS 281.764 is amended to read as follows:

- (1) A motor carrier may operate a platoon on the highways of this state if the motor carrier complies with this section.
- (2) Motor carriers wishing to operate a platoon shall provide notification to the department and the Kentucky State Police, including a plan for general platoon operations. The department shall have thirty (30) days from the date of receipt to review the notification plan submitted and determine whether it will approve or reject the plan. If the department rejects a submitted plan, it shall inform the motor carrier of the reason for the rejection and provide guidance on how to resubmit the notification and plan to meet the standards.
- (3) Only commercial motor vehicles shall be eligible to operate in a platoon.
- (4) An appropriately endorsed driver who holds a valid commercial driver's license shall be present behind the wheel of ~~the lead~~~~each~~ commercial motor vehicle in a platoon.
- (5) A commercial motor vehicle involved in a platoon shall not draw another motor vehicle in the platoon.
- (6) Each commercial motor vehicle involved in a platoon shall display a marking warning other motorists and law enforcement that the vehicle may be part of a platoon.
- (7) The department shall promulgate administrative regulations in accordance with KRS Chapter 13A to set forth procedures for platooning, including required elements of a platooning plan.

➔Section 15. KRS 281.655 is amended to read as follows:

- (1) Before any certificate will be issued or renewed, the applicant or holder of the certificate shall file or shall have on file with the department one (1) or more approved indemnifying bonds or insurance policies issued by some surety company or insurance carrier authorized to transact business within the Commonwealth of Kentucky. The term of each bond or policy shall be continuous and shall remain in full force until canceled under proper notice. Each bond or policy shall have attached thereto the state insurance endorsement. All bonds or policies required under this section shall be issued in the name of the holder of the certificate. In lieu of the bonds or policies, the department, under appropriate regulations, may require the filing of one (1) or more approved certificates of insurance, the terms of which shall be continuous and shall remain in force and effect until canceled under proper notice.
- (2) The bonds or policies required of a U-Drive-It or automobile utility trailer lessor shall provide public liability and property damage coverage when operated either by the lessee or lessor thereof or agents, servants, or employees of either.
- (3) All bonds or policies shall provide blanket coverage for all equipment operated pursuant to the certificate or permit.
- (4) The types and minimum amounts of insurance to be carried on each vehicle shall be as follows:

MOTOR VEHICLES FOR THE TRANSPORTATION OF PERSONS,
INCLUDING U-DRIVE-ITS

	Death of or Injury to Any One Person	Total Liability for Death of or Injury to Persons	Property Damage
Capacity			
7 regular seats	\$100,000.00	\$300,000.00	\$50,000.00
8 or more regular seats	\$100,000.00	\$600,000.00	\$50,000.00

MOTOR VEHICLES FOR THE TRANSPORTATION OF PROPERTY,
INCLUDING U-DRIVE-ITS AND AUTOMOBILE UTILITY
TRAILERS

Death of Total Liability

Gross Weight	or Injury	for Death	
	to Any One	of or Injury	Property
	Person	to Persons	Damage
18,000 lbs. or less	\$100,000.00	\$300,000.00	\$50,000.00
More than 18,000 lbs.	\$100,000.00	\$600,000.00	\$50,000.00

- (5) Any person, firm, or corporation operating or causing to be operated any vehicle for the transportation of petroleum or petroleum products in bulk in amounts less than ten thousand (10,000) pounds shall have the following types and minimum amount of insurance carried on each vehicle:

Death of	Total Liability	
or Injury	for Death	
to Any One	of or Injury to	Property
Person	Persons	Damage
\$100,000.00	\$300,000.00	\$50,000.00

- (6) Any person, firm, or corporation operating or causing to be operated any vehicle for the transportation of hazardous material as defined in KRS 174.405, except petroleum or petroleum products in bulk in amounts less than ten thousand (10,000) pounds, shall have on each vehicle single limits liability insurance coverage of not less than one million dollars (\$1,000,000) for all damages whether arising out of bodily injury or damage to property as a result of any one (1) accident or occurrence.
- (7) Before any household goods certificate shall be issued or renewed, the applicant or certificate holder shall file or have on file with the department an approved insurance policy or bond compensating shippers or consignees for loss or damage to property belonging to shippers or consignees and coming into possession of the carrier in connection with its transportation service in the amounts required by 49 C.F.R. sec. 387.303(c) for interstate household goods motor carriers. The policy or bond shall have attached thereto the Kentucky cargo policy endorsement and shall be issued by some insurance or surety company authorized to transact business within the Commonwealth of Kentucky. The term of the bond or policy shall be continuous and shall remain in full force until canceled under proper notice. In lieu of the bond or policy, the department, under appropriate regulations, may require the filing of an approved certificate of insurance, the term of which shall be continuous and shall remain in force and effect until canceled under proper notice.
- (8) No insurance company or insurance carrier issuing any policy filed with the department, and no surety or obligor on any bond or contract filed with the department, shall be relieved from liability under the policy, bond, or contract until after the expiration of thirty (30) days' notice to the department of an intention to cancel the policy, bond, or contract. A prior cancellation may be allowed in cases where one (1) policy, bond, or contract is substituted for another policy, bond, or contract if the substituted policy, bond, or contract is of force and effect at a time prior to the expiration of thirty (30) days' notice to the department of an intention to cancel the policy, bond, or contract for which the additional policy, bond, or contract is being substituted. The acceptance of any notice of an intention to cancel any policy, bond, or contract or the cancellation of any policy, bond, or contract by the department, unless under the circumstances set forth, shall not relieve the insurance company, insurance carrier, surety, or obligor of any liability that accrued prior to the effective date of the cancellation.
- (9) Upon the cancellation of any bond or insurance policy required by this section, all operating rights granted by the certificate for which the bond or policy was filed, shall immediately cease, and the department may immediately require the cessation of all operations conducted under authority of the certificate, and may require the immediate surrender of all certificates, licenses, and other evidence of a right to act as a motor carrier.
- (10) The department may exempt in whole or in part from the requirements of this section any person who applies for the exemption and shows to the satisfaction of the department that, by reason of the financial ability of the person applying, there is due assurance of the payment of all damages for which he or she may become liable as a result of the operation of any vehicle owned by him or her or operated under authority of his or her certificate.
- (11) The provisions of this section notwithstanding, the Secretary of Transportation may adopt, incorporate by reference, or set forth in its entirety the provisions of Title 49, United States Code of Federal Regulations, Part

387, relating to the levels of financial responsibility for motor carriers, in effect as of June 24, 2015, or as amended after that date, with respect to any motor carrier operating in Kentucky.

- (12) The cabinet shall promulgate administrative regulations to set standards for pre-trip acceptance liability policies and prearranged ride liability insurance policies for transportation network company vehicles. The minimum amount of insurance for pre-trip acceptance liability policies shall be fifty thousand dollars (\$50,000) for death and personal injury to one (1) person, one hundred thousand dollars (\$100,000) for death and personal injury resulting from one (1) incident, and twenty-five thousand dollars (\$25,000) for property damage. The minimum amount of insurance for prearranged ride liability policies shall be the same as for motor vehicles for the transportation of persons under subsection (4) of this section. Pre-trip acceptance liability policies and prearranged ride liability policies may be issued by an eligible surplus lines insurer.
- (13) *Notwithstanding any other provision of this section, any fully autonomous vehicle operating under a certificate issued under this chapter shall have on file with the department indemnifying bonds or insurance policies in the minimum amounts of:*
- (a) *One million dollars (\$1,000,000) of total liability for death of or injury to persons resulting from any one (1) accident; and*
- (b) *One million dollars (\$1,000,000) for property damage.*

➔Section 16. Section 14 of this Act takes effect August 1, 2026.

Veto Overridden April 12, 2024.

CHAPTER 177

(HB 44)

AN ACT relating to elections.

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

➔Section 1. KRS 30A.145 is amended to read as follows:

- (1) Each circuit clerk shall send certified notices of incompetency to the State Board of Elections within ten (10) days after the determination has become final with regard to any person before the courts of the county.
- (2) *The Administrative Office of the Courts shall prepare, on the first Tuesday of each month, a list of all persons who were excused from jury duty for not being a citizen of the United States and provide the list to the Attorney General, the United States Attorney of the appropriate jurisdiction, and the State Board of Elections.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 116 IS CREATED TO READ AS FOLLOWS:

- (1) *The Secretary of State, in cooperation with the State Board of Elections, shall issue and present a comprehensive activity report regarding voter registration records cleanup activities on or before July 1 of each year to the Legislative Research Commission for referral to the appropriate committee. The Secretary of State and the State Board of Elections shall also make the report available to the public on their respective official websites. The activity report shall include:*
- (a) *Any activities to resolve reported anomalies per address, such as a high number of people living at a single-family home address, voters registered at a commercial location, or voters registered at an address that is a vacant lot;*
- (b) *Any activities to resolve incidents of multiple people registered at the same address with the same age that have minor variations in the spelling of the name and the status of the resolution of those duplicates;*
- (c) *The number of voter eligibility changes, which shall include relocation out of state, death, incarceration, expungement, and citizenship status changes; and*
- (d) *Any use of a national voter registration clearinghouse system or interstate agreement to remove inaccurate or fraudulent registrations and the cost of those agreements. No agreement or contract shall be entered into after April 1, 2025, that obligates the state to make any expenditures or efforts to*

register unregistered persons, but agreements for the sole purpose of exchanging data to remove ineligible voters are expressly permitted.

- (2) (a) *The State Board of Elections shall create a data-based report on or before July 1 of each year, containing every address in each county that lists a registered voter and the number of active and inactive voters registered at that address. Any personal identifying information shall be redacted, and any persons residing at those addresses shall not be contacted about their registration except by mail.*
- (b) *Citizens of each county shall have in-person access to the report at the county clerk's office, as well as online access via the Secretary of State's and State Board of Elections' official websites. Any discrepancies may be reported via the publicly available link on the Secretary of State's and State Board of Elections' official websites.*
- (c) *The Secretary of State and State Board of Elections shall provide a publicly available link on their respective official websites for citizens to report anomalies or discrepancies, and also a secure electronic form to allow a voter currently on the registered voter rolls erroneously to voluntarily cancel his or her voter registration in Kentucky.*

➔Section 3. KRS 116.0452 is amended to read as follows:

- (1) For the purpose of determining whether a voter registration application is received during the period in which registration books are open under KRS 116.045(2), an application shall be deemed timely received:
 - (a) In the case of registration with a motor vehicle driver's license application, if the valid voter registration form of the applicant is accepted by the Transportation Cabinet before the registration books are closed;
 - (b) In the case of registration by mail, if the valid voter registration form of the applicant is legibly postmarked before the registration books are closed;
 - (c) In the case of registration with a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency before the registration books are closed; and
 - (d) In any other case, if the valid voter registration form of the applicant is received by the appropriate county clerk, no later than 4 p.m. local time, before the registration books are closed.
- (2) The county clerk shall send notice to each applicant of the disposition of the application.
- (3) The name of a registered voter shall not be removed from the registration books except:
 - (a) Upon request of the voter;
 - (b) As provided by KRS 116.113, upon notice of death, declaration of incompetency, *excusal from jury duty for not being a United States citizen*, or conviction of a felony; or
 - (c) Upon failure to respond to a confirmation mailing sent pursuant to KRS 116.112(3) and failure to vote or appear to vote and, if necessary, correct the registration record of the voter's address in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.
- (4) The identity of the voter registration agency or Transportation Cabinet office through which any particular voter is registered shall not be disclosed to the public.

➔Section 4. KRS 116.113 is amended to read as follows:

- (1) (a) Upon receipt of notification from the Cabinet for Health and Family Services or other reliable sources of the death of a person, the State Board of Elections shall within five (5) days cause the removal of the name of that person from the voter registration records it maintains, except that no voter's name may be removed during the period of time the registration books are closed for any primary, general, or special election.
- (b) *To ensure that the State Board of Elections accurately removes names from the voter registration records it maintains, the Cabinet for Health and Family Services shall provide a copy of the lifetime Kentucky death records to the State Board of Elections on or before July 1 of each year.*
- (2) Upon receipt of notification from the circuit clerk that a person has been declared incompetent, the State Board of Elections shall within five (5) days cause the removal of the name of that person from the voter registration records it maintains, except that no voter's name may be removed during the period of time the registration books are closed for any primary, general, or special election.

- (3) *Upon receipt of notification from the Administrative Office of the Courts that a person has been excused from jury duty for not being a citizen of the United States, the State Board of Elections shall within five (5) days cause the removal of the name of that person from the voter registration records it maintains, except that no voter's name may be removed during the period of time the registration books are closed for any primary, general, or special election.*
- (4)~~(3)~~ Upon receipt of notification from the Administrative Office of the Courts *or the United States Department of Justice* that a person has been convicted of a felony offense, the State Board of Elections shall within five (5) days cause the removal of the name of that person from the voter registration records it maintains, except that no voter's name may be removed during the period of time the registration books are closed for any primary, general, or special election.
- (5)~~(4)~~ Upon receipt of notification from a local or state jurisdiction that a voter has registered to vote in the new local or state jurisdiction outside of the Commonwealth, the State Board of Elections shall within five (5) days cause the removal of the name of that person from the voter registration records that it maintains, except that no voter's name may be removed during the period of time the registration books are closed for any primary, regular election, or special election.
- (6)~~(5)~~ Following the purge of a name from the records of the State Board of Elections, the state board shall notify the clerk of the county in which the voter lived of the action; and the county clerk shall within ten (10) days update the county voter registration files to reflect the necessary change. If a protest is filed by the voter, the county board shall hear it at its next regular monthly meeting. If the county board decides in favor of the protesting voter, the voter's registration record shall be restored, including his *or her* voting record. If the protest is filed while the registration books are closed and the county board decides in favor of the protesting voter, the county board shall issue the voter an "Authorization to Vote" for the upcoming election and the voter's record shall be restored when the registration books open following the election.

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 117 IS CREATED TO READ AS FOLLOWS:

- (1) *A ranked-choice voting method that allows electors to rank candidates for an office in order of preference and has ballots cast to be tabulated in multiple rounds following the elimination of a candidate until a single candidate attains a majority shall not be used in determining the election or nomination of any candidate to any local, state, or federal elective office in this state.*
- (2) *Any existing or future ordinance enacted or adopted by a county, municipality, or any other local governmental entity which conflicts with this section shall be void.*

Veto Overridden April 12, 2024.

CHAPTER 178

(HB 136)

AN ACT relating to environmental audits.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 77 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "environmental audit" has the same meaning as in Section 2 of this Act.*
- (2) *Any person or facility subject to the requirements of this chapter or the rules, orders, or administrative regulations promulgated hereunder that performs or causes the performance of an environmental audit that complies with the requirements of Section 2 of this Act shall be entitled to all of the benefits, privileges, and protections afforded by that section.*

➔Section 2. KRS 224.1-040 is amended to read as follows:

- (1) As used in this section:
- (a) "Environmental audit" means a voluntary, internal, and comprehensive evaluation of one (1) or more facilities or an activity at one (1) or more facilities regulated under *KRS Chapter 77 or* this chapter, or federal, regional, or local counterparts or extensions thereof, or of management systems related to that facility or activity, that is designed to identify and prevent noncompliance and to improve compliance

with statutory or regulatory requirements. An environmental audit may be conducted by the owner or operator, by the owner's or operator's employees, or by independent contractors.

- (b) "Environmental audit report" means a set of documents, each labeled "environmental audit report: privileged document" and prepared as a result of an environmental audit. An environmental audit report may include field notes and records of observations, findings, suggestions, conclusions, drafts, memoranda, drawings, photographs, computer-generated or electronically recorded information, maps, charts, graphs, and surveys, provided the supporting information is collected or developed for the primary purpose and in the course of an environmental audit. An environmental audit report, when completed, shall have three (3) components:
1. An audit report prepared by an auditor, which shall include the scope and date of the audit and the information gained in the audit together with exhibits and appendices, and may include conclusions and recommendations;
 2. Memoranda and documents analyzing part or all of the audit report and discussing implementation issues; and
 3. An audit implementation plan that addresses correcting past noncompliance, improving current compliance, and preventing future noncompliance.
- (c) "Voluntary disclosure" means the prompt reporting to *the air pollution control district established under KRS Chapter 77 by the owner or operator of a facility of the voluntary discovery of a violation of KRS Chapter 77 or any rules, orders, or administrative regulations promulgated pursuant thereto, or to* the cabinet by the owner or operator of a facility of the voluntary discovery of a violation of this chapter or the administrative regulations promulgated pursuant thereto prior to:
1. The commencement of a federal, state, or local agency inspection or investigation, or the issuance by that agency of an information request to the owner or operator of the facility;
 2. The filing of a notice of a citizen suit filed under federal or state law;
 3. The filing of a complaint by a third party;
 4. The reporting to a federal, state, or local agency of the violation by an employee who is not authorized to speak on behalf of the facility; or
 5. The imminent discovery of the violation by a regulatory agency.
- (d) "Voluntary discovery" means the discovery of a violation of *KRS Chapter 77 or* this chapter or the administrative regulations promulgated pursuant thereto by the owner or operator of a facility if:
1. The violation was discovered by an environmental audit; and
 2. The violation was not identified through a legally mandated monitoring or sampling requirement prescribed by statute, administrative regulation, permit, judicial or administrative order, agreed order, consent decree, or plea bargain.
- (2) In order to encourage owners and operators of facilities and persons conducting other activities regulated under *KRS Chapter 77 or* this chapter, or its federal, regional, or local counterparts or extensions, both to conduct voluntary internal environmental audits of their compliance programs and management systems and to assess and improve compliance with statutory and regulatory requirements, an environmental audit privilege is created to protect the confidentiality of communications relating to voluntary internal environmental audits.
- (3) An environmental audit report shall be privileged and shall not be admissible as evidence in any civil or administrative proceeding, except as provided in subsection (4) of this section.
- (4) The privilege described in subsection (3) of this section does not apply to the extent that:
- (a) It is waived expressly or waived by implication by the owner or operator of a facility or persons conducting an activity that prepared or caused to be prepared the environmental audit report;
 - (b) The owner or operator of a facility or person conducting an activity seeks to introduce an environmental audit report as evidence. Seeking to introduce any part of the report shall constitute waiver of the privilege described in subsection (3) of this section for the entire report;

- (c) In a civil or administrative proceeding, a court of record, after a private review consistent with the Kentucky Rules of Civil Procedure, shall require disclosure of material for which the privilege described in subsection (3) of this section is asserted, if the court determines that:
1. The privilege is asserted for a fraudulent purpose;
 2. The material is not subject to the privilege; or
 3. Even if subject to the privilege, the material shows evidence of noncompliance with **KRS Chapter 77 or** this chapter, or with the federal, regional, or local counterparts or extensions thereof, and appropriate efforts to achieve compliance were not promptly initiated and pursued with reasonable diligence.
- (d) A party asserting the environmental audit privilege in subsection (3) of this section has the burden of proving the privilege, including, if there is evidence of noncompliance with **KRS Chapter 77 or** this chapter, or the federal, regional, or local counterparts or extensions thereof, proof that appropriate efforts to achieve compliance were promptly initiated and pursued with reasonable diligence. A party seeking disclosure under subsection (4)(c)1. of this section has the burden of proving that the privilege is asserted for a fraudulent purpose.
- (5) The privilege described in subsection (3) of this section shall not extend to:
- (a) Documents, communications, data, reports, or other information required to be collected, developed, maintained, reported, or made available to the public or a regulatory agency pursuant to **KRS Chapter 77 or** this chapter, or administrative regulations promulgated pursuant thereto, or other federal, state, or local law, ordinance, regulation, permit, or order, and any information developed relating to any release subject to KRS 224.1-400(19);
 - (b) Information obtained by observation, sampling, or monitoring by any regulatory agency;
 - (c) Information obtained from a source independent of the environmental audit; or
 - (d) Any criminal proceeding.
- (6) Nothing in this section shall limit, waive, or abrogate the scope or nature of any statutory or common-law privilege, including the work-product doctrine and the attorney-client privilege.
- (7) Nothing in this section shall limit, waive, or abrogate any reporting requirement in accordance with **KRS Chapter 77 or** this chapter or permit conditions.
- (8) The cabinet shall not seek a civil penalty against a facility for a violation of this chapter or the administrative regulations promulgated pursuant thereto **and an air pollution control district shall not seek a civil penalty against a facility for a violation of KRS Chapter 77 or the rules, orders, or administrative regulations promulgated pursuant thereto** if:
- (a) The owner or operator has made voluntary disclosure to the cabinet **or the air pollution control district** of the voluntary discovery of the violation;
 - (b) The owner or operator has corrected the violation within sixty (60) days of voluntary discovery, unless a shorter period of time is necessary to protect human health, safety, or the environment, or the cabinet **or the air pollution control district** determines that a longer period of time is necessary to correct the violation and approves a longer period of time and the owner or operator is taking the steps necessary to correct the violation as soon as possible;
 - (c) The owner or operator has agreed in writing to take steps to prevent a recurrence of the violation;
 - (d) The specific violation, or closely related violation;
 1. Has not occurred within the past three (3) years at the facility;
 2. Is not part of a pattern of violations of federal, state, or local law occurring within the past five (5) years **at a facility or facilities owned or operated by the same entity**, as identified in a judicial or administrative order, consent agreement, or agreed order, complaint, notice of violation, conviction, or plea agreement; and
 3. Is not an act or omission for which the facility has received penalty mitigation from a federal, state, or local agency;

- (e) The violation is not one which resulted in serious actual harm, or presented an imminent and substantial endangerment to human health or the environment, or violated the terms of a judicial or administrative order, consent decree or agreed order, or plea agreement;
 - (f) The violation is not one which resulted in significant economic benefit which gives to the violator a clear advantage over its business competitors; and
 - (g) The owner or operator of the facility cooperates as requested by the cabinet *or the air pollution control district* and provides information as necessary to determine the applicability of this section.
- (9) The condition contained in subsection (8)(f) of this section shall not apply to voluntary disclosures made prior to June 21, 2001.
- (10) Nothing in this section shall be construed to abridge the right of any person to recover actual damages resulting from any violation.

Veto Overridden April 12, 2024.

CHAPTER 179

(HB 263)

AN ACT making appropriations for the operations, maintenance, and support of the Legislative Branch of the Commonwealth of Kentucky.

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

➔Section 1. The Legislative Branch Budget is as follows:

PART I

OPERATING BUDGET

Funds Appropriations: Funds are appropriated to the Legislative Research Commission for the Legislative Branch of government out of the General Fund and Restricted Funds accounts for the fiscal year beginning July 1, 2023, and ending June 30, 2024, for the fiscal year beginning July 1, 2024, and ending June 30, 2025, and for the fiscal year beginning July 1, 2025, and ending June 30, 2026, in the following discrete sums, or so much thereof as may be necessary. Each appropriation is made by the source of respective fund or funds accounts to be used for the purposes of the Legislative Branch of government of the Commonwealth of Kentucky.

A. LEGISLATIVE BRANCH

Budget Units

	2024-25	2025-26
1. General Assembly		
General Fund	23,812,200	25,995,800
Restricted Funds	75,000	175,000
TOTAL	23,887,200	26,170,800

(1) **Kentucky Legislative Ethics Commission:** Included in the above General Fund appropriation is \$567,700 in each fiscal year of the 2024-2026 fiscal biennium for the Kentucky Legislative Ethics Commission. Included in the above Restricted Funds appropriation is \$75,000 in fiscal year 2024-2025 and \$175,000 in fiscal year 2025-2026 for the Kentucky Legislative Ethics Commission.

(2) **Kentucky Long-Term Policy Research Center:** Notwithstanding KRS 7B.010 to 7B.090, operation of the Kentucky Long-Term Policy Research Center and its governing board shall continue to be suspended effective July 1, 2024, and shall remain suspended for the 2024-2026 fiscal biennium or until funding is restored. No funds are appropriated for the Kentucky Long-Term Policy Research Center for fiscal year 2024-2025 and fiscal year 2025-2026.

(3) **Pension Benefit Increase:** Notwithstanding KRS 6.521(3), no pension benefit increase shall be granted to recipients of a retirement allowance under KRS 6.500 to 6.577 on July 1, 2024.

(4) **Legislators Compensation:** Notwithstanding KRS 6.190 and 6.213, the daily compensation provided by KRS 6.190 and the interim expense allowance provided by KRS 6.213 for members of the General Assembly shall be as authorized by the 2022-2024 biennium and shall continue as adjusted on January 1, 2025, by the salary increment provided to state employees in the State/Executive Branch Budget.

	2024-25	2025-26
2. Legislative Research Commission		
General Fund	65,857,600	65,944,600

(1) **Legislative Record:** Notwithstanding KRS 7.105, distribution of the final issue of the Legislative Record and the interim Legislative Record shall be suspended effective July 1, 2024.

(2) **Legislative Publications:** Notwithstanding KRS Chapters 27A and 57, the Acts of the General Assembly, the Journals of the Senate and House of Representatives, and the official Kentucky statute publications may be distributed by use of electronic versions only, at the discretion of the Director of the Legislative Research Commission.

(3) **Council of State Governments:** Included in the above General Fund appropriation is \$1,000,000 in fiscal year 2024-2025 to be distributed to the Council on State Governments to host a meeting of the Southern Legislative Conference in 2026.

(4) **Medicaid Oversight and Review Committee:** Included in the above General Fund appropriation is \$500,000 in fiscal year 2024-2025 to support staffing and operations of the Medicaid Oversight and Review Committee. The Committee shall conduct an assessment of the current Medicaid reimbursement rates, develop a proposal for the future rebasing of Medicaid reimbursement rates, and undertake additional activities as deemed necessary.

(5) **Efficient and Effective School District Governance Task Force:** Included in the above General Fund appropriation is \$250,000 in fiscal year 2024-2025 to support the Efficient and Effective School District Governance Task Force to assess the efficiency and effectiveness of the operations, management, and policies of Kentucky school districts with student enrollment greater than 75,000.

(6) **Kentucky Talent Attraction Initiative:** Included in the above General Fund appropriation is \$250,000 in fiscal year 2024-2025 for consulting, strategic support, and to convene a working group that shall be established by the Legislative Research Commission.

TOTAL - OPERATING BUDGET

	2024-25	2025-26
General Fund	89,669,800	91,940,400
Restricted Funds	75,000	175,000
TOTAL	89,744,800	92,115,400

Unexpended Balance: Notwithstanding KRS 45.229, any unexpended balance remaining at the close of fiscal year 2023-2024 shall not lapse but shall continue into fiscal year 2024-2025, and any unexpended balance in any succeeding fiscal year shall not lapse but shall continue into the following fiscal year.

TOTAL - LEGISLATIVE BRANCH BUDGET

	2024-25	2025-26
General Fund	89,669,800	91,940,400
Restricted Funds	75,000	175,000
TOTAL	89,744,800	92,115,400

PART II

GENERAL PROVISIONS

1. **Expenditure Authority:** The Director of the Legislative Research Commission, under the supervision of the Legislative Research Commission, may expend any of the funds appropriated for legislative operation and

administration in any lawful manner and for any legal purpose consistent with the policies and practices of the Commission. No executive agency or statute governing the executive agencies of state government shall have the power to restrict or limit the actions of, or the expenditure of funds appropriated to, the Legislative Research Commission for the Legislative Branch of government.

2. Capitol and Capitol Annex Capital Construction Expenditures: Any expenditure authorized by the Director of the Legislative Research Commission, under the supervision of the Legislative Research Commission, relating to implementation of KRS 56.463(4)(b), or relating to the Capitol Building, and funded by previous or current appropriations to the Legislative Research Commission for the Legislative Branch of government shall not be governed by KRS 7A.010, 7A.120, 45.750 to 45.810, 48.010(16), 48.020, and 48.110.

3. Severability of Budget Provisions: Appropriation items and sums in this Act conform to KRS 48.311. If any section, any subsection, or any provision thereof shall be invalid or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions.

4. Duplicate Appropriation: Any appropriation item and sum in this Act and in an appropriation provision in another Act of the 2024 Regular Session of the General Assembly which constitutes a duplicate appropriation shall be governed by KRS 48.312.

5. Priority of Individual Appropriations: KRS 48.313 shall control when a total or subtotal figure in this Act conflicts with the sum of the appropriations of which it consists.

6. Appropriations Revisions: Proposed revisions to Restricted Funds appropriations in this Act shall be made and reported pursuant to KRS 48.630(10).

7. Allowance in Lieu of Stationery: Notwithstanding KRS 6.220, in lieu of stationery, there shall be allowed to each member of the House of Representatives the sum of \$350 and to each member of the Senate the sum of \$650. This allowance shall be paid out of the State Treasury at the beginning of each legislative session.

8. Salary Adjustments: In each fiscal year, employees of the Legislative Research Commission shall receive a salary adjustment in accordance with the salary adjustment provided to state employees in the state/executive branch budget.

9. Administrative Expenses: Pursuant to KRS 21.540, administrative expenses shall be paid out of an administrative account which shall be funded by transfers of the necessary moneys, in appropriate ratio, from the funds provided for in KRS 21.550 and 21.560.

PART III

BUDGET REDUCTION OR SURPLUS EXPENDITURE PLAN

The Legislative Branch shall participate in any Budget Reduction Plan or Surplus Expenditure Plan in accordance with KRS Chapter 48, except that obligations essential to the constitutional duties of the Legislative Branch shall be exempt from any Budget Reduction Plan. The level of participation in a Budget Reduction Plan shall be at the discretion of the Director and shall not exceed the actual percentage of revenue shortfall.

Vetoed in Part and Overridden April 12, 2024.

CHAPTER 180

(HB 265)

AN ACT relating to appropriations providing financing and conditions for the operations, maintenance, support, and functioning of the Transportation Cabinet of the Commonwealth of Kentucky.

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

→Section 1. The Transportation Cabinet Budget is as follows:

PART I

OPERATING BUDGET

(1) **Funds Appropriations:** There is appropriated out of the General Fund, Road Fund, Restricted Funds accounts, Federal Funds accounts, or Bond Funds accounts for the fiscal year beginning July 1, 2023, and ending June 30, 2024, for the fiscal year beginning July 1, 2024, and ending June 30, 2025, and for the fiscal year beginning July 1, 2025, and ending June 30, 2026, the following discrete sums, or so much thereof as may be necessary. Appropriated funds are included pursuant to KRS 48.700 and 48.710. Each appropriation is made by source of respective fund or funds accounts. Appropriations for the budget units of the Transportation Cabinet are subject to the provisions of Chapters 12, 42, 45, and 48 of the Kentucky Revised Statutes and compliance with the conditions and procedures set forth in this Act.

A. TRANSPORTATION CABINET

Budget Units

1. GENERAL ADMINISTRATION AND SUPPORT

	2024-25	2025-26
General Fund	500,000	500,000
Restricted Funds	2,754,800	2,771,500
Road Fund	83,526,100	84,407,400
TOTAL	86,780,900	87,678,900

(1) **Biennial Highway Construction Plan:** The Secretary of the Transportation Cabinet shall produce a single document that shall detail the enacted fiscal biennium 2024-2026 Biennial Highway Construction Program, the 2026-2030 Highway Preconstruction Program, and the County Priority Projects Program.

(2) **Debt Service:** Included in the above Road Fund appropriation is \$340,900 in fiscal year 2024-2025 and \$341,500 in fiscal year 2025-2026 for debt service on previously authorized bonds.

(3) **Adopt-A-Highway Litter Program:** The Transportation Cabinet and the Energy and Environment Cabinet may receive, accept, and solicit grants, contributions of money, property, labor, or other things of value from any governmental agency, individual, nonprofit organization, or private business to be used for the Adopt-a-Highway Litter Program or other statewide litter programs. Any contribution of this nature shall be deemed to be a contribution to a state agency for a public purpose and shall be treated as Restricted Funds under KRS Chapter 45 and reported according to KRS Chapter 48, and shall not be subject to restrictions set forth under KRS Chapter 11A.

(4) **Budget Implementation:** The General Assembly directs that the Transportation Cabinet shall carry out all appropriations and budgetary language provisions as contained in the Transportation Cabinet Budget. The Legislative Research Commission shall review quarterly expenditure data to determine if an agency is out of compliance with this directive. If the Legislative Research Commission suspects that any entity has acted in non-conformity with this subsection, the Legislative Research Commission may order an audit or review at the agency's expense. Such audit findings, reviews, and reports shall be subject to the Kentucky Open Records Law. The Secretary of the Transportation Cabinet shall provide a comprehensive semiannual report, beginning February 1, 2025, to the standing Appropriations and Revenue Committees of the General Assembly or the Interim Joint Committee on Appropriations and Revenue, as appropriate, detailing expenditures related to the appropriations contained within the budgetary language provisions for each budget unit within the Transportation Cabinet. If an agency does not expend the full General Fund appropriation contained within a budgetary language provision, the unexpended funds shall be transferred to the Budget Reserve Trust Fund Account (KRS 48.705).

(5) **Riverport Improvements:** Included in the above General Fund appropriation is \$500,000 in each fiscal year to improve public riverports within Kentucky. The Secretary of the Transportation Cabinet, in conjunction with the Kentucky Water Transportation Advisory Board, shall determine how the funds are distributed. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part I, A., 1., (4) of this Act.

2. AVIATION

	2024-25	2025-26
General Fund	1,150,000	1,150,000
Restricted Funds	18,915,000	18,991,100
Federal Funds	500,800	500,800

Road Fund	838,500	837,500
TOTAL	21,404,300	21,479,400

(1) **Operational Costs:** Notwithstanding KRS 183.525(5), the above Restricted Funds appropriation includes operational costs of the program in each fiscal year.

(2) **Debt Service:** Included in the above Road Fund appropriation is \$838,500 in fiscal year 2024-2025 and \$837,500 in fiscal year 2025-2026 for debt service on previously authorized bonds. Notwithstanding KRS 183.525, \$838,500 in fiscal year 2024-2025 and \$837,500 in fiscal year 2025-2026 is transferred to the Road Fund from the Kentucky Aviation Economic Development Fund to support debt service on those bonds.

(3) **Road Fund and Restricted Funds Replacement:** Included in the above General Fund appropriation is \$1,150,000 in each fiscal year to support the Capital City Airport Division. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part I, A., 1., (4) of this Act.

3. DEBT SERVICE

	2024-25	2025-26
Road Fund	137,206,400	118,683,100

(1) **Economic Development Road Lease-Rental Payments:** Included in the above Road Fund appropriation is \$136,956,400 in fiscal year 2024-2025 and \$118,433,100 in fiscal year 2025-2026 for Economic Development Road lease-rental payments relating to projects financed by Economic Development Road Revenue Bonds previously authorized by the General Assembly and issued by the Kentucky Turnpike Authority.

(2) **Debt Payment Acceleration Fund Account:** Notwithstanding KRS 175.505, no portion of the revenues to the state Road Fund provided by the adjustments in KRS 138.220(2), excluding KRS 177.320 and 177.365, shall accrue to the Debt Payment Acceleration Fund account during the 2024-2026 fiscal biennium.

4. HIGHWAYS

	2024-25	2025-26
Restricted Funds	188,462,900	342,164,000
Federal Funds	1,256,222,200	1,272,307,100
Road Fund	1,244,441,900	1,150,167,400
TOTAL	2,689,127,000	2,764,638,500

(1) **Debt Service:** Included in the above Federal Funds appropriation is \$69,981,400 in fiscal year 2024-2025 and \$69,898,400 in fiscal year 2025-2026 for debt service on already issued Grant Anticipation Revenue Vehicle (GARVEE) Bonds previously appropriated by the General Assembly.

(2) **State Supported Construction Program:** Included in the above Road Fund appropriation is \$717,555,100 in fiscal year 2024-2025 and \$617,297,500 in fiscal year 2025-2026 for the State Supported Construction Program.

(3) **Biennial Highway Construction Program:** Included in the State Supported Construction Program is \$535,665,100 in fiscal year 2024-2025 and \$435,407,500 in fiscal year 2025-2026 from the Road Fund for state construction projects and the state match for federal projects in the 2024-2026 Biennial Highway Construction Program.

(4) **Highway Construction Contingency Account:** Included in the State Supported Construction Program is \$11,890,000 in each fiscal year for the Highway Construction Contingency Account. Notwithstanding KRS 45.247(2), (4), (5), (6), (7), (8), the Secretary shall only expend Highway Construction Contingency moneys for projects of an emergency nature or for projects that relieve a hazardous condition. Notwithstanding KRS 224.43-505(2), included in the Highway Construction Contingency Account is \$5,000,000 in each fiscal year to support the Kentucky Pride Fund created in KRS 224.43-505. Notwithstanding KRS 45.247 and 177.320(4), included in the Highway Construction Contingency Account is \$290,000 in each fiscal year for the Kentucky Transportation Center. Also included in the Highway Construction Contingency Account for Railroads is \$1,600,000 in each fiscal year for public safety and service improvements which shall not be expended unless matched with nonstate funds equaling at least 20 percent of the total amount for any individual project. Additionally, in each fiscal year, up to \$350,000 of the

\$1,600,000 appropriation may be used to establish and administer the Kentucky Rail Office in the Kentucky Transportation Cabinet.

(5) 2022-2024 Biennial Highway Construction Plan: Projects in the enacted 2022-2024 Biennial Highway Construction Plan are authorized to continue their current authorization into the 2024-2026 fiscal biennium. If projects in previously enacted highway construction plans conflict with the 2024-2026 Biennial Highway Construction Plan, the projects in the 2024-2026 Biennial Highway Construction Plan shall control. The Secretary shall make every effort to maintain highway program delivery by adhering to the timeframes included in the 2024-2026 Biennial Highway Construction Plan for those projects. It is the intent of the General Assembly that older projects will be removed from the Biennial Highway Construction Plan in future budget bills.

(6) State Match Provisions: The Transportation Cabinet is authorized to utilize Road Fund or General Fund state construction moneys or Toll Credits to match federal highway moneys.

(7) Federal Aid Highway Funds: If additional federal highway moneys are made available to Kentucky by the United States Congress, the funds shall be used according to the following priority: (a) Any demonstration-specific or project-specific moneys shall be used on the project identified; and (b) All other funds shall be used to ensure that projects in the fiscal biennium 2024-2026 Biennial Highway Construction Plan are funded. If additional federal moneys remain after these priorities are met, the Transportation Cabinet may select projects from the Highway Preconstruction Program.

(8) Road Fund Cash Management: The Secretary of the Transportation Cabinet may continue the Cash Management Plan to address the policy of the General Assembly to expeditiously initiate and complete projects in the fiscal biennium 2024-2026 Biennial Highway Construction Plan. Notwithstanding KRS Chapter 45, specifically including KRS 45.242 and 45.244, the Secretary may concurrently advance projects in the Biennial Highway Construction Plan by employing management techniques that maximize the Cabinet's ability to contract for and effectively administer the project work. Under the approved Cash Management Plan, the Secretary shall continuously ensure that the unspent project and Road Fund balances available to the Transportation Cabinet are sufficient to meet expenditures consistent with appropriations provided. The Transportation Cabinet shall provide quarterly reports to the Interim Joint Committee on Appropriations and Revenue when the General Assembly is not in session and the Standing Committees on Appropriations and Revenue when the General Assembly is in session beginning July 1, 2024.

(9) Carry Forward of Appropriation Balances: Notwithstanding KRS 45.229, unexpended Road Fund and General Fund appropriations in the Highways budget unit for the Construction program, the Maintenance program, and the Research program in fiscal year 2023-2024 and in fiscal year 2024-2025 shall not lapse but shall carry forward. Unexpended Federal Funds and Restricted Funds appropriations in the Highways budget unit for the Construction program, the Maintenance program, the Equipment Services program, and the Research program in fiscal year 2023-2024 and in fiscal year 2024-2025, up to the amount of ending cash balances and unissued Highway and GARVEE Bond Funds, to include any interest income earned on those bond funds, and grant balances shall not lapse but shall carry forward.

(10) Federally Supported Construction Program: Included in the above Federal Funds appropriation is \$1,149,071,500 in fiscal year 2024-2025 and \$1,149,385,400 in fiscal year 2025-2026 for federal construction projects.

(11) Highways Maintenance: Included in the above Road Fund appropriation is \$445,929,400 in fiscal year 2024-2025 and \$450,066,700 in fiscal year 2025-2026 for Highways Maintenance. Of this amount, \$10,000,000 in each fiscal year is provided to support inflationary increases; \$1,200,000 in each fiscal year is provided to increase mowing to three full cycles for interstates, parkways, and rural routes; and \$750,000 in each fiscal year is provided to support sign rehabilitation and panel sign maintenance.

(12) Delayed Projects Status Report: The Secretary of the Transportation Cabinet shall report by September 30 of each fiscal year to the Interim Joint Committee on Transportation any project included in the enacted Biennial Highway Construction Plan which has been delayed beyond the fiscal year for which the project was authorized. The report shall include:

- (a) The county name;
- (b) The Transportation Cabinet project identification number;
- (c) The route where the project is located;
- (d) The length of the project;

- (e) A description of the project and the scope of improvement;
- (f) The type of local, state, or federal funds to be used on the project;
- (g) The stage of development for the design, right-of-way, utility, and construction phases;
- (h) The fiscal year in which each phase of the project was scheduled to commence;
- (i) The estimated cost for each phase of the project;
- (j) A detailed description of the circumstances leading to the delay; and

(k) The same information required in paragraphs (a) to (i) of this subsection for the project or projects advanced with funds initially scheduled for the delayed project.

(13) Maintenance Reentry Employment Program: Included in the above Road Fund appropriation is \$1,000,000 in each fiscal year to support contracting with a 501(c)(3) nonprofit organization that employs individuals on probation or parole supervision to perform crew-based maintenance services. These individuals shall be selected with input from the Department of Corrections and shall provide assistance with litter abatement, graffiti removal, and vegetation control in highway districts three, five, six, and seven.

(14) Federal Highways Match: Notwithstanding KRS 45.229, the General Fund appropriation balance for Federal Highways Match for fiscal years 2023-2024 and 2024-2025 shall not lapse and shall carry forward.

(15) Grant Anticipation Revenue Vehicle (GARVEE) Bonds: Included in the above Restricted Funds appropriation is \$150,000,000 in fiscal year 2025-2026 for GARVEE Bond Funds to be issued for the I-69 Ohio River Crossing Project and the completion of the Mountain Parkway Widening Project.

(16) New Grant Anticipation Revenue Vehicle (GARVEE) Debt Service: Included in the above appropriations is \$7,584,400 in Federal Funds and \$1,896,100 in Road Fund in fiscal year 2025-2026 to support GARVEE Bonds debt service payments relating to the I-69 Ohio River Crossing Project and the completion of the Mountain Parkway Widening Project.

(17) County Priority Projects Program: Included in the State Supported Construction Program is \$20,000,000 in each fiscal year from the Road Fund to establish the County Priority Projects Program to assist with county and city roads. This funding will be contingent on the Transportation Cabinet's submission of projects and approval by the General Assembly. The submission of projects shall include a detailed listing of qualified projects that were ranked either an 8, 9, or 10 to be completed using funds from the Highway Construction Contingency Account by November 1 of each fiscal year. Projects received after December 1 of each fiscal year may not be included in the following year's County Priority Projects Program.

The County Priority Projects for fiscal year 2024-2025 are the projects approved and itemized in 2024 Regular Session HJR 92. Notwithstanding KRS 48.710, any unexpended funds in fiscal year 2024-2025 shall not lapse and shall carry forward to fiscal year 2025-2026.

The Transportation Cabinet shall provide an additional report to the Legislative Research Commission and the Interim Joint Committee on Appropriations and Revenue detailing any project submitted to be completed using funds from the Highway Construction Contingency Account within 30 days after it has been ranked and shall detail the work requested, the county that requested the project, and the date the request was received.

When a County Priority Project is completed, the Transportation Cabinet shall notify the Legislative Research Commission and the Interim Joint Committee on Appropriations and Revenue in writing.

(18) County and City Bridge Improvement Program: Included in the State Supported Construction Program is \$25,000,000 in each fiscal year in Road Fund to establish the County and City Bridge Improvement Program. Notwithstanding KRS 48.710, these funds shall not lapse and shall carry forward. The Transportation Cabinet shall prepare a report for the County and City Bridge Improvement Program. This report shall include a list of bridge repairs and replacements that have been completed, the date in which they were completed, and a status report for all other ongoing projects. This report shall be submitted to the Interim Joint Committee on Appropriations and Revenue by November 1 of each year.

(19) Grant Anticipation Revenue Vehicle (GARVEE) Bonds Reauthorization: The \$150,000,000 GARVEE Bond Funds to be issued for the Brent Spence Bridge Project pursuant to 2022 Ky. Acts ch. 214, Part I, A., 4., (15) are reauthorized.

(20) Reauthorized Grant Anticipation Revenue Vehicle (GARVEE) Bonds Debt Service: Included in the above appropriations is \$7,584,400 in Federal Funds and \$1,896,100 in Road Fund in fiscal year 2024-2025 and

\$15,168,800 in Federal Funds and \$3,792,200 in Road Fund in fiscal year 2025-2026 to support GARVEE Bonds debt service payments relating to the Brent Spence Bridge Project.

(21) Federal Emergency Management Reimbursements: Included in the above Restricted Funds appropriation is \$14,194,300 in each fiscal year to support federal emergency reimbursements for cleanup and repair of damage to roadways caused by declared disasters.

(22) Equipment Replacement for Federal Compliance Standards: Included in the above Road Fund appropriation is \$2,674,500 in fiscal year 2024-2025 to support equipment replacement within the Division of Materials.

(23) Division of Equipment Operations: Included in the above Restricted Funds appropriation is \$12,400,000 in fiscal year 2024-2025 and \$15,400,000 in fiscal year 2025-2026 to maintain current operations and support the Modified Replacement Schedule within the Division of Equipment.

(24) Strategic Highway Investment Formula for Tomorrow Scores and Reporting: The Transportation Cabinet shall provide Strategic Highway Investment Formula for Tomorrow (SHIFT) scores for each district and statewide project to the Interim Joint Committee on Appropriations and Revenue by October 1 of each year.

(25) Recycled Asphalt Products: The Transportation Cabinet shall not restrict the use of recycled asphalt products for any asphalt mixture used on a project, provided that the asphalt mixture meets the established performance criteria. The Transportation Cabinet shall report on the percentage of recycled asphalt products used in state projects to the Interim Joint Committee on Appropriations and Revenue on or before November 1, 2025. It is the intent of the General Assembly that by 2030, the Transportation Cabinet shall use an asphalt mixture that utilizes 30 percent or greater recycled asphalt products.

(26) Microsurfacing: It is the intent of the General Assembly that the Transportation Cabinet shall no longer use microsurfacing by the year 2030.

(27) Funding for Mega Projects: It is the intent of the General Assembly that no funds for any projects involving the Mountain Parkway, the I-69 Ohio River Crossing, or the Hal Rogers Parkway shall be expended unless those projects first acquire a federal grant.

5. JUDGMENTS

(1) Payment of Judgments: Road Fund resources required to pay judgments shall be transferred from the State Construction Account at the time when actual payments must be disbursed from the State Treasury.

6. PUBLIC TRANSPORTATION

	2024-25	2025-26
General Fund	15,575,800	15,575,800
Restricted Funds	706,400	721,400
Federal Funds	80,638,600	80,679,800
TOTAL	96,920,800	96,977,000

(1) Nonpublic School Transportation: Included in the above General Fund appropriation is \$5,000,000 in each fiscal year for nonpublic school transportation. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part I, A., 1., (4) of this Act.

7. REVENUE SHARING

	2024-25	2025-26
Road Fund	389,335,000	416,771,700

(1) County Road Aid Program: Included in the above Road Fund appropriation is \$146,874,400 in fiscal year 2024-2025 and \$157,268,800 in fiscal year 2025-2026 for the County Road Aid Program in accordance with KRS 177.320, 179.410, 179.415, and 179.440.

(2) Rural Secondary Program: Included in the above Road Fund appropriation is \$178,175,600 in fiscal year 2024-2025 and \$190,785,200 in fiscal year 2025-2026 for the Rural Secondary Program in accordance with KRS 177.320, 177.330, 177.340, 177.350, and 177.360.

(3) **Municipal Road Aid Program:** Included in the above Road Fund appropriation is \$61,799,600 in fiscal year 2024-2025 and \$66,173,200 in fiscal year 2025-2026 for the Municipal Road Aid Program in accordance with KRS 177.365, 177.366, and 177.369.

(4) **Energy Recovery Road Fund:** Included in the above Road Fund appropriation is \$276,000 in fiscal year 2024-2025 and \$287,000 in fiscal year 2025-2026 for the Energy Recovery Road Fund in accordance with KRS 177.977, 177.9771, 177.978, 177.979, and 177.981.

(5) **Continuation of the Flex Funds and 80/20 Bridge Replacement Programs:** The Transportation Cabinet shall continue the Flex Funds and the 80/20 Bridge Replacement Programs within the Rural Secondary Program.

(6) **County Judge/Executive Expense Allowance:** Notwithstanding KRS 67.220, County Judges/Executive not serving in a consolidated local government that served as a County Judge/Executive prior to November 2022 shall receive an annual expense allowance of \$3,600. County Judges/Executive newly elected in November 2022 or thereafter and those serving in counties with a consolidated local government shall not receive an annual expense allowance.

8. VEHICLE REGULATION

	2024-25	2025-26
Restricted Funds	19,854,200	20,444,800
Federal Funds	4,627,100	4,627,100
Road Fund	54,657,000	55,522,100
TOTAL	79,138,300	80,594,000

(1) **Debt Service:** Included in the above Road Fund appropriation is \$1,507,000 in each fiscal year for debt service on previously authorized bonds.

(2) **Regional Driver Licensing Offices Level of Service Report:** The Department of Vehicle Regulation shall develop a level of service report that will provide data regarding the wait times at each regional driver licensing office and an overall statewide summary. This report shall include data of actual wait times from customers' arrivals to the time they reach the transaction window, broken down by customers with appointments and walk-ins for each regional driver licensing office. This report shall also include the total number of customer transactions by type of service provided for each regional driver licensing office and recommendations to improve business processes to reduce customer wait times. This report shall be submitted to the Interim Joint Committee on Transportation by September 1, 2025.

(3) **Motor Vehicle Licensing Postage Cost:** Included in the above Road Fund appropriation is \$74,500 in each fiscal year to support increased postage costs.

(4) **Motor Vehicle Licensing Modernization:** Included in the above Restricted Funds appropriation is \$600,000 in each fiscal year to support Kentucky Automated Vehicle Information System (KAVIS) personnel to complete motor vehicle licensing modernization efforts.

(5) **County Clerk Information Technology Improvement:** Included in the above Restricted Funds appropriation is \$500,000 in each fiscal year to support increased costs for existing and integrating new County Clerks offices into the KentuckyWired network.

(6) **Vision Testing:** Notwithstanding KRS 186.577, an individual applying for renewal of an operator's license or instruction permit shall not be required to submit to a test of visual acuity and visual field. The Transportation Cabinet may establish a pilot project to allow for the voluntary vision testing upon renewal at regional driver licensing offices.

(7) **Driver Licensing Regional Offices:** Included in the above Road Fund appropriation is \$3,963,100 in each fiscal year for establishing three new regional offices. These funds shall only be used to establish and operate regional offices.

(8) **Driver Licensing Additional Personnel:** Included in the above Road Fund appropriation is \$2,365,400 in fiscal year 2024-2025 and \$2,417,800 in fiscal year 2025-2026 for 22 additional personnel for the Division of Driver Licensing.

(9) **Motor Vehicle Commission:** Included in the above Restricted Funds appropriation is \$1,189,300 in fiscal year 2024-2025 and \$1,689,300 in fiscal year 2025-2026 to support additional legal services, training costs, and an internal Dealer Data Base Administration System.

TOTAL - TRANSPORTATION CABINET

	2024-25	2025-26
General Fund	17,225,800	17,225,800
Restricted Funds	230,693,300	385,092,800
Federal Funds	1,341,988,700	1,358,114,800
Road Fund	1,910,004,900	1,826,389,200
TOTAL	3,499,912,700	3,586,822,600

PART II

CAPITAL PROJECTS BUDGET

(1) **Capital Construction Fund Appropriations and Reauthorizations:** Moneys in the Capital Construction Fund are appropriated for the following capital projects subject to the conditions and procedures in this Act. Items listed without appropriated amounts are previously authorized for which no additional amount is required. These items are listed in order to continue their current authorization into the 2024-2026 fiscal biennium. Unless otherwise specified, reauthorized projects shall conform to the original authorization enacted by the General Assembly.

(2) **Expiration of Existing Line-Item Capital Construction Projects:** All appropriations to existing line-item capital construction projects expire on June 30, 2024, unless reauthorized in this Act with the following exceptions: (a) A construction contract for the project shall have been awarded by June 30, 2024; (b) Permanent financing or a short-term line of credit sufficient to cover the total authorized project scope shall have been obtained in the case of projects authorized for bonds, if the authorized project completes an initial draw on the line of credit within the biennium immediately subsequent to the original authorization; and (c) Grant or loan agreements, if applicable, shall have been finalized and properly signed by all necessary parties. Notwithstanding the criteria set forth in this subsection, the disposition of 2022-2024 fiscal biennium nonstatutory appropriated maintenance pools funded from Capital Construction Investment Income shall remain subject to the provisions of KRS 45.770(5)(c).

(3) **Bond Proceeds Investment Income:** Investment income earned from bond proceeds beyond that which is required to satisfy Internal Revenue Service arbitrage rebates and penalties and excess bond proceeds upon the completion of a bond-financed capital project shall be used to pay debt service according to the Internal Revenue Service Code and accompanying regulations.

(4) **Appropriations for Projects Not Line-Itemized:** Inasmuch as the identification of specific projects cannot be ascertained with absolute certainty at this time, amounts are appropriated for specific purposes to projects which are not individually identified in this Act in the following areas: Aircraft Major Maintenance Pool - 2024-2026, Maintenance Pool - 2024-2026, and Repair Loadometers and Rest Areas - 2024-2026. Notwithstanding any statute to the contrary, projects estimated to cost \$1,000,000 and over and equipment estimated to cost \$200,000 and over shall be reported to the Capital Projects and Bond Oversight Committee.

A. TRANSPORTATION CABINET

Budget Units	2023-24	2024-25	2025-26
1. GENERAL ADMINISTRATION AND SUPPORT			
001. Construct Breckinridge County Maintenance and Salt Storage Facility Additional Reauthorization (\$3,000,000 Road Fund)			
Road Fund	500,000	-0-	-0-
002. Maintenance Pool - 2024-2026			
Road Fund	-0-	4,000,000	4,000,000
003. Construct Union County Maintenance and Salt Storage Facility Additional Reauthorization (\$3,000,000 Road Fund)			

Road Fund	500,000	-0-	-0-
004. Construct Whitley County Maintenance and Salt Storage Facility Additional Reauthorization (\$4,050,000 Road Fund)			
Road Fund	-0-	450,000	-0-
005. AASHTOWare Additional Reauthorization (\$2,000,000 Road Fund)			
Road Fund	-0-	1,000,000	600,000
006. Statewide Facility Security Systems Pool - 2024-2026			
Road Fund	-0-	300,000	300,000
007. Construct Hopkins County Maintenance and Salt Storage Facility Additional Reauthorization (\$2,070,000 Road Fund)			
Road Fund	-0-	700,000	-0-
008. Construct Ballard County Maintenance Facility and Salt Storage Additional Reauthorization (\$2,513,000 Road Fund)			
Road Fund	1,000,000	-0-	-0-
009. Construct Clay County District Office Additional Reauthorization (\$12,945,000 Road Fund)			
Road Fund	-0-	3,500,000	-0-
010. Construct Boyle County Bridge Crew Facility Additional Reauthorization (\$1,500,000 Road Fund)			
Road Fund	500,000	-0-	-0-
011. Permanent Salt Conveyor System - Graves County Reauthorization (\$350,000 Road Fund)			
012. Construct District 2 Office and Materials Lab Reauthorization (\$2,000,000 Road Fund)			
2. AVIATION			
001. Aircraft Major Maintenance Pool - 2024-2026			
General Fund	-0-	1,200,000	1,200,000
002. Construct Sixteen New T-Hangars			
Restricted Funds	-0-	2,750,000	-0-
003. Construct One Aircraft Maintenance Hangar			
Restricted Funds	-0-	-0-	6,910,000
004. Construct Two Medium Sized Box Hangars			
Restricted Funds	-0-	-0-	1,600,000
005. Construct Capital City Airport Terminal Building			
Restricted Funds	-0-	500,000	8,500,000
3. HIGHWAYS			
001. Repair Loadometers and Rest Areas - 2024-2026			
Road Fund	-0-	4,000,000	4,000,000
002. Road Maintenance Parks - 2024-2026			
Road Fund	-0-	1,500,000	1,500,000
003. Various Environmental Compliance - 2024-2026			
Road Fund	-0-	500,000	500,000

004. Statewide Chemical Storage Buildings

Road Fund	-0-	450,000	450,000
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005. Jefferson County - Lease

006. Knott County - Lease

4. VEHICLE REGULATION

001. Replace Kentucky Driver Licensing System Additional Reauthorization (\$12,000,000 Bond Funds)

Restricted Funds	-0-	9,000,000	4,000,000
Road Fund	-0-	3,000,000	3,000,000
TOTAL	-0-	12,000,000	7,000,000

PART III

FUNDS TRANSFER

The General Assembly finds that the financial condition of state government requires the following action.

Notwithstanding the statutes or requirements of the Restricted Funds enumerated below, there is transferred to the General Fund the following amounts in fiscal year 2024-2025 and fiscal year 2025-2026:

	2024-25	2025-26
A. TRANSPORTATION CABINET		
1. Aviation		
Agency Revenue Fund	2,025,000	2,010,900
(KRS 183.525(4) and (5))		
TOTAL - FUNDS TRANSFER	2,025,000	2,010,900

PART IV

TRANSPORTATION CABINET BUDGET SUMMARY

OPERATING BUDGET

	2023-24	2024-25	2025-26
General Fund	-0-	17,225,800	17,225,800
Restricted Funds	-0-	230,693,300	385,092,800
Federal Funds	-0-	1,341,988,700	1,358,114,800
Road Fund	-0-	1,910,004,900	1,826,389,200
SUBTOTAL	-0-	3,499,912,700	3,586,822,600

CAPITAL PROJECTS BUDGET

	2023-24	2024-25	2025-26
General Fund	-0-	1,200,000	1,200,000
Restricted Funds	-0-	12,250,000	21,010,000
Road Fund	2,500,000	19,400,000	14,350,000
SUBTOTAL	2,500,000	32,850,000	36,560,000

TOTAL - TRANSPORTATION CABINET BUDGET

	2023-24	2024-25	2025-26
General Fund	-0-	18,425,800	18,425,800
Restricted Funds	-0-	242,943,300	406,102,800

Federal Funds	-0-	1,341,988,700	1,358,114,800
Road Fund	2,500,000	1,929,404,900	1,840,739,200
TOTAL FUNDS	2,500,000	3,532,762,700	3,623,382,600

Vetoed in Part and Overridden April 12, 2024.

CHAPTER 181

(HB 388)

AN ACT relating to local government and declaring an emergency.

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

➔Section 1. KRS 67C.147 is amended to read as follows:

- (1) In order to maintain the tax structure, tax rates, or level of services in the area of the consolidated local government formerly comprising the city of the first class, the legislative council of a consolidated local government may provide in the manner described in this chapter for taxes and services within the area comprising the former city of the first class which are different from the taxes and services which are applicable in the remainder of the county. These differences may include differences in tax rates upon the class of property which includes the surface of the land, differences in ad valorem tax rates upon personal property, and differences in tax rates upon insurance premiums.
- (2) Any difference in the ad valorem tax rate on the class of property which includes the surface of the land in the portion of the county formerly comprising the city of the first class and in the portion of the county other than that formerly comprising the city of the first class may be imposed directly by the consolidated local government council. Any change in these ad valorem tax rates shall comply with KRS 68.245, 132.010, 132.017, and 132.027 and shall be used for services as provided by KRS 82.085.
- (3) If the consolidated local government council determines to provide for tax rates applicable to health insurance premiums and personal property which are different in the area formerly comprising the city of the first class than the rates applicable in the remainder of the county, it shall do so in the following manner. The consolidated local government council shall by ordinance create a tax district to be known as the "urban service tax district" bounded by the former boundaries of the former city of the first class. The ordinance shall designate the number of members of the board of this ~~tax~~~~taxing~~ district and the manner in which they shall be appointed. The ordinance shall provide that the board of the ~~tax~~~~taxing~~ district shall receive the income derived from the differential~~-in~~ tax rate applicable in the area formerly comprising the city of the first class with respect to personal property, health insurance premiums, or both, and shall contract with the consolidated local government to pay all sums collected to the consolidated local government, in return for the provision of services performed by the consolidated local government within the area formerly comprising the city of the first class which services are in addition to services performed by the consolidated local government in the remainder of the county. The consolidated local government shall provide at least an annual reporting to the urban service tax district board and the legislative body of the consolidated local government containing but not limited to detailed operating and capital expenditures of each service performed by the consolidated local government.
- (4) After the initial formation of an urban service ~~tax~~~~taxing~~ district in a consolidated local government, the boundaries of the district may be modified in the following manner. The proposal to alter the boundaries of the urban service ~~tax~~~~taxing~~ district within a consolidated local government may be initiated by:
 - (a) A resolution enacted by the consolidated local government describing the boundaries of the area to be added to or deleted from the ~~tax~~~~taxing~~ district and duly passed and signed by the mayor not less than one hundred twenty (120) days before the next regularly scheduled election day within the county; or
 - (b) A petition signed by a number of qualified voters living within precincts within the area to be added to or deleted from the ~~tax~~~~taxing~~ district equal to ten percent (10%) of the votes cast within each precinct in the last general election for President of the United States and delivered to the clerk of the legislative

council more than one hundred twenty (120) days next preceding the next regularly scheduled election day within the county.

The boundaries so described in either case shall not cross precinct lines. The question of whether the area bounded as described should be added to or deleted from, as the case may be, the urban ~~service tax~~^{services taxing} district shall then be placed upon the ballot in the precincts in the area to be added or deleted at the next regular election and the question stated on the ballot shall be so phrased that a "Yes" vote shall be cast in favor of making the proposed change and a "No" vote shall be cast to oppose the proposed change. If a majority of those voting in those precincts support the change, then the change in the boundaries of the urban service ~~tax~~ district shall be implemented.

- (5) (a) *No later than July 1, 2025, the consolidated local government shall reimburse a fire district operating under KRS Chapter 75 for expenses related to each emergency medical response made by the fire district operating under KRS Chapter 75 into the area of the urban service tax district. A fire district so responding shall receive from the consolidated local government three hundred dollars (\$300) for transporting a person and one hundred fifty dollars (\$150) for arriving at person's location when no person is transported.*
- (b) *The payment established in paragraph (a) of this subsection shall be in addition to any insurance moneys the fire district may be eligible to receive resulting from the response.*
- (c) *The payment established in paragraph (a) of this subsection shall be adjusted on July 1 of each year by the percentage increase in the nonseasonally adjusted annual average Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, All Items, between the two (2) most recent calendar years available, as published by the United States Bureau of Labor Statistics.*
- (d) *The consolidated local government shall not charge a fire district operating under KRS Chapter 75 for any expenses or services that the consolidated local government was not charging the fire district prior to January 1, 2024.*
- (6) (a) *From July 1, 2025, to June 30, 2028, the differential tax received by the urban service tax district shall fund no less than eighty-five percent (85%) of all costs related to the services provided, including capital expenditures related to the services, within the urban service tax district by the consolidated local government as set out in this section that are in addition to the services performed by the consolidated local government in the remainder of the county.*
- (b) *From July 1, 2028, to June 30, 2031, the differential tax received by the urban service tax district shall fund no less than ninety percent (90%) of all costs related to the services provided, including capital expenditures related to the services, within the urban service tax district by the consolidated local government as set out in this section that are in addition to the services performed by the consolidated local government in the remainder of the county.*
- (c) *From July 1, 2031, to June 30, 2034, the differential tax received by the urban service tax district shall fund no less than ninety-five percent (95%) of all costs related to the services provided, including capital expenditures related to the services, within the urban service tax district by the consolidated local government as set out in this section that are in addition to the services performed by the consolidated local government in the remainder of the county.*
- (d) *After June 30, 2034, the differential tax received by the urban service tax district shall fund no less than one hundred percent (100%) of all costs related to the services provided, including capital expenditures related to the services, within the urban service tax district by the consolidated local government as set out in this section that are in addition to the services performed by the consolidated local government in the remainder of the county.*

➔Section 2. KRS 67C.111 is amended to read as follows:

- (1) All cities other than those of the first class located within the territory of the consolidated local government, upon the successful passage of the question to consolidate a city of the first class and its county, shall remain incorporated unless dissolved in accordance with KRS 81.094 and shall continue to exercise all powers and perform the functions permitted by the Constitution and general laws of the Commonwealth of Kentucky applicable to the cities of the class to which they have been assigned.
- (2) (a) After July 15, 2024, with the approval of the consolidated local government's legislative council, qualified voters within the consolidated local government may establish new cities within the consolidated local government pursuant to KRS 81.050 and 81.060. The proposed city must have a

population of six thousand (6,000) or greater. This territory shall not be within any urban services boundary of the consolidated local government nor shall it include any territory currently incorporated within any existing city. The approval of the desire to establish a new city shall be in the form of a resolution by the consolidated local government's legislative council. If the legislative council does not act upon the request within sixty (60) days of the receipt of the desire to incorporate a new city, that shall serve as notice of approval by the legislative council of the incorporation of the new city.

- (b) If the petition to form a city is signed by ***a number of registered and qualified voters residing in the area proposed to be incorporated which is equal to at least seventy-five percent (75%) of the total number of votes cast in the area in the last preceding presidential election***~~[sixty-six percent (66%) or more of the qualified voters in the area proposed to be incorporated]~~, the consolidated local government's legislative council shall approve the proposed incorporation.
 - (c) If the petition to form a city is signed by ***a number of registered and qualified voters residing in the area proposed to be incorporated which is less than seventy-five percent (75%) of the total number of votes cast in the area in the last preceding presidential election***~~[less than sixty-six percent (66%) of the qualified voters in the area proposed to be incorporated]~~, the consolidated local government's legislative council may approve the proposed incorporation.
 - (d) ***An action of the consolidated local government's legislative council approving an incorporation passed by the consolidated local government legislative council shall not be subject to veto by the mayor of the consolidated local government.***
- (3) (a) Any proposed annexation by a city in that county shall first receive the approval of the legislative council of the consolidated local government prior to the city proceeding under the provisions of KRS Chapter 81A. The city shall request the approval of the consolidated legislative council by ordinance. ***For requests filed after July 15, 2024:***~~[if]~~
- 1. ***If the ordinance is accompanied by a petition in favor of the proposed annexation signed by a number of registered and qualified voters residing in the area proposed to be annexed which is equal to at least seventy five percent (75%) of the total number of votes cast in the area in the last preceding presidential election, the consolidated local government shall approve the proposed annexation***~~[sixty-six percent (66%) or more of the qualified voters of the area proposed to be annexed.]~~; ***or***
 - 2. ***If the ordinance is accompanied by written consent of the owners of record of the area to be annexed when that area is vacant or is otherwise unimproved land and where no persons reside, the consolidated government legislative council shall approve the proposed annexation. A city shall not annex vacant or otherwise unimproved land where no persons reside as set out by this subparagraph more than once every four (4) calendar years.***
- (b) The consolidated legislative council's decision shall be made by ordinance and within sixty (60) days of the receipt of the request by the affected city. If an ordinance has not been enacted by the consolidated legislative council within sixty (60) days, the request for a city to proceed with an annexation proposal shall be deemed to be approved by the consolidated legislative council. An ordinance approving annexation passed by the consolidated local government legislative council shall not be subject to veto by the mayor of the consolidated local government.
- (c) 1. ***A city in a county containing a consolidated local government shall not annex commercial real estate primarily for the purpose of obtaining occupational license taxes, net profits, or gross receipts taxes unless each owner of record of property within the area to be annexed gives prior consent in writing to the annexation.***
2. a. ***As used in this paragraph, "commercial real estate" means any parcel of real estate that is:***
- i. ***Lawfully used primarily for sales, retail, wholesale, office, research, institutional, warehouse, manufacturing, or industrial purposes;***
 - ii. ***Lawfully used primarily for multifamily residential purposes involving five (5) or more dwelling units; or***
 - iii. ***Zoned as a business or commercial use by a planning unit under the provisions of KRS Chapter 100.***

- b. *"Commercial real estate" does not include single-family residential units such as condominiums, townhouses, manufactured homes, or homes or lots in a subdivision when sold, or residential units otherwise conveyed on a unit-by-unit basis, even if those units are part of a larger building or parcel of real estate containing more than four (4) residential units.*

- (4) The adoption of a consolidated local government in a county containing a city of the first class shall not prevent the merger or dissolution of any existing cities as provided by law or the merger of any remaining cities with the newly consolidated local government.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO READ AS FOLLOWS:

- (1) *Except as otherwise expressly provided by law, in appointing members to boards, committees, commissions, task forces, ad hoc committees, and other administrative bodies created by or whose membership is appointed by the executive authority, legislative authority, or a combination of both of the consolidated local government, either under their home rule authority or in response to a requirement or option under the authority of the Kentucky Revised Statutes, the appointing authority shall make a conscientious effort to select, from among the most qualified persons, those persons whose appointment would ensure that the membership of the board, committee, commission, task force, ad hoc committee, or other administrative body accurately reflects the geographic population of the area represented by the local board, committee, commission, task force, or ad hoc committee, or other administrative body as determined pursuant to the most recent federal decennial census, unless the law regulating such appointment requires otherwise.*
- (2) *If there are multiple appointing authorities for the board, committee, commission, task force, ad hoc committee, or administrative body, they shall consult with each other to assure compliance with this section.*
- (3) *This section shall apply to appointments and reappointments made after the effective date of this Act. It shall not prohibit a member of a board, committee, commission, task force, ad hoc committee, or other administrative body from completing a term serving as a member when this section takes effect. A person appointed to a board, committee, commission, task force, ad hoc committee, or other administrative body prior to the effective date of this Act, shall not be removed from the appointment solely for the purpose of meeting the requirements of this section.*

➔Section 4. KRS 67C.103 is amended to read as follows:

- (1) The legislative authority of a consolidated local government, except as otherwise specified in KRS 67C.101 to 67C.137, shall be vested in a consolidated local government council. The members of the council shall be nominated and elected by district. There shall be only one (1) council member elected from each council district.
- (2) There shall be twenty-six (26) council districts. The initial boundaries, population, and numerical designation of the council districts shall be as specified by KRS 67C.135. The population of the council districts shall be as nearly equal as is reasonably possible. Any changes made to alter the boundaries of council districts shall be based on the population of the county as determined by the most recent United States Census or official census estimates as provided by the United States Bureau of the Census.
- (3) Following the official publication of each decennial census by the United States Bureau of the Census for the area embraced by a consolidated local government, the council shall adopt an ordinance, if necessary, to redistrict the council districts. A redistricting ordinance shall provide for the distribution of population among the council districts as nearly equal as is reasonably possible. Every council district shall be compact and contiguous and shall respect existing neighborhood, community, and city boundaries whenever possible.
- (4) The consolidated local government council members shall serve for a term of four (4) years beginning on the first Monday in January following their election, except that the initial election of council members shall be in a manner as to provide for staggered terms for council members. At the initial election of the members of a consolidated local government council, those representing even-numbered districts shall be elected for a two (2) year term. Those representing odd-numbered districts shall be elected for a four (4) year term. Thereafter, all council members shall be elected for four (4) year terms.
- (5) The members of a consolidated local government council shall be nominated and elected from the district in which they reside in **nonpartisan**~~[partisan]~~ elections. After the initial terms of office of the first elected council members, council members shall be elected in the same election years as other local government officials as regulated by the regular election laws of the Commonwealth and as provided in subsection (4) of this section.

- (6) No person shall be eligible to serve as a member of a consolidated local government council unless he or she is at least eighteen (18) years old, a qualified voter, and a resident within the territory of the consolidated local government and the district that he or she seeks to represent for at least one (1) year immediately prior to the person's election. A council member shall continue to reside within the district from which he or she was elected throughout the term of office.
- (7) The presiding officer of a consolidated local government council shall be a president who shall be chosen annually by a majority vote of the entire council from among its members at the first meeting of the council in January. The council president has the right to introduce any resolution or recommend any ordinance and shall be entitled to vote on all matters.
- (8) The consolidated local government council shall upon notice meet within seven (7) days after its members have taken office, and shall thereafter hold at least one (1) regular meeting per month. No newspaper notice shall be required for regular or special meetings of the consolidated local government council. However, notice of all meetings of the council and all meetings of committees of the council shall be held pursuant to KRS 61.805 to 61.850.
- (9) A majority of the members of the consolidated local government council shall constitute a quorum, but a smaller number may adjourn from day to day. The consolidated local government council may enforce the attendance of members by rules or ordinances with appropriate fines. The mayor or two-thirds (2/3) of the entire membership of the council may call a special meeting at any time. Meetings shall be held in such places in the county as are provided by ordinance, and the place of meetings shall not be changed except by an ordinance for which two-thirds (2/3) of the members of the consolidated local government council have voted.
- (10) The council shall determine its own rules and order of business, and keep and provide a public record of its proceedings. The council shall provide for the publication of all ordinances in a composite code of ordinances.
- (11) Council ordinances that prescribe penalties for their violation shall be enforced through the entire area of the consolidated local government unless:
 - (a) Otherwise provided by statute; or
 - (b) The legislative body of any city within the consolidated local government area has adopted an ordinance pertaining to the same subject matter that is the same as or more stringent than the standards set forth in the consolidated local government's ordinance.
- (12) (a) In the case of a vacancy on the consolidated local government council by reason of death, resignation, or removal, ~~a nonpartisan~~ election shall be held to fill the unexpired term, unless paragraph (c) of this subsection applies. The county clerk shall be responsible for administering the election. The election shall proceed as follows:
 1. The presiding officer of the council shall declare the position vacant and issue a writ of election within twenty-four (24) hours of the occurrence of the vacancy;
 2. The writ shall be signed by the presiding officer, shall designate the day for holding the election, and shall be delivered to the sheriff;
 3. Candidates for the unexpired term shall file petitions of nomination with the county clerk not later than ten (10) days following the declaration of vacancy. The election shall be held sixty (60) days after the declaration of vacancy on the next Tuesday which is not a federal holiday under 5 U.S.C. sec. 6103(a), unless paragraph (b) of this subsection applies. The petition for nomination shall contain the signatures of two (2) registered voters of the council district and shall meet the requirements of KRS 118.315(2); *and*
 4. ~~[If the candidate is a registered member of a political party, as defined by KRS 118.551, the candidate shall be designated as such on the election ballot. If the candidate is not a registered member of a political party, as defined by KRS 118.551, the candidate shall be designated as "independent" on the election ballot, or may choose to be designated as a member of another political organization on the ballot, if such political organization is indicated on the candidate's petition for nomination; and~~
 5. ~~—~~The successful candidate elected to fill an unexpired term in the office of consolidated local government council member shall take office immediately upon certification of the election results and administration of the oath of office.

- (b) If the unexpired term will not end on the first Monday in January following the next regular election, and if less than three (3) months intervene before that regular election, the unexpired term shall be filled on the date set for the regular election. Candidates for full terms shall be grouped together, and candidates for unexpired terms shall be grouped together, under appropriate headings, so that the voter may easily distinguish the candidates for full terms from the candidates for unexpired terms.
 - (c) If the unexpired term will end on the first Monday in January following the next regular election, and if less than three (3) months intervene before that regular election, the presiding officer of the council shall appoint a qualified person to fill the vacancy and serve the remainder of the term.
 - ~~(d) [Votes cast pursuant to KRS 117.125(3) shall not be counted for, or assigned to, any candidate in an election to fill a vacancy on the council, even if that candidate is the only designee of a political party or organization nominated in an election to fill a vacancy on the council.~~
 - ~~(e)]~~ The order of the names on the ballot for the candidates shall be determined by lot at a public drawing to be held in the office of the county clerk at 4 p.m., standard time, ten (10) days following the declaration of vacancy.
- (13) All legislative powers of a consolidated local government are vested in the consolidated local government council. The term "legislative power" is to be construed broadly and shall include the power to:
- (a) Enact ordinances, orders, and resolutions, and override a veto of the mayor by a two-thirds (2/3) majority of the membership of the legislative council;
 - (b) Review the budgets of and appropriate money to the consolidated local government;
 - (c) Adopt a budget ordinance;
 - (d) Levy taxes, subject to the limitations of the Constitution and the laws of the Commonwealth of Kentucky;
 - (e) Establish standing and temporary committees; and
 - (f) Make independent audits and investigations concerning the affairs of the consolidated local government and any board or commission that:
 - 1. Is composed of members who are appointed by the mayor and approved by the legislative council; or
 - 2. Has a budget that is equal to or greater than one million dollars (\$1,000,000.00), except that this subparagraph shall not apply to any fee officer elected within the consolidated local government.
- (14) (a) The consolidated local government council shall establish a Government Oversight and Audit Committee. This committee shall be:
- 1. Composed of members from each of the two (2) largest political caucuses in the legislative council;
 - 2. Appointed by the chairs of their respective caucuses; and
 - 3. Composed on the basis of the proportion of each of the two (2) caucuses' total membership as compared to the total membership of the legislative council. Any fractional proportions shall be rounded in the favor of the smallest caucus' membership on the committee.
- (b) The committee shall have the power to:
- 1. Compel testimony and the submission of work papers or documents;
 - 2. Issue subpoenas to compel any officer, appointee, or former officer or appointee to a board or commission described in subsection (13)(f) of this section or any department or division of the consolidated local government to appear before the committee and to compel the submission to the committee of any work papers or documents pertinent to an independent audit or investigation. Any subpoenas issued or testimony compelled shall be subject to any relevant statutes concerning privacy. Testimony subject to KRS 61.810 shall only be taken in executive session. The right to privacy or the requirement that testimony be taken in executive session may be waived by the person or entity being subpoenaed or compelled to testify;
 - 3. Petition the appropriate Circuit Court to compel obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from the Circuit Court or a refusal to testify therein, if

any officer or appointee fails or refuses to testify or furnish the work papers or documents subpoenaed;

4. Administer oaths to witnesses appearing before the committee when the committee deems the administration of an oath necessary and advisable as provided by law. This decision to administer oaths shall be taken by a majority vote of the committee of the legislative council; and
 5. Recommend the removal of any appointee to a board or commission described in subsection (13)(f) of this section.
- (c) The legislative council of the consolidated local government shall adopt by resolution any process or procedures deemed necessary for the administration of subpoenas and oaths.
 - (d) The legislative council of the consolidated local government may only act to remove an appointee to a board or commission described in subsection (13)(f) of this section upon the recommendation of the Government Oversight and Audit Committee.
 - (e) The Government Oversight and Audit Committee shall have the power to issue subpoenas or administer oaths. Except as provided in KRS 65.003(7), the legislative council of the consolidated local government shall not delegate those powers to any other entity or entities not a part of the legislative council of the consolidated local government.
- (15) The consolidated local government council shall be known as the legislative council of/..... County Metro Government, which shall be a combination of the names of the largest city in existence in the county on the date of the adoption of the consolidated local government and the county.

➔Section 5. KRS 67C.105 is amended to read as follows:

- (1) All executive and administrative power of the government shall be vested in the office of the mayor. The term "executive and administrative power" shall be construed broadly. The mayor shall be the chief executive of a consolidated local government formed under the provisions of KRS 67C.101 to 67C.137.
- (2)
 - (a) The mayor shall be nominated and elected in **nonpartisan**~~partisan~~ elections for a term of four (4) years in the same election years as other local government officials as regulated by the regular election laws of the Commonwealth.
 - (b) The mayor shall assume office on the first Monday in January following his or her election. He or she shall serve until a successor qualifies.
 - (c) After January 1, 2023, the mayor may serve for no more than two (2) consecutive terms, after which time he or she shall be prohibited from running for election or being appointed as mayor for a period of at least four (4) years.
- (3) The mayor shall be at least twenty-one (21) years old, a qualified voter~~, a member of his or her political party~~, and a resident of the territory encompassing the consolidated local government for a period of at least one (1) year prior to his or her election as mayor. The mayor shall continue to reside within the geographic boundary of the consolidated local government throughout his or her term of office.
- (4) Except as otherwise provided in KRS 67C.101 to 67C.137, the mayor shall have all the power and authority that the mayor of the city of the first class and the county judge/executive exercised under the Constitution and the general laws of the Commonwealth of Kentucky prior to the consolidation.
- (5) The mayor is authorized to supervise, administer, and control all departments and agencies as may be created by KRS 67C.101 to 67C.137 or created by ordinance. The mayor shall appoint all department and agency directors. The appointees shall serve at the pleasure of the mayor. Specifically, the mayor shall:
 - (a) Prepare and submit an annual report coinciding with the fiscal year, on the state of the consolidated local government, to be presented at a public meeting of the council;
 - (b) Submit an annual budget no fewer than sixty (60) days prior to the end of the fiscal year;
 - (c) Oversee the administration and implementation of the adopted budget ordinance;
 - (d) Enforce the ordinances of the consolidated local government;
 - (e) Supervise all officers, agents, employees, cabinets, departments, offices, agencies, functions, and duties of the consolidated local government;
 - (f) Call special meetings of the consolidated local government council;

- (g) Appoint and remove his or her own staff at his or her own pleasure;
 - (h) Execute written contracts, subscriptions, agreements, or obligations of the consolidated local government;
 - (i) Approve or veto ordinances and resolutions adopted by the consolidated local government council;
 - (j) Submit any written contracts, subscriptions, agreements, or obligations exceeding the small purchase amount established pursuant to KRS 45A.385 in a resolution to the legislative council for its approval or its disapproval. Those written contracts, subscriptions, agreements, or obligations awarded to the lowest evaluated bid or proposal pursuant to KRS 45A.343 to 45A.460 shall be excluded, unless the legislative council changes the threshold for submission of a resolution. The legislative council may, by ordinance, set threshold amounts other than those established by KRS 45A.385 for the small purchases for submission of a resolution for its approval or disapproval; and
 - (k) Appoint a deputy mayor within seven (7) days of the mayor taking the oath of office and keep the office of deputy mayor filled throughout the mayor's term. The deputy mayor shall:
 - 1. Meet all the qualifications for mayor established pursuant to subsection (3) of this section;
 - 2. Serve at the mayor's pleasure and may be replaced by the mayor for any cause; and
 - 3. Have only the duties assigned to him or her by the mayor.
- (6) (a) If the office of mayor becomes vacant by reason of death, resignation, or removal:
- 1. The deputy mayor shall become the temporary mayor, inheriting all powers and duties of the mayor;
 - 2. The deputy mayor shall serve as temporary mayor for no more than thirty (30) days until the council, by a majority vote of the members of the council, shall elect a resident of the consolidated local government who meets the qualifications for mayor established pursuant to subsection (3) of this section to serve as mayor. The council may select the temporary mayor for this position. If the legislative council fails to elect a person to fill the vacancy within thirty (30) days after the vacancy occurs, the Governor shall fill the vacancy in the office by appointment of a qualified person who is a resident of the consolidated local government and meets the qualifications for mayor established pursuant to subsection (3) of this section; and
 - 3. The tenure of the gubernatorial appointment shall be governed by Section 152 of the Kentucky Constitution.
- (b) If the offices of both the mayor and deputy mayor become vacant by reason of death, resignation, or removal:
- 1. The presiding officer of the consolidated local government council shall become the temporary mayor, inheriting all powers and duties of the mayor;
 - 2. The presiding officer shall serve as temporary mayor for no more than thirty (30) days until the council shall, by a majority vote of the members of the council, elect a resident of the consolidated local government who meets the qualifications for mayor established pursuant to subsection (3) of this section. The council may select the temporary mayor for this position. If the legislative council fails to elect a person to fill the vacancy within thirty (30) days after the vacancy occurs, the Governor shall fill the vacancy in the office by appointment of a qualified person who is a resident of the consolidated local government and meets the qualifications for mayor established pursuant to subsection (3) of this section; and
 - 3. The tenure of the gubernatorial appointment shall be governed by Section 152 of the Kentucky Constitution.
- (7) The mayor of a consolidated local government shall be known as the mayor of/..... County Metro Government, which shall be a combination of the names of the largest city in existence in the county on the date of the adoption of the consolidated local government and the county.

➔Section 6. KRS 117.125 is amended to read as follows:

No voting system or voting equipment shall be approved for use after January 1, 2024, by the State Board of Elections, either upon initial examination or reexamination, and no voting equipment or voting system shall be

purchased after July 14, 2022, unless the system and equipment has been certified under KRS 117.379 and is so constructed that it shall:

- (1) Ensure secrecy to the voter in the act of voting so that no person can see or know for whom any other voter has voted or is voting, except for those voters requiring assistance under KRS 117.255;
- (2) Permit votes to be cast for any candidate entitled to have his or her name printed upon the ballots at any primary, regular election, or special election, and for or against any public question entitled to be placed upon the ballots;
- (3) Except at a primary ~~or at a special election held under KRS 67C.103(12)}~~, permit a voter to vote for all the candidates of one (1) party or for one (1) or more candidates of every party having candidates entitled to be voted for, or for one (1) or more independent, political organization, or political group candidates;
- (4) Permit a voter to vote for as many persons for an office as the voter is lawfully entitled to vote for, and no more;
- (5) Prevent a voter from voting for more persons for any office than the voter is entitled to vote for, and from voting for the same person, or for or against the same question, more than once;
- (6) Permit a voter to vote for or against any question the voter may have the right to vote on, but no other;
- (7) Provide for a nonpartisan ballot;
- (8) Be capable of being adjusted for use in a primary so that a voter may not vote for any person except those seeking nomination as candidates of the voter's party, as candidates for a nonpartisan office, or as candidates for an office of the Court of Justice;
- (9) Permit each voter to vote for all the candidates for presidential electors of any party by one (1) operation;
- (10) Permit each voter to vote, in any regular or special election, for any person for whom the voter desires to vote whose name does not appear upon the ballot by providing a method of write-in voting;
- (11) Be safe, efficient, and accurate in the conduct of elections, and correctly register and accurately count all votes cast for each person, and for or against each public question;
- (12)
 - (a) Provide each voter an opportunity to verify votes recorded on the permanent paper ballot, either visually or using assistive voting technology, by producing a voter-verified paper audit trail;
 - (b) Provide each voter an opportunity to change votes or correct any error before the voter's ballot is cast and counted; and
 - (c) Provide a voter who spoils his or her ballot another ballot as provided under this chapter;
- (13) Use an individual, discrete, permanent, paper ballot cast by the voter for tabulating purposes;
- (14) Preserve the paper ballot as an official record available for use in any audit or recount;
- (15) Be suitably designed for the purpose used, constructed of a durable material, and safely transportable;
- (16) Be capable of determining whether the voting equipment has been unlocked and operated or adjusted in any manner after once being locked;
- (17) Have a public counter with a register which is visible from the outside of the counter or device that will show at all times during an election how many persons have voted;
- (18) Have a protective cumulative counter indicating the number of votes cast for each person, and the votes cast for or against each public question which cannot be seen, reset, or tampered with without unlocking a covering device by a key or other security apparatus that cannot unlock any other part of the equipment, and which prevents changes to the cumulative counter once the system has been put into operation on the day of any election;
- (19) Provide for the tabulating of votes at the precinct as required under KRS 117.275;
- (20) Provide locks or other security apparatus by which the operation of the voting equipment may be locked before the time for opening the polls and after the time for closing the polls;
- (21) Permit a voter to readily learn the method of operating it, to expeditiously cast a vote for all candidates and on all questions of the voter's choice, and when operated properly, register and record correctly and accurately every vote cast;

- (22) Bear a number or other unique designation that will distinguish it from any other voting equipment or voting system;
- (23) Produce a real-time audit log record for the voting system, and produce a paper record with a manual audit capacity which shall be available as an official record for any recount conducted related to any primary or election in which the system is used;
- (24) Be accessible for individuals with impairments, including nonvisual accessibility for the blind or visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters;
- (25) Prohibit voting equipment that tabulates or aggregates votes used in official results from connecting to any network, including the internet, or communicating with any device external to the voting system;
- (26) Meet or exceed the standards for a voting system established by the Election Assistance Commission, as amended from time to time, and those approved under KRS 117.379; and
- (27) Meet such other requirements as may be established by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A to reflect changes in technology to ensure the integrity and security of voting systems.

➔Section 7. KRS 177.360 is amended to read as follows:

- (1) Except as provided in subsection (5) of this section, the Department of Rural and Municipal Aid shall allocate the funds set apart under KRS 177.320(1) for construction, reconstruction, and maintenance of state-maintained secondary and rural highways as follows:
 - (a) One-fifth (1/5) shall be apportioned equally among the one hundred twenty (120) counties.
 - (b) One-fifth (1/5) shall be apportioned among the one hundred twenty (120) counties on the basis of the ratio which the rural population of each county bears to the total rural population of the state. "Rural population" as used here means the population in a county outside cities, towns, and urban areas having a population of twenty-five hundred (2,500) or more as shown by the most recent decennial census of the United States Bureau of the Census, and county population shall be determined by the most recent decennial census of the United States Bureau of the Census.
 - (c) One-fifth (1/5) shall be apportioned among the one hundred twenty (120) counties on the basis of the ratio that the public road mileage outside of cities, towns, and urban areas having a population of twenty-five hundred (2,500) or more bears to the total mileage of such roads for the entire state.
 - (d) Two-fifths (2/5) shall be apportioned among the one hundred twenty (120) counties on the basis of the ratio which the square-mile rural area of the county bears to the total square-mile rural area of the state. "Rural area" as used here means that area of the county outside of cities, towns, and urban areas having a population of twenty-five hundred (2,500) or more and shown by the most recent decennial census of the United States Bureau of the Census.
- (2) A sum not exceeding six percent (6%) of the allocation provided by KRS 177.320(1) to each county shall be deducted at the beginning of each fiscal year and adjusted quarterly to cover the maintenance, administrative, engineering, and other costs of the program.
- (3) Of the total amount apportioned by the provisions of this section, a sum not exceeding six percent (6%) may be deducted and placed by the Department of Rural and Municipal Aid in a special emergency account to be expended at the direction of the commissioner to meet unforeseen emergencies on rural and secondary roads and bridges.
- (4) Apportionments as required by the provisions of this section shall be made on the basis of revenue estimates supplied by the Finance and Administration Cabinet and adjusted quarterly in accordance with the most recent revision of the estimates by the Finance and Administration Cabinet.
- (5) Any county eligible to receive county road aid moneys in accordance with KRS 177.320 and this section shall be required to submit a uniform financial information report to the Department for Local Government in accordance with KRS 65.905 before any payment of county road aid funds shall be made. The Department for Local Government shall notify the Department of Rural and Municipal Aid no later than March 1 annually of any county that has not submitted a uniform financial information report. The Department of Rural and Municipal Aid shall, upon notification by the Department for Local Government, immediately suspend all county road aid moneys to the county until the county complies with the provisions of KRS 65.900 to 65.925

and submits the uniform financial information report to the Department for Local Government. The Department for Local Government shall immediately notify the Department of Rural and Municipal Aid to reinstate county road aid moneys to any county affected by this subsection as soon as the county submits the uniform financial information report.

- (6) *In distributing county road aid funds received by a consolidated local government established under KRS Chapter 67C, a consolidated local government shall establish procedures to identify project needs in unincorporated areas that prioritize consideration of the following factors:*
- (a) *Population growth;*
 - (b) *Population density; and*
 - (c) *Economic development potential.*

➔Section 8. KRS 67C.321 is amended to read as follows:

- (1) *Subject to the provisions of this chapter, any officer may be removed, suspended for a period not to exceed thirty (30) days, laid-off, or reduced in grade by the chief. Before the discipline may be issued, the chief shall:* ~~[for any cause which promotes the efficiency of the services, but before any such action is taken by the chief against any officer, the chief shall]~~
- (a) *Furnish the officer* ~~[concerned]~~ *with a written statement describing the charges being made against the officer, the evidence upon which the charges are based, and the discipline the chief intends to issue; and*
 - (b) *Provide the officer the opportunity for a pre-disciplinary hearing, presided over by the chief or the chief's designee, in which the officer may present evidence and call and cross-examine witnesses in the officer's defense.*
- (2) *After any pre-disciplinary hearing conducted under subsection (1)(b) of this section, the chief or the chief's designee shall issue a written opinion setting forth the final discipline issued against the officer. The officer may appeal the discipline issued under this section to the board within ten (10) days of the issuance of the written opinion.*
- (3) *If the officer elects not to proceed with a pre-disciplinary hearing under subsection (1)(b) of this section, the discipline stated in the written statement required by subsection (1)(a) of this section shall become final ten (10) days after that statement is furnished to the officer.*
- (4) *After any citizen makes a written, sworn complaint of misconduct concerning the actions of any police officer, if the chief of police determines not to file charges against the officer based on that complaint,* ~~[of the reasons why the described action is being taken. The officer may be reduced, removed, suspended for a period not to exceed thirty (30) days, or laid off from the date the written statement of reasons is served upon her or him. Each officer removed, suspended for a period not to exceed thirty (30) days, laid off, or reduced in grade shall be allowed a period of ten (10) days within which the officer may file a written answer to the charges and the reasons which caused her or his suspension, removal, or reduction. This answer shall be made a part of the official records of the police department. No trial or examination of witnesses shall be required in any such case except at the discretion of the chief. The chief shall likewise furnish a copy of the written charges and reasons for her or his action to the board.]~~
- ~~(2) Any citizen who makes written, sworn charges of misconduct concerning the actions of any police officer shall present the charges to the chief of police who shall investigate the charges. The chief of police shall determine what action, if any, shall be taken against the officer, subject to the limitations set out in this chapter. [the citizen may appeal the determination of the chief of police to the board.]~~

➔Section 9. KRS 67C.323 is amended to read as follows:

In all cases provided for in KRS 67C.321, the *discipline issued by the chief, upon final opinion issued by the chief, or the chief's designee following the pre-disciplinary hearing, shall be reviewed by the board as follows* ~~[action of the chief shall be final except in the following cases]:~~

- (1) *All discipline consisting of either* ~~[Every action in the nature of]~~ *a dismissal, suspension, or demotion of a nonprobationary officer made by the chief shall be subject to review by the board* ~~[at the request of any officer affected by KRS 67C.301 to 67C.327].~~ *Discipline consisting of* ~~[An appeal to the board of a]~~ *dismissal, demotion, or a forty (40) hour or more suspension of a nonprobationary officer shall be heard by the full board. The board shall give notice and hold a* ~~[public]~~ *hearing. After the hearing, the board shall, without the*

parties to the appeal, retire in executive session to discuss the evidence introduced at the hearing and to make its determination and conclusion. While in executive session, the board shall not receive any further evidence or communication from any source prior to reaching its determination and conclusion. The board, while in executive session, may request and receive legal advice from board counsel on specific legal issues which may arise during deliberations. If a majority of the members of the board are of the opinion that the *discipline issued by the chief is unsupported by a preponderance of the evidence or that the discipline* ~~action of the chief~~ is unjustified, ~~or unsupported by proper evidence, the order of the chief may be set aside and revoked by the board, and~~ the board may impose the penalty or punishment it deems necessary and appropriate, if any; provided however, the board shall not impose a penalty or punishment in excess of the *discipline issued* ~~by action of~~ the chief. No officer shall be removed or dismissed except as provided for in this section.

- (2) ~~All discipline consisting of~~ ~~An appeal to the board of~~ a suspension of a nonprobationary officer of less than forty (40) hours may be heard by the full board or any hearing officer secured by the board. If the appeal *of the discipline* is heard by a hearing officer, all rules established by the board relating to *disciplinary hearings* ~~appeals of disciplinary actions~~ shall be applicable. After the hearing, the hearing officer shall complete and submit to the board, no later than thirty (30) days after the hearing, a written recommended order which shall include his *or her* findings of fact, conclusions of law, and recommended disposition of the appeal *of the discipline*, which may include recommended penalties. The recommended order shall also include a statement advising the ~~appealing~~ officer and chief fully of their exception and appeal rights. A copy of the hearing officer's recommended order shall be sent to the appealing officer and chief. Each party shall have fifteen (15) days from the date the recommended order is mailed within which to file exceptions to the recommendations with the board. The board shall consider the record including the recommended order ~~and in~~ any exceptions duly filed to a recommended order, and accept and adopt or reject or modify, in whole or in part, the recommended order, or remand the ~~appeal of the~~ matter, in whole or in part, to the hearing officer for further proceedings as appropriate. The final order of the board shall be in writing. If the final order differs from the recommended order, it shall include separate statements of findings of fact and conclusions of law. The board shall render a final order in an administrative hearing within thirty (30) days after receipt of the hearing officer's recommended order.
- (3) (a) Every action of a dismissal, suspension, or demotion made by the board shall be final, except that any person aggrieved may, within thirty (30) days after the action, appeal to the Circuit Court of the county in which the board meets. The board shall be named respondent as the consolidated local government police force merit board, and service shall be had on the chairman of the board. Notice of the appeal shall be given to the chief or the officer if not already a party to the appeal as real parties in interest. The appeal taken to the Circuit Court shall be docketed by the clerk as a civil action with appropriate judicial review of an administrative action or decision.
- (b) The judgment of the Circuit Court shall be subject to appeal to the Court of Appeals. The procedure as to the appeal to the Court of Appeals shall be the same as in any civil action.

➔Section 10. KRS 67C.326 is amended to read as follows:

(1) *As used in this section:*

- (a) *"Citizen" means any individual who is not:*
1. *A member or supervisor within the law enforcement agency that employs an officer; or*
 2. *An elected or appointed official within the unit of government under which the law enforcement agency that employs the officer is organized;*
- (b) *"Complaint" means any statement by a citizen, whether written or verbal, that alleges any type of misconduct by an officer, including any statement that is submitted or received anonymously;*
- (c) *"Disciplinary action" means termination, demotion, a decrease in pay or grade, suspension without pay, or a written reprimand;*
- (d) *"Interrogation" means a formal investigative interview and does not mean conversations or meetings of supervisory personnel and subordinate officers that are not intended to result in disciplinary action, such as conversations or meetings held for the purpose of providing corrective instruction, counseling, or coaching; and*
- (e) *"Misconduct" means any act or omission by that officer that violates criminal law or the rules and administrative regulations of the department or consolidated local government.*

- (2) In order to establish a minimum system of professional conduct ~~for~~~~of~~ the police officers of consolidated local governments of this Commonwealth, the following standards ~~of conduct~~ are stated as the intention of the General Assembly to deal fairly and *establish*~~set~~ administrative due process rights for police officers of the consolidated local government and, at the same time, *provide*~~providing~~ a means for redress by the citizens of the Commonwealth for wrongs allegedly done to them by police officers covered by this section:
- (3)~~(a)~~ Any complaint taken from *a citizen*~~any individual~~ alleging misconduct on the part of any police officer, as defined herein, shall be taken as follows:
- (a)~~1~~. If the complaint alleges criminal activity ~~by~~~~on behalf of~~ a police officer, the allegations may be investigated without a signed, sworn complaint of the *citizen*~~individual~~;
- (b)~~2~~. If the complaint alleges *any other type of misconduct*~~abuse of official authority or a violation of rules and regulations of the department~~, an affidavit, signed and sworn to by the *citizen*~~complainant~~, shall be obtained, *except as provided by paragraph (c) of this subsection; or*
- (c)~~3~~. If a complaint is required to be obtained and the *citizen*~~individual~~, upon request, refuses to make allegations under oath in the form of an affidavit, signed and sworn to, the department may investigate the allegations, but shall bring charges *under subsection (6) of this section* against the police officer only if the department can independently substantiate the allegations absent the sworn statement of the *citizen*~~complainant~~;
- ~~4. Nothing in this section shall preclude a department from investigating and charging an officer both criminally and administratively;~~
- (4) (a) *When an officer is accused of misconduct by any individual within the department employing the police officer, including supervisors and elected or appointed officials of the police officer's department, or by a citizen complaint, the department shall conduct any investigation subject to the provisions of subsection (5) of this section, formally charge the police officer in accordance with subsection (6) of this section, and conduct a hearing in accordance with subsection (7) of this section before any disciplinary action is taken against the police officer.*
- (b) *The provisions of this subsection shall not prevent the department from suspending the police officer, with or without pay, during an investigation and pending the final disposition of any formal charges, except that a police officer suspended without pay shall be entitled to full back pay and benefits for the regular hours the officer would have worked if no formal charges were brought or the board finds the officer not guilty of the charges.*
- (5) (a) *Any complaint filed by a citizen under subsection (3) of this section or any allegation of misconduct under subsection (4) of this section shall be investigated by the department or another designated law enforcement agency if the department determines that an investigation of the complaint or the alleged misconduct is warranted.*
- (b) No threats, promises, or coercions shall be used at any time against any police officer while he or she is a suspect in a criminal or departmental matter. Suspension from duty with or without pay, or reassignment to other than an officer's regular duties during the period, shall not be deemed coercion. Prior to or within twenty-four (24) hours after suspending the officer pending investigation or disposition of a complaint, the officer shall be advised in writing of the reasons for the suspension;
- (c) No police officer shall be subjected to interrogation in a departmental matter involving alleged misconduct on his or her part, until forty-eight (48) hours have expired from the time the request for interrogation is made to the accused officer, in writing. The interrogation shall be conducted while the officer is on duty. *The notice of interrogation shall include a statement of any reason for the interrogation and served on the officer by certified mail, return receipt requested, or by personal delivery*~~The police officer may be required to submit a written report of the alleged incident if the request is made by the department no later than the end of the subject officer's next tour of duty after the tour of duty during which the department initially was made aware of the charges~~;
- (d) *If requested by the department no later than the end of the subject officer's next tour of duty after the tour of duty during which the department initially was made aware of the allegations of misconduct, the officer shall submit a written report of the alleged incident;*
- (e) If a police officer is under arrest, or likely to be arrested, or a suspect in any criminal investigation, he *or she* shall be afforded the same constitutional due process rights that are accorded to any civilian, including but not limited to the right to remain silent and the right to counsel, and shall be notified of

those rights before any questioning commences~~[. Nothing in this section shall prevent the suspension with or without pay or reassignment of the police officer pending disposition of the charges];~~

- (6) (a) ~~(e)~~ ***If it is determined through investigation or other means that the facts alleged in a citizen complaint or other allegation of misconduct warrant disciplining the officer, the department shall provide the officer the written statement required in subsection (1)(a) of Section 8 of this Act, which***~~[Any charge involving violation of any consolidated local government rule or regulation]~~ ***shall include***~~[be made in writing with]~~ sufficient specificity so as to fully inform the police officer of the nature and circumstances of the alleged violation in order that he *or she* may be able to properly defend himself *or herself*.
- (b) The ***written statement***~~[charge]~~ shall be ***signed by the chief, set out the disciplinary action intended by the chief, and be served on the police officer in writing by certified mail, return receipt requested, or by personal delivery.***~~[.]~~
- (c) ~~(f)~~ When a police officer has been charged with ***misconduct***~~[a violation of departmental rules or regulations]~~, no public statements shall be made concerning the alleged violation by any person or persons of the consolidated local government or the police officer so charged, until final disposition of the charges.~~[.]~~
- (d) ~~(g)~~ No police officer as a condition of continued employment by the consolidated local government shall be compelled to speak or testify or be questioned by any person or body of a nongovernmental nature.~~[, and]~~
- (7) ~~(h)~~ ***Subject to Section 8 of this Act and KRS 67C.321 and KRS 67C.325, a hearing shall be conducted by the board to determine whether the discipline issued by the chief is supported by a preponderance of the evidence and whether the disciplinary action recommended by the chief is justified. In conducting a hearing***~~[When a hearing is to be conducted by any appointing authority, legislative body, or other body as designated by the Kentucky Revised Statutes]~~, the following administrative due process rights shall be recognized and these shall be the minimum rights afforded any police officer charged, ***except as otherwise agreed to in writing by the officer and the employing agency:***
- (a) ~~1.~~ The accused police officer shall have been given at least ***twelve (12) days' written***~~[seventy two (72) hours]~~ notice of any hearing. ***The notice shall be served on the officer by certified mail, return receipt requested, or by personal delivery;***
- (b) ~~2.~~ Copies of any sworn statements or affidavits to be considered by the ***board***~~[hearing authority]~~ and any exculpatory statements or affidavits shall be furnished to the police officer no less than ***twelve (12) days***~~[seventy two (72) hours]~~ prior to the time of any hearing;
- (c) ~~3.~~ ~~At~~~~[H]~~ any hearing~~[is]~~ based upon ***the sworn***~~[a]~~ complaint of ***a citizen***~~[an individual]~~, the ***citizen***~~[individual]~~ shall be notified to appear at the time and place of the hearing by certified mail, return receipt requested, ***or by personal delivery;***
- (d) ~~4.~~ If the return receipt has been returned unsigned, or the ***citizen***~~[individual]~~ does not appear, except where due to circumstances beyond his *or her* control he *or she* cannot appear~~[.]~~ at the time and place of the hearing, any charge ***resulting from a complaint*** made by that ***citizen***~~[individual]~~ shall not be considered by the hearing authority and shall be dismissed with prejudice;
- (e) ~~5.~~ The accused police officer shall have the right and opportunity to obtain and have counsel present, and to be represented by the counsel;
- (f) ~~6.~~ The ***board***~~[appointing authority, legislative body, or other body as designated by the Kentucky Revised Statutes]~~ shall subpoena and require the attendance of witnesses and the production by them of books, papers, records, and other documentary evidence at the request of the accused police officer or the ***chief***~~[charging party]~~. If any person fails or refuses to appear under the subpoena, or to testify, or to attend, or produce the books, papers, records, or other documentary evidence lawfully required, the ***board***~~[appointing authority, legislative body, or other body as designated by the Kentucky Revised Statutes]~~ may report to the Circuit Court or any judge thereof the failure or refusal, and apply for a rule. The Circuit Court, or any judge thereof, may on the application compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from the court;
- (g) ~~7.~~ The accused police officer shall be allowed to ***present***~~[have presented,]~~ witnesses and any documentary ***or other relevant*** evidence the police officer wishes to provide to the ***board***~~[hearing authority]~~, and may cross-examine all witnesses called by the charging party;

- (h) ~~For any police officer suspended with or without pay who is not given a hearing as provided by this section within sixty (60) days *his or her appeal of the final opinion by the chief or the chief's designee, the discipline and charges issued by the chief* of any charge being filed, the charge then shall be dismissed with prejudice, shall ~~and~~ not be considered by *the board*, ~~any hearing authority~~ and the officer shall be reinstated with full back pay and benefits; ~~and~~~~
- (i) *Any police officer who has been suspended without pay who is found not guilty of the charges by the board shall be reinstated with the full back pay and benefits for the regular hours he or she would have worked;*
- (j) ~~The failure to provide any of the rights or to follow the provisions of this section may be raised by the officer with the hearing authority. The hearing authority shall not exclude proffered evidence based on failure to follow the requirements of this section but shall consider whether, because of the failure, the proffered evidence lacks weight or credibility and whether the officer has been materially prejudiced; and~~
- (k) *To the extent the provisions of KRS 61.805 to 61.850 are applicable, the board may conduct the hearing required by this subsection in a closed session unless the police officer requests of the board, in writing at least three (3) days prior to the hearing, that the hearing be open to the public.*
- (8) *As the provisions of this section relate to a minimum system of professional conduct, nothing in this section shall be interpreted or construed to:*
- (a) *Limit or in any way affect any rights previously afforded to a police officer of the consolidated local government by statute, collective bargaining or working agreement, or legally adopted ordinance;*
- (b) *Preclude a consolidated local government from investigating and charging a police officer both criminally and administratively; or*
- (c) *Prevent the suspension, with or without pay or reassignment, of a police officer during an investigation and pending the final disposition of charges*
- ~~(2) Any police officer who shall be found guilty by any hearing authority of any charge may bring an action in the Circuit Court in the county in which the consolidated local government is located to contest the action of that hearing authority, and the action shall be tried as an original action by the court.~~
- ~~(3) The judgment of the Circuit Court shall be subject to appeal to the Court of Appeals. The procedure as to appeal to the Court of Appeals shall be the same as in any civil action. As the provisions of this section relate to a minimum system of professional conduct, nothing in this section shall be construed as limiting or in any way affecting any rights previously afforded to police officers of the consolidated local government by statute, ordinance, or working agreement.~~
- ➔ Section 11. (1) Each consolidated local government shall establish, support, and maintain through December 31, 2024, a Property Valuation Review Commission. The purpose of this commission shall be to review appropriate records to ensure that the property valuation administrator of the county containing the consolidated local government assesses property within the county consistently and that property types or classifications are assessed uniformly within the boundaries of the consolidated local government for all taxable property assessed as of January 1, 2023. The commission shall identify the various property types or classifications that exist within the boundaries of the county containing the consolidated local government and review sufficient sample properties to determine consistency and uniformity. The property valuation administrator shall cooperate with the requests of the commission for the purposes of this section. The commission shall not disclose any confidential or proprietary information provided to it by the property valuation administrator.
- (2) The commission shall be composed of seven (7) members appointed by the mayor as follows:
- (a) Three (3) members recommended by an association of realtors active within the county containing the consolidated local government of which one (1) shall be a real estate broker;
- (b) One (1) member recommended by a commercial real estate association active within the county containing the consolidated local government;
- (c) Two (2) members representing a national association of real estate brokers, one (1) of which shall be:
1. Recommended by a residential appraisal business entity that commonly makes residential appraisals within the county containing the consolidated local government; and

2. Selected and appointed by the mayor of the consolidated local government under the general authority of this subsection; and

(d) One (1) member recommended by a local association exclusively representing cities within the county containing the consolidated local government.

(3) Each entity set out in subsection (2) of this section shall make its recommendations for appointments within thirty (30) days of the effective date of this Act. The mayor shall complete the appointment no later than sixty (60) days after the effective date of this Act. Vacancies shall be filled in the same manner as the original appointments and as soon as possible after the vacancy.

(4) Each member of the commission shall be qualified to evaluate property for tax assessment purposes.

(5) Commission members shall be entitled only to reimbursement from the consolidated local government for actual expenses incurred in the performance of their duties as commission members.

(6) The commission shall elect from its members one (1) member to serve as chair, one (1) member to serve as vice-chair, and one (1) member to serve as secretary.

(7) If the commission selects a property for review in which a commission member has a personal or private interest, that member shall disclose his or her interest to the commission and shall refrain from evaluating that property. Any such disclosure shall be made a public record of the commission.

(8) The commission shall make a report of its findings and transmit those findings to the Legislative Research Commission, the mayors and metro councils of the consolidated local governments, and the Finance and Administration Cabinet no later than December 31, 2024, after which the commission shall be dissolved.

➔Section 12. (1) No consolidated local government shall amend its land development code zoning classifications in its land development code to change permitted, conditional, or any other uses involving residential uses or change the characteristics of those uses that could increase the allowable density of:

- (a) Residential units per acre or any other unit describing land size; or
- (b) Inhabitants of any residential units;

in any zoning district classifications after the effective date of this Act and prior to April 15, 2025. Map amendments using the zoning district classifications in existence as of the effective date of this Act shall be allowed.

(2) (a) The mayor of each consolidated local government within the Commonwealth shall conduct a review of:

1. The requirements in the Kentucky Revised Statutes relating to the makeup of the planning commission membership as set out in KRS 100.137 and the processes for amendments to the zoning map and any other land use management requirements set out in KRS Chapter 100 that the consolidated local government is required to follow; and

2. Its land development code relative to all zoning classifications involving residential uses.

(b) In reviewing the requirements of the Kentucky Revised Statutes relating to paragraph (a)1. of this subsection, the mayor shall consider what changes to the statutes will result in the most efficient uses of the resources of the consolidated local government while providing the residents and property owners of the consolidated local government with ample opportunity to provide input into the planning and zoning process.

(c) In reviewing the land development code relating to paragraph (a)2. of this subsection, the mayor shall consider what changes to the land development code will provide the best results in providing present and prospective residents of the consolidated local government with housing that can meet their financial means while ensuring that the financial investment of property owners and the quality of life for all is enhanced.

➔Section 13. Sections 4, 5, 6, 8, 9, and 10 of this Act take effect January 1, 2025.

➔Section 14. Whereas it is imperative to make the appointments in a timely manner, give the commission time to perform its task within the time limits, allow the mayor to commence the required reviews, and initiate the suspension of specified amendments of the land development code made by the consolidated local government, an emergency is declared to exist, and Sections 11 and 12 of this Act take effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Veto Overridden April 12, 2024.

CHAPTER 182

(HB 403)

AN ACT relating to real property boards.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 324B IS CREATED TO READ AS FOLLOWS:

- (1) (a) *The Division of Real Property Boards is hereby created within the Department of Professional Licensing and shall include the:*
1. *Kentucky Board of Home Inspectors, established under Section 6 of this Act;*
 2. *Real Estate Appraisers Board, established under Section 10 of this Act; and*
 3. *Board of Auctioneers, established under Section 17 of this Act.*
- (b) *The Division of Real Property Boards shall be managed by a director, who shall be appointed by the secretary of the Public Protection Cabinet with prior written approval of the Governor. The director shall be exempted from the classified service.*
- (c) *The Division of Real Property Boards may:*
1. *Provide appropriate attorneys, personnel staffing, and administrative support to the real property boards identified in paragraph (a) of this subsection;*
 2. *Establish and maintain an office, meeting space, office supplies, furniture, storage space, and any other supplies that are necessary to carry out the duties of the Division of Real Property Boards and the real property boards identified in paragraph (a) of this subsection;*
 3. *Make available for public inspection all decisions, opinions, and interpretations formulated or used by the division and the real property boards identified in paragraph (a) of this subsection in discharging their functions;*
 4. *Publicize the functions and purposes of the Division of Real Property Boards and the real property boards identified in paragraph (a) of this subsection;*
 5. *Employ administrative coordinators who shall carry out the administrative functions and day-to-day operations of the real property boards identified in paragraph (a) of this subsection. The maximum number of administrative coordinators shall be one (1) for each real property board. These administrative coordinators shall be exempted from the classified service; and*
 6. *Enter into agreements with any state agency, political subdivision of the state, postsecondary education institution, or other person or entity to assist with implementation of the duties and responsibilities of the Division of Real Property Boards or, upon request, the real property boards identified in paragraph (a) of this subsection.*
- (2) *The director of the Division of Real Property Boards shall:*
- (a) *Provide oversight of the Division of Real Property Boards;*
 - (b) *Review and provide feedback on any administrative regulation proposed by any of the boards within the Division of Real Property Boards prior to the promulgation of the administrative regulation;*
 - (c) *Review and provide feedback on the budgets and expenditures of the boards within the Division of Real Property Boards;*
 - (d) *Submit written recommendations to the secretary of the Public Protection Cabinet concerning sufficient staffing needs and relevant experience necessary to assist in carrying out the mission and function of the Division of Real Property Boards;*
 - (e) *Pursuant to KRS 13B.120(7), automatically hear and issue a final order regarding any decision of a real property board that would otherwise be subject to appeal. An aggrieved party may appeal a final order of the director pursuant to KRS Chapter 13B within thirty (30) days after the issuance of the*

order to the Circuit Court of the county where the party has his or her principal place of business or where the party resides;

- (f) Make available for public inspection all decisions, opinions, and interpretations formulated or used by the director in discharging his or her functions;*
- (g) Carry out the applicable policy and program directives of the department;*
- (h) Prepare annual reports on the director's activities;*
- (i) Delegate any power to employees and contractors as needed;*
- (j) Have a minimum of seven (7) years of experience in the real estate industry within the last fifteen (15) years; and*
- (k) Perform all other duties assigned by law.*

(3) The secretary of the Public Protection Cabinet shall:

- (a) Consider the staffing recommendations and requests submitted by the director of the Division of Real Property Boards; and*
- (b) Provide the Division of Real Property Boards with documentation showing the income and expenditures of all license fees.*

➔Section 2. KRS 198B.724 is amended to read as follows:

The board shall promulgate administrative regulations *in accordance with KRS Chapter 13A* concerning the continuing education required for the renewal of a home inspector license and shall:

- (1) Establish procedures for approving organizations that provide continuing education; and
- (2) Prescribe the content, duration, and organization of continuing education courses that contribute to the competence of home inspectors.
- (3) *(a) A licensee who has initiated continuing education courses prior to the date established through an administrative regulation promulgated by the board in accordance with KRS Chapter 13A shall have five (5) days after the established date to complete them.*
- (b) The board may not cancel a license for failure to complete continuing education courses until ten (10) days after the date established by the board.*

➔Section 3. KRS 324.085 is amended to read as follows:

- (1) *(a) All actively licensed agents, except those licensees exempt under KRS 324.046(5) and those licensees satisfying the educational requirement in subsection (2) of this section, shall successfully complete twelve (12) classroom or online hours of continuing education for the biennial license period. Six (6) of the twelve (12) hours shall be completed in the first year of the biennial license period or the license shall be automatically cancelled.*
- (b) Six (6) of the twelve (12) hours of continuing education shall be in real estate law.*
- (c) A licensee may accumulate additional continuing education hours for the biennial period in the first year of the biennial term.*
- (d) Six (6) of the twelve (12) hours of continuing education may be in real estate-related courses approved by the commission and other real property boards pursuant to KRS Chapters 324A and 330 and KRS 198B.700 to 198B.738.*
- (2) A licensee who is issued an initial sales associate license after January 1, 2016, shall complete forty-eight (48) classroom or online hours of commission-approved post-license education:
 - (a) Provided by one (1) or a combination of the following:
 - 1. An accredited institution; or
 - 2. A commission-approved:
 - a. Real estate school; or
 - b. Broker-affiliated training program; and

- (b) Within two (2) years of receiving or activating his or her license unless extended by the commission for good cause shown.
- (3) The license held by any licensee failing to complete his or her sales associate post-license education requirements in accordance with subsection (2) of this section shall be automatically canceled, in accordance with administrative regulations establishing compliance and delinquency procedures.
- (4) The commission shall promulgate administrative regulations to establish procedures for implementing the requirements in this section.
- (5) In order to qualify to teach continuing education or post-license courses, all continuing education and post-license instructors shall maintain a minimum rating as prescribed by the commission by the promulgation of administrative regulations.
- (6) (a) ***A licensee who has initiated continuing education courses prior to the date established through an administrative regulation promulgated by the commission in accordance with KRS Chapter 13A shall have five (5) days after the established date to complete them.***
- (b) ***The commission may not cancel a license for failure to complete continuing education courses until ten (10) days after the date established by the commission.***

➔Section 4. KRS 324A.045 is amended to read as follows:

- (1) The board shall issue to each qualified applicant a certificate or license in form and size as shall be prescribed by the board.
- (2) Every certificate and license shall be subject to annual renewal on the date or dates determined by the board by administrative regulation. Each certificate and license holder shall submit proof of compliance with the continuing education requirements when appropriate and the annual renewal fee to the board on or before the last day of the designated month. Failure to receive a renewal form shall not constitute an adequate excuse for failure to renew on time.
- (3) If the certificate or license holder fails to renew in a timely manner, the certificate or license shall expire. Within six (6) months after the renewal date, the former certificate or license holder shall be reinstated by complying with all appropriate renewal requirements and paying a late fee not to exceed two hundred dollars (\$200).
- (4) If six (6) months or more elapse after the renewal date, the former certificate or license holder shall be required to meet all current requirements as if applying for initial certification or licensure.
- (5) (a) ***A licensee who has initiated continuing education courses prior to the date established through an administrative regulation promulgated by the board in accordance with KRS Chapter 13A shall have five (5) days after the established date to complete them.***
- (b) ***The board may not cancel a license for failure to complete continuing education courses until ten (10) days after the date established by the board.***

➔Section 5. KRS 330.070 is amended to read as follows:

- (1) An apprentice auctioneer applying for an auctioneer license shall, subject to the provisions of KRS 330.060:
 - (a) Possess a current Kentucky apprentice auctioneer license;
 - (b) Serve an apprenticeship for a period of one (1) year as an apprentice auctioneer in Kentucky;
 - (c) Submit a statement to the board, signed by the principal auctioneer, verifying that the applicant has actively and materially participated in at least ten (10) auctions prior to application; and
 - (d) Successfully complete at least eighty (80) hours of approved classroom instruction from a board-approved auction education provider. The board may waive the eighty (80) hours of approved classroom instruction requirement if the applicant demonstrates sufficient previous auction experience and competency by affidavit or other evidence as required by the board.
- (2) An apprentice auctioneer with an original license issued prior to June 30, 2010, or after July 1, 2015, shall be required to successfully complete the auctioneer examination.
- (3) If an applicant for an auctioneer license resides in a state which does not have a current reciprocity agreement with the board, the board may waive the eighty (80) hour education requirement or the apprenticeship

requirement, or both, if the applicant demonstrates sufficient previous auction experience and competency by affidavit or by other evidence as required by the board.

- (4) An applicant for an auctioneer license who has previously held an auctioneer license which has been revoked, suspended, or which has expired without renewal may request, and the board may grant, a waiver of the requirement of possession of a current apprentice license.
- (5) Every application for a license issued by the board shall be submitted on forms prepared by the board. Each applicant shall furnish pertinent background data as outlined on those forms.
- (6) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish an initial license fee and biennial renewal license fee. The initial license fee shall not exceed one hundred fifty dollars (\$150) and the biennial renewal fee shall not exceed three hundred dollars (\$300).
 - (a) All licenses shall expire on the thirtieth day of June of each even year.
 - (b) Each license shall be renewed on or before the expiration date.
 - (c) In addition to the renewal fee, a late fee shall be established by administrative regulations promulgated by the board on each license renewed within six (6) months after the expiration date.
 - (d) In the absence of any reason or condition which might warrant the refusal of renewing a license, and upon timely receipt of the renewal form and the biennial fee, the board shall issue a license for the remainder of the ensuing biennial license period.
- (7)
 - (a) The board may require as a condition precedent to the renewal of any license, that each licensee complete continuing education up to ten (10) hours per license year. The board may impose different continuing education requirements upon different classifications of licenses under this chapter. The continuing education requirements in this subsection shall not apply to those auctioneers licensed prior to January 1, 1980.
 - (b) A licensee who has not completed the required continuing education may, within the time period set forth in subsection (6) *and* (12) of this section, remit a fee established by administrative regulations promulgated by the board with the applicable renewal fees, and the continuing education reporting requirement shall be deferred to the next biennial renewal. If the licensee fails to meet the continuing education requirement for the next biennial renewal, the licensee shall successfully complete the examination before renewal of his or her license.
 - (c)
 1. The board may require all licensees to complete a six (6) hour board-approved core course once every four (4) years, that includes the core subjects of Kentucky auction statutes and regulations, ethics, and any other subject matter deemed appropriate by the board.
 2. Effective July 1, 2016, each licensee with at least twenty-five (25) years of continuous licensure shall be exempt from the requirements of this paragraph.
- (8)
 - (a) The board shall ensure that licensees may access a copy of their license certificate via an electronic portal account.
 - (b) Auction house operators shall display their licenses conspicuously and at all times in the auction house identified on the license.
 - (c) All licensees shall carry a copy of their license, or a digital facsimile thereof, when performing auctioneering tasks, to be shown upon request.
- (9) When an apprentice auctioneer is discharged or voluntarily terminates employment with the auctioneer for any reason:
 - (a) It shall be the immediate duty of the principal auctioneer to deliver to the board a written release of the apprentice auctioneer; and
 - (b) The apprentice auctioneer shall affiliate with a principal auctioneer within thirty (30) days by submitting to the board an affiliation letter signed by the new principal auctioneer and a fee established by administrative regulations promulgated by the board in accordance with KRS Chapter 13A.

An apprentice auctioneer shall not perform any of the acts regulated by this chapter until receiving a new license bearing a new principal auctioneer's name and address.

- (10) (a) A licensee may place his or her license in escrow with the board if the licensee does not engage in any board-regulated auctioneering activity and continues to pay the biennial renewal license fee.
- (b) For each year the license is in escrow, a licensee shall be exempt from the contribution to the auctioneer's education, research, and recovery fund and the continuing education requirement.
- (c) To reactivate a license in escrow, the licensee shall complete the core course and pay a reactivation fee and the biennial renewal recovery fee, both of which shall be established by administrative regulations promulgated by the board in accordance with KRS Chapter 13A.
- (11) Notice in writing shall be given to the board by each licensee of any change of principal business location or residence address within ten (10) days of the change, and the board shall issue an updated license for the unexpired period. The board may fine, suspend, or revoke the license of a licensee who does not notify the board of a change of address within ten (10) days. Changing a business or a residence address on its records shall entitle the board to collect a fee established by administrative regulations promulgated by the board in accordance with KRS Chapter 13A.
- (12) (a) *A licensee who has initiated continuing education courses prior to the date established through an administrative regulation promulgated by the board in accordance with KRS Chapter 13A shall have five (5) days after the established date to complete them.*
- (b) *The board may not cancel a license for failure to complete continuing education courses until ten (10) days after the date established by the board.*

➔Section 6. KRS 198B.704 is amended to read as follows:

- (1) (a) There is hereby created an independent agency of state government to be known as the Kentucky Board of Home Inspectors, which shall be attached to the Department of Professional Licensing for administrative purposes. The board shall consist of five (5) members, each appointed by the Governor. Each board member shall serve a term of three (3) years. The board shall annually select one (1) of its members to serve as chair and one (1) of its members to serve as vice chair to act in the chair's absence. The board shall designate either a board member or a member of the board's administrative staff to serve as secretary to the board.
- (b) Any member appointed to fill a vacancy occurring other than by expiration of a term shall be appointed for the remainder of the unexpired term.
- (c) No more than three (3) members of the same political party shall serve on the board at the same time.
- (d) No member of the board shall reside in the same county as another member. The members of the board shall be residents of Kentucky.
- (e) 1. A majority of the board shall constitute a quorum for the transaction of business. The affirmative vote of a majority of the members is necessary for the board to take official action.
2. If the chair and vice chair are absent from a meeting of the board when a quorum exists, the members who are present may elect a presiding officer who shall serve as acting chair until the conclusion of the meeting or until the arrival of the chair or vice chair.
- (f) No member may serve on the board for more than six (6) consecutive years. A member may serve on the board for six (6) consecutive years on more than one (1) occasion if that person is not a member of the board for at least two (2) years between periods of board service.
- (2) The five (5) members of the board shall be chosen as follows:
- (a) Three (3) members shall:
1. Have been actively engaged in performing home inspections in Kentucky for at least five (5) years immediately before the member's appointment to the board, or have completed no less than one hundred (100) fee-paid inspections per year over the last five (5) years; and
2. Be licensed by the board as a home inspector;
- (b) One (1) member shall represent the public at large and shall not be associated with the home inspection, home building, or real estate business other than as a consumer; and
- (c) One (1) member shall be a real estate professional licensed under KRS Chapter 324 who has been actively engaged in selling, trading, exchanging, optioning, leasing, renting, managing, or listing

residential real estate in Kentucky for at least five (5) years immediately before the member's appointment to the board. This member shall be selected from a list of three (3) names submitted to the Governor from the Kentucky Association of Realtors. When a vacancy occurs in this member position, the Kentucky Association of Realtors shall have sixty (60) days after the vacancy occurs to submit a list of three (3) names to the Governor to fill the vacancy. The Governor may reject the list of three (3) names and request that the Kentucky Association of Realtors submit a new list of three (3) names within sixty (60) days of the Governor's request. If the Kentucky Association of Realtors fails to timely submit this list to the Governor, the Governor may immediately appoint a qualified person to fill this vacancy.

- (3) A board member shall be automatically removed from the board and a vacancy shall occur when the board member:
- (a) Ceases to be a resident of the Commonwealth of Kentucky;
 - (b) Displays incompetence, neglect of duty, or unprofessional conduct;
 - (c) Fails to adhere to a duly adopted code of ethics of the board. Failure to adhere to this code shall be determined by official action of the board;
 - (d) Enters a plea of guilty to, or has been found guilty of, a felony and the time for appeal has passed or the judgment of conviction has been finally affirmed on appeal; or
 - (e) Misses three (3) consecutive meetings or misses more than twenty-five percent (25%) of the meetings held over the previous twelve (12) month period.
- (4) Voting members of the board shall be compensated no more than three hundred dollars (\$300) per day for official business, subject to an annual maximum of six thousand dollars (\$6,000). Members shall be reimbursed for all expenses paid and incurred in the discharge of official business consistent with the reimbursement policy for state employees. With the approval of the **director of the Division of Real Property Boards within the Department of Professional Licensing**~~executive director of the Kentucky Real Estate Authority within the Department of Professional Licensing~~, board members and board staff may attend and travel to and from meetings and events relevant to the board or the industry the board represents.
- (5) The board shall meet at least quarterly each calendar year upon the call of the chair or the written request of a majority of the members of the board.
- (6) (a) 1. The chair shall establish the date, time, and place for each meeting; **and**
2. **Submit written recommendations to the secretary of the Public Protection Cabinet concerning staffing needs and relevant experience necessary to assist in carrying out the mission and function of the Division of Real Property Boards.**
- (b) **The secretary of the Public Protection Cabinet shall:**
1. **Consider the staffing recommendations and requests submitted by the chair; and**
 2. **Provide the board with documentation showing the income and expenditures of all license fees.**

➔Section 7. KRS 198B.706 is amended to read as follows:

The board shall:

- (1) Through the promulgation of administrative regulations:
 - (a) Determine the requirements for and prescribe the form of licenses, applications, and other documents that are required by KRS 198B.700 to 198B.738; and
 - (b) Require that a home inspection report include a statement that the home inspection report does not address environmental hazards and list all other exclusions with specificity;
- (2) Grant, deny, suspend, and revoke approval of examinations and courses of study regarding home inspections;
- (3) Issue or deny applications for licensure and renewals;
- (4) Investigate complaints concerning licensees, or persons the board has reason to believe should be licensees, including complaints concerning failure to comply with KRS 198B.700 to 198B.738 or administrative

regulations promulgated under KRS 198B.700 to 198B.738, and, when appropriate, take action in accordance with KRS 198B.728 and 198B.730;

- (5) Bring actions in the name of the state in an appropriate court in order to enforce compliance with KRS 198B.700 to 198B.738 or the administrative regulations promulgated under KRS 198B.700 to 198B.738;
- (6) Establish license fees in an amount not to exceed two hundred fifty dollars (\$250) annually;
- (7) Inspect the records of a licensee in accordance with administrative regulations promulgated by the board;
- (8) Conduct or designate a member or other representative to conduct public hearings on any matter for which a hearing is required under KRS 198B.728 and 198B.730;
- (9) Adopt a seal containing the words "Kentucky Board of Home Inspectors" and, through the board's secretary, certify copies and authenticate all acts of the board;
- (10) Use counsel, consultants, and other persons, enter into contracts, and authorize expenditures that are reasonably necessary or appropriate to administer and enforce KRS 198B.700 to 198B.738 and administrative regulations promulgated thereunder;
- (11) Establish continuing education requirements for licensed home inspectors in accordance with KRS 198B.722 and 198B.724;
- (12) Conduct disciplinary actions against licensees to include:
 - (a) Suspension, probation, or permanent revocation of a license;
 - (b) Requiring a licensee to obtain additional continuing education; and
 - (c) Issuance of a written reprimand;
- (13) Require all fee-paid home inspections to be conducted in accordance with the standards of practice of:
 - (a) The American Society of Home Inspectors;
 - (b) The International Association of Certified Home Inspectors; or
 - (c) Any other approved standards of practice that are equal to the standards of practice of the organizations in paragraphs (a) and (b) of this subsection as determined by the board.

The board may establish standards of practice for home inspectors licensed in Kentucky at a later date, which will supersede any other standards of practice previously adopted by the board and, if adopted by regulation, the standards in paragraphs (a) and (b) of this subsection;

- (14) Exercise all other powers specifically conferred on the board under KRS 198B.700 to 198B.738; and
- (15) Promulgate administrative regulations *in accordance with KRS Chapter 13A* to carry out the effective administration and the requirements of KRS 198B.700 to 198B.738, *following review by the director of the Division of Real Property Boards* ~~[with the approval of the executive director of the Kentucky Real Estate Authority]~~.

➔Section 8. KRS 198B.728 is amended to read as follows:

- (1) The board shall take disciplinary actions against or impose sanctions on a licensee for failing to comply with any provision of KRS 198B.700 to 198B.738 or any administrative regulations promulgated to carry out KRS 198B.700 to 198B.738.
- (2) Pursuant to KRS 13B.120(7), the *director of the Division of Real Property Boards within the Department of Professional Licensing* ~~[executive director of the Kentucky Real Estate Authority within the Department of Professional Licensing]~~ shall hear and issue a final order regarding any decision of the board. An aggrieved party may appeal a final order of the ~~[executive]~~ director pursuant to KRS Chapter 13B within thirty (30) days after the issuance of the order to the Circuit Court of the county where the licensee has his or her principal place of business or where the license applicant resides.

➔Section 9. KRS 324.281 is amended to read as follows:

- (1) There is hereby created the Kentucky Real Estate Commission. The Governor shall appoint seven (7) persons, at least six (6) of whom, immediately prior to the date of their appointment have been residents of the state for ten (10) years and whose vocation for a period of at least ten (10) years shall have been that of an active real estate licensee. One (1) member shall be a citizen at large who is not associated with or financially interested

in the practice or business regulated. The term of the members of the commission shall be for three (3) years and until their successors are appointed and qualify, except as provided in subsections (2) and (3) of this section. A majority of the commission shall constitute a quorum for the transaction of business.

- (2) All appointments shall be for the specified three (3) year term. No person appointed after July 14, 2000, shall serve more than two (2) consecutive terms.
- (3) For each appointment or vacancy, the Kentucky Association of Realtors shall within sixty (60) days supply a list of not less than three (3) names of licensees to the Governor each year from which the broker or sales associate appointments shall be made. The Governor may reject the list of three (3) names and request that the Kentucky Association of Realtors submit a new list of three (3) names within sixty (60) days of the Governor's request. If the Kentucky Association of Realtors fails to timely submit this list to the Governor, the Governor may immediately appoint a qualified person to fill this vacancy. The Governor may otherwise fill vacancies arising in the middle of the year from those remaining on the list or from a new list supplied by the association.
- (4) There shall not be more than four (4) members of any one (1) political party serving on the commission at the same time. No member of the commission shall reside in the same county as another member. Appointees to fill vacancies shall be appointed for the unexpired term.
- (5) It shall be the duty of the commission to:
 - (a) Promulgate administrative regulations *in accordance with KRS Chapter 13A*~~[-with the approval of the executive director of the Kentucky Real Estate Authority];~~
 - (b) Hold disciplinary hearings concerning matters in controversy as provided by this chapter;
 - (c) Conduct examinations for applicants eligible under this chapter or alternatively to contract with an entity to conduct examinations;
 - (d) Conduct necessary educational seminars and courses directed toward continuing education within the real estate field;
 - (e) Investigate or cause to be investigated any irregularities in violation of this chapter or the promulgated and authorized administrative regulations of the commission; and
 - (f) Participate with any other agency of the Commonwealth or the authorized agency of another state for the betterment or improvement of the administration of the statutes or administrative regulations governing this commission.

Any action taken by the commission under this subsection shall be appealable as are other actions of the commission under this chapter.

- (6) The commission, at its discretion, may use the funds necessary to purchase liability insurance for members and executive officers of the commission, inspectors, and for members of the staff exempted from classified service of the state by KRS 18A.115.
- (7) The commission shall require all actively licensed agents, except for those agents who were licensed prior to June 19, 1976, to successfully complete mandatory continuing education as a condition of license renewal.
- (8) The commission shall, by the promulgation of administrative regulations, develop a review process by which continuing education courses may be approved for credit. An applicant may seek the commission's approval for credit for courses not previously approved by the commission by submitting sufficient information describing the course to the commission for review.
- (9) The Governor shall set the compensation of the members of the commission, but voting members of the commission shall be compensated no less than three hundred dollars (\$300) per day for official business, subject to an annual maximum of six thousand dollars (\$6,000). Members shall be reimbursed for all expenses paid and incurred in the discharge of official business consistent with the reimbursement policy for state employees. With the approval of the executive director of the Kentucky Real Estate Authority within the Department of Professional Licensing, commission members and commission staff may attend and travel to and from meetings and events relevant to the commission or to the industry the commission represents.
- (10) *The chair of the commission shall submit written recommendations to the secretary of the Public Protection Cabinet regarding sufficient staffing needs and relevant experience necessary to assist in carrying out the mission and function of the commission. The secretary of Public Protection Cabinet shall consider the staffing recommendations and requests submitted by the chair.*

➔Section 10. KRS 324A.015 is amended to read as follows:

- (1) There is created a Real Estate Appraisers Board consisting of five (5) members, two (2) of whom shall be certified real estate appraisers, one (1) of whom shall represent the public and shall not be associated with or financially interested in the practice of real estate appraisals, and two (2) of whom shall be employed in the lending industry. The board shall administer the provisions of this chapter and may promulgate administrative regulations necessary to effectuate the provisions of KRS 324A.010 to 324A.090.
- (2)
 - (a) The board members shall be appointed by the Governor. Not more than one (1) board member shall be from any one (1) county within Kentucky. Members shall be appointed by the Governor for staggered terms of three (3) years. No person shall serve more than two (2) full consecutive terms.
 - (b) Any member appointed to fill a vacancy occurring other than by expiration of a term shall be appointed for the remainder of the unexpired term.
 - (c) No more than three (3) members of the same political party shall serve on the board at the same time.
- (3) The appraiser appointees to the board shall be certified and shall have engaged in the appraisal of real estate in Kentucky on a continuing basis for at least ten (10) years.
- (4) A board member shall be automatically removed from the board and a vacancy shall occur when:
 - (a) An appraiser member of the board ceases to be certified;
 - (b) A consumer member of the board acquires a certification as an appraiser;
 - (c) A lending industry member ceases to be employed in the lending industry;
 - (d) A board member enters a plea of guilty to, or has been found guilty of, a felony and the time for appeal has passed or the judgment of conviction has been finally affirmed on appeal;
 - (e) A board member ceases to be a bona fide resident of the Commonwealth of Kentucky;
 - (f) A board member displays incompetence, neglect of duty, or unprofessional conduct;
 - (g) A board member fails to adhere to a duly adopted code of ethics of the board. Failure to adhere to this code shall be determined by official action of the board; or
 - (h) A board member misses three (3) consecutive meetings or misses more than twenty-five percent (25%) of the meetings held over the previous twelve (12) month period.
- (5) The board shall adopt a seal with the design it prescribes, by which it shall authenticate its proceedings. Copies of all records and papers in the office of the board, duly certified and authenticated by the seal of the board, shall be received in evidence in all courts equally and with like effect as the original. All records kept in the office of the board under the authority of this chapter shall be open to public inspection in accordance with KRS 61.820 to 61.884 and consistent with regulations prescribed by the board.
- (6) The Governor shall set the compensation of the members of the board, but voting members of the board shall be compensated no more than three hundred dollars (\$300) per day for official business, subject to an annual maximum of six thousand dollars (\$6,000). Members shall be reimbursed for all expenses paid and incurred in the discharge of official business consistent with the reimbursement policy for state employees. With the approval of the **director of the Division of Real Property Boards within the Department of Professional Licensing**~~executive director of the Kentucky Real Estate Authority within the Department of Professional Licensing~~, board members and board staff may attend and travel to and from meetings and events relevant to the board or the industry the board represents.
- (7) The board shall ensure that those employed to investigate grievances filed with the board are state-certified general appraisers with a minimum of five (5) years of experience.

➔Section 11. KRS 324A.020 is amended to read as follows:

The board shall have authority to promulgate administrative regulations **in accordance with KRS Chapter 13A and following review of the director of the Division of Real Property Boards**~~with the approval of the executive director of the Kentucky Real Estate Authority~~, have subpoena power, hold disciplinary hearings, conduct examinations, conduct educational seminars, investigate allegations of wrongdoing under this chapter, seek and obtain injunctive relief to enforce the provisions of KRS 324A.010 to 324A.090, provide a list of certified appraisers to the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, and perform such other functions and duties as may be necessary in carrying out the provisions of KRS 324A.010 to 324A.090.

➔Section 12. KRS 324A.052 is amended to read as follows:

- (1) Any person or organization, including the board upon its own volition, may file with the board a written complaint alleging a violation of any provision of this chapter. Complaints shall be filed with the board within:
 - (a) Five (5) years after the date of transmittal of the appraisal report or appraisal review assignment; or
 - (b) Two (2) years after the final disposition of any judicial proceeding in which the appraiser provided testimony related to the assignment, whichever expires last.

Paragraphs (a) and (b) of this subsection shall not apply to complaints involving the actions outlined in KRS 324A.050(1)(c), (d), (g), and (k). The board shall investigate each complaint.

- (2) If the investigation reveals evidence supporting the complaint, the board shall set the matter for hearing in accordance with the provisions of KRS Chapter 13B before fining, reprimanding, suspending, revoking, refusing to renew, or any combination thereof.
- (3) If the investigation reveals that the alleged violation did occur but was not of a serious nature, the board may issue a written admonishment to the certificate holder or licensee. A copy of the admonishment shall be placed in the recipient's file with the board. The recipient shall have the right to file a response to the admonishment within thirty (30) days of its receipt and have the response placed in the file. The recipient may, alternatively, within thirty (30) days of the receipt, file a request for hearing with the board. Upon receipt of this request, the board shall set aside the written admonishment and set the matter for hearing in accordance with the provisions of KRS Chapter 13B.
- (4) After denying an application for a certificate or license or issuing an admonishment, the board shall grant an administrative hearing in accordance with KRS Chapter 13B only upon written request of the applicant made within thirty (30) days of the mailing of the letter of denial or admonishment.
- (5) Pursuant to KRS 13B.120(7), the *director of the Division of Real Property Boards within the Department of Professional Licensing*~~executive director of the Kentucky Real Estate Authority within the Department of Professional Licensing~~ shall hear and issue a final order regarding a decision of the board. An aggrieved party may appeal a final order of the ~~executive~~ director pursuant to KRS Chapter 13B within thirty (30) days after the issuance of the order to the Circuit Court of the county where the licensee has his or her principal place of business or where the license applicant resides.

➔Section 13. KRS 324A.154 is amended to read as follows:

The board shall promulgate administrative regulations, *in accordance with KRS Chapter 13A and following review of the director of the Division of Real Property Boards*~~with the approval of the executive director of the Kentucky Real Estate Authority~~, establishing a reasonable filing fee to be paid by each appraisal management company seeking registration under KRS 324A.152. The filing fee shall include the annual fee for inclusion in the national registry maintained by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

➔Section 14. KRS 324B.050 is amended to read as follows:

- (1) The Kentucky Real Estate Authority is hereby created within the Department of Professional Licensing.
- (2) The authority shall be managed by an executive director, who shall be appointed by the secretary of the Public Protection Cabinet with prior written approval from the Governor. The executive director shall be exempted from the classified service.
- (3) The authority shall have the power and authority to:
 - (a) Provide appropriate *attorneys*, personnel staffing, and administrative support to the *Kentucky Real Estate Commission*~~real property boards~~;
 - (b) Establish and maintain an office, meeting space, office supplies, furniture, storage space, and any other supplies that are necessary to carry out the duties of the authority and the *Kentucky Real Estate Commission*~~real property boards~~;
 - (c) Make available for public inspection all decisions, opinions, and interpretations formulated or used by the authority and the *Kentucky Real Estate Commission*~~real property boards~~ in discharging *its*~~their~~ functions;
 - (d) Publicize the functions and purposes of the authority and the *Kentucky Real Estate Commission*~~real property boards~~;

- (e) Employ *an administrative coordinator*~~[administrative coordinators]~~ who shall carry out the administrative functions and day-to-day operations of the *Kentucky Real Estate Commission*. *The administrative coordinator shall be exempted from the classified service; and*~~[real property boards. The maximum number of administrative coordinators shall be one (1) for each real property board. administrative coordinators shall be exempted from the classified service;]~~
- (f) Enter into agreements with any state agency, political subdivision of the state, postsecondary education institution, or other person or entity to assist with implementation of the duties and responsibilities of the authority or, upon request, the *Kentucky Real Estate Commission*~~[real property boards; and~~
- ~~(g) Charge the real property boards a reasonable amount for the services of the authority and its employees].~~

➔Section 15. KRS 324B.030 is amended to read as follows:

- (1) The Department of Professional Licensing in the Public Protection Cabinet shall provide administrative services, technical assistance, and advice to the following boards and commissions at the request of the individual boards or commissions, all of which maintain their identity and their full authority for making policy decisions in the fields that they regulate: the State Board of Accountancy, the Kentucky Board of Architects, the Kentucky Board of Barbering, the Kentucky Board of Cosmetology, the State Board of Podiatry, the Kentucky State Board of Chiropractic Examiners, the Kentucky Board of Dentistry, the State Board of Embalmers and Funeral Directors, the State Board of Registration for Professional Engineers and Land Surveyors, the Kentucky Board of Nursing, the Kentucky Board of Ophthalmic Dispensers, the Kentucky Board of Optometric Examiners, the Kentucky Board of Pharmacy, the State Board of Physical Therapy, the State Board of Examiners of Psychologists, the Kentucky Real Estate Commission, the Kentucky Board of Veterinary Examiners, the Board of Auctioneers, *the Real Estate Appraisers Board, the Kentucky Board of Home Inspectors*, the Kentucky Board of Landscape Architects, the State Board of Medical Licensure, the Board of Speech-Language Pathology and Audiology, the Kentucky Board of Licensure for Nursing Home Administrators, the Kentucky Licensing Board for Specialists in Hearing Instruments, the Kentucky Board of Social Work, the Kentucky Board of Emergency Medical Services, and any other boards and commissions that are created to license, certify, register, or otherwise regulate any occupational or professional category.
- (2) The department may also provide administrative services to a board or commission that is created to license, certify, register, or otherwise regulate any occupational or professional category if these administrative services are deemed to be preferable or required after the review process conducted under KRS 324B.040.
- (3) To the extent that the department provides administrative services, the respective boards and commissions are relieved of the power and duty to provide the services for themselves. The department shall charge each board or commission a reasonable amount for administrative services provided pursuant to subsection (1) of this section. The department may employ persons previously employed by boards or commissions.
- (4) The department may receive complaints against the conduct of licensees granted licensure by the boards and commissions assigned to the department for administrative purposes. The department shall cause these complaints to be reduced to writing and forwarded to the appropriate board or commission for investigation and a determination of the validity of the complaint. The department shall keep a record of all complaints received by it and forwarded to a board or commission.
- (5) Any board or commission listed in subsection (1) of this section, shall accept personal checks in payment of license renewal fees.

➔Section 16. KRS 324B.060 is amended to read as follows:

The executive director shall:

- (1) Provide government oversight of the *Kentucky Real Estate Commission*~~[real property boards];~~
- (2) Review and *provide feedback on*~~[approve or disapprove]~~ any administrative regulation proposed by the *Kentucky Real Estate Commission*~~[real property boards]~~ prior to the promulgation of the administrative regulation;
- (3) Review and *provide feedback on*~~[approve or disapprove]~~ the budgets and expenditures of the *Kentucky Real Estate Commission*~~[real property boards];~~
- (4) Pursuant to KRS 13B.120(7), automatically hear and issue a final order regarding any decision of *the Kentucky Real Estate Commission*~~[a real property board]~~ that would otherwise be subject to appeal. An

aggrieved party may appeal a final order of the executive director pursuant to KRS Chapter 13B within thirty (30) days after the issuance of the order to the Circuit Court of the county where the licensee has his or her principal place of business or where the license applicant resides;

- (5) Make available for public inspection all decisions, opinions, and interpretations formulated or used by the executive director in discharging his or her functions;
- (6) Carry out the policy and program directives of the *authority*~~[department]~~;
- (7) Prepare annual reports on the executive director's activities;
- (8) Delegate any power to employees and contractors as needed;
- (9) *Have a minimum of seven (7) years of experience in the real estate industry within the last fifteen (15) years;*~~[Have at least ten (10) years of experience in one (1) of the professions under the jurisdiction of a real property board; and]~~
- (10) Perform all other duties assigned by law; *and*
- (11) (a) *Submit written recommendations to the secretary of the Public Protection Cabinet regarding sufficient staffing needs and relevant experience necessary to assist in carrying out the mission and function of the commission.*
- (b) *The secretary of Public Protection Cabinet shall:*
 1. *Consider the staffing recommendations and requests submitted by the executive director; and*
 2. *Provide the Real Estate Commission with documentation showing the income and expenditures of all license fee.*

➔Section 17. KRS 330.050 is amended to read as follows:

- (1) There is hereby created a Board of Auctioneers. The Governor shall appoint a board consisting of five (5) members, all of whom immediately prior to the date of their appointment have been residents of the Commonwealth of Kentucky for five (5) years, and four (4) whose vocation for a period of at least five (5) years has been that of an auctioneer. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated. The term of the members of the board shall be for three (3) years and until their successors are appointed and qualified. Members to fill vacancies shall be appointed for the unexpired term.
- (2) At no time shall there be more than two (2) auctioneer members of the same political party on the board. Whenever there is an auctioneer vacancy on the board, within sixty (60) days the Kentucky Auctioneer Association shall recommend to the Governor at least three (3) names for each auctioneer vacancy, and such appointment or appointments shall be made from the recommendations of the association, unless the Governor rejects the list of three (3) names and requests that the Kentucky Auctioneer Association submit a new list of three (3) names within sixty (60) days of the Governor's request. If the Kentucky Auctioneer Association fails to timely submit its recommendations to the Governor, the Governor may immediately appoint a qualified auctioneer to fill this vacancy.
- (3) The board, immediately upon qualification of the member appointed in each year, shall organize by selecting *a chair* from its members~~[a chairman]~~, *who shall submit written recommendations to the secretary of the Public Protection Cabinet concerning staffing needs and relevant experience necessary to assist in carrying out the mission and function of the Division of Real Property Boards.*
- (4) (a) No member of the board shall reside in the same county as another member.
- (b) A majority of the board shall constitute a quorum for the transaction of business.
- (c) No member may serve on the board for more than six (6) consecutive years. A member may serve on the board for six (6) consecutive years on more than one (1) occasion if that person is not a member of the board for at least two (2) years between periods of board service.
- (5) (a) The board shall obtain office space, furniture, stationery, and any other proper supplies and conveniences reasonably necessary to carry out the provisions of this chapter. If any items deemed to be reasonably necessary by or which are required by the board are available through vendors under contract with the Commonwealth of Kentucky at less cost than if obtained otherwise, then the items shall be acquired pursuant to the contract.

- (b) The board shall have full authority to obtain for its members, staff, and employees complete insurance coverage, including, but not limited to, liability and errors and omissions insurance, so long as the insurance concerns the business of the board.
- (6) All fees and charges collected by the board under the provisions of this chapter shall be paid into the State Treasury through the Finance and Administration Cabinet and shall be credited to an agency fund account for the Board of Auctioneers under the provisions of KRS 45.253 and shall be withdrawn or expended as provided in that section, if such payment, credit, withdrawal, or expense provisions do not conflict with any provision of this chapter.
- (a) The board may establish and collect reasonable fees relating to the administration and enforcement of this chapter for application or other processing costs, on-line service, continuing education provider services, copy and mailing services, or other fees necessary to offset the licensing and processing costs.
 - (b) The total expenses for all purposes and obligations of the board shall not exceed the total fees, charges, fines, penalties, and other income imposed under the provisions of this chapter and paid into the state treasury.
 - (c) The board shall be financially self-sustaining, and if funds permit it may underwrite, within its financial limitations, educational programs for the enlightenment and benefit of all licensees who have paid fees pursuant to this chapter.
- (7) The board shall maintain annually a list of the names and addresses of all licensees regulated by the board. This list shall also contain the names of all persons whose licenses have been suspended or revoked within the preceding year, as well as any other information relative to the enforcement of the provisions of this chapter that the board may deem of interest to the public.
- (8) The board may promulgate administrative regulations *following review of the director of the Division of Real Property Boards within the Department of Professional Licensing* ~~with the approval of the executive director of the Kentucky Real Estate Authority~~ in accordance with KRS Chapter 13A as required to fulfill the duties and functions assigned to the board by this chapter.
- (9) A board member shall be automatically removed from the board and a vacancy shall occur when:
- (a) An auctioneer member of the board ceases to be a licensed auctioneer;
 - (b) A nonlicensed member of the board acquires a license regulated by the board;
 - (c) A board member enters a plea of guilty, an Alford plea, a plea of no contest to, or has been convicted of, any felony, and the time for appeal has passed or the judgment of conviction has been finally affirmed on appeal;
 - (d) A board member ceases to be a resident of the Commonwealth of Kentucky;
 - (e) The member displays incompetence, neglect of duty, or unprofessional conduct;
 - (f) The member fails to adhere to a duly adopted code of ethics of the board. Failure to adhere to this code shall be determined by official action of the board;
 - (g) The member enters a plea of guilty to, or has been found guilty of, a felony and the time for appeal has passed or the judgment of conviction has been finally affirmed on appeal; or
 - (h) The member misses three (3) consecutive meetings or misses more than twenty-five percent (25%) of the meetings held over the previous twelve (12) month period.
- (10) The Governor shall set the compensation of the members of the board, but voting members of the board shall be compensated no less than three hundred dollars (\$300) per day for official business, subject to an annual maximum of six thousand dollars (\$6,000). Members shall be reimbursed for all expenses paid and incurred in the discharge of official business consistent with the reimbursement policy for state employees. With the approval of the ~~executive~~ director of the *Division of Real Property Boards* ~~Kentucky Real Estate Authority~~ within the Department of Professional Licensing, board members and board staff may attend and travel to and from meetings and events relevant to the board and the industry the board represents.
- (11) *The secretary of the Public Protection Cabinet shall:*
- (a) *Consider the staffing recommendations and requests submitted by the chair; and*
 - (b) *Provide the board with documentation showing the income and expenditures of all license fees.*

➔Section 18. KRS 330.130 is amended to read as follows:

- (1) Before denying an application for license or before imposing any disciplinary action authorized under KRS 330.110, the board shall set the matter for an administrative hearing, if a hearing is requested by the applicant or licensee. The hearing shall be conducted in accordance with KRS Chapter 13B. If the subject of the hearing is an apprentice auctioneer, the board shall also provide notification of the hearing to the auctioneer employing the apprentice auctioneer or whose employ he or she is about to enter, by sending notice by certified mail, return receipt requested, to the auctioneer's last known business address.
- (2) Pursuant to KRS 13B.120(7), the *director of the Division of Real Property Boards within the Department of Professional Licensing*~~executive director of the Kentucky Real Estate Authority within the Department of Professional Licensing~~ shall hear and issue a final order regarding a decision of the board.
- (3) An aggrieved party may appeal a final order of the ~~executive~~ director pursuant to KRS Chapter 13B within thirty (30) days after the issuance of the order to the Circuit Court of the county where the licensee has his or her principal place of business or where the license applicant resides.

➔Section 19. KRS 324B.010 is amended to read as follows:

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

- (1) "Authority" means the Kentucky Real Estate Authority;
- (2) "Cabinet" means the Public Protection Cabinet;
- (3) "Commissioner" means the commissioner of the Department of Professional Licensing;
- (4) "Department" means the Department of Professional Licensing;
- (5) "Executive director" means the executive director of the Kentucky Real Estate Authority; and
- (6) **"Division" means the Division of Real Property Boards**~~†~~

~~(6) (a) "Real property board" means:~~

- ~~1. Kentucky Board of Home Inspectors, established under KRS 198B.700 to 198B.738;~~
- ~~2. Kentucky Real Estate Commission, established under KRS Chapter 324;~~
- ~~3. Real Estate Appraisers Board, established under KRS Chapter 324A; or~~
- ~~4. Board of Auctioneers, established under KRS Chapter 330; and~~

~~(b) "Real property boards" means a combination of all the boards listed in paragraph (a) of this subsection.~~

➔Section 20. KRS 12.020 (Effective between July 1, 2024, and July 1, 2025) is amended to read as follows:

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

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

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

- (a) Attorney General.
- (5) Department of the Treasury.
 - (a) Treasurer.
- (6) Department of Agriculture.
 - (a) Commissioner of Agriculture.
 - (b) Agricultural Development Board.
 - (c) Kentucky Agricultural Finance Corporation.
- (7) Auditor of Public Accounts.
 - (a) Commonwealth Office of the Ombudsman.

II. Program cabinets headed by appointed officers:

- (1) Justice and Public Safety Cabinet:
 - (a) Department of Kentucky State Police.
 - 1. Office of Administrative Services.
 - a. Division of Operational Support.
 - b. Division of Management Services.
 - 2. Office of Operations.
 - a. Division of West Troops.
 - b. Division of East Troops.
 - c. Division of Special Enforcement.
 - d. Division of Commercial Vehicle Enforcement.
 - 3. Office of Technical Services.
 - a. Division of Forensic Sciences.
 - b. Division of Electronic Services.
 - c. Division of Records Management.
 - (b) Department of Criminal Justice Training.
 - (c) Department of Corrections.
 - (d) Department of Juvenile Justice.
 - (e) Office of the Secretary.
 - (f) Office of Drug Control Policy.
 - (g) Office of Legal Services.
 - (h) Office of the Kentucky State Medical Examiner.
 - (i) Parole Board.
 - (j) Kentucky State Corrections Commission.
 - (k) Office of Legislative and Intergovernmental Services.
 - (l) Office of Human Resource Management.
 - 1. Division of Human Resource Administration.
 - 2. Division of Employee Management.
 - (m) Department of Public Advocacy.
 - (n) Office of Communications.

1. Information Technology Services Division.
- (o) Office of Financial Management Services.
 1. Division of Financial Management.
- (p) Grants Management Division.
- (2) Energy and Environment Cabinet:
 - (a) Office of the Secretary.
 1. Office of Legislative and Intergovernmental Affairs.
 2. Office of Legal Services.
 - a. Legal Division I.
 - b. Legal Division II.
 3. Office of Administrative Hearings.
 4. Office of Communication.
 5. Mine Safety Review Commission.
 6. Office of Kentucky Nature Preserves.
 7. Kentucky Public Service Commission.
 - (b) Department for Environmental Protection.
 1. Office of the Commissioner.
 2. Division for Air Quality.
 3. Division of Water.
 4. Division of Environmental Program Support.
 5. Division of Waste Management.
 6. Division of Enforcement.
 7. Division of Compliance Assistance.
 - (c) Department for Natural Resources.
 1. Office of the Commissioner.
 2. Division of Mine Permits.
 3. Division of Mine Reclamation and Enforcement.
 4. Division of Abandoned Mine Lands.
 5. Division of Oil and Gas.
 6. Division of Mine Safety.
 7. Division of Forestry.
 8. Division of Conservation.
 9. Office of the Reclamation Guaranty Fund.
 - (d) Office of Energy Policy.
 1. Division of Energy Assistance.
 - (e) Office of Administrative Services.
 1. Division of Human Resources Management.
 2. Division of Financial Management.
 3. Division of Information Services.

- (3) Public Protection Cabinet.
 - (a) Office of the Secretary.
 - 1. Office of Communications and Public Outreach.
 - 2. Office of Legal Services.
 - a. Insurance Legal Division.
 - b. Charitable Gaming Legal Division.
 - c. Alcoholic Beverage Control Legal Division.
 - d. Housing, Buildings and Construction Legal Division.
 - e. Financial Institutions Legal Division.
 - f. Professional Licensing Legal Division.
 - 3. Office of Administrative Hearings.
 - 4. Office of Administrative Services.
 - a. Division of Human Resources.
 - b. Division of Fiscal Responsibility.
 - (b) Office of Claims and Appeals.
 - 1. Board of Tax Appeals.
 - 2. Board of Claims.
 - 3. Crime Victims Compensation Board.
 - (c) Kentucky Boxing and Wrestling Commission.
 - (d) Kentucky Horse Racing Commission.
 - 1. Office of Executive Director.
 - a. Division of Pari-mutuel Wagering and Compliance.
 - b. Division of Stewards.
 - c. Division of Licensing.
 - d. Division of Enforcement.
 - e. Division of Incentives and Development.
 - f. Division of Veterinary Services.
 - (e) Department of Alcoholic Beverage Control.
 - 1. Division of Distilled Spirits.
 - 2. Division of Malt Beverages.
 - 3. Division of Enforcement.
 - (f) Department of Charitable Gaming.
 - 1. Division of Licensing and Compliance.
 - 2. Division of Enforcement.
 - (g) Department of Financial Institutions.
 - 1. Division of Depository Institutions.
 - 2. Division of Non-Depository Institutions.
 - 3. Division of Securities.
 - (h) Department of Housing, Buildings and Construction.

1. Division of Fire Prevention.
 2. Division of Plumbing.
 3. Division of Heating, Ventilation, and Air Conditioning.
 4. Division of Building Code Enforcement.
 - (i) Department of Insurance.
 1. Division of Health and Life Insurance and Managed Care.
 2. Division of Property and Casualty Insurance.
 3. Division of Administrative Services.
 4. Division of Financial Standards and Examination.
 5. Division of Licensing.
 6. Division of Insurance Fraud Investigation.
 7. Division of Consumer Protection.
 - (j) Department of Professional Licensing.
 1. Real Estate Authority.
 2. ***Division of Real Property Boards.***
- (4) Transportation Cabinet:
- (a) Department of Highways.
 1. Office of Project Development.
 2. Office of Project Delivery and Preservation.
 3. Office of Highway Safety.
 4. Highway District Offices One through Twelve.
 - (b) Department of Vehicle Regulation.
 - (c) Department of Aviation.
 - (d) Department of Rural and Municipal Aid.
 1. Office of Local Programs.
 2. Office of Rural and Secondary Roads.
 - (e) Office of the Secretary.
 1. Office of Public Affairs.
 2. Office for Civil Rights and Small Business Development.
 3. Office of Budget and Fiscal Management.
 4. Office of Inspector General.
 5. Secretary's Office of Safety.
 - (f) Office of Support Services.
 - (g) Office of Transportation Delivery.
 - (h) Office of Audits.
 - (i) Office of Human Resource Management.
 - (j) Office of Information Technology.
 - (k) Office of Legal Services.
- (5) Cabinet for Economic Development:

- (a) Office of the Secretary.
 - 1. Office of Legal Services.
 - 2. Department for Business and Community Development.
 - a. Development and Retention Division – West Kentucky.
 - b. Development, Retention, and Administrative Division – Central and East Kentucky.
 - c. Community and Workforce Development Division.
 - 3. Department for Financial Services.
 - a. Kentucky Economic Development Finance Authority.
 - b. Finance and Personnel Division.
 - c. IT and Resource Management Division.
 - d. Compliance Division.
 - e. Program Administration Division.
 - f. Bluegrass State Skills Corporation.
 - 4. Office of Strategy and Public Affairs.
 - a. Marketing and Communications Division.
 - b. Research and Strategy Division.
 - 5. Office of Entrepreneurship and Innovation.
 - a. Commission on Small Business Innovation and Advocacy.
- (6) Cabinet for Health and Family Services:
 - (a) Office of the Secretary.
 - 1. Office of Public Affairs.
 - 2. Office of Legal Services.
 - 3. Office of Inspector General.
 - 4. Office of Human Resource Management.
 - 5. Office of Finance and Budget.
 - 6. Office of Legislative and Regulatory Affairs.
 - 7. Office of Administrative Services.
 - 8. Office of Application Technology Services.
 - 9. Office of Data Analytics.
 - (b) Department for Public Health.
 - (c) Department for Medicaid Services.
 - (d) Department for Behavioral Health, Developmental and Intellectual Disabilities.
 - (e) Department for Aging and Independent Living.
 - (f) Department for Community Based Services.
 - (g) Department for Income Support.
 - (h) Department for Family Resource Centers and Volunteer Services.
- (7) Finance and Administration Cabinet:
 - (a) Office of the Secretary.

- (b) Office of the Inspector General.
 - (c) Office of Legislative and Intergovernmental Affairs.
 - (d) Office of General Counsel.
 - (e) Office of the Controller.
 - (f) Office of Administrative Services.
 - (g) Office of Policy and Audit.
 - (h) Department for Facilities and Support Services.
 - (i) Department of Revenue.
 - (j) Commonwealth Office of Technology.
 - (k) State Property and Buildings Commission.
 - (l) Office of Equal Employment Opportunity and Contract Compliance.
 - (m) Kentucky Employees Retirement Systems.
 - (n) Commonwealth Credit Union.
 - (o) State Investment Commission.
 - (p) Kentucky Housing Corporation.
 - (q) Kentucky Local Correctional Facilities Construction Authority.
 - (r) Kentucky Turnpike Authority.
 - (s) Historic Properties Advisory Commission.
 - (t) Kentucky Higher Education Assistance Authority.
 - (u) Kentucky River Authority.
 - (v) Kentucky Teachers' Retirement System Board of Trustees.
 - (w) Executive Branch Ethics Commission.
 - (x) Office of Fleet Management.
- (8) Tourism, Arts and Heritage Cabinet:
- (a) Kentucky Department of Tourism.
 - 1. Division of Tourism Services.
 - 2. Division of Marketing and Administration.
 - 3. Division of Communications and Promotions.
 - (b) Kentucky Department of Parks.
 - 1. Division of Information Technology.
 - 2. Division of Human Resources.
 - 3. Division of Financial Operations.
 - 4. Division of Purchasing.
 - 5. Division of Facilities.
 - 6. Division of Park Operations.
 - 7. Division of Sales, Marketing, and Customer Service.
 - 8. Division of Engagement.
 - 9. Division of Food Services.
 - 10. Division of Rangers.

- (c) Department of Fish and Wildlife Resources.
 - 1. Division of Law Enforcement.
 - 2. Division of Administrative Services.
 - 3. Division of Engineering, Infrastructure, and Technology.
 - 4. Division of Fisheries.
 - 5. Division of Information and Education.
 - 6. Division of Wildlife.
 - 7. Division of Marketing.
- (d) Kentucky Horse Park.
 - 1. Division of Support Services.
 - 2. Division of Buildings and Grounds.
 - 3. Division of Operational Services.
- (e) Kentucky State Fair Board.
 - 1. Office of Administrative and Information Technology Services.
 - 2. Office of Human Resources and Access Control.
 - 3. Division of Expositions.
 - 4. Division of Kentucky Exposition Center Operations.
 - 5. Division of Kentucky International Convention Center.
 - 6. Division of Public Relations and Media.
 - 7. Division of Venue Services.
 - 8. Division of Personnel Management and Staff Development.
 - 9. Division of Sales.
 - 10. Division of Security and Traffic Control.
 - 11. Division of Information Technology.
 - 12. Division of the Louisville Arena.
 - 13. Division of Fiscal and Contract Management.
 - 14. Division of Access Control.
- (f) Office of the Secretary.
 - 1. Office of Finance.
 - 2. Office of Government Relations and Administration.
- (g) Office of Legal Affairs.
- (h) Office of Human Resources.
- (i) Office of Public Affairs and Constituent Services.
- (j) Office of Arts and Cultural Heritage.
- (k) Kentucky African-American Heritage Commission.
- (l) Kentucky Foundation for the Arts.
- (m) Kentucky Humanities Council.
- (n) Kentucky Heritage Council.
- (o) Kentucky Arts Council.

- (p) Kentucky Historical Society.
 - 1. Division of Museums.
 - 2. Division of Oral History and Educational Outreach.
 - 3. Division of Research and Publications.
 - 4. Division of Administration.
 - (q) Kentucky Center for the Arts.
 - 1. Division of Governor's School for the Arts.
 - (r) Kentucky Artisans Center at Berea.
 - (s) Northern Kentucky Convention Center.
 - (t) Eastern Kentucky Exposition Center.
- (9) Personnel Cabinet:
- (a) Office of the Secretary.
 - (b) Department of Human Resources Administration.
 - (c) Office of Employee Relations.
 - (d) Kentucky Public Employees Deferred Compensation Authority.
 - (e) Office of Administrative Services.
 - (f) Office of Legal Services.
 - (g) Governmental Services Center.
 - (h) Department of Employee Insurance.
 - (i) Office of Diversity, Equality, and Training.
 - (j) Office of Public Affairs.
- (10) Education and Labor Cabinet:
- (a) Office of the Secretary.
 - 1. Office of Legal Services.
 - a. Workplace Standards Legal Division.
 - b. Workers' Claims Legal Division.
 - c. Workforce Development Legal Division.
 - 2. Office of Administrative Services.
 - a. Division of Human Resources Management.
 - b. Division of Fiscal Management.
 - c. Division of Operations and Support Services.
 - 3. Office of Technology Services.
 - a. Division of Information Technology Services.
 - 4. Office of Policy and Audit.
 - 5. Office of Legislative Services.
 - 6. Office of Communications.
 - 7. Office of the Kentucky Center for Statistics.
 - 8. Board of the Kentucky Center for Statistics.
 - 9. Early Childhood Advisory Council.

10. Governors' Scholars Program.
11. Governor's School for Entrepreneurs Program.
12. Foundation for Adult Education.
- (b) Department of Education.
 1. Kentucky Board of Education.
 2. Kentucky Technical Education Personnel Board.
 3. Education Professional Standards Board.
- (c) Board of Directors for the Center for School Safety.
- (d) Department for Libraries and Archives.
- (e) Kentucky Environmental Education Council.
- (f) Kentucky Educational Television.
- (g) Kentucky Commission on the Deaf and Hard of Hearing.
- (h) Department of Workforce Development.
 1. Career Development Office.
 2. Office of Vocational Rehabilitation.
 - a. Division of Kentucky Business Enterprise.
 - b. Division of the Carl D. Perkins Vocational Training Center.
 - c. Division of Blind Services.
 - d. Division of Field Services.
 - e. Statewide Council for Vocational Rehabilitation.
 - f. Employment First Council.
 3. Office of Employer and Apprenticeship Services.
 - a. Division of Apprenticeship.
 4. Kentucky Apprenticeship Council.
 5. Division of Technical Assistance.
 6. Office of Adult Education.
 7. Office of the Kentucky Workforce Innovation Board.
- (i) Department of Workplace Standards.
 1. Division of Occupational Safety and Health Compliance.
 2. Division of Occupational Safety and Health Education and Training.
 3. Division of Wages and Hours.
- (j) Office of Unemployment Insurance.
- (k) Kentucky Unemployment Insurance Commission.
- (l) Department of Workers' Claims.
 1. Division of Workers' Compensation Funds.
 2. Office of Administrative Law Judges.
 3. Division of Claims Processing.
 4. Division of Security and Compliance.
 5. Division of Specialist and Medical Services.

6. Workers' Compensation Board.

- (m) Workers' Compensation Funding Commission.
- (n) Kentucky Occupational Safety and Health Standards Board.
- (o) State Labor Relations Board.
- (p) Employers' Mutual Insurance Authority.
- (q) Kentucky Occupational Safety and Health Review Commission.
- (r) Workers' Compensation Nominating Committee.
- (s) Office of Educational Programs.
- (t) Kentucky Workforce Innovation Board.
- (u) Kentucky Commission on Proprietary Education.
- (v) Kentucky Work Ready Skills Advisory Committee.
- (w) Kentucky Geographic Education Board.
- (x) Disability Determination Services Program.

III. Other departments headed by appointed officers:

- (1) Council on Postsecondary Education.
- (2) Department of Military Affairs.
- (3) Department for Local Government.
- (4) Kentucky Commission on Human Rights.
- (5) Kentucky Commission on Women.
- (6) Department of Veterans' Affairs.
- (7) Kentucky Commission on Military Affairs.
- (8) Office of Minority Empowerment.
- (9) Governor's Council on Wellness and Physical Activity.
- (10) Kentucky Communications Network Authority.

➔Section 21. KRS 12.020 (Effective July 1, 2025) is amended to read as follows:

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

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

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

- (a) Attorney General.
- (5) Department of the Treasury.
 - (a) Treasurer.
- (6) Department of Agriculture.
 - (a) Commissioner of Agriculture.
 - (b) Agricultural Development Board.
 - (c) Kentucky Agricultural Finance Corporation.
- (7) Auditor of Public Accounts.
 - (a) Commonwealth Office of the Ombudsman.

II. Program cabinets headed by appointed officers:

- (1) Justice and Public Safety Cabinet:
 - (a) Department of Kentucky State Police.
 - 1. Office of Administrative Services.
 - a. Division of Operational Support.
 - b. Division of Management Services.
 - 2. Office of Operations.
 - a. Division of West Troops.
 - b. Division of East Troops.
 - c. Division of Special Enforcement.
 - d. Division of Commercial Vehicle Enforcement.
 - 3. Office of Technical Services.
 - a. Division of Forensic Sciences.
 - b. Division of Electronic Services.
 - c. Division of Records Management.
 - (b) Department of Criminal Justice Training.
 - (c) Department of Corrections.
 - (d) Department of Juvenile Justice.
 - (e) Office of the Secretary.
 - (f) Office of Drug Control Policy.
 - (g) Office of Legal Services.
 - (h) Office of the Kentucky State Medical Examiner.
 - (i) Parole Board.
 - (j) Kentucky State Corrections Commission.
 - (k) Office of Legislative and Intergovernmental Services.
 - (l) Office of Human Resource Management.
 - 1. Division of Human Resource Administration.
 - 2. Division of Employee Management.
 - (m) Department of Public Advocacy.
 - (n) Office of Communications.

1. Information Technology Services Division.
- (o) Office of Financial Management Services.
 1. Division of Financial Management.
- (p) Grants Management Division.
- (2) Energy and Environment Cabinet:
 - (a) Office of the Secretary.
 1. Office of Legislative and Intergovernmental Affairs.
 2. Office of Legal Services.
 - a. Legal Division I.
 - b. Legal Division II.
 3. Office of Administrative Hearings.
 4. Office of Communication.
 5. Mine Safety Review Commission.
 6. Office of Kentucky Nature Preserves.
 7. Kentucky Public Service Commission.
 - (b) Department for Environmental Protection.
 1. Office of the Commissioner.
 2. Division for Air Quality.
 3. Division of Water.
 4. Division of Environmental Program Support.
 5. Division of Waste Management.
 6. Division of Enforcement.
 7. Division of Compliance Assistance.
 - (c) Department for Natural Resources.
 1. Office of the Commissioner.
 2. Division of Mine Permits.
 3. Division of Mine Reclamation and Enforcement.
 4. Division of Abandoned Mine Lands.
 5. Division of Oil and Gas.
 6. Division of Mine Safety.
 7. Division of Forestry.
 8. Division of Conservation.
 9. Office of the Reclamation Guaranty Fund.
 - (d) Office of Energy Policy.
 1. Division of Energy Assistance.
 - (e) Office of Administrative Services.
 1. Division of Human Resources Management.
 2. Division of Financial Management.
 3. Division of Information Services.

- (3) Public Protection Cabinet.
 - (a) Office of the Secretary.
 - 1. Office of Communications and Public Outreach.
 - 2. Office of Legal Services.
 - a. Insurance Legal Division.
 - b. Charitable Gaming Legal Division.
 - c. Alcoholic Beverage Control Legal Division.
 - d. Housing, Buildings and Construction Legal Division.
 - e. Financial Institutions Legal Division.
 - f. Professional Licensing Legal Division.
 - 3. Office of Administrative Hearings.
 - 4. Office of Administrative Services.
 - a. Division of Human Resources.
 - b. Division of Fiscal Responsibility.
 - (b) Office of Claims and Appeals.
 - 1. Board of Tax Appeals.
 - 2. Board of Claims.
 - 3. Crime Victims Compensation Board.
 - (c) Kentucky Boxing and Wrestling Commission.
 - (d) Kentucky Horse Racing Commission.
 - 1. Office of Executive Director.
 - a. Division of Pari-mutuel Wagering and Compliance.
 - b. Division of Stewards.
 - c. Division of Licensing.
 - d. Division of Enforcement.
 - e. Division of Incentives and Development.
 - f. Division of Veterinary Services.
 - (e) Department of Alcoholic Beverage Control.
 - 1. Division of Distilled Spirits.
 - 2. Division of Malt Beverages.
 - 3. Division of Enforcement.
 - (f) Department of Charitable Gaming.
 - 1. Division of Licensing and Compliance.
 - 2. Division of Enforcement.
 - (g) Department of Financial Institutions.
 - 1. Division of Depository Institutions.
 - 2. Division of Non-Depository Institutions.
 - 3. Division of Securities.
 - (h) Department of Housing, Buildings and Construction.

1. Division of Fire Prevention.
 2. Division of Plumbing.
 3. Division of Heating, Ventilation, and Air Conditioning.
 4. Division of Building Code Enforcement.
 - (i) Department of Insurance.
 1. Division of Health and Life Insurance and Managed Care.
 2. Division of Property and Casualty Insurance.
 3. Division of Administrative Services.
 4. Division of Financial Standards and Examination.
 5. Division of Licensing.
 6. Division of Insurance Fraud Investigation.
 7. Division of Consumer Protection.
 - (j) Department of Professional Licensing.
 1. Real Estate Authority.
 2. ***Division of Real Property Boards.***
- (4) Transportation Cabinet:
- (a) Department of Highways.
 1. Office of Project Development.
 2. Office of Project Delivery and Preservation.
 3. Office of Highway Safety.
 4. Highway District Offices One through Twelve.
 - (b) Department of Vehicle Regulation.
 - (c) Department of Aviation.
 - (d) Department of Rural and Municipal Aid.
 1. Office of Local Programs.
 2. Office of Rural and Secondary Roads.
 - (e) Office of the Secretary.
 1. Office of Public Affairs.
 2. Office for Civil Rights and Small Business Development.
 3. Office of Budget and Fiscal Management.
 4. Office of Inspector General.
 5. Secretary's Office of Safety.
 - (f) Office of Support Services.
 - (g) Office of Transportation Delivery.
 - (h) Office of Audits.
 - (i) Office of Human Resource Management.
 - (j) Office of Information Technology.
 - (k) Office of Legal Services.
- (5) Cabinet for Economic Development:

- (a) Office of the Secretary.
 - 1. Office of Legal Services.
 - 2. Department for Business and Community Development.
 - a. Development and Retention Division – West Kentucky.
 - b. Development, Retention, and Administrative Division – Central and East Kentucky.
 - c. Community and Workforce Development Division.
 - 3. Department for Financial Services.
 - a. Kentucky Economic Development Finance Authority.
 - b. Finance and Personnel Division.
 - c. IT and Resource Management Division.
 - d. Compliance Division.
 - e. Program Administration Division.
 - f. Bluegrass State Skills Corporation.
 - 4. Office of Strategy and Public Affairs.
 - a. Marketing and Communications Division.
 - b. Research and Strategy Division.
 - 5. Office of Entrepreneurship and Innovation.
 - a. Commission on Small Business Innovation and Advocacy.
- (6) Cabinet for Health and Family Services:
 - (a) Office of the Secretary.
 - 1. Office of Public Affairs.
 - 2. Office of Legal Services.
 - 3. Office of Inspector General.
 - 4. Office of Human Resource Management.
 - 5. Office of Finance and Budget.
 - 6. Office of Legislative and Regulatory Affairs.
 - 7. Office of Administrative Services.
 - 8. Office of Application Technology Services.
 - 9. Office of Data Analytics.
 - (b) Department for Public Health.
 - (c) Department for Medicaid Services.
 - (d) Department for Behavioral Health, Developmental and Intellectual Disabilities.
 - (e) Department for Aging and Independent Living.
 - (f) Department for Community Based Services.
 - (g) Department for Family Resource Centers and Volunteer Services.
- (7) Finance and Administration Cabinet:
 - (a) Office of the Secretary.
 - (b) Office of the Inspector General.

- (c) Office of Legislative and Intergovernmental Affairs.
 - (d) Office of General Counsel.
 - (e) Office of the Controller.
 - (f) Office of Administrative Services.
 - (g) Office of Policy and Audit.
 - (h) Department for Facilities and Support Services.
 - (i) Department of Revenue.
 - (j) Commonwealth Office of Technology.
 - (k) State Property and Buildings Commission.
 - (l) Office of Equal Employment Opportunity and Contract Compliance.
 - (m) Kentucky Employees Retirement Systems.
 - (n) Commonwealth Credit Union.
 - (o) State Investment Commission.
 - (p) Kentucky Housing Corporation.
 - (q) Kentucky Local Correctional Facilities Construction Authority.
 - (r) Kentucky Turnpike Authority.
 - (s) Historic Properties Advisory Commission.
 - (t) Kentucky Higher Education Assistance Authority.
 - (u) Kentucky River Authority.
 - (v) Kentucky Teachers' Retirement System Board of Trustees.
 - (w) Executive Branch Ethics Commission.
 - (x) Office of Fleet Management.
- (8) Tourism, Arts and Heritage Cabinet:
- (a) Kentucky Department of Tourism.
 - 1. Division of Tourism Services.
 - 2. Division of Marketing and Administration.
 - 3. Division of Communications and Promotions.
 - (b) Kentucky Department of Parks.
 - 1. Division of Information Technology.
 - 2. Division of Human Resources.
 - 3. Division of Financial Operations.
 - 4. Division of Purchasing.
 - 5. Division of Facilities.
 - 6. Division of Park Operations.
 - 7. Division of Sales, Marketing, and Customer Service.
 - 8. Division of Engagement.
 - 9. Division of Food Services.
 - 10. Division of Rangers.
 - (c) Department of Fish and Wildlife Resources.

1. Division of Law Enforcement.
 2. Division of Administrative Services.
 3. Division of Engineering, Infrastructure, and Technology.
 4. Division of Fisheries.
 5. Division of Information and Education.
 6. Division of Wildlife.
 7. Division of Marketing.
- (d) Kentucky Horse Park.
1. Division of Support Services.
 2. Division of Buildings and Grounds.
 3. Division of Operational Services.
- (e) Kentucky State Fair Board.
1. Office of Administrative and Information Technology Services.
 2. Office of Human Resources and Access Control.
 3. Division of Expositions.
 4. Division of Kentucky Exposition Center Operations.
 5. Division of Kentucky International Convention Center.
 6. Division of Public Relations and Media.
 7. Division of Venue Services.
 8. Division of Personnel Management and Staff Development.
 9. Division of Sales.
 10. Division of Security and Traffic Control.
 11. Division of Information Technology.
 12. Division of the Louisville Arena.
 13. Division of Fiscal and Contract Management.
 14. Division of Access Control.
- (f) Office of the Secretary.
1. Office of Finance.
 2. Office of Government Relations and Administration.
- (g) Office of Legal Affairs.
- (h) Office of Human Resources.
- (i) Office of Public Affairs and Constituent Services.
- (j) Office of Arts and Cultural Heritage.
- (k) Kentucky African-American Heritage Commission.
- (l) Kentucky Foundation for the Arts.
- (m) Kentucky Humanities Council.
- (n) Kentucky Heritage Council.
- (o) Kentucky Arts Council.
- (p) Kentucky Historical Society.

1. Division of Museums.
 2. Division of Oral History and Educational Outreach.
 3. Division of Research and Publications.
 4. Division of Administration.
- (q) Kentucky Center for the Arts.
1. Division of Governor's School for the Arts.
- (r) Kentucky Artisans Center at Berea.
- (s) Northern Kentucky Convention Center.
- (t) Eastern Kentucky Exposition Center.
- (9) Personnel Cabinet:
- (a) Office of the Secretary.
 - (b) Department of Human Resources Administration.
 - (c) Office of Employee Relations.
 - (d) Kentucky Public Employees Deferred Compensation Authority.
 - (e) Office of Administrative Services.
 - (f) Office of Legal Services.
 - (g) Governmental Services Center.
 - (h) Department of Employee Insurance.
 - (i) Office of Diversity, Equality, and Training.
 - (j) Office of Public Affairs.
- (10) Education and Labor Cabinet:
- (a) Office of the Secretary.
 1. Office of Legal Services.
 - a. Workplace Standards Legal Division.
 - b. Workers' Claims Legal Division.
 - c. Workforce Development Legal Division.
 2. Office of Administrative Services.
 - a. Division of Human Resources Management.
 - b. Division of Fiscal Management.
 - c. Division of Operations and Support Services.
 3. Office of Technology Services.
 - a. Division of Information Technology Services.
 4. Office of Policy and Audit.
 5. Office of Legislative Services.
 6. Office of Communications.
 7. Office of the Kentucky Center for Statistics.
 8. Board of the Kentucky Center for Statistics.
 9. Early Childhood Advisory Council.
 10. Governors' Scholars Program.

11. Governor's School for Entrepreneurs Program.
12. Foundation for Adult Education.
- (b) Department of Education.
 1. Kentucky Board of Education.
 2. Kentucky Technical Education Personnel Board.
 3. Education Professional Standards Board.
- (c) Board of Directors for the Center for School Safety.
- (d) Department for Libraries and Archives.
- (e) Kentucky Environmental Education Council.
- (f) Kentucky Educational Television.
- (g) Kentucky Commission on the Deaf and Hard of Hearing.
- (h) Department of Workforce Development.
 1. Career Development Office.
 2. Office of Vocational Rehabilitation.
 - a. Division of Kentucky Business Enterprise.
 - b. Division of the Carl D. Perkins Vocational Training Center.
 - c. Division of Blind Services.
 - d. Division of Field Services.
 - e. Statewide Council for Vocational Rehabilitation.
 - f. Employment First Council.
 3. Office of Employer and Apprenticeship Services.
 - a. Division of Apprenticeship.
 4. Kentucky Apprenticeship Council.
 5. Division of Technical Assistance.
 6. Office of Adult Education.
 7. Office of the Kentucky Workforce Innovation Board.
- (i) Department of Workplace Standards.
 1. Division of Occupational Safety and Health Compliance.
 2. Division of Occupational Safety and Health Education and Training.
 3. Division of Wages and Hours.
- (j) Office of Unemployment Insurance.
- (k) Kentucky Unemployment Insurance Commission.
- (l) Department of Workers' Claims.
 1. Division of Workers' Compensation Funds.
 2. Office of Administrative Law Judges.
 3. Division of Claims Processing.
 4. Division of Security and Compliance.
 5. Division of Specialist and Medical Services.
 6. Workers' Compensation Board.

- (m) Workers' Compensation Funding Commission.
- (n) Kentucky Occupational Safety and Health Standards Board.
- (o) State Labor Relations Board.
- (p) Employers' Mutual Insurance Authority.
- (q) Kentucky Occupational Safety and Health Review Commission.
- (r) Workers' Compensation Nominating Committee.
- (s) Office of Educational Programs.
- (t) Kentucky Workforce Innovation Board.
- (u) Kentucky Commission on Proprietary Education.
- (v) Kentucky Work Ready Skills Advisory Committee.
- (w) Kentucky Geographic Education Board.
- (x) Disability Determination Services Program.

III. Other departments headed by appointed officers:

- (1) Council on Postsecondary Education.
- (2) Department of Military Affairs.
- (3) Department for Local Government.
- (4) Kentucky Commission on Human Rights.
- (5) Kentucky Commission on Women.
- (6) Department of Veterans' Affairs.
- (7) Kentucky Commission on Military Affairs.
- (8) Office of Minority Empowerment.
- (9) Governor's Council on Wellness and Physical Activity.
- (10) Kentucky Communications Network Authority.

Veto Overridden April 12, 2024.

CHAPTER 183

(HB 513)

AN ACT relating to the New State Capitol campus.

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

➔Section 1. KRS 11.027 is amended to read as follows:

- (1) The commission shall meet at least every six (6) months and when called into session by the chairman at the request of the Governor, of any two (2) or more members of the commission, or on his own motion.
- (2) The commission shall examine the Executive Mansion, the Old Governor's Mansion, the Vest Lindsey House, and the New State Capitol at least once each year, and the commission shall have authority over any construction, repairs, structural restoration, or renovation of these properties. The commission shall supervise the maintenance of a current inventory of all furnishings in the properties and the inventory shall be maintained by the Division of Historic Properties in the Department for Facilities and Support Services in the Finance and Administration Cabinet. The Division of Historic Properties shall maintain inventory records relating to all such property of the state and no such property shall be disposed of except upon recommendation of the director of the Division of Historic Properties with advice of the Historic Properties

Advisory Commission. The proceeds realized from the sale of any items shall be deposited in the historic properties endowment fund, established by KRS 11.026, except that the proceeds realized from the sale of any items derived from, or related to, the Vest Lindsey House shall be deposited in the separate and distinct Ida Lee Willis-Vest Lindsey House endowment trust fund, established by KRS 11.026(8).

- (3) (a) The commission shall recommend, from time to time, on the needs for furnishings, maintenance, repair, or renovation of the Executive Mansion, the Old Governor's Mansion, the Vest Lindsey House, and the New State Capitol; and the Department for Facilities and Support Services in the Finance and Administration Cabinet shall, from funds available, take the action recommended.
- (b) The commission shall have final authority over articles placed in the properties and moneys spent on *the Executive Mansion, the Vest Lindsey House, and the Old Governor's Mansion* ~~[these buildings]~~, except that the Kentucky Heritage Council shall have final authority over any moneys spent from the Ida Lee Willis-Vest Lindsey House endowment trust fund.
- (c) The commission shall develop criteria for this display of objects on and for the use of the public areas of the basement and first and second floors of the New State Capitol and shall be consulted by the director of the Division of Historic Properties before objects are accepted for or removed from permanent display in the Capitol.
- (d) 1. *No statue, monument, or object of art shall be installed or removed from permanent display in the New State Capitol rotunda without the approval of the General Assembly by means of an act or joint resolution explicitly identifying and authorizing the installation or removal of the statue, monument, or object.*
2. *The commission may submit a detailed proposal to the Legislative Research Commission for referral to the appropriate interim joint or standing committees, but shall have no authority to add or remove from permanent display any statue, monument, or object of art from the New State Capitol rotunda without prior legislative approval.*
3. *If the Historic Properties Advisory Commission violates this paragraph, each member shall be jointly and severally liable for any and all costs to remove or reinstall the applicable statue, monument, or object of art in the New State Capitol rotunda.*
4. *As used in this paragraph, "permanent" means of a long-term or indefinite period, with the presumed intention that the displayed statue, monument, or object of art will not be removed for the foreseeable future.*
- (4) The commission shall provide coordination and make arrangements for an orderly transition between outgoing and incoming chief executives.

Veto Overridden April 12, 2024.

CHAPTER 184

(HB 517)

AN ACT relating to legislative ethics.

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

➔Section 1. KRS 6.681 is amended to read as follows:

- (1) The commission may render advisory opinions concerning matters under its jurisdiction, based upon real or hypothetical circumstances, when requested by:
- (a) Any person covered by this code;
- (b) Any person who is personally and directly involved in the matter; or
- (c) The commission upon its own initiative.

- (2) (a) An advisory opinion shall be requested in writing and shall state relevant facts and ask specific questions. The request for the advisory opinion shall remain confidential unless confidentiality is waived, in writing, by the requestor.
- (b) *No less than five (5) days prior to the meeting in which the commission is scheduled to consider an advisory opinion, the commission shall provide a draft of its proposed response to the advisory opinion request, or notice of its intention not to issue an advisory opinion, to the requestor and each commissioner. The requestor may appear personally, with or without counsel, before the commission in closed session to provide comment on the proposed response prior to the commission's vote on the request.*
- (3) Advisory opinions shall be based on the Kentucky Revised Statutes as written and shall not be based on the personal opinions of commission members as to legislative intent or the spirit of the law.
- (4) The commission shall promulgate administrative regulations to establish criteria under which it may issue confidential advisory opinions. All other advisory opinions shall be published except that before an advisory opinion is made public, it shall be modified so that the identity of any person associated with the opinion shall not be revealed.
- (5) The confidentiality of an advisory opinion may be waived either:
- (a) In writing by the person who requested the opinion; or
- (b) By majority vote of the members of the commission, if a person makes or purports to make public the substance or any portion of an advisory opinion requested by or on behalf of the person. The commission may vote to make public the advisory opinion request and related materials.
- (6) (a) A written advisory opinion issued by the commission shall be binding on the commission in any subsequent proceeding concerning the facts and circumstances of the particular case if no intervening facts or circumstances arise which would change the opinion of the commission if they had existed at the time the opinion was rendered. However, if any fact determined by the commission to be material was omitted or misstated in the request for an opinion, the commission shall not be bound by the opinion.
- (b) A written advisory opinion shall be admissible in the defense of any criminal prosecution or civil proceeding for violations of this code for actions taken in reliance on that opinion.

➔Section 2. KRS 6.686 is amended to read as follows:

- (1) (a) The commission shall have jurisdiction to investigate and proceed as to any violation of this code upon the filing of a complaint. The complaint shall be a written statement alleging a violation against one (1) or more named persons and stating the essential facts constituting the violation charged. The complaint shall be made under oath and signed by the complaining party before a person who is legally empowered to administer oaths. The commission shall have no jurisdiction in the absence of a complaint. A member of the commission may file a complaint.
- (b) Within ten (10) days of the filing of a complaint, the commission shall cause a copy of the complaint to be served by certified mail upon the person alleged to have committed the violation.
- (c) Within twenty (20) days of service of the complaint the person alleged to have committed the violation may file an answer with the commission. The filing of an answer is wholly permissive, and no inferences shall be drawn from the failure to file an answer.
- (d) 1. ~~[Not later than ten (10) days]~~After the commission receives the answer, or the time expires for the filing of an answer, the commission *may dismiss the matter for failure to state a claim of an ethics violation, or otherwise* shall *determine*~~[initiate a preliminary inquiry into any alleged violation of this code. If the commission determines]~~ upon the affirmative vote of at least five (5) members, at either *the next*~~[a]~~ regularly scheduled meeting~~[,]~~ or a teleconference meeting called upon the chair's oral or written notice to all members of the commission, *whether there is reason to believe the person named in the complaint has committed or is about to commit*~~[that the complaint fails to state a claim of]~~ an ethics violation~~[, the complaint shall be dismissed]~~.
2. *If the commission determines that there is reason to believe the person named in the complaint has committed or is about to commit a violation of this code, upon an affirmative vote of at least five (5) members, the commission shall initiate a preliminary inquiry into the alleged*

violations pursuant to subsections (3) to (5) of this section. A determination by the commission under this subparagraph:

- a. Means that the commission believes that the alleged violation merits further inquiry, and the commission shall proceed with its inquiry and investigation; and*
 - b. Is not a finding that a person named in a complaint has violated this code.*
3. *If the commission fails to determine by an affirmative vote of at least five (5) members that there is reason to believe the respondent has committed or is about to commit a violation of this code, the complaint shall be dismissed.*
- (e) Within thirty (30) days of the commencement of the inquiry, the commission shall give notice of the status of the complaint and a general statement of the applicable law to the person alleged to have committed a violation.
 - (f) A complaint may be filed against a former legislator, a former legislative agent, or a former employer of a legislative agent within one (1) year of the date he or she left office or terminated lobbying registration. The one (1) year limitation shall not apply if a complaint alleges a violation of KRS 6.757.
 - (g) The applicable criminal statutes of limitation shall not apply to ethical misconduct under KRS 6.601 to 6.849.
- (2) All commission proceedings, including the complaint and answer and other records relating to a preliminary inquiry, shall be confidential until a final determination is made by the commission, except:
- (a) The commission may turn over to the Attorney General, the United States Attorney, Commonwealth's attorney, or county attorney of the jurisdiction in which the offense allegedly occurred, evidence which may be used in criminal proceedings; and
 - (b) If the complainant or alleged violator publicly discloses the existence of a preliminary inquiry, the commission may publicly confirm the existence of the inquiry and, in its discretion, make public any documents which were issued to either party.
- (3) The commission shall afford a person who is the subject of a preliminary inquiry an opportunity to appear in response to the allegations in the complaint. The person shall have the right to be represented by counsel, to appear and be heard under oath, and to offer evidence in response to the allegations in the complaint.
- (4) If the commission determines by the answer or in the preliminary inquiry that the complaint does not allege facts sufficient to constitute a violation of this code, the commission shall immediately terminate the matter and notify in writing the complainant and the person alleged to have committed a violation. The commission may confidentially inform the alleged violator of potential violations and provide information to ensure future compliance with the law. If the alleged violator publicly discloses the existence of such action by the commission, the commission may confirm the existence of the action and, in its discretion, make public any documents that were issued to the alleged violator.
- (5) If the commission, during the course of the preliminary inquiry, finds probable cause to believe that a violation of this code has occurred, the commission shall notify the alleged violator of the finding, and the commission may, upon majority vote:
- (a) Due to mitigating circumstances such as lack of significant economic advantage or gain by the alleged violator, lack of significant economic loss to the state, or lack of significant impact on public confidence in government, confidentially reprimand, in writing, the alleged violator for potential violations of the law and provide a copy of the reprimand to the presiding officer of the house in which the alleged violator serves, or the alleged violator's employer, if the alleged violator is a legislative agent. The proceedings leading to a confidential reprimand and the reprimand itself shall remain confidential except that, if the alleged violator publicly discloses the existence of such an action, the commission may confirm the existence of the action and, in its discretion, make public any documents which were issued to the alleged violator; or
 - (b) Initiate an adjudicatory proceeding to determine whether there has been a violation.
- (6) Any person who knowingly files with the commission a false complaint of misconduct on the part of any legislator or other person shall be guilty of a Class A misdemeanor.

➔Section 3. KRS 6.611 is amended to read as follows:

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

- (1) "Adversarial proceeding" means a proceeding in which decisions are made based upon evidence presented as measured against established standards, with parties having the right to appeal the decision on the record to a court;
- (2) (a) "Anything of value" includes the following:
 1. A pecuniary item, including money, or a bank bill or note;
 2. A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;
 3. A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
 4. A stock, bond, note, or other investment interest in an entity;
 5. A receipt given for the payment of money or other property;
 6. A right in action;
 7. A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel;
 8. A loan or forgiveness of indebtedness;
 9. A work of art, antique, or collectible;
 10. An automobile or other means of personal transportation;
 11. Real property or an interest in real property, including title to realty; a fee simple or partial interest, present or future, contingent or vested, within realty; a leasehold interest; or other beneficial interest in realty;
 12. A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as a legislator;
 13. A promise or offer of employment; or
 14. Any other thing of value that is pecuniary or compensatory in value to a person, or the primary significance of which is economic gain.
- (b) "Anything of value" does not include:
 1. A campaign contribution properly received and reported, if reportable, as required under KRS Chapter 121;
 2. Compensation, food, beverages, entertainment, transportation, lodging, or other goods or services extended to a legislator by the legislator's private employer or by a person other than a legislative agent or employer;
 3. A usual and customary commercial loan made in the ordinary course of business, without regard to the recipient's status as a legislator, and by a person or institution authorized by law to engage in the business of making loans;
 4. A certificate, plaque, or commemorative token of less than one hundred fifty dollars (\$150) value;
 5. Promotional items of less than fifty dollars (\$50);
 6. Educational items;
 7. Informational items;
 8. The cost of attendance or participation, and of food and beverages consumed, at events:
 - a. To which all members of the Kentucky Senate or the Kentucky House of Representatives, or both, are invited;
 - b. To which all members of a joint committee or task force of the Kentucky Senate and the Kentucky House of Representatives are invited;

- c. To which a caucus of legislators approved as a caucus by the Legislative Research Commission is invited;
 - d. Sponsored or coordinated by a state or local government entity, including a state institution of higher education, provided that the cost thereof is covered by the state or local government entity or state institution of higher education; or
 - e. To which an individual legislator is invited that are held in-state, and for which the legislator receives prior approval from a majority of the Legislative Research Commission;
9. Gifts from a person related by blood or marriage or a member of the legislator's household;
10. A gift that:
- a. Is not used; and
 - b. No later than thirty (30) days after receipt, is returned to the donor or delivered to a charitable organization and is not claimed as a charitable contribution for federal income tax purposes;
11. The cost, paid, reimbursed, raised, or obtained by the Legislative Research Commission, for attendance or participation, and for food and beverages consumed at, and funds, goods, and services provided for conducting events sponsored or coordinated by multistate or national organizations of, or including, state governments, state legislatures, or state legislators if the attendance and expenditures are approved in advance by the Legislative Research Commission;
12. The cost of attendance or participation provided by the sponsoring entity, of lodging, and of food and beverages consumed, at in-state events sponsored by or in conjunction with a civic, charitable, governmental, trade association, or community organization;
13. A gift or gifts from one member of the General Assembly to another member of the General Assembly;
14. Anything for which the recipient pays or gives full value; or
15. Any service spontaneously extended to a legislator in an emergency situation;
- (3) "Associated," if used with reference to an organization, includes an organization in which an individual or a member of the individual's family is a director, officer, fiduciary, trustee, agent, or partner, or owns or controls, in the aggregate, an interest of ten thousand dollars (\$10,000) or more, or an interest of five percent (5%) or more of the outstanding equity;
- (4) "Business" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation, or any legal entity through which business is conducted for profit;
- (5) "Business associate" includes the following:
- (a) A private employer;
 - (b) A general or limited partnership, or a general or limited partner within the partnership;
 - (c) A corporation that is family-owned or in which all shares of stock are closely held, and the shareholders, owners, and officers of such a corporation;
 - (d) A corporation in which the legislator or other person subject to this code has an investment interest, owns, or has a beneficial interest in shares of stock which constitute more than:
 - 1. Five percent (5%) of the value of the corporation; or
 - 2. Ten thousand dollars (\$10,000) at fair market value;
 - (e) A corporation, business association, or other business entity in which the legislator or other person subject to this code serves as an agent or a compensated representative;
- (6) "Candidate" means an individual who seeks nomination or election to the General Assembly. An individual is a candidate when the individual:
- (a) Files a notification and declaration for nomination for office with the Secretary of State; or

- (b) Is nominated for office by his or her party under KRS 118.105, 118.115, 118.325, or 118.760;
- (7) "Charitable organization" means an organization described in 26 U.S.C. Sec. 170(c) as it currently exists or as it may be amended;
- (8) "Child" means the unemancipated minor daughter, son, stepdaughter, or stepson;
- (9) "Commission" means the Kentucky Legislative Ethics Commission;
- (10) (a) "Compensation" means:
 - 1. An advance, salary, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money; or
 - 2. A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money for services rendered or to be rendered.
- (b) "Compensation" does not include reimbursement of expenses if:
 - 1. The reimbursement is equal to, or less than, the amount paid for the expenses;
 - 2. Expense records are itemized; and
 - 3. No portion of the reimbursed expense is used to give anything of value to a legislator, candidate, or the spouse of a legislator or candidate;
- (11) "Economic interest" means an interest distinct from that of the general public in a state purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services in which a legislator may gain an economic benefit of fifty dollars (\$50) or more;
- (12) "Employer" means any person who engages a legislative agent and in the case of a business other than a sole proprietorship or self-employed individual, it means the business entity, and not an individual officer, director, or employee thereof, except when an officer, director, or employee makes an expenditure for which he or she is reimbursed by the business entity;
- (13) "Engage" means to make any arrangement, and "engagement" means any arrangement, by which an individual is employed or retained for compensation to act for or on behalf of an employer to lobby;
- (14) "Ethical misconduct" means any violation of the Kentucky Code of Legislative Ethics;
- (15) (a) "Expenditure" means any of the following that is made to, at the request of, for the benefit of, or on behalf of any member of the General Assembly, the Governor, the secretary of a cabinet listed in KRS 12.250, or any member of the staff of any of those officials:
 - 1. A payment, distribution, loan, advance, deposit, reimbursement, or gift of money, real estate, or anything of value, including, but not limited to, food and beverages, entertainment, lodging, transportation, or honoraria;
 - 2. A contract, promise, or agreement, to make an expenditure; or
 - 3. The purchase, sale, or gift of services or any other thing of value.
- (b) "Expenditure" does not include a contribution, gift, or grant to a foundation or other charitable organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code. "Expenditure" does not include the purchase, sale, or gift of services or any other thing of value that is available to the general public on the same terms as it is available to the persons listed in this subsection;
- (16) "Family member" means a person:
 - (a) Who is the spouse, parent, sibling, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, or grandchild of an individual; or
 - (b) Who is a member of the individual's household, and is dependent upon the individual;
- (17) "Filer" means an individual who is required to file a statement of financial interests pursuant to KRS 6.781;
- (18) (a) "Financial transaction" means a transaction or activity that is conducted or undertaken for profit and arises from the joint ownership, ownership, or part ownership in common of any real or personal property or any commercial or business enterprise of whatever form or nature between the following:

1. A legislative agent, his or her employer, or a member of the immediate family of the legislative agent or his or her employer; and
 2. Any member of the General Assembly, the Governor, the secretary of a cabinet listed in KRS 12.250, or any member of the staff of any of the officials listed in this subparagraph.
- (b) "Financial transaction" does not include any transaction or activity:
1. Described in paragraph (a) of this subsection if it is available to the general public on the same or similar terms and conditions; or
 2. Made or let after public notice and competitive bidding or contracts that are available on similar terms to other members of the general public.
- (19) "Former legislator" means a person who previously held a position as a legislator and who no longer holds that position;
- (20) "Immediate family" means an unemancipated child residing in an individual's household, a spouse of an individual, or a person claimed by the individual as a dependent for tax purposes;
- (21) "In-state" means within the borders of Kentucky or outside Kentucky in a county that is contiguous with the border of Kentucky;
- (22) "Legislation" means bills, resolutions, amendments, nominations, administrative regulations, and any other matter pending before the General Assembly or any of its interim or statutory committees, or the executive approval or veto of any bill acted upon by the General Assembly;
- (23) (a) "Legislative agent" means any individual who is engaged:
1. During at least a portion of his or her time to lobby as one (1) of his or her official responsibilities; or
 2. In lobbying activities as a legislative liaison of an association, coalition, or public interest entity formed for the purpose of promoting or otherwise influencing legislation.
- (b) "Legislative agent" does not include:
1. Any person who limits his or her lobbying activities to appearing before public meetings of legislative committees, subcommittees, or task forces, or public hearings or meetings of public agencies;
 2. A private citizen who receives no compensation for lobbying and who expresses a personal opinion; or
 3. A public servant acting in his or her fiduciary capacity as a representative of his or her agency, college, university, or city, county, urban-county, consolidated local government, unified local government, or charter county government, except persons engaged by a de jure municipal corporation, such as the Kentucky Lottery Corporation or the Kentucky Housing Corporation, institutions of higher education, or local governments, whose primary responsibility during sessions of the General Assembly is to lobby;
- (24) "Legislative interest" means a substantial economic interest, distinct from that of the general public, in one (1) or more legislative matters;
- (25) "Legislative matter" means any bill, resolution, nomination, or other issue or proposal pending before the General Assembly or any interim committee, committee, subcommittee, task force, or commission of the General Assembly;
- (26) "Legislator" means a member or member-elect of the General Assembly;
- (27) (a) "Lobby" means to promote, advocate, or oppose the passage, modification, defeat, or executive approval or veto of any legislation by direct communication with any member of the General Assembly, the Governor, the secretary of any cabinet listed in KRS 12.250, or any member of the staff of any of the officials listed in this paragraph.
- (b) "Lobbying" does not include:
1. Appearances before public meetings of the committees, subcommittees, task forces, and interim committees of the General Assembly;

2. News, editorial, and advertising statements published in newspapers, journals, or magazines, or broadcast over radio or television;
 3. The gathering and furnishing of information and news by bona fide reporters, correspondents, or news bureaus to news media described in paragraph (b)2. of this subsection;
 4. Publications primarily designed for, and distributed to, members of bona fide associations or charitable or fraternal nonprofit corporations;
 5. Professional services in drafting bills or resolutions, preparing arguments on these bills or resolutions, or in advising clients and rendering opinions as to the construction and the effect of proposed or pending legislation, if the services are not otherwise connected with lobbying;~~or~~
 6. The action of any person not engaged by an employer who has a direct interest in legislation, if the person, acting under Section 1 of the Kentucky Constitution, assembles together with other persons for their common good, petitions any official listed in this subsection for the redress of grievances, or other proper purposes; *or*
 7. *The action of any natural person:*
 - a. *Whose official responsibilities do not include lobbying;*
 - b. *Who is not compensated specifically for the purpose of lobbying;*
 - c. *Who is an officer, managerial personnel, or an employee with specialized knowledge or expertise of, a business, joint venture, syndicate, estate, company, association, club, committee, or group of persons acting in concert which has a direct interest in the specific legislation; and*
 - d. *Who participates in meetings or conversations while accompanying a legislative agent engaged by the employer or organization to lobby on the particular issue;*
- (28) "Person" means an individual, proprietorship, firm, partnership, joint venture, joint stock company, syndicate, business, trust, estate, company, corporation, association, club, committee, organization, or group of persons acting in concert;
- (29) "Public servant" means an elected or appointed officer or employee of a federal or state agency; state institution of higher education; or a city, county, urban-county, or charter county government;
- (30) "State agency" means any department, office, commission, board, or authority within the executive department, and includes state-supported universities and colleges but does not include local boards of education; and
- (31) "Through others" means a scheme, artifice, or mechanism, the sole purpose of which is to accomplish by indirect means, using third parties, results which would be unlawful under this code if accomplished directly between a legislator or candidate and another person or entity.
- ➔Section 4. KRS 6.744 is amended to read as follows:
- (1) A legislator, by himself or through others, shall not use or attempt to use any means to influence a state agency in direct contravention of the public interest at large.
 - (a) Absent an express threat of legislative reprisal, nothing in this subsection shall prevent a legislator from contacting a state agency on behalf of a person or constituent, to make a legislative inquiry, or to obtain information relating to a person or constituent who has requested legislative assistance and given written or verbal consent for a member to make an inquiry on his or her behalf.
 - (b) Violation of this subsection is ethical misconduct.
 - (2) A legislator shall not, for compensation, appear before a state agency as an expert witness. A violation of this subsection is ethical misconduct.
 - (3) A legislator who is properly licensed may, for compensation, represent a client before a state agency in:
 - (a) A ministerial function which does not require discretion on the part of the agency, including, but not limited to:
 1. Filing corporation charters, reports, and other papers;
 2. Filing tax returns;

3. Filing reports required by a state agency;
 4. Filing an application to participate in a state or state-administered federal program, generally available to similar classes of persons or business entities.
- (b) An adversarial proceeding and negotiations related thereto;
 - (c) Workers' compensation and special fund proceedings;
 - (d) Unemployment compensation proceedings; and
 - (e) All other matters, unless the representation is prohibited by subsections (5) to (7) of this section or the code of professional conduct observed by the profession being practiced.
- (4) A legislator who is properly licensed may, for compensation, represent a client before a court or trial commissioner in any proceeding not prohibited by the Kentucky Rules of Professional Conduct or by subsections (5) to (7) of this section.
 - (5) Other than for a ministerial function provided for under subsection (3) of this section, even though properly licensed, a legislator ~~shall~~~~may~~ not, for compensation, represent or engage in negotiations on behalf of a client before or with a state agency in proceedings related to the following matters:
 - (a) Contracting for the purchase, sale, rental, or lease of real property, goods, or services from a state agency;
 - (b) Any proceeding relating to ratemaking;
 - (c) Adoption, amendment, or repeal of any administrative regulation;
 - (d) Obtaining grants of money or loans;
 - (e) Licensing or permitting, *however, a legislator may represent a client in a ministerial function regarding licensing and permitting, adversarial matters related to a previously-issued license or permit, or matters related to driver licensing* ~~but not including matters related to driver licensing~~; or
 - (f) Any proceeding before the Public Service Commission.
 - (6) A legislator who is licensed in any profession shall not, for compensation, represent the Commonwealth or any state agency.
 - (7) A legislator who is an attorney shall not for compensation maintain an action for the purpose of receiving money damages against the Commonwealth in which the Commonwealth is the principal defendant or against a state agency in which the agency is the principal defendant. This subsection shall not apply to:
 - (a) An appeal of an action by the state against the client;
 - (b) Cases before the Workers' Compensation Board, including cases in which the special fund is a party; and
 - (c) Unemployment compensation cases.
 - (8) A legislator who is properly licensed who has a partner who is also properly licensed and whose partner practices cases which the legislator is precluded from handling under the provisions of this section shall report to the commission in the report required under KRS 6.787, the names of the agencies before which the partners practiced and the names of the clients represented by the partners.
 - (9) A legislator shall not receive or enter into any express or implied agreement to receive compensation for services to be rendered in relation to any case, proceeding, application, or other matter before any state agency, in which his compensation is to be dependent or contingent upon any action by the agency. Violation of this subsection is ethical misconduct.
 - (10) If a legislator considers entering into an agreement for compensation for representing any person in any transaction involving the state, he shall consider the following factors:
 - (a) Whether the matter is being brought to him in an attempt to obtain improper influence over the state agency;
 - (b) Whether there is a reasonable possibility that the action of the state agency will be unduly influenced because of his participation; or
 - (c) The effect of his participation on public confidence in the integrity of the Legislature.

Veto Overridden April 12, 2024.**CHAPTER 185****(HB 563)**

AN ACT relating to public water and wastewater systems, making an appropriation therefor, and declaring an emergency.

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

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

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

- (a) *"Board" means the Kentucky Infrastructure Authority board established in KRS 224A.030;*
- (b) *"Eligible funding recipient" means a public water or wastewater system that meets one (1) or more of the criteria listed in subsection (7)(d)1. to 9. of this section;*
- (c) *"Eligible project" means a project that would require capital or non-capital expenses including but not limited to expenses relating to:*
 - 1. *Developing technical, operational, and maintenance resources and expertise;*
 - 2. *Improving utility infrastructure planning, repair, maintenance, renovation, and management of plants and assets;*
 - 3. *Obtaining technical expertise in areas of rate-setting, cost-of-service, and proper utility accounting standards for the utility type;*
 - 4. *Performing and correcting deficiencies from drinking water, wastewater, and financial audits;*
 - 5. *Providing financing for financial inadequacies, including debt service coverage through relief or refinance of the drinking water or wastewater system's debt;*
 - 6. *Providing payment assistance for other financial inadequacies including but not limited to excessive maintenance costs, fines and penalties from past violations, or consultants; and*
 - 7. *Extending financing for inadequately maintained distribution, collection, or treatment works, including service extensions to unserved or underserved areas and the renovation of treatment works to conserve resources;*
- (d) *"Kentucky Water and Wastewater Assistance for Troubled or Economically Restrained Systems Program" or "Kentucky WWATERS Program" means the program established under this section and administered by the Kentucky Infrastructure Authority under the direction of its board; and*
- (e) *"Public water or wastewater system" means any of the following that serve a community:*
 - 1. *A water district, water association, or joint water commission formed under KRS Chapter 74;*
 - 2. *A sewer district or sanitation district formed under KRS Chapter 67, 76, or 220;*
 - 3. *A municipal water utility and water works, sewer utility, sewage system or works, or combined electric and water plant formed under KRS Chapter 96; and*
 - 4. *Any combination of two (2) or more of the entities listed in subparagraphs 1. to 3. of this paragraph.*

(2) *The Kentucky WWATERS Program is hereby established under the authority to provide for an orderly process for eligible public water or wastewater systems to apply for funds for eligible projects and for those applications to be evaluated, scored, and presented to the General Assembly for consideration for funding. The administration of the program by the authority, under the direction of the board, includes but is not limited to the following:*

- (a) *Creating and making available standardized funding applications and regional funding applications;*

- (b) *Verifying the eligibility of proposed funding recipients, including but not limited to engaging in financial reviews of proposed funding recipients to ensure that they will be able to repay the requested amounts;*
 - (c) *Verifying that the proposed funding recipient seeks money for an eligible project;*
 - (d) *Awarding funding to selected eligible funding recipients, which shall be accomplished within sixty (60) days of the effective date of legislation enacted by the General Assembly that authorizes and appropriates the funding;*
 - (e) *Administering the funding and monitoring funding recipients for their success in improving on any of the performance criteria described in subsection (7)(d)1. to 9. of this section;*
 - (f) *Enforcing compliance with the requirements of this section for eligible funding recipients; and*
 - (g) *On or before October 1, 2025, and each quarter thereafter, submitting a report on the status of all funding awarded and administered by the authority pursuant to this section and Section 2 of this Act to the Legislative Research Commission for referral to the Interim Joint Committee on Appropriations and Revenue, or to the House and Senate Standing Committees on Appropriations and Revenue when the General Assembly is in session.*
- (3) (a) *To participate in the Kentucky WWATERS Program, a funding applicant shall submit an application to the board, which shall include a corrective action plan detailing how the requested funds would be used to address the performance deficiencies that made the applicant eligible for the funding.*
- (b) *Funding applications may be shared with third-party independent consultants, state agencies, or special purpose governmental entities in reviewing the funding application as allowed under subsection (4) of this section. Once the application process is complete and the funding application is ready for review, it shall be made available to the public.*
- (c) *Funding applicants wishing to engage in a regional project shall submit a single application.*
- (4) *The board may contract or consult with a third-party independent consultant, state agencies, or special purpose governmental entities to assist with the funding applicant analysis and scoring described in this section.*
- (5) *If a funding applicant is selected as an eligible funding recipient approved under the Kentucky WWATERS Program, it shall comply with any reporting or other requirements deemed necessary by the authority to verify that the awarded funding goes toward an eligible project and that the funding recipient is making improvements on the performance criteria described in subsection (7)(d)1. to 9. of this section. The eligible funding recipient shall also comply with any internal management and governance procedures that the authority may impose in order to correct any performance deficiencies that gave rise to the need for the requested funds.*
- (6) (a) *A funding recipient shall forfeit all moneys received pursuant to this section and Section 2 of this Act and all outstanding funding amounts, including accrued interest, shall be immediately due to the authority if the selected funding recipient:*
- 1. *Fails to comply with any of the requirements of this section;*
 - 2. *Uses the awarded funding for any purpose other than the eligible project for which the funding was awarded; or*
 - 3. *Transfers or assigns the obligation to repay the funding amounts to any other entity, including any successor in interest.*
- (b) *Funding recipients may also forfeit funds and be subject to immediate repayment to the authority of all outstanding funding amounts, including accrued interest, if the authority finds that the recipient has not made adequate improvements on the performance criteria described in subsection (7)(d)1. to 9. of this section.*
- (7) *In the implementation of the Kentucky WWATERS Program, the board shall:*
- (a) *Hold at least monthly meetings, which may be in conjunction with regularly scheduled board meetings, to discharge its duties under this section;*
 - (b) *Determine whether a funding applicant is an eligible funding recipient and is seeking funding for an eligible project;*

- (c) *Based on the criteria listed in paragraph (d) of this subsection, develop an objective score card or rubric, which may be amended from time to time, to aid in the analysis and scoring of funding applications;*
- (d) *Evaluate and score each funding applicant's project according to the extent to which it meets the following criteria:*
1. *The median household income within the service area of the funding applicant is less than the Commonwealth's median household income;*
 2. *User rates for the public drinking water or wastewater services provided by the funding applicant are at or above one percent (1%) of annual household income for its service area;*
 3. *The funding applicant has failed to produce a financial statement audit in at least one (1) of the prior three (3) years;*
 4. *The funding applicant has negative income in any two (2) of the previous five (5) years;*
 5. *The funding applicant's debt service coverage ratio, calculated by dividing its annual net operating income by its annual debt payments, was less than one and one-tenth (1.1) in any three (3) of the previous five (5) years;*
 6. *The funding applicant's current accounts payable turnover ratio, calculated by dividing its monthly net credit purchases from suppliers by its average accounts payable balance for the month, is less than one (1);*
 7. *The funding applicant's current days' sales in accounts receivable ratio, calculated by dividing its monthly accounts receivable by its monthly credit sales value and multiplying the resulting quotient by the number of days in that month, is greater than forty-five (45) days;*
 8. *The funding applicant has received a notice of violation or has entered into an agreed order as a result of a violation of the requirements of the Safe Drinking Water Act, 42 U.S.C. sec. 300f et seq., or the Clean Water Act, 33 U.S.C. sec. 1251 et seq., in the past year;*
 9. *The percentage of water loss of the funding applicant's system is greater than thirty percent (30%);*
 10. *The funding applicant is willing to use the funding for regionalization, consolidation, or partnerships, consistent with the policy stated in KRS 224A.300(1);*
 11. *The funding applicant, after receiving the funding, will be able to fully resolve the pending issues that are the subject of its application using the funding and other funding sources, if available; and*
 12. *The funding applicant's proposed project demonstrates a high level of community or regional impact potential if funding is awarded;*
- (e) *Within sixty (60) days of a funding application being deemed complete under subsection (3)(b) of this section, make determinations on the eligibility of the proposed project and the applicant and issue a project score for the application;*
- (f) *Provide detailed feedback to all funding applicants within fourteen (14) days of the project score being completed; and*
- (g) *No later than December 1, 2024, and each December 1 thereafter, submit to the Legislative Research Commission for referral to the Interim Joint Committee on Appropriations and Revenue an annual report containing:*
1. *The evaluations and scores of the proposed funding recipients for the year to allow for the General Assembly to make the determinations for funding the proposed funding recipients. For each proposed funding recipient that meets the eligibility requirements for funding, the board shall provide a proposal for the structure and the terms of the funding, including but not limited to whether the funding should be awarded in whole or in part as a grant, loan, no-interest loan, or forgivable loan, the repayment terms and interest rates for loans or portions of loans, and any other conditions that the board proposes to be placed on the funding;*
 2. *A list of all program applicants;*

3. *The identity of applicants who did not meet the eligibility requirements for participation in the program;*
4. *Trends found in feedback given to applicants who did not meet the eligibility requirements for participation in the program; and*
5. *Eligible uses of funding cited in the funding applications.*

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

- (1) *The Kentucky water and wastewater assistance for troubled or economically restrained systems fund is hereby established in the State Treasury and shall be administered by the authority.*
- (2) *The fund shall be a dedicated revolving fund, and all moneys in the fund shall be allocated by the General Assembly for and dedicated to providing funding for both capital and non-capital expenses for eligible projects by public water or wastewater systems, as evaluated and scored pursuant to Section 1 of this Act.*
- (3) *Funding may be awarded pursuant to this section in the form of grants, loans, no-interest loans, or forgivable loans as proposed by the board and determined by the General Assembly. Interest rates for loans awarded pursuant to this section shall be set using the same criteria to set the interest rates for loans from the federally-assisted water supply revolving fund administered by the authority under KRS 224A.1115 and the federally-assisted wastewater revolving fund administered by the authority under KRS 224A.111, except that interest rates for loans awarded pursuant to this section shall be set at least one-half of one percent (0.5%) lower than they would have been if awarded from the federally-assisted water supply and wastewater revolving funds, provided that a loan interest rate for a loan awarded pursuant to this section shall not be less than zero percent (0%).*
- (4)
 - (a) *The fund may receive donations, gifts, state appropriations, repayments from the funding provided under subsection (2) of this section, and revenues or proceeds from the sale of bonds or from other financial instruments.*
 - (b) *The fund may receive proceeds from the authority's infrastructure revolving fund under KRS 224A.304, as available, if:*
 1. *Not contrary to the requirements which establish and govern the management and use of those funds; and*
 2. *The proceeds do not contain any federal moneys.*
 - (c) *Any interest earnings of the fund shall become a part of the fund and shall not lapse.*
- (5) *Notwithstanding KRS 45.229, moneys in the fund shall not lapse but shall be carried forward to the next fiscal year and used solely for the stated purposes in this section and Section 1 of this Act.*
- (6) *The authority may use up to one-half of one percent (0.5%) of moneys deposited into the fund established by this section for administrative costs resulting from the discharge of its duties under this section and Sections 1 and 3 of this Act.*

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

- (1) *The emergency Kentucky water and wastewater assistance for troubled or economically restrained systems fund is hereby established in the State Treasury and shall be administered by the authority.*
- (2) *The fund shall be a dedicated revolving fund, and all moneys in the fund shall be dedicated to providing funding for both capital and non-capital expenses relating solely to restoring or avoiding imminent interruption of utility service provided by a public water or wastewater system after a statewide state of emergency has been declared pursuant to KRS Chapter 39A or a local state of emergency has been declared for the jurisdiction where the public water or wastewater system is located pursuant to KRS Chapter 39B.*
- (3) *The authority may require a public water or wastewater system to include with its application for funding under this section a corrective action plan detailing how the applicant plans to address any performance deficiencies that may have given rise to the need for the requested funding.*
- (4) *Interest rates for loans awarded pursuant to this section shall be set using the same criteria to set the interest rates for loans from the federally-assisted water supply revolving fund administered by the authority under KRS 224A.1115 and the federally-assisted wastewater revolving fund administered by the authority under KRS 224A.111.*

- (5) (a) *The fund may receive donations, gifts, state appropriations, repayments from the funding provided under subsection (2) of this section, and revenues or proceeds from the sale of bonds or from other financial instruments.*
- (b) *The fund may receive proceeds from the authority's infrastructure revolving fund under KRS 224A.304, as available, if:*
1. *Not contrary to the requirements which establish and govern the management and use of those funds; and*
 2. *The proceeds do not contain any federal moneys.*
- (c) *Any interest earnings of the fund shall become a part of the fund and shall not lapse.*
- (6) *Notwithstanding KRS 45.229, moneys in the fund shall not lapse but shall be carried forward to the next fiscal year and used solely for the stated purposes in this section.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
- (a) *"Acquiring utility" means a public water or wastewater system, or a utility described in KRS 278.010(3)(d) or (f);*
 - (b) *"Cabinet" means the Energy and Environment Cabinet;*
 - (c) *"Commission" means the Public Service Commission;*
 - (d) *"Forbearance period" means a three (3) year period of time that begins on the day that the sale of the public water or wastewater system to the acquiring utility closes;*
 - (e) *"Governing body" means the appointed officials having control and responsibility for the governance of the public water or wastewater system; and*
 - (f) *"Public water or wastewater system" means any of the following that serve a community:*
 1. *A water district, water association, or joint water commission formed under KRS Chapter 74;*
 2. *A sewer district or sanitation district formed under KRS Chapter 67, 76, or 220;*
 3. *A municipal water utility and water works, sewer utility, or sewage system or works, or combined electric and water plant formed under this chapter; and*
 4. *Any combination of two (2) or more of the entities listed in subparagraphs 1. to 3. of this paragraph.*
- (2) *Notwithstanding any provision of law to the contrary, when a public water or wastewater system is sold, the acquiring utility shall have a forbearance period during which the acquiring utility shall:*
- (a) *Not be required to pay any of the acquired public water or wastewater system's fines or penalties imposed for violations of KRS Chapter 224 or 278, or the administrative regulations promulgated thereunder, including any fines and penalties imposed prior to the effective date of this Act;*
 - (b) *Make all necessary improvements to the public water or wastewater system and its public works to correct past violations and bring the water system, wastewater system, or both into compliance with state and federal law; and*
 - (c) *Be given priority for any eligible financing from the Kentucky Infrastructure Authority to correct all deficiencies in the system identified in state and federal violations.*
- (3) *The public water or wastewater system shall maintain and make accessible all books and records associated with the actions taken during the forbearance period to the cabinet, the Kentucky Infrastructure Authority, and the commission to demonstrate compliance with this section. The acquiring utility shall comply with any law requiring audits of its books, records, or operations of its facilities or works.*
- (4) *Within thirty (30) days of receiving a notice of intent to purchase a public water or wastewater system by the governing body or owner of the acquiring utility, the cabinet and the commission shall each prepare and submit a list to the acquiring utility detailing the fines, penalties, and other deficiencies that have accrued to the acquired public water or wastewater system and the length of time that those amounts may be deferred during the forbearance period.*

- (5) *After the forbearance period has expired, the cabinet and the commission shall either:*
- (a) *Waive all fines and penalties incurred prior to the commencement of the forbearance period if all of the deficiencies giving rise to the fines and penalties have been resolved and:*
 - 1. *The deficient public water or wastewater system is placed under a management and operations agreement with all day-to-day management and operations handled by a well-operated utility; or*
 - 2. *The deficient public water or wastewater system is sold to an acquiring utility;*
 - (b) *Proceed to collect all past due fines and penalties if the deficiencies have not been resolved or the deficient public water or wastewater system is not under a management and operations agreement or sold to an acquiring utility; or*
 - (c) *Grant an extension of the forbearance period of no longer than six (6) months if the commission and the cabinet determine that all of the conditions for waiver of fines and penalties in paragraph (a) of this subsection will be satisfied by that time.*

Notwithstanding any provision of law to the contrary, interest or additional charges shall not be imposed by the cabinet or the commission on those accrued amounts during the forbearance period.

- (6) *An acquired public water or wastewater system to which a forbearance period has been applied under this section shall not be eligible for any additional forbearance periods.*

➔Section 5. KRS 224A.316 is amended to read as follows:

- (1) In furtherance of the goal of making access to public water and wastewater systems more resilient and available to the public, the General Assembly finds and declares that governmental agencies should provide to water and wastewater systems the requisite financial resources to:
 - (a) Develop the technical, managerial, and operational expertise needed to properly operate and maintain their drinking water and wastewater systems;
 - (b) Conserve, protect, and maximize the resources needed to offer drinking water and wastewater systems and services;
 - (c) Upgrade drinking water and wastewater systems and services to prevent water loss and inflow and infiltration from degrading infrastructure; and
 - (d) Leverage existing finance with anticipated federal dollars or with other sources as may be available from time to time to create a larger pool of finance for water and wastewater systems to make improvements while keeping customer rates affordable.
- (2) The Kentucky Infrastructure Authority shall implement a program to assist governmental agencies that provide drinking water and wastewater services with the financial resources for both capital and non-capital expenses, including but not limited to:
 - (a) Developing technical, operational, and maintenance resources and expertise;
 - (b) Improving utility infrastructure planning, repair, maintenance, renovation, and management of plants and assets;
 - (c) Obtaining technical expertise in areas of rate-setting, cost-of-service, and proper utility accounting standards for the utility type;
 - (d) Performing and correcting deficiencies from drinking water, wastewater, and financial audits;
 - (e) Providing finance for financial inadequacies, including debt service coverage through relief or refinance of the drinking water or wastewater system's debt;
 - (f) Payment assistance for other financial inadequacies such as excessive maintenance costs, fines and penalties from past violations, or consultants; and
 - (g) Extending finance for inadequately maintained distribution, collection, or treatment works, including service extensions to unserved or underserved areas and the renovation of treatment works to conserve resources.
- (3) The authority shall give priority for projects that are regional in nature and achieve the purposes set out in KRS 224A.300, *including but not limited to projects designed to correct state or federal deficiencies of a*

public water or wastewater system that is being acquired as described in Section 4 of this Act, but only during the forbearance period granted to the acquired public water or wastewater system under that section.

➔Section 6. Whereas it is critical to the communities that depend on their services that opportunities for financial assistance and regulatory relief are available as soon as possible for troubled or economically restrained public water and wastewater systems, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Vetoed in Part and Overridden April 12, 2024.

CHAPTER 186

(HB 581)

AN ACT relating to retail filling stations.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 100 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
- (a) *"Electric vehicle charging station" has the same meaning as in KRS 138.477; and*
 - (b) *"Retail filling station" has the same meaning as in KRS 138.210.*
- (2) *A city, county, urban-county government, charter county, or consolidated local government shall not utilize a zoning process, or adopt or enforce an ordinance, order, regulation, or similar measure that:*
- (a) *Prohibits or limits a retail filling station from locating at any place within its jurisdiction at which other businesses of similar uses or character which serve the public may locate;*
 - (b) *Could be reasonably construed to apply discriminatory treatment to the use or location of retail filling stations; or*
 - (c) *Treats retail filling stations differently than electric vehicle charging stations.*
- (3) *This section shall not prohibit a local jurisdiction identified in subsection (2) of this section from subjecting retail filling stations to restrictions similar to those applicable to other businesses that:*
- (a) *Provide siting requirements, including siting requirements involving certain geographic areas;*
 - (b) *Do not effectively prohibit the operation of a retail filling station; and*
 - (c) *Are not preempted by state or federal law.*

Veto Overridden April 12, 2024.

CHAPTER 187

(HB 622)

AN ACT relating to elections and declaring an emergency.

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

➔Section 1. KRS 118.720 is amended to read as follows:

When an election is to be held to fill a vacancy in the office of representative in Congress, *or in the office of United States Senator*, a proclamation therefor, in lieu of a writ of election, shall be issued and signed by the Governor and shall be directed to the proper sheriffs. The proclamation shall be published by the sheriffs as required by KRS

118.750. *The candidate who is certified as the winner of the special election shall hold the position of the office of which he or she has been elected for the remainder of the unexpired term.*

➔Section 2. KRS 118.740 is amended to read as follows:

- (1) A copy of a proclamation issued under KRS 118.710 or 118.720, or a writ of election issued under KRS~~{ 63.200,}~~ 67C.103, 118.730, 120.205, or 120.215 shall be forwarded by mail to the sheriff of each county in the district in which the election is to be held, at least fifty-six (56) days before the election. The sheriff of each county in which an election is to be held shall give notice at least forty-nine (49) days before the day of election. If, from any cause, the sheriff cannot properly act, he or she shall immediately hand the writ or proclamation to the person authorized to act in his or her place.
- (2) If a special election is administered under KRS 118.730(2), the notice required by subsection (1) of this section shall include the location of the election.

➔Section 3. KRS 118.770 is amended to read as follows:

When a writ of election or proclamation is issued to fill a vacancy as prescribed in KRS~~{ 63.200,}~~ 118.710, 118.720, or 118.730, independent, or political organization, or political group petitions and certificates of nomination shall be filed at least forty-nine (49) days before the day of election, and if filed with the Secretary of State shall be immediately certified by him or her to the proper county clerks~~{, except as may be provided under KRS 63.200.}~~.

➔Section 4. The following KRS section is repealed:

63.200 United States Senator -- Procedures for filling of vacancy.

➔Section 5. Whereas it is critically important to safeguard the fundamental right to vote, and it is a reasonable legislative task to ensure the citizens of the Commonwealth can elect their United States Senator in the event of a vacancy, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Veto Overridden April 12, 2024.

CHAPTER 188

(HB 723)

AN ACT relating to economic relief for local communities of the Commonwealth and declaring an emergency.

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

➔SECTION 1. SUBCHAPTER 14 OF KRS CHAPTER 154 IS ESTABLISHED, AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

The Government Resources Accelerating Needed Transformation Program of 2024 is intended exclusively for the federal grants identified or administered by the United States Department of Housing and Urban Development, the Delta Regional Authority, or the federal agencies that comprise the Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization established by Presidential Executive Order 14008, issued on January 27, 2021.

➔SECTION 2. A NEW SECTION OF SUBCHAPTER 14 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

As used in this subchapter:

- (1) *"Cabinet" means the Cabinet for Economic Development;*
- (2) *"Commission" means the GRANT Commission established in Section 8 of this Act;*
- (3) *"County population ranking" means the score of each county determined by the cabinet under subsection (7) of Section 5 of this Act;*
- (4) *"Eligible grant recipient" means a grant applicant that is a county or city governing body or nonprofit charitable organization organized under 26 U.S.C. sec. 501(c)(3) and engaged in public benefit improvements;*

- (5) *"Eligible project" means a project that:*
- (a) *Benefits the public or substantially benefits the public and satisfies the evaluation criteria in Section 5 of this Act and that is initiated on:*
 1. *Publicly owned property;*
 2. *Property to be acquired, which comes with either a:*
 - a. *Legally binding letter of intent or option for the sale to an eligible grant recipient; or*
 - b. *Legally binding sale agreement for the sale to an eligible grant recipient; or*
 3. *Private property on which a project is located that is in the public interest and for a public purpose and that benefits an eligible community; and*
 - (b) *Requires local matching funds based on the county population ranking as provided in Section 5 of this Act;*
- (6) *"Eligible use" means the authorized purpose for which an awarded grant may be used depending on the source of funds from the Commonwealth;*
- (7) *"Interagency Working Group" means the Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization established by Presidential Executive Order 14008, issued on January 27, 2021;*
- (8) *"Population density":*
- (a) *Means the number of persons per square mile of a county;*
 - (b) *Is calculated by dividing the total county population by the square miles in the county;*
 - (c) *Is determined by using the population estimate from the most recent available five (5) year American Community Survey as published by the United States Census Bureau; and*
 - (d) *Is used to rank each county in descending order, with the county having the largest population density receiving a rank of one (1) and the county with the smallest population density receiving a rank of one hundred twenty (120);*
- (9) *"Regional project" means an eligible project that is proposed by eligible grant recipients residing or having a primary business address in different counties in this Commonwealth who submit a single grant application; and*
- (10) *"Ten (10) year percentage change in population":*
- (a) *Means the percentage change in population within a county;*
 - (b) *Is determined by comparing the population estimate from the most recent available five (5) year American Community Survey as published by the United States Census Bureau to the same survey ten (10) years prior to the most recent available survey; and*
 - (c) *Is used to rank each county in descending order, with the county having the largest positive percentage change in population receiving a rank of one (1) and the county with the largest negative percentage change receiving a rank of one hundred twenty (120).*

➔SECTION 3. A NEW SECTION OF SUBCHAPTER 14 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

- (1) *The Government Resources Accelerating Needed Transformation Program of 2024 is hereby established under the cabinet, subject to the approval of the commission established in Section 8 of this Act. The cabinet's administration of the program includes but is not limited to the following:*
- (a) *Creating and making available a standardized grant application and a regional grant application for the obligation of state funds under this subchapter to apply for matching federal funds;*
 - (b) *Developing a standardized scoring system pursuant to this section and Section 5 of this Act;*
 - (c) *Reviewing and processing the applications submitted by the proposed eligible grant recipients to the cabinet;*

- (d) *Verifying and determining whether a match applicant is an eligible grant recipient that is seeking a federal grant for an eligible project;*
 - (e) *Evaluating the project proposed by the match application in accordance with the evaluation criteria set forth in this section and Section 5 of this Act;*
 - (f) *Scoring each match application pursuant to the scoring system described in Section 5 of this Act;*
 - (g) *Ranking each match application:*
 - 1. *To prioritize the greatest return on investment and relative positive impact of the eligible project; and*
 - 2. *Based on the project evaluation and the project score described in this section and Section 5 of this Act;*
 - (h) *Compiling a list of proposed match applicants whose eligible project demonstrates a high level of investment potential if a match is provided, as revealed by the evaluation, scoring, and ranking process described in this section and Section 5 of this Act;*
 - (i) *Providing detailed feedback to the match applicants after the project evaluation and project score are completed and the match application is approved or denied by the cabinet, unless otherwise prohibited by federal or state law;*
 - (j) *Obligating matching funds to selected eligible grant recipients;*
 - (k) *Compiling the monthly report to be submitted under Section 7 of this Act; and*
 - (l) *Compiling the annual report to be submitted under Section 7 of this Act.*
- (2) *The cabinet shall determine the terms, conditions, and requirements of application for match funds awarded from the Government Resources Accelerating Needed Transformation Program of 2024 fund. The cabinet may establish procedures and standards for the review and approval of obligation of match funds through the promulgation of administrative regulations in accordance with KRS Chapter 13A. By December 1, 2024, the cabinet shall submit recommended legislative changes to the Legislative Research Commission for referral to and for consideration by the Senate Standing Committee on Appropriations and Revenue and the House Standing Committee on Appropriations and Revenue or the Interim Joint Committee on Appropriations and Revenue.*
- (3) *The secretary of the cabinet shall have the authority to hire staff, contract for services, expend funds, and operate the normal business activities of the Government Resources Accelerating Needed Transformation Program of 2024. Notwithstanding KRS Chapter 45A, the cabinet may contract with a third party for implementation and administration of the program.*
- (4) *The Government Resources Accelerating Needed Transformation Program of 2024 as provided in this subchapter shall sunset on December 31, 2026, unless authorized by the General Assembly to continue its work for a specified period of time.*
- (5) *The Kentucky Council of Area Development Districts and local area development districts shall assist eligible grant recipients in identifying available federal grant opportunities and preparing federal grant applications and Government Resources Accelerating Needed Transformation Program of 2024 applications. Nothing in this subsection shall prevent any public agency or nonprofit entity from assisting eligible grant recipients in identifying available federal grant opportunities and preparing federal grant applications and Government Resources Accelerating Needed Transformation Program of 2024 applications.*
- (6) *Upon request of the local area development districts, a local public institution in the postsecondary education system as defined in KRS 164.001 shall assist the eligible grant recipients in their area by including but not limited to:*
- (a) *Identifying opportunities for federal grants;*
 - (b) *Rendering supplemental support for federal grant applications on behalf of the communities including but not limited to providing data and analysis for the federal grant application; or*
 - (c) *Acting as the contact person for the local public institution to the Kentucky Council of Area Development Districts and to the area development district in which the local public institution is located and updating the contact person information.*

➔SECTION 4. A NEW SECTION OF SUBCHAPTER 14 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

- (1)
 - (a) *To participate in the Government Resources Accelerating Needed Transformation Program of 2024, grant applicants shall submit either a standardized or a regional application to the cabinet for consideration by the commission.*
 - (b) *The cabinet shall provide a preliminary evaluation of the application within five (5) business days of receipt of the application. As part of the preliminary evaluation, the cabinet shall consider the following:*
 1. *Applicant's eligibility when evaluated against the requirements of the federal grant; and*
 2. *Application completeness when evaluated against the requirements of the federal grant.*
 - (c) *The cabinet shall provide a final decision of approval or denial on the application within twenty-one (21) calendar days of receipt of the application.*
- (2) *If a grant application is selected as an eligible match recipient approved under this subchapter, it shall comply with any match agreement and reporting requirements deemed necessary by the cabinet to verify that the awarded funds to go toward an eligible use.*
- (3) *If the selected match recipient fails to comply with subsection (2) of this section or uses the awarded match money for any purpose other than an eligible use, the selected eligible match recipient shall forfeit and be liable to the cabinet for the full award amount.*

➔SECTION 5. A NEW SECTION OF SUBCHAPTER 14 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

- (1) *The cabinet shall identify and certify the areas for grant funding designated by the United States Department of Housing and Urban Development, Delta Regional Authority or Interagency Working Group as a priority for obligation of match funds. Any area in Kentucky that is eligible for federal grant resources, but is not a United States Department of Housing and Urban Development, a Delta Regional Authority, or an Interagency Working Group designated community, may be eligible for obligation of state funds under this section. The cabinet shall not approve a project unless it finds that the project is in the public interest and the grant funds will be used for a public purpose. For purposes of this subsection, projects that are in the public interest and for a public purpose can include a derivative private benefit, if the cabinet finds the following:*
 - (a) *The project will enhance a community or region;*
 - (b) *The granting entity for which the cabinet's matching grant is being used requires a public purpose for grant eligibility; or*
 - (c) *The cabinet in its judgment concludes the proposal will enhance the quality of life or services in a community or region.*
- (2) *The cabinet shall evaluate each applicant's eligible project according to the criteria described in this section for the purpose of compiling a recommendation and score for the eligible project pursuant to this section.*
- (3) *If a match applicant is selected as an eligible grant recipient approved under the Government Resources Accelerating Needed Transformation Program of 2024, it shall comply with any incentive agreements and reporting requirements deemed necessary by the cabinet to verify that the awarded grant shall go toward an eligible use.*
- (4) *In the administration of the Government Resources Accelerating Needed Transformation Program of 2024, the cabinet shall develop a scoring system for the project proposed by each match applicant based on the total projected return on investment and the relative positive impact in the community.*
- (5) *The scoring system shall include a:*
 - (a) *Score in each category as specified in subsection (6) of this section; and*
 - (b) *Total weighted score, which is the average of the scores in each category.*
- (6) *The scoring categories shall include but are not limited to:*
 - (a) *Projected return on investment the project will yield, which includes an assessment of the:*

1. *Likelihood of project completion both with the cabinet's funding and without;*
 2. *Application content when evaluated against the federal grant program's publicly available scoring rubric or evaluation criteria, if any;*
 3. *Projected gross economic impact of the proposed project on the community;*
 4. *Projected number of jobs created by the proposed project and subsequent impact on the community;*
 5. *Determination of the cost of the project based on the cost expended by the cabinet if it obligates the requested grant amount to the applicant;*
 6. *Evidence of community support for the project;*
 7. *Likelihood that the applicant can successfully manage the federal grant's administration requirements; and*
 8. *Likelihood of success based on a federal agency prioritization of a particular applicant; and*
- (b) *Overall positive impact the project will have on the surrounding community as evidenced by clear and feasible projected outcomes of the grant-funded project.*
- (7) (a) *On or before May 1, 2024, and not later than May 1 every two (2) years thereafter, the cabinet shall determine a county population ranking for each county by adding the following two (2) factors:*
1. *The population density ranking; and*
 2. *The ten (10) year percentage change in population ranking.*
- (b) *The required local match for each county shall be as follows:*
1. *Eligible projects in counties where the county population ranking is greater than or equal to one hundred ninety-three (193) shall provide a minimum amount of local matching funds equal to one percent (1%) of the state match;*
 2. *Eligible project in counties where the county population ranking is less than one hundred ninety-three (193) but greater than or equal to one hundred forty-five (145) shall provide a minimum amount of local matching funds equal to two percent (2%) of the state match;*
 3. *Eligible project in counties where the county population ranking is less than one hundred forty-five (145) but greater than or equal to ninety-seven (97) shall provide a minimum amount of local matching funds equal to three percent (3%) of the state match;*
 4. *Eligible project in counties where the county population ranking is less than ninety-seven (97) but greater than or equal to forty-nine (49) shall provide a minimum amount of local matching funds equal to four percent (4%) of the state match; and*
 5. *Eligible project in counties where the county population ranking is less than forty-nine (49) shall provide a minimum amount of local matching funds equal to five percent (5%) of the state match.*
- (c) *On or before November 1, 2024, and no later than November 1 every two (2) years thereafter, the cabinet shall report to the Legislative Research Commission and the Interim Joint Committee on Appropriation and Revenue the following information for each county:*
1. *The county name;*
 2. *The population density ranking for that county;*
 3. *The ten (10) year percentage change in population ranking for that county; and*
 4. *The county population ranking for that county.*
- (8) (a) *For selected eligible grant recipients that are involved in a regional project, the cabinet may pool the potential allocation of funds available for each county represented by the eligible grant recipients for the grant amount awarded.*
- (b) *A county that is an eligible grant recipient involved in a regional project shall provide that county's local matching funds based on the county population ranking determined under subsection (7) of*

this section and each county's local matching funds may be pooled as described in paragraph (a) of this subsection.

- (9) *Beginning no later than November 1, 2024, and annually thereafter until the authorized appropriation is spent or returned, the cabinet shall compile and submit a report for each application approved by the GRANT Commission established in Section 8 of this Act for the Government Resources Accelerating Needed Transformation Program of 2024. The report shall be electronically delivered to the Legislative Research Commission and the Interim Joint Committee on Appropriations and Revenue and contain the following information:*
- (a) *The name of the applicant, a description of the eligible project, and the location of each proposed project for which an application was approved;*
 - (b) *The date the application was approved by the GRANT Commission;*
 - (c) *The amount of funding authorized for each project approved;*
 - (d) *The total amount of funding disbursed for each project approved; and*
 - (e) *The round of funding for which each project received approval.*
- (10) *The Government Resources Accelerating Needed Transformation Program of 2024 shall begin April 15, 2024. The cabinet shall begin accepting applications for the program on May 15, 2024.*

➔SECTION 6. A NEW SECTION OF SUBCHAPTER 14 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

- (1) *There is hereby established in the State Treasury a trust and agency account to be known as the Government Resources Accelerating Needed Transformation Program of 2024 fund. The fund shall consist of moneys received from state appropriations, gifts, grants, and federal funds.*
- (2) *The fund shall be administered and maintained by the cabinet.*
- (3) *Amounts deposited in the fund shall be used for awarding:*
 - (a) *Matching funds to applicants of the Government Resources Accelerating Needed Transformation Program of 2024 upon notification of award of the federal grant requiring matching funds. Up to twenty percent (20%) of the amounts deposited in the fund shall be used for match awards for nonprofit charitable organizations organized under 26 U.S.C. sec. 501(c)(3); and*
 - (b) *Matching funds to applicants of the Government Resources Accelerating Needed Transformation Program of 2024 upon notification of award of the federal grant requiring matching funds. Up to eighty percent (80%) of the amounts deposited in the fund shall be used for match awards to county or city governing bodies.*
- (4) *Notwithstanding KRS 45.229, moneys in the account not expended at the close of a fiscal year shall not lapse but shall be carried forward into the next fiscal year.*
- (5) *Any interest earnings of the fund shall become a part of the fund and shall not lapse.*
- (6) *Moneys deposited in the fund are hereby appropriated for the purposes set forth in this section and shall not be appropriated or transferred by the General Assembly for any other purposes.*
- (7) *Any match funds awarded under subsection (3) of this section shall be canceled upon denial of the federal award.*
- (8) *On or after June 30, 2024, any unencumbered moneys in the fund established in Section 10 of this Act, shall be transferred to the Government Resources Accelerating Needed Transformation Program of 2024 fund administered by the Cabinet for Economic Development created in this section.*

➔SECTION 7. A NEW SECTION OF SUBCHAPTER 14 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *By June 1, 2024, the cabinet shall submit a monthly report on eligible project applications to the Governor and the Senate Standing Committee on Appropriations and Revenue and the House Standing Committee on Appropriations and Revenue, or the Interim Joint Committee on Appropriations and Revenue, and make the reports available on the cabinet's website.*

- (b) *The monthly report shall be a summary of the eligible project applications and shall include but not be limited to the following:*
1. *A list of all match applicants;*
 2. *The identity of applicants who were not selected for obligation of match funds;*
 3. *Trends found in feedback given to applicants who were not selected for obligation of match funds;*
 4. *Eligible uses of the projects cited in the match applications;*
 5. *The date of the application;*
 6. *The date of receipt of the application by the cabinet;*
 7. *A description of the federal grant funds applied for by the applicant;*
 8. *A description of the title, subject matter, preliminary evaluation, and scoring tally of the eligible project;*
 9. *The date of the cabinet's preliminary evaluation;*
 10. *The amount of moneys requested, and the amount of moneys approved or denied for each application;*
 11. *The date of the cabinet's final decision on obligation of the match funds, the date of the federal grant approval or denial, and whether the eligible project was approved or denied; and*
 12. *Any other information requested by the cabinet.*
- (2) *By November 1, 2024, and annually thereafter until November 1, 2026, the cabinet shall prepare an annual report of the Government Resources Accelerating Needed Transformation Program of 2024 to be submitted to the Governor and the Interim Joint Committee on Appropriations and Revenue and made available on the cabinet's website. The annual report shall include but not be limited to the following:*
- (a) *A summary of the monthly reports and the match applications received and relevant statistics relating to actions taken by the cabinet and grants awarded, including the applicant, award amount, and the purpose of the funding;*
 - (b) *The current balance of the Government Resources Accelerating Needed Transformation Program of 2024 fund;*
 - (c) *Recommendations regarding appropriations to the Government Resources Accelerating Needed Transformation Program of 2024 fund for the upcoming fiscal year; and*
 - (d) *Recommendations for legislation or policy actions needed to facilitate greater receipt of grant funding to eligible grant recipients.*

➔SECTION 8. A NEW SECTION OF SUBCHAPTER 14 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

- (1) *There is hereby established the GRANT Commission. The commission shall be administratively attached to the Cabinet for Economic Development.*
- (2) (a) *The commission shall consist of the following seven (7) voting members:*
1. *The Attorney General or his or her designee;*
 2. *The Auditor of Public Accounts or his or her designee;*
 3. *The secretary of the Cabinet for Economic Development or his or her designee;*
 4. *The Secretary of State or his or her designee;*
 5. *The State Treasurer or his or her designee; and*
 6. *Two (2) members appointed by the Governor.*
- (b) *Each member appointed by the Governor shall serve for a term of four (4) years, except that in making the initial appointments, the Governor shall appoint two (2) members to serve for two (2) years. All succeeding appointments shall be for a term of four (4) years.*

- (3) *The commission shall elect the chair and vice chair from its membership every two (2) years. In the absence or vacancy of the chair, the vice chair shall serve as chair.*
- (4) *All members shall be registered voters of Kentucky.*
- (5)
 - (a) *Meetings of the commission shall be conducted according to KRS 61.805 to 61.850.*
 - (b) *The commission shall meet at least twice within each calendar year.*
 - (c) *Four (4) voting members of the commission shall constitute a quorum for the transaction of business.*
 - (d) *Each member of the commission shall have one (1) vote, with all actions being taken by an affirmative vote of the majority of members present.*
- (6) *The cabinet shall provide staff and support services to the commission and shall direct and supervise its administrative affairs and general management subject to the policies, control, and direction of the commission.*
- (7) *Notwithstanding KRS 12.028, the commission shall not be subject to reorganization by the Governor.*

➔Section 9. KRS 147A.154 is amended to read as follows:

- (1) The Government Resources Accelerating Needed Transformation Program is hereby established under the department. The department's administration of the program includes but is not limited to the following:
 - (a) Creating and making available a standardized grant application and a regional grant application;
 - (b) Developing a standardized scoring system pursuant to KRS 147A.162;
 - (c) Reviewing and processing the applications and proposals submitted by the proposed grant recipients;
 - (d) Verifying and determining whether a grant applicant is an eligible grant recipient and seeking a grant for an eligible project;
 - (e) Evaluating the project proposed by the grant application in accordance with the evaluation criteria set forth in KRS 147A.160;
 - (f) Scoring each grant application project pursuant to the scoring system described in KRS 147A.162;
 - (g) Ranking each grant application:
 - 1. To prioritize the greatest return on investment and relative positive impact on the priority community; and
 - 2. Based on the project evaluation and the project score described in KRS 147A.160 and 147A.162;
 - (h) Compiling a list of proposed grant recipients whose eligible project demonstrates a high level of investment potential if a grant is made, as revealed by the evaluation, scoring, and ranking process described in this section and KRS 147A.160 and 147A.162;
 - (i) Providing detailed feedback to the grant applicants after the project evaluation and project score are completed;
 - (j) Awarding matching grants to selected eligible grant recipients; and
 - (k) Compiling for the annual report submitted under KRS 147A.164 the following information about the project:
 - 1. A list of all program applicants;
 - 2. The identity of applicants who were not selected for recommendation;
 - 3. Trends found in feedback given to applicants who were not selected for recommendation;
 - 4. Eligible uses of the projects cited in the grant applications; and
 - 5. Any other information requested by the department.
- (2) The department shall determine the terms, conditions, and requirements of application for grant funds awarded from the Government Resources Accelerating Needed Transformation Program fund. The department may establish procedures and standards for the review and approval of eligible grant awards through the promulgation of administrative regulations in accordance with KRS Chapter 13A.

- (3) The commissioner of the department shall have the authority to hire staff, contract for services, expend funds, and operate the normal business activities of the Government Resources Accelerating Needed Transformation Program.
- (4) The Government Resources Accelerating Needed Transformation Program shall sunset on **April 15, 2025**. ***The department shall not accept any application or obligate any funds under Section 10 of this Act on or after April 15, 2024***~~December 31, 2026, unless authorized by the General Assembly to continue its work for a specified period of time~~.
- (5) The Kentucky Council of Area Development Districts and local area development districts shall assist priority communities in identifying available grant opportunities and preparing Government Resources Accelerating Needed Transformation Program applications. Nothing in this subsection prevents any public agency or nonprofit entity from assisting priority communities in identifying and preparing Government Resources Accelerating Needed Transformation Program applications.

➔Section 10. KRS 147A.158 is amended to read as follows:

- (1) There is hereby established in the State Treasury a trust and agency account to be known as the Government Resources Accelerating Needed Transformation Program fund. The fund shall consist of moneys received from state appropriations, gifts, grants, and federal funds.
- (2) The fund shall be administered and maintained by the department.
- (3) Amounts deposited in the fund shall be used for:
 - (a) Awarding matching fund grants to applicants of the Government Resources Accelerating Needed Transformation Program upon notification of award of the federal grant requiring matching funds; and
 - (b) Administration of the program.
- (4) Notwithstanding KRS 45.229, moneys in the account not expended at the close of a fiscal year shall not lapse but shall be carried forward into the next fiscal year.
- (5) Any interest earnings of the fund shall become a part of the fund and shall not lapse.
- (6) Moneys deposited in the fund are hereby appropriated for the purposes set forth in this section and shall not be appropriated or transferred by the General Assembly for any other purposes.
- (7) Any amounts obligated under subsection (3)(a) of this section shall be canceled upon denial of the federal award.
- (8) By December 1, 2023, and annually thereafter until **December 1, 2024**~~December 1, 2026~~, the department shall prepare an annual report detailing the expenditures for the administration of the program from the fund, which shall be included in the annual report submitted under KRS 147A.164.
- (9) ***Any moneys in the fund on or after June 30, 2024, shall be transferred to the Government Resources Accelerating Needed Transformation Program of 2024 fund administered by the Cabinet for Economic Development created in Section 6 of this Act.***

➔Section 11. KRS 12.020 (Effective until July 1, 2024) is amended to read as follows:

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

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

- (1) The Governor.
- (2) Lieutenant Governor.
- (3) Department of State.

- (a) Secretary of State.
 - (b) Board of Elections.
 - (c) Registry of Election Finance.
 - (4) Department of Law.
 - (a) Attorney General.
 - (5) Department of the Treasury.
 - (a) Treasurer.
 - (6) Department of Agriculture.
 - (a) Commissioner of Agriculture.
 - (b) Agricultural Development Board.
 - (c) Kentucky Agricultural Finance Corporation.
 - (7) Auditor of Public Accounts.
- II. Program cabinets headed by appointed officers:
- (1) Justice and Public Safety Cabinet:
 - (a) Department of Kentucky State Police.
 - 1. Office of Administrative Services.
 - a. Division of Operational Support.
 - b. Division of Management Services.
 - 2. Office of Operations.
 - a. Division of West Troops.
 - b. Division of East Troops.
 - c. Division of Special Enforcement.
 - d. Division of Commercial Vehicle Enforcement.
 - 3. Office of Technical Services.
 - a. Division of Forensic Sciences.
 - b. Division of Electronic Services.
 - c. Division of Records Management.
 - (b) Department of Criminal Justice Training.
 - (c) Department of Corrections.
 - (d) Department of Juvenile Justice.
 - (e) Office of the Secretary.
 - (f) Office of Drug Control Policy.
 - (g) Office of Legal Services.
 - (h) Office of the Kentucky State Medical Examiner.
 - (i) Parole Board.
 - (j) Kentucky State Corrections Commission.
 - (k) Office of Legislative and Intergovernmental Services.
 - (l) Office of Human Resource Management.
 - 1. Division of Human Resource Administration.

2. Division of Employee Management.
- (m) Department of Public Advocacy.
- (n) Office of Communications.
 1. Information Technology Services Division.
- (o) Office of Financial Management Services.
 1. Division of Financial Management.
- (p) Grants Management Division.
- (2) Energy and Environment Cabinet:
 - (a) Office of the Secretary.
 1. Office of Legislative and Intergovernmental Affairs.
 2. Office of Legal Services.
 - a. Legal Division I.
 - b. Legal Division II.
 3. Office of Administrative Hearings.
 4. Office of Communication.
 5. Mine Safety Review Commission.
 6. Office of Kentucky Nature Preserves.
 7. Kentucky Public Service Commission.
 - (b) Department for Environmental Protection.
 1. Office of the Commissioner.
 2. Division for Air Quality.
 3. Division of Water.
 4. Division of Environmental Program Support.
 5. Division of Waste Management.
 6. Division of Enforcement.
 7. Division of Compliance Assistance.
 - (c) Department for Natural Resources.
 1. Office of the Commissioner.
 2. Division of Mine Permits.
 3. Division of Mine Reclamation and Enforcement.
 4. Division of Abandoned Mine Lands.
 5. Division of Oil and Gas.
 6. Division of Mine Safety.
 7. Division of Forestry.
 8. Division of Conservation.
 9. Office of the Reclamation Guaranty Fund.
 - (d) Office of Energy Policy.
 1. Division of Energy Assistance.
 - (e) Office of Administrative Services.

1. Division of Human Resources Management.
 2. Division of Financial Management.
 3. Division of Information Services.
- (3) Public Protection Cabinet.
- (a) Office of the Secretary.
 1. Office of Communications and Public Outreach.
 2. Office of Legal Services.
 - a. Insurance Legal Division.
 - b. Charitable Gaming Legal Division.
 - c. Alcoholic Beverage Control Legal Division.
 - d. Housing, Buildings and Construction Legal Division.
 - e. Financial Institutions Legal Division.
 - f. Professional Licensing Legal Division.
 3. Office of Administrative Hearings.
 4. Office of Administrative Services.
 - a. Division of Human Resources.
 - b. Division of Fiscal Responsibility.
 - (b) Office of Claims and Appeals.
 1. Board of Tax Appeals.
 2. Board of Claims.
 3. Crime Victims Compensation Board.
 - (c) Kentucky Boxing and Wrestling Commission.
 - (d) Kentucky Horse Racing Commission.
 1. Office of Executive Director.
 - a. Division of Pari-mutuel Wagering and Compliance.
 - b. Division of Stewards.
 - c. Division of Licensing.
 - d. Division of Enforcement.
 - e. Division of Incentives and Development.
 - f. Division of Veterinary Services.
 - (e) Department of Alcoholic Beverage Control.
 1. Division of Distilled Spirits.
 2. Division of Malt Beverages.
 3. Division of Enforcement.
 - (f) Department of Charitable Gaming.
 1. Division of Licensing and Compliance.
 2. Division of Enforcement.
 - (g) Department of Financial Institutions.
 1. Division of Depository Institutions.

2. Division of Non-Depository Institutions.
3. Division of Securities.
- (h) Department of Housing, Buildings and Construction.
 1. Division of Fire Prevention.
 2. Division of Plumbing.
 3. Division of Heating, Ventilation, and Air Conditioning.
 4. Division of Building Code Enforcement.
- (i) Department of Insurance.
 1. Division of Health and Life Insurance and Managed Care.
 2. Division of Property and Casualty Insurance.
 3. Division of Administrative Services.
 4. Division of Financial Standards and Examination.
 5. Division of Licensing.
 6. Division of Insurance Fraud Investigation.
 7. Division of Consumer Protection.
- (j) Department of Professional Licensing.
 1. Real Estate Authority.
- (4) Transportation Cabinet:
 - (a) Department of Highways.
 1. Office of Project Development.
 2. Office of Project Delivery and Preservation.
 3. Office of Highway Safety.
 4. Highway District Offices One through Twelve.
 - (b) Department of Vehicle Regulation.
 - (c) Department of Aviation.
 - (d) Department of Rural and Municipal Aid.
 1. Office of Local Programs.
 2. Office of Rural and Secondary Roads.
 - (e) Office of the Secretary.
 1. Office of Public Affairs.
 2. Office for Civil Rights and Small Business Development.
 3. Office of Budget and Fiscal Management.
 4. Office of Inspector General.
 5. Secretary's Office of Safety.
 - (f) Office of Support Services.
 - (g) Office of Transportation Delivery.
 - (h) Office of Audits.
 - (i) Office of Human Resource Management.
 - (j) Office of Information Technology.

- (k) Office of Legal Services.
- (5) Cabinet for Economic Development:
 - (a) Office of the Secretary.
 - 1. Office of Legal Services.
 - 2. Department for Business and Community Development.
 - a. Development and Retention Division - West Kentucky.
 - b. Development, Retention, and Administrative Division - Central and East Kentucky.
 - c. Community and Workforce Development Division.
 - 3. Department for Financial Services.
 - a. Kentucky Economic Development Finance Authority.
 - b. Finance and Personnel Division.
 - c. IT and Resource Management Division.
 - d. Compliance Division.
 - e. Program Administration Division.
 - f. Bluegrass State Skills Corporation.
 - g. ***The GRANT Commission.***
 - 4. Office of Strategy and Public Affairs.
 - a. Marketing and Communications Division.
 - b. Research and Strategy Division.
 - 5. Office of Entrepreneurship and Innovation.
 - a. Commission on Small Business Innovation and Advocacy.
- (6) Cabinet for Health and Family Services:
 - (a) Office of the Secretary.
 - 1. Office of the Ombudsman and Administrative Review.
 - 2. Office of Public Affairs.
 - 3. Office of Legal Services.
 - 4. Office of Inspector General.
 - 5. Office of Human Resource Management.
 - 6. Office of Finance and Budget.
 - 7. Office of Legislative and Regulatory Affairs.
 - 8. Office of Administrative Services.
 - 9. Office of Application Technology Services.
 - 10. Office of Data Analytics.
 - (b) Department for Public Health.
 - (c) Department for Medicaid Services.
 - (d) Department for Behavioral Health, Developmental and Intellectual Disabilities.
 - (e) Department for Aging and Independent Living.
 - (f) Department for Community Based Services.
 - (g) Department for Income Support.

- (h) Department for Family Resource Centers and Volunteer Services.
- (i) Office for Children with Special Health Care Needs.
- (7) Finance and Administration Cabinet:
 - (a) Office of the Secretary.
 - (b) Office of the Inspector General.
 - (c) Office of Legislative and Intergovernmental Affairs.
 - (d) Office of General Counsel.
 - (e) Office of the Controller.
 - (f) Office of Administrative Services.
 - (g) Office of Policy and Audit.
 - (h) Department for Facilities and Support Services.
 - (i) Department of Revenue.
 - (j) Commonwealth Office of Technology.
 - (k) State Property and Buildings Commission.
 - (l) Office of Equal Employment Opportunity and Contract Compliance.
 - (m) Kentucky Employees Retirement Systems.
 - (n) Commonwealth Credit Union.
 - (o) State Investment Commission.
 - (p) Kentucky Housing Corporation.
 - (q) Kentucky Local Correctional Facilities Construction Authority.
 - (r) Kentucky Turnpike Authority.
 - (s) Historic Properties Advisory Commission.
 - (t) Kentucky Higher Education Assistance Authority.
 - (u) Kentucky River Authority.
 - (v) Kentucky Teachers' Retirement System Board of Trustees.
 - (w) Executive Branch Ethics Commission.
 - (x) Office of Fleet Management.
- (8) Tourism, Arts and Heritage Cabinet:
 - (a) Kentucky Department of Tourism.
 - 1. Division of Tourism Services.
 - 2. Division of Marketing and Administration.
 - 3. Division of Communications and Promotions.
 - (b) Kentucky Department of Parks.
 - 1. Division of Information Technology.
 - 2. Division of Human Resources.
 - 3. Division of Financial Operations.
 - 4. Division of Purchasing.
 - 5. Division of Facilities.
 - 6. Division of Park Operations.

7. Division of Sales, Marketing, and Customer Service.
 8. Division of Engagement.
 9. Division of Food Services.
 10. Division of Rangers.
- (c) Department of Fish and Wildlife Resources.
1. Division of Law Enforcement.
 2. Division of Administrative Services.
 3. Division of Engineering, Infrastructure, and Technology.
 4. Division of Fisheries.
 5. Division of Information and Education.
 6. Division of Wildlife.
 7. Division of Marketing.
- (d) Kentucky Horse Park.
1. Division of Support Services.
 2. Division of Buildings and Grounds.
 3. Division of Operational Services.
- (e) Kentucky State Fair Board.
1. Office of Administrative and Information Technology Services.
 2. Office of Human Resources and Access Control.
 3. Division of Expositions.
 4. Division of Kentucky Exposition Center Operations.
 5. Division of Kentucky International Convention Center.
 6. Division of Public Relations and Media.
 7. Division of Venue Services.
 8. Division of Personnel Management and Staff Development.
 9. Division of Sales.
 10. Division of Security and Traffic Control.
 11. Division of Information Technology.
 12. Division of the Louisville Arena.
 13. Division of Fiscal and Contract Management.
 14. Division of Access Control.
- (f) Office of the Secretary.
1. Office of Finance.
 2. Office of Government Relations and Administration.
- (g) Office of Legal Affairs.
- (h) Office of Human Resources.
- (i) Office of Public Affairs and Constituent Services.
- (j) Office of Arts and Cultural Heritage.
- (k) Kentucky African-American Heritage Commission.

- (l) Kentucky Foundation for the Arts.
 - (m) Kentucky Humanities Council.
 - (n) Kentucky Heritage Council.
 - (o) Kentucky Arts Council.
 - (p) Kentucky Historical Society.
 - 1. Division of Museums.
 - 2. Division of Oral History and Educational Outreach.
 - 3. Division of Research and Publications.
 - 4. Division of Administration.
 - (q) Kentucky Center for the Arts.
 - 1. Division of Governor's School for the Arts.
 - (r) Kentucky Artisans Center at Berea.
 - (s) Northern Kentucky Convention Center.
 - (t) Eastern Kentucky Exposition Center.
- (9) Personnel Cabinet:
- (a) Office of the Secretary.
 - (b) Department of Human Resources Administration.
 - (c) Office of Employee Relations.
 - (d) Kentucky Public Employees Deferred Compensation Authority.
 - (e) Office of Administrative Services.
 - (f) Office of Legal Services.
 - (g) Governmental Services Center.
 - (h) Department of Employee Insurance.
 - (i) Office of Diversity, Equality, and Training.
 - (j) Office of Public Affairs.
- (10) Education and Labor Cabinet:
- (a) Office of the Secretary.
 - 1. Office of Legal Services.
 - a. Workplace Standards Legal Division.
 - b. Workers' Claims Legal Division.
 - c. Workforce Development Legal Division.
 - 2. Office of Administrative Services.
 - a. Division of Human Resources Management.
 - b. Division of Fiscal Management.
 - c. Division of Operations and Support Services.
 - 3. Office of Technology Services.
 - a. Division of Information Technology Services.
 - 4. Office of Policy and Audit.
 - 5. Office of Legislative Services.

6. Office of Communications.
 7. Office of the Kentucky Center for Statistics.
 8. Board of the Kentucky Center for Statistics.
 9. Early Childhood Advisory Council.
 10. Governors' Scholars Program.
 11. Governor's School for Entrepreneurs Program.
 12. Foundation for Adult Education.
- (b) Department of Education.
1. Kentucky Board of Education.
 2. Kentucky Technical Education Personnel Board.
 3. Education Professional Standards Board.
- (c) Board of Directors for the Center for School Safety.
- (d) Department for Libraries and Archives.
- (e) Kentucky Environmental Education Council.
- (f) Kentucky Educational Television.
- (g) Kentucky Commission on the Deaf and Hard of Hearing.
- (h) Department of Workforce Development.
1. Career Development Office.
 2. Office of Vocational Rehabilitation.
 - a. Division of Kentucky Business Enterprise.
 - b. Division of the Carl D. Perkins Vocational Training Center.
 - c. Division of Blind Services.
 - d. Division of Field Services.
 - e. Statewide Council for Vocational Rehabilitation.
 - f. Employment First Council.
 3. Office of Employer and Apprenticeship Services.
 - a. Division of Apprenticeship.
 4. Kentucky Apprenticeship Council.
 5. Division of Technical Assistance.
 6. Office of Adult Education.
 7. Office of the Kentucky Workforce Innovation Board.
- (i) Department of Workplace Standards.
1. Division of Occupational Safety and Health Compliance.
 2. Division of Occupational Safety and Health Education and Training.
 3. Division of Wages and Hours.
- (j) Office of Unemployment Insurance.
- (k) Kentucky Unemployment Insurance Commission.
- (l) Department of Workers' Claims.
1. Division of Workers' Compensation Funds.

2. Office of Administrative Law Judges.
 3. Division of Claims Processing.
 4. Division of Security and Compliance.
 5. Division of Specialist and Medical Services.
 6. Workers' Compensation Board.
- (m) Workers' Compensation Funding Commission.
 - (n) Kentucky Occupational Safety and Health Standards Board.
 - (o) State Labor Relations Board.
 - (p) Employers' Mutual Insurance Authority.
 - (q) Kentucky Occupational Safety and Health Review Commission.
 - (r) Workers' Compensation Nominating Committee.
 - (s) Office of Educational Programs.
 - (t) Kentucky Workforce Innovation Board.
 - (u) Kentucky Commission on Proprietary Education.
 - (v) Kentucky Work Ready Skills Advisory Committee.
 - (w) Kentucky Geographic Education Board.
- III. Other departments headed by appointed officers:
- (1) Council on Postsecondary Education.
 - (2) Department of Military Affairs.
 - (3) Department for Local Government.
 - (4) Kentucky Commission on Human Rights.
 - (5) Kentucky Commission on Women.
 - (6) Department of Veterans' Affairs.
 - (7) Kentucky Commission on Military Affairs.
 - (8) Office of Minority Empowerment.
 - (9) Governor's Council on Wellness and Physical Activity.
 - (10) Kentucky Communications Network Authority.

➔Section 12. KRS 12.020 (Effective between July 1, 2024, and July 1, 2025) is amended to read as follows:

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

- I. Cabinet for General Government - Departments headed by elected officers:
- (1) The Governor.
 - (2) Lieutenant Governor.
 - (3) Department of State.
 - (a) Secretary of State.

- (b) Board of Elections.
 - (c) Registry of Election Finance.
 - (4) Department of Law.
 - (a) Attorney General.
 - (5) Department of the Treasury.
 - (a) Treasurer.
 - (6) Department of Agriculture.
 - (a) Commissioner of Agriculture.
 - (b) Agricultural Development Board.
 - (c) Kentucky Agricultural Finance Corporation.
 - (7) Auditor of Public Accounts.
 - (a) Commonwealth Office of the Ombudsman.
- II. Program cabinets headed by appointed officers:
- (1) Justice and Public Safety Cabinet:
 - (a) Department of Kentucky State Police.
 - 1. Office of Administrative Services.
 - a. Division of Operational Support.
 - b. Division of Management Services.
 - 2. Office of Operations.
 - a. Division of West Troops.
 - b. Division of East Troops.
 - c. Division of Special Enforcement.
 - d. Division of Commercial Vehicle Enforcement.
 - 3. Office of Technical Services.
 - a. Division of Forensic Sciences.
 - b. Division of Electronic Services.
 - c. Division of Records Management.
 - (b) Department of Criminal Justice Training.
 - (c) Department of Corrections.
 - (d) Department of Juvenile Justice.
 - (e) Office of the Secretary.
 - (f) Office of Drug Control Policy.
 - (g) Office of Legal Services.
 - (h) Office of the Kentucky State Medical Examiner.
 - (i) Parole Board.
 - (j) Kentucky State Corrections Commission.
 - (k) Office of Legislative and Intergovernmental Services.
 - (l) Office of Human Resource Management.
 - 1. Division of Human Resource Administration.

2. Division of Employee Management.
- (m) Department of Public Advocacy.
- (n) Office of Communications.
 1. Information Technology Services Division.
- (o) Office of Financial Management Services.
 1. Division of Financial Management.
- (p) Grants Management Division.
- (2) Energy and Environment Cabinet:
 - (a) Office of the Secretary.
 1. Office of Legislative and Intergovernmental Affairs.
 2. Office of Legal Services.
 - a. Legal Division I.
 - b. Legal Division II.
 3. Office of Administrative Hearings.
 4. Office of Communication.
 5. Mine Safety Review Commission.
 6. Office of Kentucky Nature Preserves.
 7. Kentucky Public Service Commission.
 - (b) Department for Environmental Protection.
 1. Office of the Commissioner.
 2. Division for Air Quality.
 3. Division of Water.
 4. Division of Environmental Program Support.
 5. Division of Waste Management.
 6. Division of Enforcement.
 7. Division of Compliance Assistance.
 - (c) Department for Natural Resources.
 1. Office of the Commissioner.
 2. Division of Mine Permits.
 3. Division of Mine Reclamation and Enforcement.
 4. Division of Abandoned Mine Lands.
 5. Division of Oil and Gas.
 6. Division of Mine Safety.
 7. Division of Forestry.
 8. Division of Conservation.
 9. Office of the Reclamation Guaranty Fund.
 - (d) Office of Energy Policy.
 1. Division of Energy Assistance.
 - (e) Office of Administrative Services.

1. Division of Human Resources Management.
 2. Division of Financial Management.
 3. Division of Information Services.
- (3) Public Protection Cabinet.
- (a) Office of the Secretary.
 1. Office of Communications and Public Outreach.
 2. Office of Legal Services.
 - a. Insurance Legal Division.
 - b. Charitable Gaming Legal Division.
 - c. Alcoholic Beverage Control Legal Division.
 - d. Housing, Buildings and Construction Legal Division.
 - e. Financial Institutions Legal Division.
 - f. Professional Licensing Legal Division.
 3. Office of Administrative Hearings.
 4. Office of Administrative Services.
 - a. Division of Human Resources.
 - b. Division of Fiscal Responsibility.
 - (b) Office of Claims and Appeals.
 1. Board of Tax Appeals.
 2. Board of Claims.
 3. Crime Victims Compensation Board.
 - (c) Kentucky Boxing and Wrestling Commission.
 - (d) Kentucky Horse Racing Commission.
 1. Office of Executive Director.
 - a. Division of Pari-mutuel Wagering and Compliance.
 - b. Division of Stewards.
 - c. Division of Licensing.
 - d. Division of Enforcement.
 - e. Division of Incentives and Development.
 - f. Division of Veterinary Services.
 - (e) Department of Alcoholic Beverage Control.
 1. Division of Distilled Spirits.
 2. Division of Malt Beverages.
 3. Division of Enforcement.
 - (f) Department of Charitable Gaming.
 1. Division of Licensing and Compliance.
 2. Division of Enforcement.
 - (g) Department of Financial Institutions.
 1. Division of Depository Institutions.

2. Division of Non-Depository Institutions.
3. Division of Securities.
- (h) Department of Housing, Buildings and Construction.
 1. Division of Fire Prevention.
 2. Division of Plumbing.
 3. Division of Heating, Ventilation, and Air Conditioning.
 4. Division of Building Code Enforcement.
- (i) Department of Insurance.
 1. Division of Health and Life Insurance and Managed Care.
 2. Division of Property and Casualty Insurance.
 3. Division of Administrative Services.
 4. Division of Financial Standards and Examination.
 5. Division of Licensing.
 6. Division of Insurance Fraud Investigation.
 7. Division of Consumer Protection.
- (j) Department of Professional Licensing.
 1. Real Estate Authority.
- (4) Transportation Cabinet:
 - (a) Department of Highways.
 1. Office of Project Development.
 2. Office of Project Delivery and Preservation.
 3. Office of Highway Safety.
 4. Highway District Offices One through Twelve.
 - (b) Department of Vehicle Regulation.
 - (c) Department of Aviation.
 - (d) Department of Rural and Municipal Aid.
 1. Office of Local Programs.
 2. Office of Rural and Secondary Roads.
 - (e) Office of the Secretary.
 1. Office of Public Affairs.
 2. Office for Civil Rights and Small Business Development.
 3. Office of Budget and Fiscal Management.
 4. Office of Inspector General.
 5. Secretary's Office of Safety.
 - (f) Office of Support Services.
 - (g) Office of Transportation Delivery.
 - (h) Office of Audits.
 - (i) Office of Human Resource Management.
 - (j) Office of Information Technology.

- (k) Office of Legal Services.
- (5) Cabinet for Economic Development:
 - (a) Office of the Secretary.
 - 1. Office of Legal Services.
 - 2. Department for Business and Community Development.
 - a. Development and Retention Division – West Kentucky.
 - b. Development, Retention, and Administrative Division – Central and East Kentucky.
 - c. Community and Workforce Development Division.
 - 3. Department for Financial Services.
 - a. Kentucky Economic Development Finance Authority.
 - b. Finance and Personnel Division.
 - c. IT and Resource Management Division.
 - d. Compliance Division.
 - e. Program Administration Division.
 - f. Bluegrass State Skills Corporation.
 - g. ***The GRANT Commission.***
 - 4. Office of Strategy and Public Affairs.
 - a. Marketing and Communications Division.
 - b. Research and Strategy Division.
 - 5. Office of Entrepreneurship and Innovation.
 - a. Commission on Small Business Innovation and Advocacy.
- (6) Cabinet for Health and Family Services:
 - (a) Office of the Secretary.
 - 1. Office of Public Affairs.
 - 2. Office of Legal Services.
 - 3. Office of Inspector General.
 - 4. Office of Human Resource Management.
 - 5. Office of Finance and Budget.
 - 6. Office of Legislative and Regulatory Affairs.
 - 7. Office of Administrative Services.
 - 8. Office of Application Technology Services.
 - 9. Office of Data Analytics.
 - (b) Department for Public Health.
 - (c) Department for Medicaid Services.
 - (d) Department for Behavioral Health, Developmental and Intellectual Disabilities.
 - (e) Department for Aging and Independent Living.
 - (f) Department for Community Based Services.
 - (g) Department for Income Support.

- (h) Department for Family Resource Centers and Volunteer Services.
- (7) Finance and Administration Cabinet:
 - (a) Office of the Secretary.
 - (b) Office of the Inspector General.
 - (c) Office of Legislative and Intergovernmental Affairs.
 - (d) Office of General Counsel.
 - (e) Office of the Controller.
 - (f) Office of Administrative Services.
 - (g) Office of Policy and Audit.
 - (h) Department for Facilities and Support Services.
 - (i) Department of Revenue.
 - (j) Commonwealth Office of Technology.
 - (k) State Property and Buildings Commission.
 - (l) Office of Equal Employment Opportunity and Contract Compliance.
 - (m) Kentucky Employees Retirement Systems.
 - (n) Commonwealth Credit Union.
 - (o) State Investment Commission.
 - (p) Kentucky Housing Corporation.
 - (q) Kentucky Local Correctional Facilities Construction Authority.
 - (r) Kentucky Turnpike Authority.
 - (s) Historic Properties Advisory Commission.
 - (t) Kentucky Higher Education Assistance Authority.
 - (u) Kentucky River Authority.
 - (v) Kentucky Teachers' Retirement System Board of Trustees.
 - (w) Executive Branch Ethics Commission.
 - (x) Office of Fleet Management.
- (8) Tourism, Arts and Heritage Cabinet:
 - (a) Kentucky Department of Tourism.
 - 1. Division of Tourism Services.
 - 2. Division of Marketing and Administration.
 - 3. Division of Communications and Promotions.
 - (b) Kentucky Department of Parks.
 - 1. Division of Information Technology.
 - 2. Division of Human Resources.
 - 3. Division of Financial Operations.
 - 4. Division of Purchasing.
 - 5. Division of Facilities.
 - 6. Division of Park Operations.
 - 7. Division of Sales, Marketing, and Customer Service.

8. Division of Engagement.
 9. Division of Food Services.
 10. Division of Rangers.
- (c) Department of Fish and Wildlife Resources.
1. Division of Law Enforcement.
 2. Division of Administrative Services.
 3. Division of Engineering, Infrastructure, and Technology.
 4. Division of Fisheries.
 5. Division of Information and Education.
 6. Division of Wildlife.
 7. Division of Marketing.
- (d) Kentucky Horse Park.
1. Division of Support Services.
 2. Division of Buildings and Grounds.
 3. Division of Operational Services.
- (e) Kentucky State Fair Board.
1. Office of Administrative and Information Technology Services.
 2. Office of Human Resources and Access Control.
 3. Division of Expositions.
 4. Division of Kentucky Exposition Center Operations.
 5. Division of Kentucky International Convention Center.
 6. Division of Public Relations and Media.
 7. Division of Venue Services.
 8. Division of Personnel Management and Staff Development.
 9. Division of Sales.
 10. Division of Security and Traffic Control.
 11. Division of Information Technology.
 12. Division of the Louisville Arena.
 13. Division of Fiscal and Contract Management.
 14. Division of Access Control.
- (f) Office of the Secretary.
1. Office of Finance.
 2. Office of Government Relations and Administration.
- (g) Office of Legal Affairs.
- (h) Office of Human Resources.
- (i) Office of Public Affairs and Constituent Services.
- (j) Office of Arts and Cultural Heritage.
- (k) Kentucky African-American Heritage Commission.
- (l) Kentucky Foundation for the Arts.

- (m) Kentucky Humanities Council.
 - (n) Kentucky Heritage Council.
 - (o) Kentucky Arts Council.
 - (p) Kentucky Historical Society.
 - 1. Division of Museums.
 - 2. Division of Oral History and Educational Outreach.
 - 3. Division of Research and Publications.
 - 4. Division of Administration.
 - (q) Kentucky Center for the Arts.
 - 1. Division of Governor's School for the Arts.
 - (r) Kentucky Artisans Center at Berea.
 - (s) Northern Kentucky Convention Center.
 - (t) Eastern Kentucky Exposition Center.
- (9) Personnel Cabinet:
- (a) Office of the Secretary.
 - (b) Department of Human Resources Administration.
 - (c) Office of Employee Relations.
 - (d) Kentucky Public Employees Deferred Compensation Authority.
 - (e) Office of Administrative Services.
 - (f) Office of Legal Services.
 - (g) Governmental Services Center.
 - (h) Department of Employee Insurance.
 - (i) Office of Diversity, Equality, and Training.
 - (j) Office of Public Affairs.
- (10) Education and Labor Cabinet:
- (a) Office of the Secretary.
 - 1. Office of Legal Services.
 - a. Workplace Standards Legal Division.
 - b. Workers' Claims Legal Division.
 - c. Workforce Development Legal Division.
 - 2. Office of Administrative Services.
 - a. Division of Human Resources Management.
 - b. Division of Fiscal Management.
 - c. Division of Operations and Support Services.
 - 3. Office of Technology Services.
 - a. Division of Information Technology Services.
 - 4. Office of Policy and Audit.
 - 5. Office of Legislative Services.
 - 6. Office of Communications.

7. Office of the Kentucky Center for Statistics.
 8. Board of the Kentucky Center for Statistics.
 9. Early Childhood Advisory Council.
 10. Governors' Scholars Program.
 11. Governor's School for Entrepreneurs Program.
 12. Foundation for Adult Education.
- (b) Department of Education.
1. Kentucky Board of Education.
 2. Kentucky Technical Education Personnel Board.
 3. Education Professional Standards Board.
- (c) Board of Directors for the Center for School Safety.
- (d) Department for Libraries and Archives.
- (e) Kentucky Environmental Education Council.
- (f) Kentucky Educational Television.
- (g) Kentucky Commission on the Deaf and Hard of Hearing.
- (h) Department of Workforce Development.
1. Career Development Office.
 2. Office of Vocational Rehabilitation.
 - a. Division of Kentucky Business Enterprise.
 - b. Division of the Carl D. Perkins Vocational Training Center.
 - c. Division of Blind Services.
 - d. Division of Field Services.
 - e. Statewide Council for Vocational Rehabilitation.
 - f. Employment First Council.
 3. Office of Employer and Apprenticeship Services.
 - a. Division of Apprenticeship.
 4. Kentucky Apprenticeship Council.
 5. Division of Technical Assistance.
 6. Office of Adult Education.
 7. Office of the Kentucky Workforce Innovation Board.
- (i) Department of Workplace Standards.
1. Division of Occupational Safety and Health Compliance.
 2. Division of Occupational Safety and Health Education and Training.
 3. Division of Wages and Hours.
- (j) Office of Unemployment Insurance.
- (k) Kentucky Unemployment Insurance Commission.
- (l) Department of Workers' Claims.
1. Division of Workers' Compensation Funds.
 2. Office of Administrative Law Judges.

3. Division of Claims Processing.
 4. Division of Security and Compliance.
 5. Division of Specialist and Medical Services.
 6. Workers' Compensation Board.
- (m) Workers' Compensation Funding Commission.
 - (n) Kentucky Occupational Safety and Health Standards Board.
 - (o) State Labor Relations Board.
 - (p) Employers' Mutual Insurance Authority.
 - (q) Kentucky Occupational Safety and Health Review Commission.
 - (r) Workers' Compensation Nominating Committee.
 - (s) Office of Educational Programs.
 - (t) Kentucky Workforce Innovation Board.
 - (u) Kentucky Commission on Proprietary Education.
 - (v) Kentucky Work Ready Skills Advisory Committee.
 - (w) Kentucky Geographic Education Board.
 - (x) Disability Determination Services Program.
- III. Other departments headed by appointed officers:
- (1) Council on Postsecondary Education.
 - (2) Department of Military Affairs.
 - (3) Department for Local Government.
 - (4) Kentucky Commission on Human Rights.
 - (5) Kentucky Commission on Women.
 - (6) Department of Veterans' Affairs.
 - (7) Kentucky Commission on Military Affairs.
 - (8) Office of Minority Empowerment.
 - (9) Governor's Council on Wellness and Physical Activity.
 - (10) Kentucky Communications Network Authority.

➔Section 13. KRS 12.020 (Effective July 1, 2025) is amended to read as follows:

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

- I. Cabinet for General Government - Departments headed by elected officers:
- (1) The Governor.
 - (2) Lieutenant Governor.
 - (3) Department of State.
 - (a) Secretary of State.

- (b) Board of Elections.
 - (c) Registry of Election Finance.
 - (4) Department of Law.
 - (a) Attorney General.
 - (5) Department of the Treasury.
 - (a) Treasurer.
 - (6) Department of Agriculture.
 - (a) Commissioner of Agriculture.
 - (b) Agricultural Development Board.
 - (c) Kentucky Agricultural Finance Corporation.
 - (7) Auditor of Public Accounts.
 - (a) Commonwealth Office of the Ombudsman.
- II. Program cabinets headed by appointed officers:
- (1) Justice and Public Safety Cabinet:
 - (a) Department of Kentucky State Police.
 - 1. Office of Administrative Services.
 - a. Division of Operational Support.
 - b. Division of Management Services.
 - 2. Office of Operations.
 - a. Division of West Troops.
 - b. Division of East Troops.
 - c. Division of Special Enforcement.
 - d. Division of Commercial Vehicle Enforcement.
 - 3. Office of Technical Services.
 - a. Division of Forensic Sciences.
 - b. Division of Electronic Services.
 - c. Division of Records Management.
 - (b) Department of Criminal Justice Training.
 - (c) Department of Corrections.
 - (d) Department of Juvenile Justice.
 - (e) Office of the Secretary.
 - (f) Office of Drug Control Policy.
 - (g) Office of Legal Services.
 - (h) Office of the Kentucky State Medical Examiner.
 - (i) Parole Board.
 - (j) Kentucky State Corrections Commission.
 - (k) Office of Legislative and Intergovernmental Services.
 - (l) Office of Human Resource Management.
 - 1. Division of Human Resource Administration.

2. Division of Employee Management.
- (m) Department of Public Advocacy.
- (n) Office of Communications.
 1. Information Technology Services Division.
- (o) Office of Financial Management Services.
 1. Division of Financial Management.
- (p) Grants Management Division.
- (2) Energy and Environment Cabinet:
 - (a) Office of the Secretary.
 1. Office of Legislative and Intergovernmental Affairs.
 2. Office of Legal Services.
 - a. Legal Division I.
 - b. Legal Division II.
 3. Office of Administrative Hearings.
 4. Office of Communication.
 5. Mine Safety Review Commission.
 6. Office of Kentucky Nature Preserves.
 7. Kentucky Public Service Commission.
 - (b) Department for Environmental Protection.
 1. Office of the Commissioner.
 2. Division for Air Quality.
 3. Division of Water.
 4. Division of Environmental Program Support.
 5. Division of Waste Management.
 6. Division of Enforcement.
 7. Division of Compliance Assistance.
 - (c) Department for Natural Resources.
 1. Office of the Commissioner.
 2. Division of Mine Permits.
 3. Division of Mine Reclamation and Enforcement.
 4. Division of Abandoned Mine Lands.
 5. Division of Oil and Gas.
 6. Division of Mine Safety.
 7. Division of Forestry.
 8. Division of Conservation.
 9. Office of the Reclamation Guaranty Fund.
 - (d) Office of Energy Policy.
 1. Division of Energy Assistance.
 - (e) Office of Administrative Services.

1. Division of Human Resources Management.
 2. Division of Financial Management.
 3. Division of Information Services.
- (3) Public Protection Cabinet.
- (a) Office of the Secretary.
 1. Office of Communications and Public Outreach.
 2. Office of Legal Services.
 - a. Insurance Legal Division.
 - b. Charitable Gaming Legal Division.
 - c. Alcoholic Beverage Control Legal Division.
 - d. Housing, Buildings and Construction Legal Division.
 - e. Financial Institutions Legal Division.
 - f. Professional Licensing Legal Division.
 3. Office of Administrative Hearings.
 4. Office of Administrative Services.
 - a. Division of Human Resources.
 - b. Division of Fiscal Responsibility.
 - (b) Office of Claims and Appeals.
 1. Board of Tax Appeals.
 2. Board of Claims.
 3. Crime Victims Compensation Board.
 - (c) Kentucky Boxing and Wrestling Commission.
 - (d) Kentucky Horse Racing Commission.
 1. Office of Executive Director.
 - a. Division of Pari-mutuel Wagering and Compliance.
 - b. Division of Stewards.
 - c. Division of Licensing.
 - d. Division of Enforcement.
 - e. Division of Incentives and Development.
 - f. Division of Veterinary Services.
 - (e) Department of Alcoholic Beverage Control.
 1. Division of Distilled Spirits.
 2. Division of Malt Beverages.
 3. Division of Enforcement.
 - (f) Department of Charitable Gaming.
 1. Division of Licensing and Compliance.
 2. Division of Enforcement.
 - (g) Department of Financial Institutions.
 1. Division of Depository Institutions.

2. Division of Non-Depository Institutions.
3. Division of Securities.
- (h) Department of Housing, Buildings and Construction.
 1. Division of Fire Prevention.
 2. Division of Plumbing.
 3. Division of Heating, Ventilation, and Air Conditioning.
 4. Division of Building Code Enforcement.
- (i) Department of Insurance.
 1. Division of Health and Life Insurance and Managed Care.
 2. Division of Property and Casualty Insurance.
 3. Division of Administrative Services.
 4. Division of Financial Standards and Examination.
 5. Division of Licensing.
 6. Division of Insurance Fraud Investigation.
 7. Division of Consumer Protection.
- (j) Department of Professional Licensing.
 1. Real Estate Authority.
- (4) Transportation Cabinet:
 - (a) Department of Highways.
 1. Office of Project Development.
 2. Office of Project Delivery and Preservation.
 3. Office of Highway Safety.
 4. Highway District Offices One through Twelve.
 - (b) Department of Vehicle Regulation.
 - (c) Department of Aviation.
 - (d) Department of Rural and Municipal Aid.
 1. Office of Local Programs.
 2. Office of Rural and Secondary Roads.
 - (e) Office of the Secretary.
 1. Office of Public Affairs.
 2. Office for Civil Rights and Small Business Development.
 3. Office of Budget and Fiscal Management.
 4. Office of Inspector General.
 5. Secretary's Office of Safety.
 - (f) Office of Support Services.
 - (g) Office of Transportation Delivery.
 - (h) Office of Audits.
 - (i) Office of Human Resource Management.
 - (j) Office of Information Technology.

- (k) Office of Legal Services.
- (5) Cabinet for Economic Development:
 - (a) Office of the Secretary.
 - 1. Office of Legal Services.
 - 2. Department for Business and Community Development.
 - a. Development and Retention Division – West Kentucky.
 - b. Development, Retention, and Administrative Division – Central and East Kentucky.
 - c. Community and Workforce Development Division.
 - 3. Department for Financial Services.
 - a. Kentucky Economic Development Finance Authority.
 - b. Finance and Personnel Division.
 - c. IT and Resource Management Division.
 - d. Compliance Division.
 - e. Program Administration Division.
 - f. Bluegrass State Skills Corporation.
 - g. ***The GRANT Commission.***
 - 4. Office of Strategy and Public Affairs.
 - a. Marketing and Communications Division.
 - b. Research and Strategy Division.
 - 5. Office of Entrepreneurship and Innovation.
 - a. Commission on Small Business Innovation and Advocacy.
- (6) Cabinet for Health and Family Services:
 - (a) Office of the Secretary.
 - 1. Office of Public Affairs.
 - 2. Office of Legal Services.
 - 3. Office of Inspector General.
 - 4. Office of Human Resource Management.
 - 5. Office of Finance and Budget.
 - 6. Office of Legislative and Regulatory Affairs.
 - 7. Office of Administrative Services.
 - 8. Office of Application Technology Services.
 - 9. Office of Data Analytics.
 - (b) Department for Public Health.
 - (c) Department for Medicaid Services.
 - (d) Department for Behavioral Health, Developmental and Intellectual Disabilities.
 - (e) Department for Aging and Independent Living.
 - (f) Department for Community Based Services.
 - (g) Department for Family Resource Centers and Volunteer Services.

- (7) Finance and Administration Cabinet:
- (a) Office of the Secretary.
 - (b) Office of the Inspector General.
 - (c) Office of Legislative and Intergovernmental Affairs.
 - (d) Office of General Counsel.
 - (e) Office of the Controller.
 - (f) Office of Administrative Services.
 - (g) Office of Policy and Audit.
 - (h) Department for Facilities and Support Services.
 - (i) Department of Revenue.
 - (j) Commonwealth Office of Technology.
 - (k) State Property and Buildings Commission.
 - (l) Office of Equal Employment Opportunity and Contract Compliance.
 - (m) Kentucky Employees Retirement Systems.
 - (n) Commonwealth Credit Union.
 - (o) State Investment Commission.
 - (p) Kentucky Housing Corporation.
 - (q) Kentucky Local Correctional Facilities Construction Authority.
 - (r) Kentucky Turnpike Authority.
 - (s) Historic Properties Advisory Commission.
 - (t) Kentucky Higher Education Assistance Authority.
 - (u) Kentucky River Authority.
 - (v) Kentucky Teachers' Retirement System Board of Trustees.
 - (w) Executive Branch Ethics Commission.
 - (x) Office of Fleet Management.
- (8) Tourism, Arts and Heritage Cabinet:
- (a) Kentucky Department of Tourism.
 - 1. Division of Tourism Services.
 - 2. Division of Marketing and Administration.
 - 3. Division of Communications and Promotions.
 - (b) Kentucky Department of Parks.
 - 1. Division of Information Technology.
 - 2. Division of Human Resources.
 - 3. Division of Financial Operations.
 - 4. Division of Purchasing.
 - 5. Division of Facilities.
 - 6. Division of Park Operations.
 - 7. Division of Sales, Marketing, and Customer Service.
 - 8. Division of Engagement.

9. Division of Food Services.
10. Division of Rangers.
- (c) Department of Fish and Wildlife Resources.
 1. Division of Law Enforcement.
 2. Division of Administrative Services.
 3. Division of Engineering, Infrastructure, and Technology.
 4. Division of Fisheries.
 5. Division of Information and Education.
 6. Division of Wildlife.
 7. Division of Marketing.
- (d) Kentucky Horse Park.
 1. Division of Support Services.
 2. Division of Buildings and Grounds.
 3. Division of Operational Services.
- (e) Kentucky State Fair Board.
 1. Office of Administrative and Information Technology Services.
 2. Office of Human Resources and Access Control.
 3. Division of Expositions.
 4. Division of Kentucky Exposition Center Operations.
 5. Division of Kentucky International Convention Center.
 6. Division of Public Relations and Media.
 7. Division of Venue Services.
 8. Division of Personnel Management and Staff Development.
 9. Division of Sales.
 10. Division of Security and Traffic Control.
 11. Division of Information Technology.
 12. Division of the Louisville Arena.
 13. Division of Fiscal and Contract Management.
 14. Division of Access Control.
- (f) Office of the Secretary.
 1. Office of Finance.
 2. Office of Government Relations and Administration.
- (g) Office of Legal Affairs.
- (h) Office of Human Resources.
- (i) Office of Public Affairs and Constituent Services.
- (j) Office of Arts and Cultural Heritage.
- (k) Kentucky African-American Heritage Commission.
- (l) Kentucky Foundation for the Arts.
- (m) Kentucky Humanities Council.

- (n) Kentucky Heritage Council.
 - (o) Kentucky Arts Council.
 - (p) Kentucky Historical Society.
 - 1. Division of Museums.
 - 2. Division of Oral History and Educational Outreach.
 - 3. Division of Research and Publications.
 - 4. Division of Administration.
 - (q) Kentucky Center for the Arts.
 - 1. Division of Governor's School for the Arts.
 - (r) Kentucky Artisans Center at Berea.
 - (s) Northern Kentucky Convention Center.
 - (t) Eastern Kentucky Exposition Center.
- (9) Personnel Cabinet:
- (a) Office of the Secretary.
 - (b) Department of Human Resources Administration.
 - (c) Office of Employee Relations.
 - (d) Kentucky Public Employees Deferred Compensation Authority.
 - (e) Office of Administrative Services.
 - (f) Office of Legal Services.
 - (g) Governmental Services Center.
 - (h) Department of Employee Insurance.
 - (i) Office of Diversity, Equality, and Training.
 - (j) Office of Public Affairs.
- (10) Education and Labor Cabinet:
- (a) Office of the Secretary.
 - 1. Office of Legal Services.
 - a. Workplace Standards Legal Division.
 - b. Workers' Claims Legal Division.
 - c. Workforce Development Legal Division.
 - 2. Office of Administrative Services.
 - a. Division of Human Resources Management.
 - b. Division of Fiscal Management.
 - c. Division of Operations and Support Services.
 - 3. Office of Technology Services.
 - a. Division of Information Technology Services.
 - 4. Office of Policy and Audit.
 - 5. Office of Legislative Services.
 - 6. Office of Communications.
 - 7. Office of the Kentucky Center for Statistics.

8. Board of the Kentucky Center for Statistics.
 9. Early Childhood Advisory Council.
 10. Governors' Scholars Program.
 11. Governor's School for Entrepreneurs Program.
 12. Foundation for Adult Education.
- (b) Department of Education.
1. Kentucky Board of Education.
 2. Kentucky Technical Education Personnel Board.
 3. Education Professional Standards Board.
- (c) Board of Directors for the Center for School Safety.
- (d) Department for Libraries and Archives.
- (e) Kentucky Environmental Education Council.
- (f) Kentucky Educational Television.
- (g) Kentucky Commission on the Deaf and Hard of Hearing.
- (h) Department of Workforce Development.
1. Career Development Office.
 2. Office of Vocational Rehabilitation.
 - a. Division of Kentucky Business Enterprise.
 - b. Division of the Carl D. Perkins Vocational Training Center.
 - c. Division of Blind Services.
 - d. Division of Field Services.
 - e. Statewide Council for Vocational Rehabilitation.
 - f. Employment First Council.
 3. Office of Employer and Apprenticeship Services.
 - a. Division of Apprenticeship.
 4. Kentucky Apprenticeship Council.
 5. Division of Technical Assistance.
 6. Office of Adult Education.
 7. Office of the Kentucky Workforce Innovation Board.
- (i) Department of Workplace Standards.
1. Division of Occupational Safety and Health Compliance.
 2. Division of Occupational Safety and Health Education and Training.
 3. Division of Wages and Hours.
- (j) Office of Unemployment Insurance.
- (k) Kentucky Unemployment Insurance Commission.
- (l) Department of Workers' Claims.
1. Division of Workers' Compensation Funds.
 2. Office of Administrative Law Judges.
 3. Division of Claims Processing.

4. Division of Security and Compliance.
 5. Division of Specialist and Medical Services.
 6. Workers' Compensation Board.
- (m) Workers' Compensation Funding Commission.
 - (n) Kentucky Occupational Safety and Health Standards Board.
 - (o) State Labor Relations Board.
 - (p) Employers' Mutual Insurance Authority.
 - (q) Kentucky Occupational Safety and Health Review Commission.
 - (r) Workers' Compensation Nominating Committee.
 - (s) Office of Educational Programs.
 - (t) Kentucky Workforce Innovation Board.
 - (u) Kentucky Commission on Proprietary Education.
 - (v) Kentucky Work Ready Skills Advisory Committee.
 - (w) Kentucky Geographic Education Board.
 - (x) Disability Determination Services Program.
- III. Other departments headed by appointed officers:
- (1) Council on Postsecondary Education.
 - (2) Department of Military Affairs.
 - (3) Department for Local Government.
 - (4) Kentucky Commission on Human Rights.
 - (5) Kentucky Commission on Women.
 - (6) Department of Veterans' Affairs.
 - (7) Kentucky Commission on Military Affairs.
 - (8) Office of Minority Empowerment.
 - (9) Governor's Council on Wellness and Physical Activity.
 - (10) Kentucky Communications Network Authority.

➔Section 14. Whereas local areas of Kentucky have been impacted by unemployment rates at or above the national average and coal-related job losses from mine and power plant closures in recent years, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Veto Overridden April 12, 2024.

CHAPTER 189

(HB 804)

AN ACT relating to venue and declaring an emergency.

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

➔Section 1. KRS 452.010 is amended to read as follows:

- (1) The parties to any civil action in a Circuit Court may, by consent, have an order in or out of court for its removal to any other Circuit Court.
- (2) A party to any civil action triable by a jury in a Circuit Court may have a change of venue when it appears that, because of the undue influence of his *or her* adversary or the odium that attends the party applying or his *or her* cause of action or defense, or because of the circumstances or nature of the case he *or she* cannot have a fair and impartial trial in the county.
- (3) ***A party to an action meeting the definition in subsection (1) of Section 5 of this Act shall have a change of venue upon application to the court.***

➔Section 2. KRS 452.030 is amended to read as follows:

- (1) Application for a change of venue ***under subsection (2) of Section 1 of this Act*** shall be made by verified motion of the party seeking a change to the court, in which the reasons and grounds for the change shall be stated. On any motion for change of venue ***made under this subsection*** the court shall have a hearing for the presentation of evidence and arguments for and against the motion. Either party may subpoena witnesses for the hearing on the motion. The granting of a change of venue ***under this subsection*** shall be within the sound discretion of the court, and shall be granted by the court when justice so requires.
- (2) ***Application for a change of venue under subsection (3) of Section 1 of this Act shall be made by petition of the party seeking a change to the court. If the court finds that the action meets the definition in subsection (1) of Section 5 of this Act, the court shall grant the petition and order the transfer of the action pursuant to Section 3 of this Act.***

➔Section 3. KRS 452.050 is amended to read as follows:

A change of venue shall be made to the Circuit Court of ~~a~~^{an} ~~the adjacent~~ county, ***in an adjacent judicial circuit***, most convenient to the parties, their witnesses, and their attorneys, and to which there is no valid objection. The order of change of venue may be made subject to any equitable terms and conditions that safety to the rights of the parties requires and the court, in its discretion, prescribes.

➔Section 4. KRS 452.090 is amended to read as follows:

The court to which the action is removed shall have the same power as to its trial and final disposition as the court from which it was removed, ***including consideration of forum non conveniens, disqualification of judges, and other matters of its jurisdiction.***

➔Section 5. KRS 452.005 is amended to read as follows:

- (1) Except as provided in KRS 5.005 and 286.12-135, and notwithstanding any other statute to the contrary, the venue for any civil action that:
 - (a) Challenges the constitutionality of a Kentucky:
 1. Statute;
 2. Executive order;
 3. Administrative regulation; or
 4. Order of any cabinet, program cabinet, or department established under KRS Chapter 12;
 - (b) Includes a claim for declaratory judgment or injunctive relief; and
 - (c) Is brought individually, jointly, or severally against:
 1. Any state official or state officer in his or her official capacity, including any public servant as defined in KRS 11A.010;
 2. Any body, subdivision, caucus, committee, or member of the General Assembly, or the Legislative Research Commission; or
 3. Any agency of the state as defined in KRS 11A.010;

shall be as provided in this section ***and Sections 1 and 2 of this Act.***

- (2) (a) A plaintiff who is a resident of Kentucky shall file a complaint or petition in the office of the Circuit Court clerk in the county where the plaintiff resides. If more than one (1) plaintiff is a party to the action, the complaint or petition may be filed in any county where any plaintiff resides.

- (b) A plaintiff who is not a resident of Kentucky shall file a complaint or petition in the Franklin Circuit Court.
- (3) The plaintiff shall certify in the complaint or petition filed under this section that a copy of the complaint or petition has been served upon the Attorney General before or at the time of filing, and the Attorney General shall be entitled to be heard.
- ~~(4)(a)~~ Any plaintiff or defendant to a civil action under subsection (1) of this section may seek a change of venue by filing a notice of transfer in the Circuit Court in which the action was originally filed no later than thirty (30) days after the return of service on the defendant. The Attorney General, as an intervening defendant, may seek a change of venue no later than thirty (30) days from intervention.
- ~~(b)~~ The notice shall be transmitted forthwith to the clerk of the Supreme Court who shall direct the transfer of the action to a different Circuit Court chosen by the clerk of the Supreme Court through random selection.
- ~~(c)~~ After randomly selecting the Circuit Court to which the action shall be transferred, the clerk of the Supreme Court shall notify the Circuit Court clerk of the county in which the action was originally filed of the selection and the Circuit Court shall immediately transfer the action and the record of the action to the Circuit Court designated by the clerk of the Supreme Court.
- ~~(5)~~ In any appeal to the Kentucky Court of Appeals or Supreme Court, or the federal appellate courts in any forum that involves the constitutional validity of a statute, executive order, administrative regulation, or order of any cabinet, program cabinet, or department established under KRS Chapter 12, the Attorney General shall, before the filing of the appellant's brief, be served with a copy of the pleading, paper, or other document that initiates the appeal in the appellate forum. This notice shall specify the challenged statute, executive order, administrative regulation, or order of a cabinet, program cabinet, or department established under KRS Chapter 12, and the nature of the alleged constitutional defect.
- ~~(5)(6)~~ The Attorney General shall notify the Legislative Research Commission of:
- (a) The receipt of a complaint or petition and the nature of any proceedings involving the validity of any statute or regulation, or order of a cabinet, program cabinet, or department established under KRS Chapter 12; and
- (b) The entering of a final judgment in those proceedings, if the Attorney General is a party to the action.
- ~~(6)(7)~~ To protect the rights of the citizens of the Commonwealth of Kentucky as guaranteed by the Constitution of Kentucky, it is the intent of the General Assembly that any action brought or pursued under this section be given priority and prosecuted in an expeditious manner.
- ~~(7)(8)~~ Pursuant to Sections 43 and 231 of the Constitution of Kentucky, members of the General Assembly, organizations within the legislative branch of state government, or officers or employees of the legislative branch shall not be made parties to any action challenging the constitutionality or validity of any statute or regulation, without the consent of the member, organization, or officer or employee.
- ~~(8)(9)~~ Nothing in this section is intended to waive, nor shall it be interpreted or applied to waive or abrogate in any way, any legislative immunity or legislative privilege of any body, subdivision, caucus, committee, or member of the General Assembly, or the Legislative Research Commission, as provided by the Constitution of Kentucky, KRS 418.075, any other statute of this Commonwealth, or federal or state common law.

➔Section 6. Whereas, because of the importance of confidence in the courts and of safeguarding against the perception that judicial decisions or verdicts could be affected by undue influence of a party or the odium that attends a party or a cause of action or defense, or that because of the circumstances or nature of a case a party, cannot have a fair and impartial trial in a particular county, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Veto Overridden April 12, 2024.

A CONCURRENT RESOLUTION directing the Legislative Research Commission to establish the Efficient and Effective School District Governance Task Force.

WHEREAS, the General Assembly has created a system of public schools that places a high priority on ensuring that all students achieve at high levels; and

WHEREAS, the General Assembly recognizes that many schools and districts in the Commonwealth have unacceptable proficiency rates in reading, mathematics, science, social studies, and writing; and

WHEREAS, the General Assembly recognizes that many schools and districts are struggling with operational, managerial, and policy issues that are adversely impacting student academic achievement; and

WHEREAS, the General Assembly has the responsibility of ensuring that the governance models currently utilized by the state and local school districts are not impeding student achievement; and

WHEREAS, the General Assembly recognizes that school districts with an enrollment greater than 75,000 students in elementary, middle, and high school face particular operating and management challenges; and

WHEREAS, taxpayers and parents of students expect that local school boards will ensure that any policies they adopt shall abide by federal and state laws, meet federal and state requirements for finances and operations, and meet federal and state accountability and assessment provisions for student learning, growth, and improvement; and

WHEREAS, revenues and expenditures of school districts should be aligned to educational programming to maximize the preparedness of students to succeed in the workforce or in the pursuit of higher education while minimizing per pupil cost; and

WHEREAS, the General Assembly wishes to assess the efficiency and effectiveness of the operations, management, and policies of Kentucky school districts with student enrollment greater than 75,000; and

WHEREAS, the General Assembly seeks expert opinions and research from education-focused institutions such as the Education Commission of the States, the Southern Regional Education Board, and other organizations that can provide relevant and pertinent information that pertains to school governance structures and the infrastructure and supports needed to positively impact student academic achievement;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

➔Section 1. The Legislative Research Commission is hereby directed to establish the Efficient and Effective School District Governance Task Force to:

- (1) Review current district governance and administration models of Kentucky's school districts with student enrollment greater than 75,000 and compare the governance and operational structures to school districts in other states with similar size and demographic composition;
- (2) Review the functionality, duties, structure, independence, effectiveness, and efficiency of local boards of education and the impact of board decisions on student outcomes, in districts with a student enrollment of greater than 75,000;
- (3) Review publications, reports, and analyses of school governance relating to district size, the efficiency of districts, and the effects of size on student outcomes, including but not limited to a report from the Office of Education Accountability on school district governance that was approved in the office's 2024 research agenda, and previous Kentucky Department of Education management reports;
- (4) Hear testimony from entities with experience in research on and expertise in education organizational structures, policies, and governance;
- (5) Hear testimony from parents of former, current, and prospective students attending schools in districts with enrollment greater than 75,000, and from parents that have chosen not to enroll their students in school districts with enrollment greater than 75,000, on the strengths and weaknesses of the districts' academic offerings, educational capabilities, school and district policies, and their decisions to enroll or not enroll their students in schools within such districts;
- (6) Review relevant past performance audits, correction plans, and other analyses of school districts with enrollment greater than 75,000;
- (7) Review how other states have implemented or addressed the benefits and challenges of:

- (a) The creation of new school districts and the benefits and challenges of those new districts;
 - (b) The expansion of the membership of the school board; and
 - (c) The modification of the selection process of the members of the school board;
- (8) Assess the need for alternative governance structures, operations, management, and policy models for districts with enrollment greater than 75,000;
- (9) Explore options for the restructuring or reorganizing of school districts with an enrollment of over 75,000 and the potential impact on:
- (a) Federal, state, and local funding;
 - (b) School taxes and taxing authority;
 - (c) District boundaries and student enrollment;
 - (d) Continuation of student services;
 - (e) District real property and facilities;
 - (f) District bonding liability;
 - (g) District property;
 - (h) Demographic composition, including racial makeup;
 - (i) Transportation;
 - (j) Governance;
 - (k) Interscholastic athletics;
 - (l) Student performance and postgraduation readiness;
 - (m) Assessment and accountability;
 - (n) Personnel and tenure;
 - (o) Transition and startup timelines;
 - (p) Implementation costs;
 - (q) Compliance with federal law; and
 - (r) Any other issue;
- (10) Evaluate the short-term and long-term impacts of any potential governance, operation, or management changes of school districts with an enrollment greater than 75,000; and
- (11) Develop and submit any recommendations and changes the task force may adopt relating to the governance and administration of school districts with enrollment greater than 75,000 and how to better ensure the efficient and effective organization of the Commonwealth's school districts to the Legislative Research Commission by December 1, 2024.

➔Section 2. The Efficient and Effective School District Governance Task Force shall be composed of the following members, with final membership of the task force being subject to the consideration and approval of the Legislative Research Commission:

- (1) Two members of the House of Representatives to be appointed by the Speaker of the House, one of whom shall be designated to serve as co-chair;
- (2) Two members of the Senate to be appointed by the President of the Senate, one of whom shall be designated to serve as co-chair;
- (3) One member of the House of Representatives to be appointed by the Minority Floor Leader of the House;
- (4) One member of the Senate to be appointed by the Minority Floor Leader of the Senate;
- (5) The State Auditor or designee;
- (6) The mayor or designee from the largest city located within districts with a student enrollment greater than 75,000; and

- (7) To be appointed by the Legislative Research Commission to ensure broad political and geographical representation within any school district with an enrollment greater than 75,000 and ensure that such appointments reflect the racial minority and gender composition of the school districts based upon the most recent data from the United States Census Bureau:
- (a) Two members who are taxpayers living in a school district with an enrollment greater than 75,000, who are not current employees of the school district, have competency and experience or knowledge in the field of education, and have children that are currently attending or recently graduated within the past five years from the school district;
 - (b) One member with experience in the finance, management, and operations of large businesses that operate in the Commonwealth;
 - (c) One member who is a certified teacher currently employed as a classroom teacher in a school district with enrollment greater than 75,000 who has at least five years of experience working in the district; and
 - (d) One member from a list of three nominees that are recommended by the superintendents of school districts with student enrollment of 75,000 who is a principal.

➔Section 3. The Efficient and Effective School District Governance Task Force shall meet at least twice per month. The Legislative Research Commission shall assign staff from the Commission or the Office of Education Accountability as necessary to assist the task force to conduct its business. The Commission may also enter into contracts with consultants to assist the task force in its duties.

➔Section 4. Provisions of this Resolution to the contrary notwithstanding, the Legislative Research Commission shall have the authority to alternatively assign the issues identified herein to an interim joint committee or subcommittee thereof, and to designate a study completion date.

Veto Overridden April 12, 2024.

CHAPTER 191

(HB 13)

AN ACT relating to the Kentucky Product Development Initiative and declaring an emergency.

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

➔Section 1. KRS 154.21-015 is amended to read as follows:

As used in KRS 154.21-010 to 154.21-040:

- (1) "Cabinet" means the Cabinet for Economic Development;
- (2) *"County population ranking" means the score of each county determined by the cabinet under Section 3 of this Act;*
- (3) "Eligible grant recipient" means a grant applicant that is a local government or an economic development authority in an economic development district in this Commonwealth that is engaged in an eligible project;
- ~~(4)(3)~~ "Eligible project":
 - (a) Means an economic development project *initiated on a property that meets the availability requirements in subsection (3) of Section 4 of this Act; and*
 - (b) *Requires local matching funds based on the county population ranking* ~~with available matching funds for the project on a dollar-for-dollar basis that is either:~~
 - ~~(a) initiated on publicly owned property; or~~
 - ~~(b) If the project's eligible use includes property acquisition or a due diligence study, then the property shall come with either a:~~
 - ~~1. Legally binding letter of intent or option for the sale to an eligible grant recipient; or~~

2. ~~— Sale agreement for the sale to an eligible grant recipient;~~
- (5)~~{(4)}~~ "Eligible use":
- (a) Means the authorized purpose for which an awarded grant may be used depending on the source of funds from the Commonwealth; ~~and~~ ~~[- "Eligible use" -]~~
 - (b) May include *expenditures* ~~{but is not limited to expenditure}~~ in any of the following categories or some combination thereof:
 1. ~~{(a)}~~ Due diligence study;
 2. ~~{(b)}~~ Property acquisition;
 3. ~~{(c)}~~ Infrastructure extension or improvement;
 4. ~~{(d)}~~ Site preparation work;
 5. ~~{(e)}~~ Building construction or renovation; or
 6. ~~{(f)}~~ Road improvement; ~~[- and]~~
- (6) **"Population density":**
- (a) *Means the number of persons per square mile of a county;*
 - (b) *Is calculated by dividing the total county population by the square miles in the county;*
 - (c) *Is determined by using the population estimate from the most recent available five (5) year American Community Survey as published by the United States Census Bureau; and*
 - (d) *Is used to rank each county in descending order, with the county having the largest population density receiving a rank of one (1) and the county with the smallest population density receiving a rank of one hundred twenty (120);*
- (7)~~{(5)}~~ "Regional project" means an eligible project that is proposed by eligible grant recipients residing in different counties in this Commonwealth who submit a single grant application as co-applicants; ~~and~~
- (8) **"Ten (10) year percentage change in population":**
- (a) *Means the percentage change in population within a county;*
 - (b) *Is determined by comparing the population estimate from the most recent available five (5) year American Community Survey as published by the United States Census Bureau to the same survey ten (10) years prior to the most recent available survey; and*
 - (c) *Is used to rank each county in descending order, with the county having the largest positive percentage change in population receiving a rank of one (1) and the county with the largest negative percentage change receiving a rank of one hundred twenty (120).*

➔Section 2. KRS 154.21-020 is amended to read as follows:

- (1) The Kentucky Product Development Initiative *of 2022* is hereby established under the cabinet. The cabinet shall partner with the Kentucky Association for Economic Development to administer the program. The cabinet's administration of the program includes but is not limited to the following:
- (a) Creating and making available a standardized grant application and regional grant application;
 - (b) Adopting a standardized scoring system pursuant to KRS 154.21-040;
 - (c) Reviewing the applications and proposals submitted by the proposed grant recipients;
 - (d) Verifying the eligibility of the proposed grant recipients;
 - (e) Verifying that the proposed grant recipient seeks grant money for an eligible project prior to prioritizing and recommending the eligible grant recipient and eligible project to the cabinet; ~~[- and]~~
 - (f) Awarding grants to selected eligible grant recipients in two (2) rounds of funding; ~~and~~
 - (g) *Compiling and submitting the following information, no later than November 1, 2024, and annually thereafter until the authorized appropriation is spent or returned, for each application approved by the Kentucky Economic Development Finance Authority related to the Kentucky Product*

Development Initiative of 2022 to the Legislative Research Commission and the Interim Joint Committee on Appropriations and Revenue:

1. ***The name of the applicant, a description of the eligible project, and the location of each proposed project for which an application was received;***
 2. ***The date the application was approved by the Kentucky Economic Development Authority;***
 3. ***The amount of funding authorized for each project approved;***
 4. ***The total amount of funding disbursed for each project approved; and***
 5. ***The round of funding for which each project received approval.***
- (2) Upon receipt of eligible grant recipients and eligible project recommendations and prioritization from the Kentucky Association for Economic Development and the third-party independent site selection consultant, the cabinet shall verify and process the eligible grant recipients and eligible project recommendations with the intent to approve and award grants matching the selected grant recipient's contribution to its eligible project on a dollar-for-dollar basis, under the economic development fund program pursuant to KRS 154.12-100.
- (3) (a) Prior to the first round of grant awards, the cabinet shall allocate a percentage of the total funds appropriated to this program by the General Assembly to each county in the Commonwealth. When awarding grants in the first round of funding, the cabinet shall not award grants to an eligible grant recipient or a group of eligible grant recipients in excess of the amount allocated to the county in which it or they are located, except when pooled pursuant to subsection (4) of this section. The allocation shall be made according to the following calculations:
1. For all counties except Jefferson County, the percentage of the fund each county is eligible to receive shall be determined by each county's proportion of the state's population based on the most recent federal decennial census;
 2. For Jefferson County, the percentage of the fund it shall be eligible to receive shall be determined by the county's proportion of the state's population based on the most recent federal decennial census, which shall be discounted by fifty percent (50%); and
 3. The maximum funding available for an approved development project is two million dollars (\$2,000,000) per county except as permitted by subsection (4) of this section.
- (b) If there are funds available after the first round of grant awards, the cabinet shall initiate a second round of grant awards through the Kentucky Product Development Initiative. Any remaining funds available for program use shall be pooled and available to eligible grant recipients from all counties on a first-come, first-served basis, but each county's eligible allocation shall not exceed two million dollars (\$2,000,000) except as permitted by subsection (4) of this section.
- (4) For selected eligible grant recipients that are involved in a regional project, the cabinet may pool the potential allocation of funds available for each county represented by the eligible grant recipients for the grant amount awarded. For example, if a county that is eligible for up to ten percent (10%) of the program funds based on the calculations in subsection (3) of this section partners with a county that is eligible for five percent (5%) of the program funds based on the calculations in subsection (3) of this section, then the total allocation for the regional project that the cabinet may award is fifteen percent (15%).
- (5) Grant applicants that have received discretionary mega-development project funding shall be disqualified from participation in the Kentucky Product Development Initiative.

➔SECTION 3. A NEW SECTION OF SUBCHAPTER 21 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

- (1) ***The Kentucky Product Development Initiative of 2024 is hereby established under the cabinet. The cabinet shall partner with the Kentucky Association for Economic Development to administer the program. The cabinet's administration of the program includes:***
- (a) ***Creating and making available a standardized grant application and regional grant application;***
 - (b) ***Adopting a standardized scoring system pursuant to KRS 154.21-040;***
 - (c) ***Reviewing the applications and proposals submitted by the proposed grant recipients;***
 - (d) ***Verifying the eligibility of the proposed grant recipients;***

- (e) *Verifying that the proposed grant recipient seeks grant money for an eligible project prior to prioritizing all eligible projects;*
 - (f) *Determining the county's population ranking under subsection (3) of this section;*
 - (g) *Awarding grants to selected eligible grant recipients in multiple rounds of funding; and*
 - (h) *Compiling and submitting the reports required by subsections (3) and (5) of this section.*
- (2) *Upon receipt of eligible grant recipients and eligible project recommendations and prioritization from the Kentucky Association for Economic Development and the third-party independent site selection consultant, the cabinet shall verify and process the eligible grant recipients and eligible project recommendations with the intent to approve and award grants under the economic development fund program pursuant to KRS 154.12-100 and based on the following criteria:*
- (a) *Consideration of whether the eligible grant recipient had received a grant award from the Kentucky Product Development Initiative of 2022 under Section 2 of this Act; and*
 - (b) *The matching funds for the selected grant recipient's contribution to its eligible project based on the county population ranking determined under subsection (3) of this section.*
- (3) (a) *On or before June 1, 2024, and no later than June 1 every two (2) years thereafter, the cabinet shall determine a county population ranking for each county by adding the following two (2) factors:*
- 1. *The population density ranking; and*
 - 2. *The ten (10) year percentage change in population ranking.*
- (b) *The required local match for each county shall be as follows:*
- 1. *Eligible projects in counties where the county population ranking is greater than or equal to one hundred ninety-three (193) shall provide a minimum amount of local matching funds equal to ten percent (10%) of the project cost;*
 - 2. *Eligible project in counties where the county population ranking is less than one hundred ninety-three (193) but greater than or equal to one hundred forty-five (145) shall provide a minimum amount of local matching funds equal to twelve and one-half percent (12.5%) of the project cost;*
 - 3. *Eligible project in counties where the county population ranking is less than one hundred forty-five (145) but greater than or equal to ninety-seven (97) shall provide a minimum amount of local matching funds equal to fifteen percent (15%) of the project cost;*
 - 4. *Eligible project in counties where the county population ranking is less than ninety-seven (97) but greater than or equal to forty-nine (49) shall provide a minimum amount of local matching funds equal to seventeen and one-half percent (17.5%) of the project cost;*
 - 5. *Eligible project in counties where the county population ranking is less than forty-nine (49) shall provide a minimum amount of local matching funds equal to twenty percent (20%) of the project cost; and*
 - 6. *For eligible projects requesting due diligence as an eligible use, the due diligence must be completed prior to acquisition of the site. If the due diligence result leads to the decision to not purchase the site, then the cabinet may expend up to two hundred thousand dollars (\$200,000) with no local matching funds required. If the amount to be reimbursed by the cabinet exceeds two hundred thousand dollars (\$200,000), the cabinet shall report to the Interim Joint Committee on Appropriations and Revenue, or the Senate Standing Committee on Appropriations and Revenue and the House Standing Committee on Appropriations and Revenue, within five (5) days of the disbursement. The report shall include the name and county location of the eligible project approved, the amount of the grant awarded, the amount of the funding disbursed for due diligence and the extenuating circumstances related to the due diligence study.*
- (c) *On or before July 1, 2024, and no later than July 1 every two (2) years thereafter, the cabinet shall report to the Legislative Research Commission and the Interim Joint Committee on Appropriation and Revenue the following information for each county:*
- 1. *The county name;*

2. *The population density ranking for that county;*
 3. *The ten (10) year percentage change in population ranking for that county; and*
 4. *The county population ranking for that county.*
- (d) *When awarding grants in this initiative, the cabinet shall not award grants to:*
1. *An eligible grant recipient or a group of eligible grant recipients in excess of the amount allocated to the county in which the county is located, except when pooled pursuant to subsection (4) of this section; or*
 2. *An eligible grant recipient that received a grant award from the Kentucky Product Development Initiative of 2022 prior to all other eligible grant recipients receiving a grant award from the Kentucky Product Development Initiative of 2024 if the eligible project scores are equal to or above the score of an eligible project from an eligible grant recipient who received a grant award from the Kentucky Product Development Initiative of 2022 under KRS 154.21-040, and in the case where the scores are equal, discretion by the Kentucky Association for Economic Development and the cabinet shall be used.*
- (e) *The maximum funding available for an approved development project is two million dollars (\$2,000,000) per county, except as permitted by subsection (4) of this section.*
- (f) *If there are funds available after the first round of grant awards of the Kentucky Product Development Initiative of 2024, the cabinet shall initiate additional rounds of grant awards.*
- (4) (a) *For selected eligible grant recipients that are involved in a regional project, the cabinet may pool the potential allocation of funds available for each county represented by the eligible grant recipients for the grant amount awarded.*
- (b) *A county that is an eligible grant recipient involved in a regional project shall provide that county's local matching funds based on the county population ranking determined under subsection (3) of this section and each county's local matching funds may be pooled as described in paragraph (a) of this subsection.*
- (5) *Beginning no later than November 1, 2024, and annually thereafter until the authorized appropriation is spent or returned, the cabinet shall compile and submit a report for each application approved by the Kentucky Economic Development Finance Authority for the Kentucky Product Development Initiative of 2024. The report shall be electronically delivered to the Legislative Research Commission and the Interim Joint Committee on Appropriations and Revenue and contain the following information:*
- (a) *The name of the applicant, a description of the eligible project, and the location of each proposed project for which an application was approved;*
 - (b) *The date the application was approved by the Kentucky Economic Development Finance Authority;*
 - (c) *The amount of funding authorized for each project approved;*
 - (d) *The total amount of funding disbursed for each project approved; and*
 - (e) *The round of funding for which each project received approval.*
- (6) *The Kentucky Product Development Initiative of 2024 shall begin July 1, 2024.*
- ➔Section 4. KRS 154.21-035 is amended to read as follows:
- (1) The Kentucky Association for Economic Development shall evaluate each applicant's eligible project according to the criteria described in this section and KRS 154.21-040 for the purposes of compiling a recommendation and score for the eligible project and project site pursuant to KRS 154.21-040.
 - (2) The Kentucky Association for Economic Development and the third-party independent site selection consultant shall consider the requirements in the following five (5) categories in the evaluation of proposed projects:
 - (a) Property availability as described in subsection (3) of this section;
 - (b) Property development ability as described in subsection (4) of this section;
 - (c) Zoning availability as described in subsection (5) of this section;

- (d) Transportation accessibility as described in subsection (6) of this section; and
 - (e) Utility adequacy as described in subsection (7) of this section.
- (3) The property that the eligible project occupies or is proposed to occupy shall be available. Property shall be deemed available for the purposes of this program:
- (a) If the property is ~~to~~
 - ~~(a) —~~ publicly owned; or
 - (b) If the project's eligible use includes property acquisition or a due diligence study. ***In this situation the application shall include one (1) of the following***~~, then the property shall come with either a~~:
 1. A legally binding letter of intent or option for the sale to an eligible grant recipient; or
 2. ~~An~~~~Sale~~ agreement for the sale to an eligible recipient.
- (4) The property that the eligible project occupies or is proposed to occupy shall be developable. Property shall be deemed developable if:
- (a) The acreage intended for development is clearly defined by either:
 1. The grant applicant; or
 2. An engineering partner during or after a site visit, if the applicant is unable to define the developable acreage; and
 - (b) The property is free of impediments to development, or a known impediment can be mitigated by a grant applicant. A property is free of impediments if it:
 1. Is located outside of the one hundred (100) year and five hundred (500) year flood zone;
 2. Is free of recognized environmental conditions;
 3. Is free of wetlands;
 4. Is free of state and federally threatened and endangered species;
 5. Is free of areas of archaeological or historical significance; and
 6. Possesses soils compatible with the grant applicant's intended development.
- (5) The property that the eligible project occupies or is proposed to occupy shall be appropriately zoned for the intended use or shall be able to be rezoned within ninety (90) calendar days. The properties surrounding the grant applicant's project site shall be zoned so they are compatible with the grant applicant's intended development and use of the project site.
- (6) The property that the eligible project occupies or is proposed to occupy shall be directly served by a road or roads that are compatible with the intended use of the property. Additionally, if the property is marketed as rail-served, the property shall be deemed rail-served if:
- (a) The grant applicant provides documentation from the rail provider that evinces that rail infrastructure exists and the rail provider actually provides rail service; or
 - (b) If the rail service does not exist at the time of the grant application, the grant applicant provides documentation from the rail provider that evinces that the project site will be able to be rail-served within twelve (12) months.
- (7) The property that the eligible project occupies or is proposed to occupy shall have access to adequate utilities and shall be served or able to be served by the following:
- (a) Electric infrastructure;
 - (b) Natural gas;
 - (c) Water infrastructure and a public water system;
 - (d) Wastewater infrastructure and a public wastewater treatment plant, excluding a septic wastewater treatment system; and
 - (e) Fiber telecommunications infrastructure.

➔Section 5. Whereas it is critical to ensure the continuing economic progress by the Commonwealth through the immediate implementation of this Act related to the Kentucky Product Development Initiative of 2024, an emergency is declared to exist, and this Act takes effect on July 1, 2024.

Signed by Governor April 16, 2024.

CHAPTER 192

(SJR 132)

A JOINT RESOLUTION directing the Council on Postsecondary Education to conduct a feasibility study on transforming the Hazard Community and Technical College into a four-year, residential university.

WHEREAS, during the 2023 Regular Session, Senate Joint Resolution 98 was passed by the General Assembly to direct the Council on Postsecondary Education to study the impact and feasibility of establishing a regional, residential, four-year public university in southeastern Kentucky; and

WHEREAS, the Council on Postsecondary Education conducted a study and reported its findings to the Legislative Research Commission; and

WHEREAS, in that report, the Council reported an option for consideration that would expand the Hazard Community and Technical College into a stand-alone, four-year, residential university offering limited technical and baccalaureate programs; and

WHEREAS, the General Assembly requires detailed information for a potential transformation of the Hazard Community and Technical College into a four-year, residential university;

NOW, THEREFORE,

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

➔Section 1. The Council on Postsecondary Education shall conduct a feasibility study on transforming the Hazard Community and Technical College into a four-year, residential university that offers specific technical and baccalaureate programs. The Council shall consult with the college and the Kentucky Community and Technical College System as necessary to gather information and conduct analysis in support of the study. The Council shall study the following, and develop specific recommendations for the General Assembly to consider for action during the 2025 Regular Session:

(1) A potential annual budget for the transition and initial establishment of the university's operation that identifies:

(a) One-time costs associated with the transformation including construction of new facilities required for the institution to function, including but not limited to facilities for student housing and food service;

(b) The various revenues that the institution could expect to generate based on both conservative and moderate growth scenarios;

(c) The projected recurring costs, including retirement and health care for employees;

(d) Anticipated tuition and fee charges, and projected gross and net tuition and fee revenue;

(e) Federal funds that the institution would access or seek; and

(f) Private funds that the institution would solicit or seek;

(2) A governance plan for the institution based on the statutes and administrative regulations that currently govern other comprehensive universities as defined in KRS 164.001;

(3) How the college's current satellite campuses can be best utilized, including but not limited to incorporating them into the new institution or maintaining them in the Kentucky Community and Technical College system;

(4) Demand for the institution's academic programs and services within the projected service area by soliciting input from potential students and area employers;

- (5) The curricular offerings of the institution that addresses:
- (a) Whether any of the current college's programs would be discontinued and which programs the new institution would offer, including specific baccalaureate programs to be offered; and
- (b) How the institution could continue to utilize the University Center of the Mountains and other joint consortiums with other postsecondary institutions to supplement the institution's in-person, remote, and online programs;
- (6) How student financial aid would be offered, and the tuition and fee rates that may be charged to best ensure accessibility for the residents of the region;
- (7) How the state postsecondary education budget would need to be adjusted to account for the transformation;
- (8) What extracurricular and interscholastic programs should initially be offered to students, including athletics programs, and the potential costs and revenues the institution may incur from those offerings; and
- (9) A proposed implementation timeline for the transition and establishment of the institution that incorporates the study items in subsections (1) to (8) of this section.

➔Section 2. The results of the study and recommendations required by Section 1 of this Joint Resolution shall be submitted to the Legislative Research Commission by December 1, 2024, for referral to the Interim Joint Committee on Education and the Interim Joint Committee on Appropriations and Revenue.

Signed by Governor April 16, 2024.

CHAPTER 193

(HB 469)

AN ACT relating to Purple Star Schools.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
- (a) *"Military-connected student" means a child enrolled in a Kentucky public school who is a dependent of a current or former member of the Armed Forces of the United States, the Kentucky National Guard, or any reserve component thereof; and*
- (b) *"Purple star school" means any public, private, or public charter school serving any grades of kindergarten through twelfth grade that has committed to supporting the educational and social-emotional needs of military-connected students, as identified by the Kentucky Commission on Military Affairs.*
- (2) *The Kentucky Commission on Military Affairs shall establish the Purple Star School Program and establish an application, review, and designation process for eligible schools.*
- (3) *To qualify as a purple star school, the school shall:*
- (a) *Designate a staff member as a military liaison to serve as the point of contact between the school and military-connected students and their families, whose duties shall include:*
1. *Identifying military-connected students enrolled in the school;*
 2. *Determining appropriate services available to military-connected students;*
 3. *Coordinating programs relevant to military-connected students;*
 4. *Assisting military-connected students in transitioning into or out of the school;*
 5. *Facilitating optional professional development for staff members on issues related to military-connected students;*

6. *Completing a Kentucky Commission on Military Affairs purple star school questionnaire to provide feedback for program improvements; and*
 7. *Completing Kentucky purple star school self-paced online training events, including military youth in Kentucky;*
- (b) *Maintain a web page on the school's website that includes a prominent display of the Kentucky purple star logo provided by the Kentucky Commission on Military Affairs, resources for military-connected students and their families, and information regarding:*
1. *Relocation, enrollment, registration, and transferring records in the school;*
 2. *Academic planning, course sequences, and advanced classes available;*
 3. *Counseling and other support services available for military-connected students enrolled in the school; and*
 4. *Contact information for the military liaison designated in this subsection;*
- (c) *Host at least one (1) military recognition event annually that connects the school with the military community; and*
- (d) *Submit an application for designation as a purple star school with the Kentucky Commission on Military Affairs.*

Signed by Governor April 16, 2024.

CHAPTER 194

(SB 285)

AN ACT relating to name, image, and likeness activities of intercollegiate student-athletes and declaring an emergency.

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

➔Section 1. KRS 164.6945 is amended to read as follows:

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

- (c) A substance the student-athlete's intercollegiate athletic association forbids the athlete from using;
 - (d) Adult entertainment; or
 - (e) Products or services that would be illegal for the student-athlete to possess or receive.
- (5) *The provisions of subsections (2) and (3) of this section shall apply to NIL agreement activities only to the extent that an intercollegiate athletic association may lawfully regulate or restrict a student-athlete's agreements to receive compensation in exchange for his or her name, image, or likeness in a manner identical or substantially similar to that set forth in subsection (2) and (3) of this section, including as currently or may be in the future modified by a court of competent jurisdiction, and the intercollegiate athletic association chooses to do so.*

➔Section 2. Whereas student-athletes have pressing new name, image, and likeness opportunities available, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 16, 2024.

CHAPTER 195

(HB 829)

AN ACT relating to medicinal cannabis and declaring an emergency.

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

➔Section 1. KRS 218B.010 is amended to read as follows:

For the purposes of this chapter, unless the context otherwise requires:

- (1) "Bona fide practitioner-patient relationship" means a treating or consulting relationship, during the course of which a medicinal cannabis practitioner has:
 - (a) Completed an initial in-person examination and assessment of the patient's medical history and current medical condition *which shall include a review of:*
 - 1. *The patient's medical records for the previous twelve (12) months;*
 - 2. *All other available medical records relevant to the patient's qualifying medical condition;*
 - 3. *Any medications that the patient is currently taking; and*
 - 4. *Any other possible risks or side effects that may be associated with the use of medicinal cannabis;*
 - (b) Consulted with the patient with respect to the possible medical, therapeutic, and palliative properties of medicinal cannabis;
 - (c) Advised the patient of the possible risks and side effects associated with the use of medicinal cannabis, including possible interactions between medicinal cannabis and any other drug or medication that the patient is taking at that time; and
 - (d) Established an expectation that he or she will provide follow-up care and treatment to the patient in accordance with administrative regulations promulgated pursuant to KRS 218B.050(10);
- (2) "Cabinet" means the Cabinet for Health and Family Services;
- (3) "Cannabis business" means an entity licensed under this chapter as a cultivator, dispensary, processor, producer, or safety compliance facility;
- (4) "Cannabis business agent" means a principal officer, board member, employee, volunteer, or agent of a cannabis business;
- (5) "Cardholder" means:

- (a) A registered qualified patient, designated caregiver, or visiting qualified patient who has applied for, obtained, and possesses a valid registry identification card issued by the cabinet; or
- (b) A visiting qualified patient who has obtained and possesses:
 - 1. A valid out-of-state registry identification card; and
 - 2. Documentation of having been diagnosed with a qualifying medical condition;
- (6) "Cultivator" means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090;
- (7) "Cultivator agent" means a principal officer, board member, employee, volunteer, or agent of a cultivator;
- (8) "Designated caregiver" means a person who has registered as such with the cabinet under KRS 218B.055 and 218B.060;
- (9) "Dispensary" means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090;
- (10) "Dispensary agent" means a principal officer, board member, employee, volunteer, or agent of a dispensary;
- (11) "Disqualifying felony offense" means:
 - (a) A felony offense that **resulted in the person being classified by the Department of Corrections**~~that would classify the person~~ as a violent offender under KRS 439.3401; or
 - (b) A violation of a state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted, except:
 - 1. An offense for which the sentence, including any term of probation, incarceration, or supervised release, was completed five (5) or more years earlier; or
 - 2. An offense that, **as determined by the cabinet**, consisted of conduct for which this chapter would likely have prevented a conviction, but the conduct either occurred prior to the enactment of this chapter or was prosecuted by an authority other than the Commonwealth of Kentucky;
- (12) "Enclosed, locked facility" means an indoor growing space such as a room, greenhouse, building, or other indoor enclosed area that is maintained and operated by a cultivator or producer and is equipped with locks and other security devices that permit access only by authorized agents of the cultivator or producer, as required by the cabinet;
- (13) "Growth area" has the same meaning as an enclosed, locked facility;
- (14) "Marijuana" has the same meaning as in KRS 218A.010;
- (15) "Medicinal cannabis":
 - (a) Means marijuana as defined in KRS 218A.010 when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with this chapter;
 - (b) Includes medicinal cannabis products and raw plant material; and
 - (c) Does not include industrial hemp or industrial hemp products as defined in KRS 260.850;
- (16) "Medicinal cannabis accessories" means any equipment, product, or material of any kind which is used, intended for use, or designed for use in the preparing, storing, using, or consuming medicinal cannabis in accordance with this chapter;
- (17) "Medicinal cannabis practitioner" means a physician or an advanced practice registered nurse who is authorized to prescribe controlled substances under KRS 314.042, who is authorized by his or her state licensing board to provide written certifications pursuant to KRS 218B.050;
- (18) "Medicinal cannabis product":
 - (a) Means any compound, manufacture, salt, derivative, mixture, or preparation of any part of the plant Cannabis sp., its seeds or its resin; or any compound, mixture, or preparation which contains any quantity of these substances when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with this chapter; and
 - (b) Does not include industrial hemp products as defined in KRS 260.850;
- (19) "Minor" means a person less than eighteen (18) years of age;

- (20) "Out-of-state registry identification card" means a registry identification card, or an equivalent document, that was issued pursuant to the laws of another state, district, territory, commonwealth, or insular possession of the United States;
- (21) "Processor" means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090;
- (22) "Processor agent" means a principal officer, board member, employee, volunteer, or agent of a processor;
- (23) "Producer" means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090;
- (24) "Producer agent" means a principal officer, board member, employee, volunteer, or agent of a producer;
- (25) "Qualified patient" means a person who has obtained a written certification from a medicinal cannabis practitioner with whom he or she has a bona fide practitioner-patient relationship;
- (26) "Qualifying medical condition" means:
- (a) Any type or form of cancer regardless of stage;
 - (b) Chronic, severe, intractable, or debilitating pain;
 - (c) Epilepsy or any other intractable seizure disorder;
 - (d) Multiple sclerosis, muscle spasms, or spasticity;
 - (e) Chronic nausea or cyclical vomiting syndrome that has proven resistant to other conventional medical treatments;
 - (f) Post-traumatic stress disorder; and
 - (g) Any other medical condition or disease for which the Kentucky Center for Cannabis established in KRS 164.983, or its successor, determines that sufficient scientific data and evidence exists to demonstrate that an individual diagnosed with that condition or disease is likely to receive medical, therapeutic, or palliative benefits from the use of medicinal cannabis;
- (27) "Raw plant material":
- (a) Means the trichome-covered part of the female plant Cannabis sp. or any mixture of shredded leaves, stems, seeds, and flowers of the Cannabis sp. plant; and
 - (b) Does not include plant material obtained from industrial hemp as defined in KRS 260.850;
- (28) "Registered qualified patient" means a qualified patient who has applied for, obtained, and possesses a valid registry identification card ~~or provisional registration receipt~~ issued by the cabinet;
- (29) "Registry identification card" means a document issued by the cabinet that identifies a person as a registered qualified patient, visiting qualified patient, or designated caregiver;
- (30) "Safety compliance facility" means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090;
- (31) "Safety compliance facility agent" means a principal officer, board member, employee, volunteer, or agent of a safety compliance facility;
- (32) "Seedling" means a medicinal cannabis plant that has no flowers and is not taller than eight (8) inches;
- (33) "Serious violation" means:
- (a) Any violation of this chapter or any administrative regulation promulgated thereunder that is capable of causing death or which causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ;
 - (b) The diversion of medicinal cannabis for use not regulated pursuant to this chapter; or
 - (c) Any act that would constitute a violation of KRS 218A.1421;
- (34) "Smoking" means the inhalation of smoke produced from the combustion of raw plant material when ignited by a flame;
- (35) "State licensing board" means:
- (a) The Kentucky Board of Medical Licensure; or
 - (b) The Kentucky Board of Nursing;

- (36) "Telehealth" has the same meaning as in KRS 211.332;
- (37) "Use of medicinal cannabis":
- (a) Includes the acquisition, administration, possession, transfer, transportation, or consumption of medicinal cannabis or medicinal cannabis accessories by a cardholder in accordance with this chapter; and
 - (b) Does not include:
 1. Cultivation of marijuana by a cardholder;
 2. The use or consumption of marijuana by smoking; or
 3. The use of industrial hemp or industrial hemp products as defined in KRS 260.850;
- (38) "Visiting qualified patient" means a person who has registered as such through the cabinet as required under this chapter or who possesses a valid out-of-state registry identification card and documentation of having been diagnosed with a qualifying medical condition; and
- (39) "Written certification" means a document dated and signed by a medicinal cannabis practitioner, that:
- (a) States, that in the medicinal cannabis practitioner's professional medical opinion, the patient may receive medical, therapeutic, or palliative benefit from the use of medicinal cannabis;
 - (b) Specifies the qualifying medical condition or conditions for which the medicinal cannabis practitioner believes the patient may receive medical, therapeutic, or palliative benefit; and
 - (c) Affirms that the medicinal cannabis practitioner has a bona fide practitioner-patient relationship with the patient.

➔Section 2. KRS 218B.020 is amended to read as follows:

- (1) The Cabinet for Health and Family Services is hereby charged with the implementation, operation, oversight, and regulation of the medicinal cannabis program established in this chapter.
- (2) There is hereby established within the cabinet a Board of Physicians and Advisors which shall consist of the following members:
 - (a) Seven (7) physicians appointed by the Kentucky Board of Medical Licensure and confirmed by the Senate in accordance with KRS 11.160. In order to be eligible to be appointed to the board, a physician shall be authorized, pursuant to KRS 218B.050, to provide written certifications for the use of medicinal cannabis and shall be certified by the appropriate board in one (1) of the following specialties:
 1. Addiction medicine;
 2. Anesthesiology;
 3. Gastroenterology;
 4. Infectious disease;
 5. Neurology;
 6. Obstetrics and gynecology;
 7. Oncology;
 8. Ophthalmology;
 9. Optometry;
 10. Pain management;
 11. Pain medicine;
 12. Pediatrics;
 13. Physical medicine and rehabilitation; or
 14. Psychiatry; ~~and~~

- (b) Two (2) advanced practice registered nurses appointed by the Kentucky Board of Nursing and confirmed by the Senate *in accordance with KRS 11.160*. In order to be eligible to be appointed to the board, an advanced practice registered nurse shall be authorized, pursuant to KRS 218B.050, to provide written certifications for the use of medicinal cannabis; *and*
 - (c) *One (1) pharmacist appointed by the Kentucky Board of Pharmacy and confirmed by the Senate in accordance with KRS 11.160.*
- (3) Each member of the Board of Physicians and Advisors shall:
- (a) Serve for a term of four (4) years and until his or her successor is appointed and confirmed by the Senate;
 - (b) Be eligible for reappointment; and
 - (c) Serve without compensation, but each member of the board not otherwise compensated for his or her time or expenses shall be entitled to reimbursement for his or her actual and necessary expenses in carrying out his or her duties with reimbursement for expenses being made in accordance with administrative regulations relating to travel expenses.
- (4) The Board of Physicians and Advisors shall not be subject to reorganization under KRS Chapter 12.
- (5) The Board of Physicians and Advisors shall:
- (a) Review and recommend to the cabinet protocols for determining:
 - 1. The amount of medicinal cannabis or delta-9 tetrahydrocannabinol that constitutes a daily supply, an uninterrupted ten (10) day supply, and an uninterrupted thirty (30) day supply of medicinal cannabis for registered qualified patients and visiting qualified patients; and
 - 2. The amount of raw plant material that medicinal cannabis products are considered to be equivalent to;
 - (b) Review and recommend to the cabinet protocols, evolving continuous quality improvement metrics, and minimal performance standards for the biennial accreditation process of licensed cannabis businesses;
 - (c) Review relevant peer-reviewed, scientific data related to the delta-9 tetrahydrocannabinol content limits established in KRS 218B.095(2)(b) and make recommendations to the General Assembly regarding revisions to the limits as the board deems appropriate;
 - (d) Review relevant peer-reviewed, scientific data related to the various methods of use and consumption of medicinal cannabis and make recommendations to the General Assembly to approve or restrict certain methods as the board deems appropriate;
 - (e) Review relevant peer-reviewed, scientific data related to the use of medicinal cannabis for medical, therapeutic, or palliative purposes and make recommendations to the General Assembly to add or remove conditions from the list of qualifying medical conditions defined in KRS 218B.010; ~~and~~
 - (f) Perform other duties related to the use of medicinal cannabis upon request by the secretary of the cabinet; *and*
 - (g) *Assist the cabinet in developing the Medicinal Cannabis Advisory Pamphlet described in subsection (2)(b) of Section 14 of this Act.*
- (6) No later than December 1 of each year beginning in 2024, the cabinet, in consultation with the University of Kentucky College of Medicine and the Kentucky Center for Cannabis, shall submit an annual report to the Legislative Research Commission. The report submitted by the cabinet shall, at a minimum, include:
- (a) The number of applications and renewals received by the cabinet for registry identification cards for registered qualified patients, visiting qualified patients, and designated caregivers, individually and collectively;
 - (b) The number of applications and renewals for registry identification cards that were approved and denied by the cabinet;
 - (c) The number of registry identification cards revoked by the cabinet for misconduct and the nature of the misconduct;
 - (d) The number of medicinal cannabis practitioners authorized to provide written certifications;

- (e) The nature of the medical conditions for which medicinal cannabis practitioners have provided written certifications;
 - (f) The number of applications and renewals received by the cabinet for cannabis business licenses, the number of cannabis business licenses issued for each business type and tier, and the number of cannabis business license applications and renewals that were denied by the cabinet;
 - (g) The number of cannabis business agents employed by each type of cannabis business;
 - (h) An assessment of:
 - 1. The ability of cardholders in all areas of the state to obtain timely affordable access to medicinal cannabis;
 - 2. The evolving continuous quality improvement metrics and minimal performance standards for the biennial accreditation process of licensed cannabis businesses;
 - 3. The effectiveness of the cultivators, processors, and producers licensed under this chapter, individually and collectively, in serving the needs of processors, dispensaries, and cardholders, the reasonableness of their fees, whether they are generating any complaints or security problems, and the sufficiency of the number operating to serve processors, dispensaries, and cardholders in the Commonwealth;
 - 4. The effectiveness of the dispensaries licensed under this chapter, individually and collectively, in serving the needs of cardholders, including the provision of educational and support services, the reasonableness of their fees, whether they are generating any complaints or security problems, and the sufficiency of the number operating to serve cardholders in the Commonwealth; and
 - 5. The effectiveness of the licensed safety compliance facilities licensed under this chapter, individually and collectively, in serving the needs of other cannabis businesses, including the provision of testing and training services, the reasonableness of their fees, whether they are generating any complaints or security problems, and the sufficiency of the number operating to serve other cannabis businesses and cardholders in the Commonwealth;
 - (i) The amount of medicinal cannabis sold per month in the Commonwealth;
 - (j) The total amount of revenue for each calendar year and aggregated by prior years generated from any cannabis business licensure and cardholder application and renewal fees established by the cabinet;
 - (k) The total cost of enforcement for the medicinal cannabis program at the time of the report, by city, county, and overall;
 - (l) The sufficiency of the regulatory and security safeguards contained in this chapter and adopted by the cabinet through administrative regulations to ensure that access to and use of medicinal cannabis cultivated and processed in this state is provided only to cardholders;
 - (m) Any recommended additions or revisions to this chapter or administrative regulations promulgated thereunder, including those relating to security, safe handling, labeling, and nomenclature;
 - (n) The results of any scientific research studies regarding the health effects of cannabis; and
 - (o) Any other data requested by the Legislative Research Commission relating to the medicinal cannabis program and this chapter.
- (7) The cabinet shall provide the University of Kentucky College of Medicine and the Kentucky Center for Cannabis established in KRS 164.983 with all information necessary to allow collaboration with the cabinet on the preparation of this report. The University of Kentucky College of Medicine and the Kentucky Center for Cannabis may also produce its own report regarding the medicinal cannabis program established in this chapter which, if produced, shall be submitted to the Legislative Research Commission upon completion.
- (8) The information contained in the report described in subsection (6) of this section shall be presented in a manner that complies with the federal Health Insurance Portability and Accountability Act, Pub. L. No. 104-191, and does not disclose any identifying information about cardholders or licensed cannabis businesses.

➔Section 3. KRS 218B.035 (Effective January 1, 2025) is amended to read as follows:

- (1) This chapter does not authorize any person to engage in, and shall not prevent the imposition of any civil, criminal, or other penalties, including but not limited to criminal prosecution or disciplinary action by the cabinet or an occupational or professional licensing board, for engaging in the following conduct:
- (a) Operating, navigating, or being in actual physical control of any aircraft, vehicle, vessel, or any other device known, or hereafter invented, that is powered by machinery and that is or may be used to transport persons or property while under the influence of medicinal cannabis;
 - (b) Consuming medicinal cannabis while operating, navigating, or being in actual physical control of an aircraft, vehicle, vessel, or any other device known, or hereafter invented, that is powered by machinery and that is or may be used to transport persons or property;
 - (c) Possessing medicinal cannabis that is within the operator's arm's reach or requires less than a two (2) step process to access while operating, navigating, or being in actual physical control of an aircraft, vehicle, vessel, or any other device known, or hereafter invented, that is powered by machinery and that is or may be used to transport persons or property;
 - (d) Undertaking any task under the influence of medicinal cannabis, when doing so would constitute negligence or professional malpractice;
 - (e) Possessing medicinal cannabis, or otherwise engaging in the use of medicinal cannabis:
 1. On the grounds of any preschool or primary or secondary school, except as permitted in accordance with policies enacted pursuant to KRS 218B.045(4);
 2. In any correctional facility; or
 3. On any property of the federal government;
 - (f) Using marijuana, if that person is not a registered qualified patient or visiting qualified patient;
 - (g) Using or consuming marijuana by smoking;~~or~~
 - (h) ***Using or consuming marijuana by vaping while on any form of public transportation, in any public place as defined in KRS 525.010, or in any place of public accommodation, resort, or amusement as defined in KRS 344.130; or***
 - (i) Cultivating marijuana unless that person is licensed by the cabinet as a cannabis cultivator or cannabis producer pursuant to KRS 218B.080, 218B.085, and 218B.090 or is a cultivator or producer agent.
- (2) The penalty for a violation of subsection (1)(a) or (b) of this section shall be the same as those established for operating a motor vehicle under the influence of alcohol or any other substance in KRS 189A.010.
- (3) (a) An individual who violates subsection (1)(g) **or (h)** of this section shall not be considered to be in possession of medicinal cannabis or engaged in the use of medicinal cannabis and shall not benefit from the legal protections afforded by this chapter.
- (b) The odor or smell of uncombusted raw plant material shall not constitute evidence of use or consumption of cannabis by smoking.
- (c) If an individual uses or consumes marijuana by smoking **or vaping** while on any form of public transportation, in any public place as defined in KRS 525.010, or in any place of public accommodation, resort, or amusement as defined in KRS 344.130:
1. The cabinet may revoke the individual's registry identification card; and
 2. The individual may be subject to prosecution under KRS 218A.1421 and 218A.1422.
- (4) Nothing in this chapter supersedes statutory laws relating to driving while under the influence of intoxicants. This chapter shall not prevent the enforcement of current laws pertaining to driving while intoxicated, including KRS 183.061, 189.520, 189A.010, and 235.240.
- (5) As used in this section:
- (a) "Aircraft" has the same meaning as in KRS 183.011;
 - (b) "Vehicle" has the same meaning as in KRS 189.010; and
 - (c) "Vessel" has the same meaning as in KRS 235.010.

➔Section 4. KRS 218B.045 (Effective January 1, 2025) is amended to read as follows:

- (1) A registered qualified patient or visiting qualified patient who uses medicinal cannabis shall be afforded all the same rights under state and local law, including those guaranteed under KRS Chapter 344, as the individual would have been afforded if he or she were solely prescribed pharmaceutical medications as they pertain to drug testing required by any state or local law.
- (2) A cardholder otherwise entitled to custody of, or visitation time or parenting time with, a minor child shall not be denied that right, and there shall be no presumption of abuse, neglect, or dependency for conduct permitted under this chapter unless the person's actions in relation to medicinal cannabis created an unreasonable danger to the safety of the minor child as established by clear and convincing evidence.
- (3)
 - (a) For the purposes of medical care, including organ transplants, a patient's authorized use of medicinal cannabis is the equivalent of the authorized use of any other medication used at the direction of a practitioner.
 - (b) A health facility as defined in KRS 216B.015 may develop policies to allow a patient who is a registered qualified patient or visiting qualified patient to use medicinal cannabis on the premises of the health facility.
- (4)
 - (a) A school shall not refuse to enroll, or otherwise penalize, a person solely for his or her status as a cardholder, unless failing to do so would violate federal law or regulations and cause the school to lose a monetary or licensing-related benefit under federal law or regulations.
 - (b) A school shall not be penalized or denied any benefit under state law for enrolling a cardholder.
 - (c) Each local board of education, ~~and~~ each board of directors of a public charter school, **and the governing body of each certified nonpublic school** shall, no later than **December 1, 2024**~~July 1, 2024~~, establish policies **related to the use of medicinal cannabis by**~~to permit~~ a pupil who is a registered qualified patient ~~to consume medicinal cannabis on school property as deemed necessary by the pupil's parent or legal guardian~~. Policies enacted pursuant to this paragraph shall **either prohibit the use of medicinal cannabis on school property or permit the use of medicinal cannabis on school property by a pupil who is a registered qualified patient as deemed necessary by the pupil's parent or legal guardian. If a local board of education, the board of directors of a public charter school, or the governing body of a certified nonpublic school enacts a policy to permit the use of medicinal cannabis by a pupil who is a registered qualified patient, that policy shall:**
 1. Require medicinal cannabis be administered:
 - a.
 - i. By a school nurse or under the supervision of appropriate school staff; **or**
 - ii. **By the parent or legal guardian of the pupil who is a registered qualified patient; and**
 - b. **Out of view of other students; and**
 2. **Include a process by which a school nurse or other school staff member may refuse to administer or supervise the administration of medicinal cannabis.**

➔Section 5. KRS 218B.050 is amended to read as follows:

- (1) Except as provided in subsection (11) of this section, a physician or an advanced practice registered nurse who is authorized to prescribe controlled substances under KRS 314.042 seeking to provide written certifications for the use of medicinal cannabis shall apply to the same state licensing board that issued his or her professional practice license, on a form prescribed by the state licensing board, for authorization to provide written certifications for the use of medicinal cannabis.
- (2)
 - (a) A state licensing board shall approve an application for authorization to provide written certifications for the use of medicinal cannabis if the application is complete and meets the requirements established in administrative regulations promulgated by the state licensing board.
 - (b) A state licensing board shall not authorize an application for authorization to provide written certifications for the use of medicinal cannabis if the applicant has an ownership or investment interest in or compensation agreement with a cannabis business licensed under this chapter. A state licensing board may consult with the cabinet to determine if an applicant has an ownership or investment interest in or compensation agreement with a cannabis business.

- (3) Authorization to provide written certifications for the use of medicinal cannabis granted under this section shall expire and may be renewed in accordance with administrative regulations promulgated by a state licensing board.
- (4) A medicinal cannabis practitioner authorized by a state licensing board to provide written certifications for the use of medicinal cannabis may only provide a patient with a written certification after the medicinal cannabis practitioner has:
 - (a) Established a bona fide practitioner-patient relationship with the patient;
 - (b) Diagnosed the patient, or confirmed a diagnosis provided by another health care provider, with a medical condition for which the medicinal cannabis practitioner believes that the patient *is likely to*~~may~~ receive *safe and effective* therapeutic or palliative benefit from the use of medicinal cannabis;
 - (c) Reviewed a report of information from the electronic monitoring system established pursuant to KRS 218A.202 related to the patient for a period of time that covers at least the twelve (12) months immediately preceding the date of the report;
 - (d) Consulted with the patient, or the patient's custodial parent or legal guardian responsible for providing consent to treatment if the patient is a minor child, with respect to the possible risks and side effects associated with medicinal cannabis, including possible interactions between medicinal cannabis and any other drug or medication that the patient is taking at that time; and
 - (e) Obtained the consent of the patient's custodial parent or legal guardian responsible for providing consent to treatment, if the patient is a minor child.
- (5) A bona fide practitioner-patient relationship may be established following a referral from the patient's primary care provider and may be maintained via telehealth. However, a bona fide practitioner-patient relationship shall not be established via telehealth.
- (6)
 - (a) When issuing a written certification for the use of medicinal cannabis to a patient, the medicinal cannabis practitioner shall use a form prescribed by the cabinet.
 - (b) An initial written certification for the use of medicinal cannabis shall be provided during the course of an in-person examination of the patient by the medicinal cannabis practitioner. Subsequent written certifications, including for the purpose of renewing a registry identification card, may be provided electronically or during the course of a telehealth consultation.
 - (c) For the purpose of applying for a registry identification card, a written certification provided under this section shall be valid for a period of not more than sixty (60) days. The medicinal cannabis practitioner may renew a written certification for not more than three (3) additional periods of not more than sixty (60) days each. Thereafter, the medicinal cannabis practitioner may issue another certification to the patient only after an in-person examination or an examination conducted via telehealth of the patient by the medicinal cannabis practitioner.
 - (d) Within twenty-four (24) hours of providing a patient with a written certification for the use of medicinal cannabis, a medicinal cannabis practitioner shall record the issuance of the written certification in the electronic monitoring system established pursuant to KRS 218A.202.
- (7) A medicinal cannabis practitioner shall not:
 - (a) Dispense medicinal cannabis; or
 - (b) Provide a written certification for the use of medicinal cannabis to a family member or for himself or herself.
- (8) Nothing in this chapter shall prevent a medicinal cannabis practitioner from being sanctioned for:
 - (a) Issuing a written certification without first obtaining authorization to provide written certifications from a state licensing board;
 - (b) Issuing a written certification to a patient with whom the medicinal cannabis practitioner does not have a bona fide practitioner-patient relationship;
 - (c) Failing to properly evaluate a patient's medical history and current medical condition, *including all prescription drugs that the patient is currently taking*, prior to issuing a written certification;
 - (d) Otherwise failing to use good faith in his or her treatment of the patient; or

- (e) Any other violation of this section.
- (9) A state licensing board may suspend or revoke a medicinal cannabis practitioner's authorization to provide written certification for the use of medicinal cannabis and practice license for multiple violations or a serious violation of this section or administrative regulations promulgated thereunder.
- (10) The state licensing boards shall:
 - (a) No later than July 1, 2024, promulgate administrative regulations in accordance with KRS Chapter 13A to establish:
 - 1. Procedures for applying for authorization to provide written certifications;
 - 2. The conditions that must be met to be eligible for authorization to provide written certifications;
 - 3. The process and procedures for renewing authorization to provide written certifications;
 - 4. Continuing education requirements for medicinal cannabis practitioners who are authorized to provide written certifications;
 - 5. The reasons for which authorization to provide written certifications for the use of medicinal cannabis may be suspended or revoked; and
 - 6. The minimal standards of care when providing written certifications including record maintenance and follow-up care requirements;
 - (b) On a regular basis, provide the cabinet with the names of all medicinal cannabis practitioners; and
 - (c) Immediately provide the cabinet with the name of any medicinal cannabis practitioner whose authorization to provide written certifications is suspended or revoked.
- (11) This section does not apply to a practitioner who recommends treatment with cannabis or a drug derived from cannabis under any of the following that are approved by an investigational review board or equivalent entity, the United States Food and Drug Administration, or the National Institutes for Health or any of its cooperative groups or centers under the United States Department of Health and Human Services:
 - (a) A research protocol;
 - (b) A clinical trial;
 - (c) An investigational new drug application; or
 - (d) An expanded access submission.
- (12) As used in this section, "telehealth" has the same meaning as in KRS 211.332.
 - ➔Section 6. KRS 218B.055 (Effective January 1, 2025) is amended to read as follows:
 - (1) Except as provided in subsection (5) of this section, no person shall possess, purchase, acquire, or otherwise engage or assist in the use of medicinal cannabis in Kentucky without first applying for and receiving a registry identification card issued by the cabinet.
 - (2) A person shall be eligible to apply for a registry identification card as a registered qualified patient if he or she is a resident of Kentucky, has obtained a written certification from a medicinal practitioner with whom he or she has a bona fide practitioner-patient relationship, and has not been convicted of a disqualifying felony offense.
 - (3)
 - (a) Except as provided in paragraph (b) of this subsection, a person shall be eligible to apply for a registry identification card as a designated caregiver if he or she is a resident of Kentucky, is at least twenty-one (21) years of age, has not been convicted of a disqualifying felony offense, and has agreed to assist no more than three (3) registered qualified patients with the use of medicinal cannabis.
 - (b) Any person who has been appointed as a guardian, limited guardian, conservator, or limited conservator under KRS Chapter 387 shall be eligible to be designated as a designated caregiver by the individual for whom they have been appointed as a guardian, limited guardian, conservator, or limited conservator.
 - (4) A person shall be eligible to apply for a registry identification card as a visiting qualified patient if he or she is not a resident of Kentucky or has been a resident of Kentucky for less than thirty (30) days, is at least twenty-one (21) years of age, has not been convicted of a disqualifying felony offense, possesses a valid out-of-state

registry identification card, and possesses documentation of having been diagnosed with a qualifying medical condition.

- (5) A person with a valid out-of-state registry identification card and documentation of having been diagnosed with a qualifying medical condition may use his or her out-of-state registry identification card for all purposes established in this chapter and shall not be required to apply for or receive a visiting qualified patient registry identification card from the cabinet.
- (6) To apply for or renew a registry identification card, a qualified patient shall submit the following, in accordance with administrative regulations promulgated by the cabinet:
 - (a) The name, address, and date of birth of the qualified patient, except that if the applicant is homeless an address where the applicant may be reached shall be provided to the cabinet;
 - (b) A written certification issued by a medicinal cannabis practitioner within ~~ninety (90)~~ **sixty (60)** days immediately preceding the date of an application;
 - (c) The name, address, and telephone number of the qualified patient's medicinal cannabis practitioner;
 - (d) The name, address, and date of birth of not more than two (2) individuals chosen by the qualified patient to be designated as a caregiver, if the qualified patient chooses to designate a caregiver, except that if an individual has been appointed as a guardian, limited guardian, conservator, or limited conservator under KRS Chapter 387, the qualified patient shall choose that individual as a designated caregiver;
 - (e) A statement, signed by the qualified patient, pledging not to divert medicinal cannabis to anyone who is not permitted to possess medicinal cannabis pursuant to this chapter. The statement shall contain a listing of potential penalties, including criminal prosecution, for diverting medicinal cannabis;
 - (f) A statement, signed by the individuals chosen by the qualified patient to be designated as a caregiver, if any, agreeing to be designated as the patient's designated caregiver and pledging not to divert medicinal cannabis to anyone other than the registered qualified patient to whom the caregiver is connected through the cabinet's registration process. The statement shall contain a listing of potential penalties, including criminal prosecution, for diverting medicinal cannabis; and
 - (g) The application or renewal fee for a registry identification card for a qualified patient and the application or renewal fee for a registry identification card for any designated caregiver chosen by the qualified patient.
- (7) To apply for or renew a registry identification card, a qualified patient who is under eighteen (18) years of age shall, in addition to the information required under subsection (6) of this section, submit:
 - (a) Documentation of diagnosis of a qualifying medical condition by a practitioner other than the medicinal cannabis practitioner who provided the written certification for the use of medicinal cannabis; and
 - (b) A statement signed by the custodial parent or legal guardian with responsibility for health care decisions for the qualified patient attesting to the fact that the custodial parent or legal guardian agrees to:
 1. Allow the qualified patient to use medicinal cannabis;
 2. Serve as the qualified patient's designated caregiver; and
 3. Control the acquisition, dosage, and frequency of use of medicinal cannabis by the qualified patient.
- (8) To apply for or renew a registry identification card, a visiting qualified patient shall submit the following, in accordance with administrative regulations promulgated by the cabinet:
 - (a) The name, address, and date of birth of the visiting qualified patient, except that if the applicant is homeless an address where the applicant may be reached shall be provided to the cabinet;
 - (b) A copy of his or her valid out-of-state registry identification card;
 - (c) Proof that he or she has been diagnosed with a qualifying medical condition;
 - (d) The application or renewal fee for a registry identification card for a visiting qualified patient; and

- (e) A statement, signed by the visiting qualified patient, pledging not to divert medicinal cannabis to anyone who is not permitted to possess medicinal cannabis pursuant to this chapter. The statement shall contain a listing of potential penalties, including criminal prosecution, for diverting medicinal cannabis.
- (9) The application for qualified patients' registry identification cards shall ask whether the patient would like the cabinet to notify him or her of any clinical studies needing human subjects for research on the use of medicinal cannabis. The cabinet shall notify interested patients if it is aware of studies that will be conducted in the United States.
- (10) A registered qualified patient applying to renew a registry identification card issued by the cabinet shall be required to submit to the cabinet a written certification issued by a medicinal cannabis practitioner within *sixty* (60) ~~ninety (90)~~ days immediately preceding the date of a renewal application.

➔Section 7. KRS 218B.060 is amended to read as follows:

- (1) The cabinet shall establish, implement, and operate a registry identification card program, including registry identification card application and renewal fees, for registered qualified patients, visiting qualified patients, and designated caregivers. Registry identification card application and renewal fees collected by the cabinet pursuant to this section shall be retained by the cabinet for administrative purposes.
- (2) Registry identification cards shall contain the following:
 - (a) The name of the cardholder;
 - (b) A designation of whether the cardholder is a registered qualified patient, visiting qualified patient, or designated caregiver;
 - (c) The date of issuance and expiration date of the registry identification card;
 - (d) A random alphanumeric identification number of at least ten (10) characters, containing at least four (4) numbers and at least four (4) letters, that is unique to the cardholder;
 - (e) A bar code or other marking that can be scanned electronically;
 - (f) A photograph of the cardholder, if the cabinet's administrative regulations require one;
 - (g) The telephone number and website address for the electronic monitoring system established pursuant to KRS 218A.202;
 - (h) If the cardholder is a registered qualified patient who has designated one (1) or more designated caregivers, the random alphanumeric identification number of the patient's designated caregivers;
 - (i) If the cardholder is a designated caregiver, the random alphanumeric identification number of the registered qualified patient the designated caregiver is receiving the registry identification card to assist; and
 - (j) If the cardholder is under eighteen (18) years of age, a clear and obvious designation or identifier indicating that the cardholder is under eighteen (18) years of age.
- (3)
 - (a) Except as provided in paragraph (b) of this subsection, the expiration date for registry identification cards shall be one (1) year after the date of issuance.
 - (b) If a medicinal cannabis practitioner states in the written certification that the qualified patient would benefit from the use of medicinal cannabis until a specified earlier date, then the registry identification card shall expire on that date.
- (4) The cabinet may, at its discretion, electronically store in the card all of the information listed in subsection (2) of this section, along with the address and date of birth of the cardholder, to allow it to be read electronically by law enforcement agents and licensed cannabis businesses.
- ~~(5) (a) The cabinet shall operate a provisional registration receipt system for registered qualified patients, designated caregivers, and visiting qualified patients that shall be valid for forty five (45) days, or until a permanent card can be issued, as if it is a registry identification card issued by the cabinet. This program shall be implemented and operational simultaneously with the cabinet's implementation of the registry identification card program established in this section. A provisional registration receipt shall contain the following:

 - 1. A temporary licensure number;~~

- ~~2. A barcode or other marking that can be scanned electronically;~~
 - ~~3. The name of the applicant;~~
 - ~~4. A designation of whether the cardholder is a registered qualified patient, visiting qualified patient, or designated caregiver;~~
 - ~~5. If the cardholder is under eighteen (18) years of age, a clear and obvious designation or identifier indicating that the cardholder is under eighteen (18) years of age;~~
 - ~~6. The effective date of the receipt;~~
 - ~~7. The expiration date of the receipt;~~
 - ~~8. An indication that the cardholder fee has been paid;~~
 - ~~9. An indication that the application has been submitted and is apparently complete; and~~
 - ~~10. The name of the certifying medicinal cannabis practitioner.~~
- ~~(b) The registration receipt system shall be designed so that this provisional registration receipt shall be produced by the application website upon completion of an application that includes a written certification for the use of medicinal cannabis and payment of the cardholder fee. To reduce application errors and processing time, a medicinal cannabis practitioner or a dispensary may offer a service that allows an applicant to use a computer and printer on the premises of the medicinal cannabis practitioner's office or dispensary to complete an application and receive a provisional registration receipt pursuant to this subsection.~~
- ~~(c) Notwithstanding any other provision of this chapter, a valid provisional registration receipt issued pursuant to this subsection shall convey to the individual whose name appears on the provisional registration receipt all of the same rights and privileges as a registry identification card issued by the cabinet and shall be accepted by a cannabis business in place of a registry identification card.]~~

➔Section 8. KRS 218B.065 (Effective January 1, 2025) is amended to read as follows:

- (1) Except as provided in subsections (2) to (5) of this section, the cabinet shall:
 - (a) Acknowledge receipt of an application within fifteen (15) days of receipt, and approve or deny an application or renewal within thirty (30) days of receiving a completed application or renewal application; and
 - (b) Issue registry identification cards to a qualified patient and any individual designated by the qualified patient as a designated caregiver or a visiting qualified patient within five (5) days of approving the application or renewal. An individual designated as a caregiver shall be issued a designated caregiver registry identification card for each registered qualified patient to whom he or she is connected through the cabinet's registration process.
- (2) The cabinet shall not issue a registry identification card to a qualified patient who is younger than eighteen (18) years of age unless:
 - (a) The custodial parent or legal guardian with responsibility for health care decisions for the qualified patient consents in writing to:
 1. Allow the qualified patient's use of medicinal cannabis;
 2. Serve as the qualified patient's designated caregiver; and
 3. Control the acquisition of the medicinal cannabis, the dosage, and the frequency of the use by the qualified patient; and
 - (b) The designated caregiver application for the custodial parent or legal guardian with responsibility for health care decisions for the qualified patient is approved.
- (3) The cabinet may deny an application or renewal for a qualified patient's or visiting qualified patient's registry identification card for any reason that the cabinet, in the exercise of sound discretion, deems sufficient, including but not limited to if the applicant:
 - (a) Did not provide the information or materials required by KRS 218B.055;
 - (b) Previously had a registry identification card revoked;

- (c) Provided false or falsified information; or
 - (d) Does not meet the eligibility requirements established in KRS 218B.055.
- (4) (a) Except as provided in paragraph (b) of this subsection, the cabinet may deny an application or renewal for a designated caregiver's registration card for any reason that the cabinet, in the exercise of sound discretion, deems sufficient, including but not limited to if the applicant:
- 1. Is already registered as a designated caregiver for three (3) registered qualified patients;
 - 2. Does not meet the eligibility requirements established in KRS 218B.055;
 - 3. Did not provide the information or materials required by KRS 218B.055;
 - 4. Previously had a registry identification card revoked;
 - 5. Provided false or falsified information;
 - 6. Was previously convicted of a disqualifying felony offense; or
 - 7. Has applied as a designated caregiver for a qualified patient whose application or renewal for a registry identification card was denied.
- (b) Notwithstanding paragraph (a) of this subsection, the cabinet shall approve an application or renewal for a designated caregiver's registration card if the applicant has applied as a designated caregiver for a qualified patient for who the applicant has been appointed under KRS Chapter 387 as a guardian, limited guardian, conservator, or limited conservator.
- (5) The cabinet may deny an application or renewal for a visiting qualified patient's registration card for any reason that the cabinet, in the exercise of sound discretion, deems sufficient, including but not limited to if the applicant:
- (a) Did not provide the information or materials required by KRS 218B.055;
 - (b) Previously had a registry identification card revoked;
 - (c) Provided false or falsified information; or
 - (d) Does not meet the eligibility requirements established in KRS 218B.055.
- (6) The cabinet may conduct a criminal background check *for each* ~~[of any]~~ applicant ~~[if the criminal background check is conducted]~~ solely to determine whether the applicant was previously convicted of a disqualifying felony offense.
- (7) The cabinet shall notify the registered qualified patient who has designated someone to serve as his or her designated caregiver if the individual designated as a caregiver is denied a registry identification card.
- (8) The cabinet shall notify the applicant in writing of the denial and reasons by registered or certified mail at the address given in the application or supplement. The applicant may, within thirty (30) days after the date of the mailing of the cabinet's notice, file a written request for an administrative hearing on the application. The hearing shall be conducted on the application in compliance with the requirements of KRS Chapter 13B.
- (9) Final orders of the cabinet after administrative hearings shall be subject to judicial review. Jurisdiction and venue for judicial review are vested in the Circuit Court of the county in which the appealing party resides.

➔Section 9. KRS 218B.070 (Effective January 1, 2025) is amended to read as follows:

- (1) Cardholders shall be required to make the following notifications to the cabinet:
- (a) A cardholder shall notify the cabinet of any change in his or her name or address;
 - (b) A registered qualified patient shall notify the cabinet within thirty (30) days if he or she ceases to suffer from the medical condition for which a medicinal cannabis practitioner provided a written certification;
 - (c) A registered qualified patient shall notify the cabinet if he or she wishes to terminate a designated caregiver relationship with an individual who has been designated as his or her caregiver;
 - (d) A designated caregiver shall notify the cabinet within thirty (30) days if he or she becomes aware that a registered qualified patient to whom the caregiver is connected through the cabinet's registration process has died or has ceased to suffer from the medical condition for which a medicinal cannabis practitioner provided a written certification; and

- (e) If a cardholder loses his or her registry identification card, he or she shall notify the cabinet within ten (10) days of becoming aware the card has been lost.
- (2) When a cardholder notifies the cabinet of items listed in paragraph (b) or (d) of subsection (1) of this section, the cardholder shall, within ten (10) days of notification, return any unused medicinal cannabis products to a licensed dispensary for destruction.
- (3) When a cardholder notifies the cabinet of items listed in paragraph (a), (c), or (e) of subsection (1) of this section, but remains eligible under this chapter, the cabinet shall issue the cardholder a new registry identification card with a new random ten (10) character alphanumeric identification number. If the cabinet issues a new registry identification card to a registered qualified patient, the cabinet shall also issue a new registry identification card with a new ten (10) character alphanumeric number to the registered qualified patient's designated caregiver. New registry identification cards issued under this subsection shall be issued by the cabinet within ten (10) days of receiving the updated information.
- (4) If a registered qualified patient ceases to be a registered qualified patient or changes his or her designated caregiver, the cabinet shall promptly notify the designated caregiver in writing. The designated caregiver's protections under this chapter as to that registered qualified patient shall expire fifteen (15) days after notification by the cabinet.
- (5) (a) ~~If~~ A medicinal cannabis practitioner who provided a written certification *to a patient shall, within thirty (30) days of having knowledge of the facts, notify*~~notifies~~ the cabinet in writing that the registered qualified patient has died, ceased to suffer from the medical condition for which a medicinal cannabis practitioner provided a written certification, or that the medicinal cannabis practitioner no longer believes the patient *is likely to*~~might~~ receive *safe and effective* therapeutic or palliative benefit from the use of medicinal cannabis.~~;~~
- (b) *If the cabinet receives written notification required by paragraph (a) of this subsection,* the cabinet shall promptly notify the registered qualified patient in writing. The registered qualified patient's protections under this chapter shall expire fifteen (15) days after notification by the cabinet, and the registered qualified patient shall have fifteen (15) days to dispose of or donate his or her medicinal cannabis to a dispensary.

➔Section 10. KRS 218B.090 (Effective January 1, 2025) is amended to read as follows:

- (1) The cabinet shall:
 - (a) Acknowledge receipt of an application for a cannabis business license within fifteen (15) days of receipt;~~and~~
 - (b) Provide notification to the cannabis business license applicant as to whether the application for a cannabis business license has been approved or denied within forty-five (45) days of receiving a completed application; *and*
 - (c) *When reviewing and considering cannabis business applications, prioritize the review of applications submitted by an individual or entity who is an existing Kentucky hemp business in good standing with the Kentucky Department of Agriculture, if they meet the application requirements set forth in this chapter and administrative regulations promulgated by the cabinet thereunder.*
- (2) The cabinet may deny an application for a cannabis business license for any reason that the cabinet, in the exercise of sound discretion, deems sufficient, including but not limited to:
 - (a) The applicant failed to submit the materials required by KRS 218B.085, including if the applicant's plans do not satisfy the security, oversight, or recordkeeping administrative regulations promulgated by the cabinet;
 - (b) The applicant falsifies information on the licensure application;
 - (c) The applicant would not be in compliance with local cannabis business prohibitions enacted pursuant to KRS 218B.130;
 - (d) One (1) or more of the prospective principal officers or board members:
 - 1. Has been convicted of a disqualifying felony offense, the provisions of KRS 335B.020 and 335B.030 notwithstanding;

2. Has served as a principal officer or board member for a cannabis business that has had its license revoked;
 3. Is younger than twenty-one (21) years of age; or
 4. Is a medicinal cannabis practitioner; or
- (e) 1. For a safety compliance facility, one (1) or more of the prospective principal officers or board members is a principal officer or board member of a cultivator, processor, producer, or dispensary licensed to operate in Kentucky.
2. For a cultivator, processor, producer, or dispensary, one (1) or more of the prospective principal officers or board members is a principal officer or board member of a safety compliance facility licensed to operate in Kentucky.
- (3) If a cannabis business license application is approved:
- (a) The cannabis business shall, before it begins operations, submit its complete physical address and the global positioning system coordinates for any cultivation activities if a physical address or the global positioning system coordinates for any cultivation activities had not been finalized when it applied; and
 - (b) The cabinet shall:
 1. Issue a copy of the license that includes the business's identification number to the approved cannabis business;
 2. Provide a licensed dispensary with contact and access information for the electronic monitoring system established pursuant to KRS 218A.202; and
 3. Provide notice of licensure approval and issuance to the city and county in which the cannabis business intends to operate.
- (4) If a cannabis business license application is denied, the cabinet shall notify the applicant in writing of a license denial and reasons by registered or certified mail at the address given in the application or supplement. The applicant may, within thirty (30) days after the mailing of the cabinet's notice, file a written request for an administrative hearing on the application. The hearing shall be conducted on the application in compliance with the requirements of KRS Chapter 13B. Final orders of the cabinet after administrative hearings shall be subject to judicial review as provided in KRS 13B.140. Jurisdiction and venue for judicial review are vested in the Circuit Court of the county in which the applicant's business would be located.
- (5) ***Notwithstanding any provision of law to the contrary, a cannabis business licensed by the cabinet pursuant to this chapter shall be subject to and required to comply with:***
- (a) ***Any subsequent action that may be taken pursuant to subsection (2)(a) of Section 13 of this Act by the local government within whose territory the cannabis business is licensed to operate if such action is taken prior to January 1, 2025, including but not limited to the prohibition of cannabis business operations within the territory of the local government; and***
 - (b) ***Any local zoning ordinances and regulations that may be adopted pursuant to subsection (2)(b) of Section 13 of this Act by the local government within whose territory the cannabis business is licensed to operate.***
- ➔Section 11. KRS 218B.100 (Effective January 1, 2025) is amended to read as follows:
- (1) (a) Cannabis businesses shall be subject to reasonable inspection ***and investigation*** by the cabinet pursuant to ***this subsection and*** the cabinet's procedures or administrative regulations.
 - (b) The cabinet may inspect any licensed cannabis business premises without having to first obtain a search warrant.
 - (c) ***The executive director of the Office of Medical Cannabis, or the executive director's authorized representatives, shall have the authority to:***
 1. ***Enter any cannabis business without delay or advance notice during regular working hours and at other reasonable times to:***
 - a. ***Inspect the premises;***

- b. *Privately question any owner, operator, agent, or employee of the cannabis business or an employee's representative; and*
- c. *Investigate conditions, facts, materials, practices, or other matters deemed appropriate by the cabinet;*

to determine if the cannabis business is operating in compliance with this chapter and any administrative regulations promulgated thereunder;

- 2. *Apply to the Circuit Court in the county in which the cannabis business is located for an order to enforce the right of entry if the cannabis business refuses entry as permitted in this subsection;*
 - 3. *Following the completion of an inspection or investigation, confiscate, possess, transport, and destroy any medicinal cannabis deemed by the executive director, or the executive director's authorized representatives, to be noncompliant with the cultivation, processing, producing, transporting, safety compliance, or dispensary sale standards established in this chapter or any administrative regulation promulgated thereunder;*
 - 4. *Administer oaths, examine witnesses under oath, take depositions, certify official acts, review records and accounts, take photographs, and secure any other evidence deemed necessary to evaluate compliance with this chapter and any administrative regulations promulgated thereunder; and*
 - 5. *Issue subpoenas to compel the:*
 - a. *Attendance of witnesses and parties; and*
 - b. *Production of books, accounts, correspondence, memoranda, and other materials or records considered necessary and relevant to a matter under investigation by the cabinet.*
- (d) *If a witness or party fails to comply with a subpoena issued by the executive director or the executive director's authorized representatives, the executive director or the executive director's authorized representatives may petition the Circuit Court of the county in which the witness or party is located to compel compliance with the subpoena. Failure of a witness or party to comply with an order of the court issued pursuant to this paragraph shall constitute a basis for a finding of contempt by the court under KRS 432.230. In any proceeding brought before a Circuit Court under this paragraph, the court may modify or set aside the subpoena.*

- (2) The cabinet may, on its own motion or on complaint ~~and~~ after investigation, ~~and opportunity for a public hearing at which the cannabis business has been afforded an opportunity to appear and be heard pursuant to KRS Chapter 13B,~~ suspend or revoke a cannabis business license for multiple violations or a serious violation of this chapter or any administrative regulations promulgated thereunder by the licensee or any of its agents. A suspension shall not be for a period of time longer than six (6) months.
- (3) The cabinet shall provide notice of suspension, revocation, fine, or other penalty, as well as the required notice of the hearing, by mailing, via certified mail, the same in writing to the cannabis business at the address on the license. The cannabis business may, within thirty (30) days after the date of the mailing of the cabinet's notice, file a written request for an administrative hearing regarding the suspension, revocation, fine, or other penalty. The hearing shall be conducted in compliance with the requirements of KRS Chapter 13B.
- (4) Final orders of the cabinet after administrative hearings shall be subject to judicial review. Jurisdiction and venue for judicial review are vested in the Circuit Court of the county in which the cannabis business is physically located.
- (5) A cultivator may continue to cultivate and possess cannabis plants during a suspension, but it shall not transfer or sell medicinal cannabis during a suspension.
- (6) A dispensary may continue to possess its existing medicinal cannabis inventory during a suspension, but it shall not acquire additional medicinal cannabis, or dispense, transfer, or sell medicinal cannabis during a suspension.
- (7) A processor may continue to process and possess its existing medicinal cannabis inventory during a suspension, but it shall not acquire additional medicinal cannabis, or dispense, transfer, or sell medicinal cannabis products during a suspension.

- (8) A producer may continue to cultivate, process, and possess cannabis plants and its existing medicinal cannabis inventory during a suspension, but it shall not acquire additional medicinal cannabis, or dispense, transfer, or sell medicinal cannabis during a suspension.
- (9) A safety compliance facility may continue to possess medicinal cannabis during a suspension, but it shall not receive any new medicinal cannabis, test or otherwise analyze medicinal cannabis, or transfer or transport medicinal cannabis during a suspension.

➔Section 12. KRS 218B.110 (Effective January 1, 2025) is amended to read as follows:

- (1) A dispensary or dispensary agent acting on behalf of a dispensary shall not be subject to prosecution under state or local law, to search or inspection except by the cabinet pursuant to KRS 218B.100, to seizure or penalty in any manner, or be denied any right or privilege, including but not limited to a civil penalty or disciplinary action by a court or business licensing board, for acting pursuant to this chapter and the cabinet's administrative regulations for:
 - (a) Acquiring or possessing medicinal cannabis from a cultivator, processor, or producer in this state;
 - (b) Acquiring or possessing medicinal cannabis accessories or educational material;
 - (c) Supplying, selling, dispensing, distributing, or delivering medicinal cannabis, medicinal cannabis accessories, and educational material to cardholders or other dispensaries;
 - (d) Selling cannabis seeds to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction; or
 - (e) Acquiring, accepting, or receiving medicinal cannabis products from a cardholder, except that a dispensary may not offer anything of monetary value in return for medicinal cannabis received from a cardholder. Any medicinal cannabis received by a dispensary under this paragraph or pursuant to KRS 218B.070 shall be destroyed by the dispensary or its agents and shall not be sold, dispensed, or distributed to another cardholder.
- (2) A dispensary or dispensary agent acting on behalf of a dispensary shall:
 - (a) Maintain records that include specific notations of the amount of medicinal cannabis being dispensed to a cardholder and whether it was dispensed directly to a registered qualified patient or visiting qualified patient, or to a registered qualified patient's designated caregiver. Each entry shall include the date and time the medicinal cannabis was dispensed. The data required to be recorded by this paragraph shall be entered into the electronic monitoring system established pursuant to KRS 218A.202 in accordance with administrative regulations promulgated by the cabinet for the recording of medicinal cannabis dispensing;
 - (b) Only dispense or sell medicinal cannabis after it has been checked by a safety compliance facility agent for cannabinoid contents and contaminants in accordance with administrative regulations promulgated by the cabinet;
 - (c) Only dispense or sell medicinal cannabis to a registered qualified patient, visiting qualified patient, or designated caregiver after making a diligent effort to verify:
 - 1. That the registry identification card or, for visiting qualified patients, the out-of-state registry identification card presented to the dispensary is valid, including by checking the verification system, if it is operational, or other cabinet-designated databases;
 - 2. That the person presenting the registry identification card or, for visiting qualified patients, the out-of-state registry identification card is at least eighteen (18) years of age and is the person identified on the registry identification card by examining at least one (1) other form of government-issued photo identification; and
 - 3. The amount of medicinal cannabis the person is legally permitted to purchase pursuant to KRS 218B.025 by checking the electronic monitoring system established pursuant to KRS 218A.202;
 - (d) **1. Upon dispensing medicinal cannabis to a cardholder:**
 - a. Provide the cardholder with a copy of the Medicinal Cannabis Advisory Pamphlet described in subsection (2)(b) of Section 14 of this Act if:**
 - i. It is the first time the patient has purchased medicinal cannabis from the dispensary;**

- ii. *It has been more than twelve (12) months since the dispensary last provided the cardholder with a copy of the pamphlet; or*
 - iii. *The content of the pamphlet has materially changed since the dispensary last provided the cardholder with a copy of the pamphlet;*
 - b. *Obtain the cardholder's signature as required by subsection (2)(b) of Section 14 of this Act; and*
 - c. *Retain the signature form as required by subsection (2)(b) of Section 14 of this Act.*
 - 2. *The advisory pamphlet required to be provided to cardholders under subparagraph 1. of this paragraph may be provided electronically, and dispensaries may obtain and retain electronic signatures;*
 - (e) Not acquire, possess, dispense, sell, offer for sale, transfer, or transport:
 - 1. Raw plant material with a delta-9 tetrahydrocannabinol content of more than thirty-five percent (35%);
 - 2. Medicinal cannabis products intended for oral consumption as an edible, oil, or tincture with more than ten (10) milligrams of delta-9 tetrahydrocannabinol per serving;
 - 3. Any medicinal cannabis product not described in subparagraph 1. or 2. of this paragraph with a delta-9 tetrahydrocannabinol content of more than seventy percent (70%); or
 - 4. Any medicinal cannabis product that contains vitamin E acetate;
 - ~~(f)(e)~~ Not acquire medicinal cannabis from any person other than a cannabis business licensed under this chapter, or an agent thereof, a registered qualified patient, or a designated caregiver;
 - ~~(g)(f)~~ Not sell or dispense medicinal cannabis products intended for consumption by vaporizing to a cardholder who is younger than twenty-one (21) years of age or to a designated caregiver for a registered qualified patient who is younger than twenty-one (21) years of age;
 - ~~(h)(g)~~ Not dispense or sell medicinal cannabis to a minor;
 - ~~(i)(h)~~ Not dispense or sell more medicinal cannabis to a cardholder than he or she is legally permitted to purchase at the time of the transaction; and
 - ~~(j)(i)~~ Not rent office space to a medicinal cannabis practitioner.
 - (3)
 - (a) A dispensary may operate a delivery service for cardholders and may deliver medicinal cannabis, medicinal cannabis accessories, and educational material to cardholders at the address identified on the cardholder's registry identification.
 - (b) All delivery services operated or offered by a dispensary shall comply with administrative regulations promulgated by the cabinet pursuant to this section and KRS 218B.140.
 - (4) If a dispensary or dispensary agent fails to comply with subsection (2)(c), (d), (e), (f), ~~(g)~~, *or (h)* of this section, the dispensary and dispensary agent are liable in a civil action for compensatory and punitive damages and reasonable attorney's fees to any person or the representative of the estate of any person who sustains injury, death, or loss to person or property as a result of the failure to comply with subsection (2)(c), (d), (e), (f), ~~(g)~~, *or (h)* of this section. In any action under this subsection, the court may also award any injunctive or equitable relief that the court considers appropriate.
 - (5) ***Notwithstanding any provision of law to the contrary, a dispensary licensed pursuant to this chapter prior to January 1, 2025, shall not be permitted to open to the public or otherwise engage in the practice of dispensing medicinal cannabis to cardholders in the Commonwealth before January 1, 2025, except the provisions of this subsection shall not prohibit a licensed dispensary from acquiring or possessing medicinal cannabis products prior to January 1, 2025.***
- ➔Section 13. KRS 218B.130 is amended to read as follows:
- (1) For the purposes of this section, "local government" means a city, county, urban-county government, consolidated local government, charter county government, or unified local government.
 - (2) A local government ~~may~~:

- (a) ***Prior to the cabinet issuing a license to a cannabis business to conduct business operations within its territory, may:*** ~~Enact ordinances not in conflict with this chapter or with the cabinet's administrative regulations, regulating the time, place, and manner of cannabis business operations, except that a local government shall not enact ordinances that impose an undue burden or make cannabis business operations unreasonable or impractical;~~
1. ~~(b)~~ Prohibit all cannabis business operations within its territory through the passage of an ordinance; or
 2. ~~(c)~~ Enact resolutions directing that the question of prohibiting cannabis businesses from operating within its territory be submitted to the voters of its territory at the next regular election pursuant to subsection (3)(b) ~~(5)(j)~~ of this section;
- except as provided in subsection (5) of Section 10 of this Act; and***
- (b) ***Within whose territory cannabis business operations are permitted, may enact ordinances:***
1. ***That are not less restrictive than this chapter or any administrative regulations promulgated thereunder, relating to the time, place, and manner of cannabis business operations, except that a local government shall not, except as permitted in paragraph (a) of this subsection, enact ordinances that impose an undue burden or make cannabis business operations unreasonable or impractical; and***
 2. ***To establish and assess reasonable local fees to compensate for any additional costs caused by the operation of cannabis businesses within its territory. Any fees assessed pursuant to this subparagraph shall not exceed the additional costs caused by the operation of cannabis businesses.***
- (3) (a) If a county, consolidated local government, charter county government, or unified local government prohibits all cannabis business operations, the legislative body of a city located within the county, consolidated local government, charter county government, or unified local government may:
1. ~~(a)~~ Approve cannabis business operations within the limits of the city through the passage of an ordinance; or
 2. ~~(b)~~ Enact resolutions directing that the question of allowing cannabis businesses to operate within the limits of the city be submitted to the voters who are eligible to vote in that city's elections at the next regular election pursuant to ***paragraph (b) of this subsection*** ~~(5)(j) of this section~~.
- (b) ***If, not later than the second Tuesday in August preceding the day established for a regular election, the county clerk has received a local government resolution pursuant to subsection (2) of this section or paragraph (a) of this subsection, the county clerk shall have prepared to place before the voters of the affected territory at the next regular election the question, which shall be "Are you in favor of the sale of medicinal cannabis at a licensed dispensary and the operation of other cannabis businesses in (affected territory)? Yes....No....". The county clerk shall cause to be published in accordance with KRS Chapter 424, at the same time as the remaining voter information, the full text of the proposal. The county clerk shall cause to be posted in each polling place one (1) copy of the full text of the proposal.***
- (4) If a local government legislative body with jurisdiction prohibits cannabis business operations through the passage of an ordinance, a public question that is initiated by petition and that proposes allowing a cannabis business to operate within the affected territory is authorized.
- (5) A public question that is initiated by petition and is authorized by subsection (4) of this section shall be submitted to the voters within the affected territory at the next regular election by complying with the following requirements:
- (a) Before a petition for submission of the proposal may be presented for signatures, an intent to circulate the petition, including a copy of the unsigned petition, shall be filed with the county clerk of the affected territory by ~~a~~ ***any*** person or group of persons ***who have been registered to vote in the affected territory for at least the previous twelve (12) months*** seeking the submission of the public question. The statement of intent shall include the addresses of the person or group of persons and shall specify the person or group of persons, as well as the address, to whom all notices are to be sent. Within ten (10) days after the intent to circulate the petition is filed, the county clerk shall deliver a copy of the

- intent to circulate the petition, including a copy of the unsigned petition, to the legislative body of the affected territory;
- (b) The petition shall set out in full the following question: "Are you in favor of ***overturning the decision of the local government legislative body and allowing*** the sale of medicinal cannabis at a licensed dispensary and the operation of other cannabis businesses in (affected territory)?";
 - (c) The petition for the submission of the proposal shall be signed by a number of constitutionally qualified voters of the territory to be affected equal to ***ten percent (10%)***~~{five percent (5%)}~~ of registered voters for the affected territory;
 - (d) Each signature shall be executed in ink or indelible pencil and shall be followed by the legibly printed name of each voter, followed by the voter's residence address, year of birth, and the correct date upon which the voter's name was signed;
 - (e) No petition for the submission of the proposal shall be circulated for more than six (6) months prior to its filing;
 - (f) After a petition for the submission of the proposal has received no fewer than the number of qualifying signatures required by paragraph (c) of this subsection, the signed petition shall be filed with the county clerk. When it is filed, each sheet of the petition shall have an affidavit executed by the circulator stating that he or she personally circulated the sheet, the number of signatures thereon, that all signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of registered voters within the affected territory, and that each signer had an opportunity before signing to read the full text of the proposal;
 - (g) No signer of the petition may withdraw his or her name or have it taken from the petition after the petition has been filed. If the name of any person has been placed on the petition for submission of the public question without that person's authority, the person may, at any time prior to certification of sufficiency of the petition by the county clerk as required by paragraph (h) of this subsection, request the removal of his or her name by the county board of elections and, upon proof that the person's name was placed on the petition without his or her authority, the person's name and personal information shall be eliminated, and he or she shall not be counted as a petitioner;
 - (h) Within thirty (30) days after the petition is filed, the county clerk shall complete a certificate as to its sufficiency or, if it is insufficient, specifying the particulars of the insufficiency, and shall send a copy to the person or persons specified in the statement of intent to receive all notices and to the legislative body of the affected territory, all by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once by filing a supplemental petition upon additional sheets within thirty (30) days after receiving the certificate of insufficiency. The supplemental petition shall comply with the requirements applicable to the original petition and, within ten (10) days after it is filed, the county clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of the certificate to the person or persons specified to receive all notices and to the legislative body of the affected territory by registered mail;
 - (i) A final determination as to the sufficiency of a petition shall be subject to review in the Circuit Court of the county of the affected territory and shall be limited to the validity of the county clerk's determination. A final determination of insufficiency shall not prejudice the filing of a new petition for the same purpose; and
 - (j) If, not later than the second Tuesday in August preceding the day established for a regular election, the county clerk has certified that a petition is sufficient~~{or has received a local government resolution pursuant to subsection (2) or (3) of this section}~~, the county clerk shall have prepared to place before the voters of the affected territory at the next regular election the question, which shall be "Are you in favor of ***overturning the decision of the local government legislative body and allowing*** the sale of medicinal cannabis at a licensed dispensary and the operation of other cannabis businesses in (affected territory)? Yes....No....". The county clerk shall cause to be published in accordance with KRS Chapter 424, at the same time as the remaining voter information, the full text of the proposal. The county clerk shall cause to be posted in each polling place one (1) copy of the full text of the proposal.
- (6) If the question submitted to the voters under subsection (3) or (5) of this section fails to pass, three (3) years shall elapse before the question of medicinal cannabis sales and cannabis business operations may be included on a regular election ballot for the affected territory.

- (7) If the question submitted to the voters under subsection (3) or (5) of this section passes, medicinal cannabis sales and cannabis business operations may be conducted in the affected territory, notwithstanding any local government ordinances which prohibit all cannabis business operations within its territory.
- (8) In circumstances where a county, consolidated local government, charter county government, or unified local government prohibits cannabis business operations but a city within that county, consolidated local government, charter county government, or unified local government approves cannabis business operations either through the adoption of an ordinance or following the affirmative vote of a public question allowing cannabis business operations, then:
- (a) The cannabis business operations may proceed within the limits of the city; and
 - (b) The county, consolidated local government, charter county government, or unified local government may assess an additional reasonable fee to compensate for any additional corrections impact caused by the approval of cannabis business operations. Any additional fees collected pursuant to this subsection shall not exceed the additional corrections impact caused by the approval of cannabis business operations.
- (9) In circumstances where neither a city nor the county, urban-county government, consolidated local government, charter county government, or unified local government in which the city is located prohibit cannabis business operations, a cannabis business that is located within the jurisdiction of both the city and the county shall only pay the reasonable established local fees of either the city or the county. The fee shall be established, assessed, collected, and shared between the city and the county, in a manner to be negotiated between the city and the county.
- (10) The provisions of general election law shall apply to public questions submitted to voters under this section.
- (11) *If a local government elects, pursuant to subsection (2)(a) of this section, to prohibit cannabis business operations within its territory, the local government shall notify the cabinet in writing of its decision to prohibit cannabis business operations within five (5) days after passage of such an ordinance or after the results of a ballot question to prohibit cannabis business operations are certified.***

➔Section 14. KRS 218B.140 is amended to read as follows:

- (1) No later than July 1, 2024, the cabinet shall:
- (a) Ensure that the electronic monitoring system established pursuant to KRS 218A.202 is designed or configured to enable:
 - 1. Medicinal cannabis practitioners to record the issuance of written certifications to qualified patients, as required by KRS 218B.050;
 - 2. The cabinet and state licensing boards to monitor the issuance of written certifications by medicinal cannabis practitioners;
 - 3. Cabinet personnel, law enforcement personnel, and dispensary agents to verify the validity of registry identification cards issued by the cabinet by entering a registry identification number to determine whether or not the identification number corresponds with a current, valid registry identification card. The system shall only disclose whether the identification card is valid and whether the cardholder is a registered qualified patient, visiting qualified patient, or designated caregiver;
 - 4. Law enforcement personnel and dispensary agents to access medicinal cannabis sales data recorded by dispensary agents pursuant to KRS 218B.110;
 - 5. Dispensary agents to record the amount of medicinal cannabis that is dispensed to a cardholder during each transaction as required by KRS 218B.110; and
 - 6. The sharing of dispensing data recorded by dispensary agents pursuant to KRS 218B.110 with all dispensaries in real time;
 - (b) Ensure that the electronic monitoring system established pursuant to KRS 218A.202 is designed to facilitate the tracking of medicinal cannabis from the point of cultivation to the point of sale to cardholders; and
 - (c) Promulgate administrative regulations in accordance with KRS Chapter 13A to establish:

1. Procedures for the issuance, renewal, suspension, and revocation of registry identification cards, including the creation of a standardized:
 - a. Written certification form; and
 - b. Application form which the cabinet shall require to be notarized;
2. Procedures for the issuance and revocation of registry identification cards;
3. Procedures for the issuance, renewal, suspension, and revocation of cannabis business licenses, including the creation of a uniform licensure application form which the cabinet shall require to be notarized and minimal performance standards for a biennial accreditation process with all such procedures subject to the requirements of KRS Chapters 13A and 13B;
4. A convenience fee to be assessed and collected by dispensaries for visiting qualified patients who do not possess a valid registry identification card issued by the cabinet and who purchase medicinal cannabis with an out-of-state registry identification card and documentation of having been diagnosed with a qualifying medical condition. The convenience fee established pursuant to this subparagraph shall not exceed fifteen dollars (\$15) per transaction;
5. In collaboration with the Board of Physicians and Advisors~~, the Kentucky Board of Medical Licensure, the Kentucky Board of Nursing, and the Kentucky Center for Cannabis~~:
 - a. A definition of the amount of medicinal cannabis or delta-9 tetrahydrocannabinol that constitutes a daily supply, an uninterrupted ten (10) day supply, and an uninterrupted thirty (30) day supply of medicinal cannabis; and
 - b. The amount of raw plant material that medicinal cannabis products are considered to be equivalent to;
6. A process by which a medicinal cannabis practitioner may recommend, and a registered qualified patient or his or her designated caregiver may legally purchase and possess, an amount of medicinal cannabis in excess of the thirty (30) day supply of medicinal cannabis, if the medicinal cannabis practitioner reasonably believes that the standard thirty (30) day supply would be insufficient in providing the patient with uninterrupted therapeutic or palliative relief;
7. Provisions governing the following matters related to cannabis businesses with the goal of protecting against diversion and theft, without imposing any undue burden that would make cannabis business operations unreasonable or impractical on cannabis businesses or compromising the confidentiality of cardholders:
 - a. Recordkeeping and inventory control requirements, including the use of the electronic monitoring systems established pursuant to KRS 218A.202;
 - b. Procedures for the verification and validation of a registry identification card, or its equivalent, that was issued pursuant to the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows for the use of medicinal cannabis in the jurisdiction of issuance;
 - c. Security requirements for safety compliance facilities, processors, producers, dispensaries, and cultivators, which shall include at a minimum lighting, video security, alarm requirements, on-site parking, and measures to prevent loitering;
 - d. Procedures for the secure transportation, including delivery services provided by dispensaries, and storage of medicinal cannabis by cannabis business licensees and their employees or agents;
 - e. Employment and training requirements for licensees and their agents, including requiring each licensee to create an identification badge for each of the licensee's agents or employees; and
 - f. Restrictions on visits to licensed cultivation and processing facilities, including requiring the use of visitor logs;
8. Procedures to establish, publish, and annually update a list of varieties of cannabis that possess a low but effective level of tetrahydrocannabinol, including the substance cannabidiol, by

comparing percentages of chemical compounds within a given variety against other varieties of cannabis;

9. A rating system that tracks the terpene content of at least the twelve (12) major terpenoids within each strain of cannabis available for medicinal use within the Commonwealth;
10. Requirements for random sample testing of medicinal cannabis to ensure quality control, including testing for cannabinoids, terpenoids, residual solvents, pesticides, poisons, toxins, mold, mildew, insects, bacteria, and any other dangerous adulterant;
11. Requirements for licensed cultivators, producers, and processors to contract with an independent safety compliance facility to test the medicinal cannabis before it is sold at a dispensary. The cabinet may approve the safety compliance facility chosen by a cultivator, producer, or processor and require that the safety compliance facility report test results for a designated quantity of medicinal cannabis to the cultivator, producer, or processor and cabinet;
12. Standards for the operation of safety compliance facilities which may include:
 - a. Requirements for equipment;
 - b. Personnel qualifications; and
 - c. Requiring facilities to be accredited by a relevant certifying entity;
13. Standards for the packaging and labeling of medicinal cannabis sold or distributed by cannabis businesses which shall comply with 15 U.S.C. secs. 1471 to 1476 and shall include:
 - a. Standards for packaging that requires at least a two (2) step process of initial opening;
 - b. A warning label which may include the length of time it typically takes for the product to take effect, how long the effects of the product typically last, and any other information deemed appropriate or necessary by the cabinet;
 - c. The amount of medicinal cannabis the product is considered the equivalent to;
 - d. Disclosing ingredients, possible allergens, and certain bioactive components, including cannabinoids and terpenoids, as determined by the cabinet;
 - e. A nutritional fact panel;
 - f. Opaque, child-resistant packaging;
 - g. A requirement that all raw plant material packaged or sold in this state be marked or labeled as "NOT INTENDED FOR CONSUMPTION BY SMOKING";
 - h. A requirement that medicinal cannabis products be clearly marked with an identifiable and standardized symbol indicating that the product contains cannabis;
 - i. A requirement that all medicinal cannabis product packaging include an expiration date; and
 - j. A requirement that medicinal cannabis products and their packaging not be visually reminiscent of major brands of edible noncannabis products or otherwise present an attractive nuisance to minors;
14. Health and safety requirements for the processing of medicinal cannabis and the indoor cultivation of medicinal cannabis by licensees;
15. Restrictions on:
 - a. Additives to medicinal cannabis that are toxic, including vitamin E acetate, or increase the likelihood of addiction; and
 - b. Pesticides, fertilizers, and herbicides used during medicinal cannabis cultivation which pose a threat to human health and safety;
16. Standards for the safe processing of medicinal cannabis products created by extracting or concentrating compounds from raw plant material;
17. Standards for determining the amount of unprocessed raw plant material that medicinal cannabis products are considered the equivalent to;

18. Restrictions on advertising, marketing, and signage in regard to operations or establishments owned by licensees necessary to prevent the targeting of minors;
 19. The requirement that evidence-based educational materials regarding dosage and impairment be disseminated to registered qualified patients, visiting qualified patients, and designated caregivers who purchase medicinal cannabis products;
 20. Policies governing insurance requirements for cultivators, dispensaries, processors, producers, and safety compliance facilities; and
 21. Standards, procedures, or restrictions that the cabinet deems necessary to ensure the efficient, transparent, and safe operation of the medicinal cannabis program, except that the cabinet shall not promulgate any administrative regulation that would impose an undue burden or make cannabis business operations unreasonable or impractical.
- (2) ***No later than January 1, 2025, the cabinet shall:***
- (a) ***Establish a medicinal cannabis adverse drug effects reporting system for the purpose of allowing cardholders to report adverse drug effects via telephone or online; and***
 - (b) ***In collaboration with the Board of Physicians and Advisors, produce the Medicinal Cannabis Advisory Pamphlet which shall include but not be limited to:***
 1. ***Information on the risks, dangers, and possible side effects of the use of medicinal cannabis;***
 2. ***Information on the medicinal cannabis adverse drug effects reporting system and how to report adverse drug effects; and***
 3. ***A detachable signature page which shall be:***
 - a. ***Signed by a cardholder each time he or she receives a copy of the Medicinal Cannabis Advisory Pamphlet as required under subsection (2)(d) of Section 12 of this Act; and***
 - b. ***Retained by the dispensary for a period of at least thirty-six (36) months.***
- (3) ***The cabinet shall provide each licensed dispensary with an adequate number of Medicinal Cannabis Advisory Pamphlets to ensure that the dispensary is able to comply with the requirements of subsection (2)(d) of Section 12 of this Act.***
- (4) Except as provided in KRS 218B.035(1)(g), 218B.095(2)(b), ***subsection (2)(e) of Section 12 of this Act***~~[218B.110(2)(d)]~~, 218B.115(2), 218B.120(3), and subsection (1)(c)10., 13., 15., and 16. of this section, the cabinet shall not restrict or limit methods of delivery, use, or consumption of medicinal cannabis or the types of products that may be acquired, produced, processed, possessed, sold, or distributed by a cannabis business.
- (5)~~(3)~~ If a need for additional cannabis cultivation in this state is demonstrated by cannabis businesses or the cabinet's own analysis, the cabinet may through the promulgation of administrative regulations increase the cultivation area square footage limits for either cultivators or producers, or both by up to three (3) times the limits established in KRS 218B.105 and 218B.120. Any increase in the cultivation square footage limits adopted by the cabinet pursuant to this section shall not result in an increase in the licensure application or renewal fees established by the cabinet.
- (6)~~(4)~~ When promulgating administrative regulations under this section, the cabinet shall consider standards, procedures, and restrictions that have been found to be best practices relative to the use and regulation of medicinal cannabis.
- ➔Section 15. KRS 218B.150 is amended to read as follows:
- Nothing in this chapter shall require a government medical assistance program, private health insurer, ***property and casualty insurance carrier***,~~[or]~~ workers' compensation carrier, or self-funded employer providing workers' compensation benefits to reimburse a person for costs associated with the use of medicinal cannabis.
- ➔Section 16. KRS 218A.202 is amended to read as follows:
- (1) As used in this section:
 - (a) "Cabinet" means the Cabinet for Health and Family Services;
 - (b) "Cannabis business" has the same meaning as in KRS 218B.010;

- (c) "Controlled substance" means any Schedule II, III, IV, or V controlled substance and does not include medicinal cannabis;
 - (d) "Dispensary" has the same meaning as in KRS 218B.010;
 - (e) "Dispensary agent" has the same meaning as in KRS 218B.010;
 - (f) "Disqualifying felony offense" has the same meaning as in KRS 218B.010;
 - (g) "Medicinal cannabis" has the same meaning as in KRS 218B.010;
 - (h) "Medicinal cannabis practitioner" has the same meaning as in KRS 218B.010;
 - (i) "Registry identification card" has the same meaning as in KRS 218B.010;
 - (j) "State licensing board" has the same meaning as in KRS 218B.010;
 - (k) "Use of medicinal cannabis" has the same meaning as in KRS 218B.010; and
 - (l) "Written certification" has the same meaning as in KRS 218B.010.
- (2) The cabinet shall establish and maintain an electronic system for monitoring Schedules II, III, IV, and V controlled substances and medicinal cannabis. The cabinet may contract for the design, upgrade, or operation of this system if the contract preserves all of the rights, privileges, and protections guaranteed to Kentucky citizens under this chapter and the contract requires that all other aspects of the system be operated in conformity with the requirements of this or any other applicable state or federal law.
- (3) For the purpose of monitoring the prescribing and dispensing of Schedule II, III, IV, or V controlled substances:
- (a) A practitioner or a pharmacist authorized to prescribe or dispense controlled substances to humans shall register with the cabinet to use the system provided for in this section and shall maintain such registration continuously during the practitioner's or pharmacist's term of licensure and shall not have to pay a fee or tax specifically dedicated to the operation of the system;
 - (b) Every practitioner or pharmacy which dispenses a controlled substance to a person in Kentucky, or to a person at an address in Kentucky, shall report to the cabinet the data required by this section, which includes the reporting of any Schedule II controlled substance dispensed at a facility licensed by the cabinet and a Schedule II through Schedule V controlled substance regardless of dosage when dispensed by the emergency department of a hospital to an emergency department patient. Reporting shall not be required for:
 - 1. A drug administered directly to a patient in a hospital, a resident of a health care facility licensed under KRS Chapter 216B, a resident of a child-caring facility as defined by KRS 199.011, or an individual in a jail, correctional facility, or juvenile detention facility;
 - 2. A Schedule III through Schedule V controlled substance dispensed by a facility licensed by the cabinet provided that the quantity dispensed is limited to an amount adequate to treat the patient for a maximum of forty-eight (48) hours and is not dispensed by the emergency department of a hospital; or
 - 3. A drug administered or dispensed to a research subject enrolled in a research protocol approved by an institutional review board that has an active federalwide assurance number from the United States Department of Health and Human Services, Office for Human Research Protections, where the research involves single, double, or triple blind drug administration or is additionally covered by a certificate of confidentiality from the National Institutes of Health;
 - (c) In addition to the data required by paragraph (d) of this subsection, a Kentucky-licensed acute care hospital or critical access hospital shall report to the cabinet all positive toxicology screens that were performed by the hospital's emergency department to evaluate the patient's suspected drug overdose;
 - (d) Data for each controlled substance that is reported shall include but not be limited to the following:
 - 1. Patient identifier;
 - 2. National drug code of the drug dispensed;
 - 3. Date of dispensing;
 - 4. Quantity dispensed;

5. Prescriber; and
 6. Dispenser;
- (e) The data shall be provided in the electronic format specified by the cabinet unless a waiver has been granted by the cabinet to an individual dispenser. The cabinet shall establish acceptable error tolerance rates for data. Dispensers shall ensure that reports fall within these tolerances. Incomplete or inaccurate data shall be corrected upon notification by the cabinet if the dispenser exceeds these error tolerance rates;
- (f) The cabinet shall only disclose data to persons and entities authorized to receive that data under this subsection. Disclosure to any other person or entity, including disclosure in the context of a civil action where the disclosure is sought either for the purpose of discovery or for evidence, is prohibited unless specifically authorized by this section. The cabinet shall be authorized to provide data to:
1. A designated representative of a board responsible for the licensure, regulation, or discipline of practitioners, pharmacists, or other person who is authorized to prescribe, administer, or dispense controlled substances and who is involved in a bona fide specific investigation involving a designated person;
 2. Employees of the Office of the Inspector General of the cabinet who have successfully completed training for the electronic system and who have been approved to use the system, federal prosecutors, Kentucky Commonwealth's attorneys and assistant Commonwealth's attorneys, county attorneys and assistant county attorneys, a peace officer certified pursuant to KRS 15.380 to 15.404, a certified or full-time peace officer of another state, or a federal agent whose duty is to enforce the laws of this Commonwealth, of another state, or of the United States relating to drugs and who is engaged in a bona fide specific investigation involving a designated person;
 3. A state-operated Medicaid program in conformity with paragraph (g) of this subsection;
 4. A properly convened grand jury pursuant to a subpoena properly issued for the records;
 5. A practitioner or pharmacist, or employee of the practitioner's or pharmacist's practice acting under the specific direction of the practitioner or pharmacist, who certifies that the requested information is for the purpose of:
 - a. Providing medical or pharmaceutical treatment to a bona fide current or prospective patient;
 - b. Reviewing data on controlled substances that have been reported for the birth mother of an infant who is currently being treated by the practitioner for neonatal abstinence syndrome, or has symptoms that suggest prenatal drug exposure; or
 - c. Reviewing and assessing the individual prescribing or dispensing patterns of the practitioner or pharmacist or to determine the accuracy and completeness of information contained in the monitoring system;
 6. The chief medical officer of a hospital or long-term-care facility, an employee of the hospital or long-term-care facility as designated by the chief medical officer and who is working under his or her specific direction, or a physician designee if the hospital or facility has no chief medical officer, if the officer, employee, or designee certifies that the requested information is for the purpose of providing medical or pharmaceutical treatment to a bona fide current or prospective patient or resident in the hospital or facility;
 7. In addition to the purposes authorized under subparagraph 1. of this paragraph, the Kentucky Board of Medical Licensure, for any physician who is:
 - a. Associated in a partnership or other business entity with a physician who is already under investigation by the Board of Medical Licensure for improper prescribing or dispensing practices;
 - b. In a designated geographic area for which a trend report indicates a substantial likelihood that inappropriate prescribing or dispensing may be occurring; or

- c. In a designated geographic area for which a report on another physician in that area indicates a substantial likelihood that inappropriate prescribing or dispensing may be occurring in that area;
 8. In addition to the purposes authorized under subparagraph 1. of this paragraph, the Kentucky Board of Nursing, for any advanced practice registered nurse who is:
 - a. Associated in a partnership or other business entity with a physician who is already under investigation by the Kentucky Board of Medical Licensure for improper prescribing or dispensing practices;
 - b. Associated in a partnership or other business entity with an advanced practice registered nurse who is already under investigation by the Board of Nursing for improper prescribing practices;
 - c. In a designated geographic area for which a trend report indicates a substantial likelihood that inappropriate prescribing or dispensing may be occurring; or
 - d. In a designated geographic area for which a report on a physician or another advanced practice registered nurse in that area indicates a substantial likelihood that inappropriate prescribing or dispensing may be occurring in that area;
 9. A judge or a probation or parole officer administering a diversion or probation program of a criminal defendant arising out of a violation of this chapter or of a criminal defendant who is documented by the court as a substance abuser who is eligible to participate in a court-ordered drug diversion or probation program; or
 10. A medical examiner engaged in a death investigation pursuant to KRS 72.026;
- (g) The Department for Medicaid Services shall use any data or reports from the system for the purpose of identifying Medicaid providers or recipients whose prescribing, dispensing, or usage of controlled substances may be:
 1. Appropriately managed by a single outpatient pharmacy or primary care physician; or
 2. Indicative of improper, inappropriate, or illegal prescribing or dispensing practices by a practitioner or drug seeking by a Medicaid recipient;
- (h) A person who receives data or any report of the system from the cabinet shall not provide it to any other person or entity except as provided in this subsection, in another statute, or by order of a court of competent jurisdiction and only to a person or entity authorized to receive the data or the report under this section, except that:
 1. A person specified in paragraph (f)2. of this subsection who is authorized to receive data or a report may share that information with any other persons specified in paragraph (f)2. of this subsection authorized to receive data or a report if the persons specified in paragraph (f)2. of this subsection are working on a bona fide specific investigation involving a designated person. Both the person providing and the person receiving the data or report under this subparagraph shall document in writing each person to whom the data or report has been given or received and the day, month, and year that the data or report has been given or received. This document shall be maintained in a file by each agency engaged in the investigation;
 2. A representative of the Department for Medicaid Services may share data or reports regarding overutilization by Medicaid recipients with a board designated in paragraph (f)1. of this subsection, or with a law enforcement officer designated in paragraph (f)2. of this subsection;
 3. The Department for Medicaid Services may submit the data as evidence in an administrative hearing held in accordance with KRS Chapter 13B;
 4. If a state licensing board as defined in KRS 218A.205 initiates formal disciplinary proceedings against a licensee, and data obtained by the board is relevant to the charges, the board may provide the data to the licensee and his or her counsel, as part of the notice process required by KRS 13B.050, and admit the data as evidence in an administrative hearing conducted pursuant to KRS Chapter 13B, with the board and licensee taking all necessary steps to prevent further disclosure of the data; and

5. A practitioner, pharmacist, or employee who obtains data under paragraph (f)5. of this subsection may share the report with the patient or person authorized to act on the patient's behalf. Any practitioner, pharmacist, or employee who obtains data under paragraph (f)5. of this subsection may place the report in the patient's medical record, in which case the individual report shall then be deemed a medical record subject to disclosure on the same terms and conditions as an ordinary medical record in lieu of the disclosure restrictions otherwise imposed by this section;
- (i) The cabinet, all peace officers specified in paragraph (f)2. of this subsection, all officers of the court, and all regulatory agencies and officers, in using the data for investigative or prosecution purposes, shall consider the nature of the prescriber's and dispenser's practice and the condition for which the patient is being treated;
 - (j) Intentional failure to comply with the reporting requirements of this subsection shall be a Class B misdemeanor for the first offense and a Class A misdemeanor for each subsequent offense; and
 - (k) If the cabinet becomes aware of a prescriber's or dispenser's failure to comply with this section, the cabinet shall notify the licensing board or agency responsible for licensing the prescriber or dispenser. The licensing board shall treat the notification as a complaint against the license.
- (4) For the purpose of monitoring the cultivation, processing, production, recommending, and dispensing of medicinal cannabis:
- (a) Every medicinal cannabis practitioner who is authorized pursuant to KRS 218B.050 to provide written certifications for the use of medicinal cannabis and every cannabis business licensed under KRS 218B.080, 218B.085, and 218B.090 shall register with the cabinet to use the system provided for in this section and shall maintain such registration continuously during the medicinal cannabis practitioner's authorization to provide written certifications or a cannabis business's term of licensure and shall not have to pay a fee or tax specifically dedicated to the operation of the system;
 - (b) No later than July 1, 2024, the cabinet shall ensure that the system provided for in this section allows:
 - 1. Medicinal cannabis practitioners to record the issuance of written certifications to a patient as required by KRS 218B.050;
 - 2. The cabinet, law enforcement personnel, and dispensary agents to verify the validity of registry identification cards issued by the cabinet. When verifying the validity of an identification card, the system shall only disclose whether the identification card is valid and whether the cardholder is a registered qualified patient, visiting qualified patient, or designated caregiver;
 - 3. Dispensary agents to record the amount of medicinal cannabis that is dispensed to a cardholder during each transaction, as required by KRS 218B.110;
 - 4. Law enforcement personnel and dispensary agents to access medicinal cannabis sales data recorded by dispensary agents pursuant to KRS 218B.110;
 - 5. The sharing of dispensing data recorded by dispensary agents, pursuant to KRS 218B.110, with all licensed dispensaries in real time;
 - 6. Licensed cannabis businesses to record data required by administrative regulations promulgated pursuant to KRS 218B.140 to facilitate the tracking of medicinal cannabis from the point of cultivation to the point of sale to cardholders; and
 - 7. The cabinet to track all medicinal cannabis in the state from the point of cultivation to the point of sale to a cardholder;
 - (c) The cabinet shall only disclose data related to the cultivation, production, recommending, and dispensing of medicinal cannabis to persons and entities authorized to receive that data under this subsection. Disclosure to any other person or entity, including disclosure in the context of a civil action where the disclosure is sought either for the purpose of discovery or for evidence, is prohibited unless specifically authorized by this subsection. The cabinet shall be authorized to provide data to:
 - 1. Any person or entity authorized to receive data pursuant to paragraph (b) of this subsection;
 - 2. A designated representative of a state licensing board responsible for the licensure, regulation, or discipline of medicinal cannabis practitioners and who is involved in a bona fide specific investigation involving a designated person;

3. Employees of the Office of the Inspector General of the cabinet who have successfully completed training for the electronic system and who have been approved to use the system, Kentucky Commonwealth's attorneys and assistant Commonwealth's attorneys, and county attorneys and assistant county attorneys who are engaged in a bona fide specific investigation involving a designated person;
4. A properly convened grand jury pursuant to a subpoena properly issued for the records;
5. A medicinal cannabis practitioner or an employee of a medicinal cannabis practitioner's practice acting under the specific direction of the medicinal cannabis practitioner, who certifies that the request for information is for the purpose of complying with KRS 218B.050(4)(c);
6. The chief medical officer of a hospital or long-term-care facility, an employee of the hospital or long-term-care facility as designated by the chief medical officer and who is working under his or her specific direction, or a physician designee if the hospital or facility has no chief medical officer, if the officer, employee, or designee certifies that the requested information is for the purpose of providing medical or pharmaceutical treatment to a bona fide current or prospective patient or resident in the hospital or facility;
7. In addition to the purposes authorized under subparagraph 2. of this paragraph, the Kentucky Board of Medical Licensure, for any physician who is:
 - a. Associated in a partnership, other business entity, or supervision agreement established pursuant to KRS 311.854 with a physician who is already under investigation by the Board of Medical Licensure for improper issuance of written certifications;
 - b. Associated in a partnership or other business entity with an advanced practice registered nurse who is already under investigation by the Board of Nursing for improper issuance of written certifications;
 - c. In a designated geographic area for which a trend report indicates a substantial likelihood that inappropriate issuance of written certifications may be occurring; or
 - d. In a designated geographic area for which a report on another physician in that area indicates a substantial likelihood that inappropriate issuance of written certifications may be occurring in that area;
8. In addition to the purposes authorized under subparagraph 2. of this paragraph, the Kentucky Board of Nursing, for any advanced practice registered nurse who is:
 - a. Associated in a partnership or other business entity with a physician who is already under investigation by the Kentucky Board of Medical Licensure for improper issuance of written certifications;
 - b. Associated in a partnership or other business entity with an advanced practice registered nurse who is already under investigation by the Board of Nursing for improper issuance of written certifications;
 - c. In a designated geographic area for which a trend report indicates a substantial likelihood that inappropriate issuance of written certifications may be occurring; or
 - d. In a designated geographic area for which a report on another advanced practice registered nurse in that area indicates a substantial likelihood that inappropriate issuance of written certifications may be occurring in that area;
9. A judge or a probation or parole officer administering a diversion or probation program of a criminal defendant arising out of a violation of this chapter or of a criminal defendant who is documented by the court as a substance abuser who is eligible to participate in a court-ordered drug diversion or probation program;
10. A medical examiner engaged in a death investigation pursuant to KRS 72.026; or
11. The Legislative Research Commission, the University of Kentucky College of Medicine, or the Kentucky Center for Cannabis established in KRS 164.983 if the cabinet determines that disclosing data related to the cultivation, production, recommending, and dispensing of medicinal cannabis to the Legislative Research Commission, the University of Kentucky College

of Medicine, or the Kentucky Center for Cannabis is necessary to comply with the reporting requirements established in KRS 218B.020(8); and

- (d) A person who receives data or any report of the system from the cabinet shall not provide it to any other person or entity except as provided in this section, in another statute, or by order of a court of competent jurisdiction and only to a person or entity authorized to receive the data or the report under this section, except that:
1. A person specified in paragraph (c)3. of this subsection who is authorized to receive data or a report may share that information with any other persons specified in paragraph (c)3. of this subsection authorized to receive data or a report if the persons specified in paragraph (c)3. of this subsection are working on a bona fide specific investigation involving a designated person. Both the person providing and the person receiving the data or report under this subparagraph shall document in writing each person to whom the data or report has been given or received and the day, month, and year that the data or report has been given or received. This document shall be maintained in a file by each agency engaged in the investigation;
 2. If a state licensing board initiates formal disciplinary proceedings against a licensee, and data obtained by the board is relevant to the charges, the board may provide the data to the licensee and his or her counsel, as part of the notice process required by KRS 13B.050, and admit the data as evidence in an administrative hearing conducted pursuant to KRS Chapter 13B, with the board and licensee taking all necessary steps to prevent further disclosure of the data; and
 3. A medicinal cannabis practitioner or an employee of a medicinal cannabis practitioner's practice acting under the specific direction of the medicinal cannabis practitioner who obtains data under paragraph (c)5. of this subsection may share the report with the patient or person authorized to act on the patient's behalf. Any medicinal cannabis practitioner or employee who obtains data under paragraph (c)5. of this subsection may place the report in the patient's medical record, in which case the individual report shall then be deemed a medical record subject to disclosure on the same terms and conditions as an ordinary medical record in lieu of the disclosure restrictions otherwise imposed by this section.
- (5) The data contained in, and any report obtained from, the electronic system for monitoring established pursuant to this section shall not be a public record, except that the Department for Medicaid Services may submit the data as evidence in an administrative hearing held in accordance with KRS Chapter 13B.
- (6) Intentional disclosure of transmitted data to a person not authorized by subsection (3)(f) to (h) or (4)(c) and (d) of this section or authorized by KRS 315.121, or obtaining information under this section not relating to a bona fide current or prospective patient or a bona fide specific investigation, shall be a Class B misdemeanor for the first offense and a Class A misdemeanor for each subsequent offense.
- (7) The cabinet may, by promulgating an administrative regulation, limit the length of time that data remain in the electronic system. Any data removed from the system shall be archived and subject to retrieval within a reasonable time after a request from a person authorized to review data under this section.
- (8) (a) The Cabinet for Health and Family Services shall work with each board responsible for the licensure, regulation, or discipline of practitioners, pharmacists, or other persons who are authorized to prescribe, administer, or dispense controlled substances for the development of a continuing education program about the purposes and uses of the electronic system for monitoring established in this section.
- (b) The cabinet shall work with each board responsible for the licensure, regulation, or discipline of medicinal cannabis practitioners for the development of a continuing education program about the purposes and uses of the electronic system for monitoring established in this section.
- (c) The cabinet shall work with the Kentucky Bar Association for the development of a continuing education program for attorneys about the purposes and uses of the electronic system for monitoring established in this section.
- (d) The cabinet shall work with the Justice and Public Safety Cabinet for the development of a continuing education program for law enforcement officers about the purposes and uses of the electronic system for monitoring established in this section.
- (e) The cabinet shall develop a training program for cannabis business agents about the purposes and uses of the electronic system for monitoring established in this section.

- (9) The cabinet, Office of Inspector General, shall conduct quarterly reviews to identify patterns of potential improper, inappropriate, or illegal prescribing or dispensing of a controlled substance, issuance of written certifications, or cultivation, processing, or dispensing of medicinal cannabis. The Office of Inspector General may independently investigate and submit findings and recommendations to the appropriate boards of licensure or other reporting agencies.
- (10) The cabinet shall promulgate administrative regulations to implement the provisions of this section. Included in these administrative regulations shall be:
- (a) An error resolution process allowing a patient to whom a report had been disclosed under subsections (3) and (4) of this section to request the correction of inaccurate information contained in the system relating to that patient; and
 - (b) A requirement that data be reported to the system under subsection (3)(b) of this section within one (1) day of dispensing.
- (11) (a) Before July 1, 2018, the Administrative Office of the Courts shall forward data regarding any felony or Class A misdemeanor conviction that involves the trafficking or possession of a controlled substance or other prohibited acts under KRS Chapter 218A for the previous five (5) calendar years to the cabinet for inclusion in the electronic monitoring system established under this section. On or after July 1, 2018, such data shall be forwarded by the Administrative Office of the Courts to the cabinet on a continuing basis. The cabinet shall incorporate the data received into the system so that a query by patient name indicates any prior drug conviction.
- (b) Before July 1, 2024, the Administrative Office of the Courts shall forward *all available* data regarding any disqualifying felony offense for the previous five (5) calendar years to the cabinet for inclusion in the electronic monitoring system established under this section. On or after July 1, 2024, such data shall be forwarded by the Administrative Office of the Courts to the cabinet on a continuing basis. The cabinet shall incorporate the data received into the system so that a query by patient name indicates any prior disqualifying felony conviction.

➔Section 17. KRS 12.020 (Effective until July 1, 2024) is amended to read as follows:

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

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

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

- (b) Agricultural Development Board.
 - (c) Kentucky Agricultural Finance Corporation.
 - (7) Auditor of Public Accounts.
- II. Program cabinets headed by appointed officers:
- (1) Justice and Public Safety Cabinet:
 - (a) Department of Kentucky State Police.
 - 1. Office of Administrative Services.
 - a. Division of Operational Support.
 - b. Division of Management Services.
 - 2. Office of Operations.
 - a. Division of West Troops.
 - b. Division of East Troops.
 - c. Division of Special Enforcement.
 - d. Division of Commercial Vehicle Enforcement.
 - 3. Office of Technical Services.
 - a. Division of Forensic Sciences.
 - b. Division of Electronic Services.
 - c. Division of Records Management.
 - (b) Department of Criminal Justice Training.
 - (c) Department of Corrections.
 - (d) Department of Juvenile Justice.
 - (e) Office of the Secretary.
 - (f) Office of Drug Control Policy.
 - (g) Office of Legal Services.
 - (h) Office of the Kentucky State Medical Examiner.
 - (i) Parole Board.
 - (j) Kentucky State Corrections Commission.
 - (k) Office of Legislative and Intergovernmental Services.
 - (l) Office of Human Resource Management.
 - 1. Division of Human Resource Administration.
 - 2. Division of Employee Management.
 - (m) Department of Public Advocacy.
 - (n) Office of Communications.
 - 1. Information Technology Services Division.
 - (o) Office of Financial Management Services.
 - 1. Division of Financial Management.
 - (p) Grants Management Division.
 - (2) Energy and Environment Cabinet:
 - (a) Office of the Secretary.

1. Office of Legislative and Intergovernmental Affairs.
 2. Office of Legal Services.
 - a. Legal Division I.
 - b. Legal Division II.
 3. Office of Administrative Hearings.
 4. Office of Communication.
 5. Mine Safety Review Commission.
 6. Office of Kentucky Nature Preserves.
 7. Kentucky Public Service Commission.
- (b) Department for Environmental Protection.
1. Office of the Commissioner.
 2. Division for Air Quality.
 3. Division of Water.
 4. Division of Environmental Program Support.
 5. Division of Waste Management.
 6. Division of Enforcement.
 7. Division of Compliance Assistance.
- (c) Department for Natural Resources.
1. Office of the Commissioner.
 2. Division of Mine Permits.
 3. Division of Mine Reclamation and Enforcement.
 4. Division of Abandoned Mine Lands.
 5. Division of Oil and Gas.
 6. Division of Mine Safety.
 7. Division of Forestry.
 8. Division of Conservation.
 9. Office of the Reclamation Guaranty Fund.
- (d) Office of Energy Policy.
1. Division of Energy Assistance.
- (e) Office of Administrative Services.
1. Division of Human Resources Management.
 2. Division of Financial Management.
 3. Division of Information Services.
- (3) Public Protection Cabinet.
- (a) Office of the Secretary.
1. Office of Communications and Public Outreach.
 2. Office of Legal Services.
 - a. Insurance Legal Division.
 - b. Charitable Gaming Legal Division.

ACTS OF THE GENERAL ASSEMBLY

- c. Alcoholic Beverage Control Legal Division.
- d. Housing, Buildings and Construction Legal Division.
- e. Financial Institutions Legal Division.
- f. Professional Licensing Legal Division.
- 3. Office of Administrative Hearings.
- 4. Office of Administrative Services.
 - a. Division of Human Resources.
 - b. Division of Fiscal Responsibility.
- (b) Office of Claims and Appeals.
 - 1. Board of Tax Appeals.
 - 2. Board of Claims.
 - 3. Crime Victims Compensation Board.
- (c) Kentucky Boxing and Wrestling Commission.
- (d) Kentucky Horse Racing Commission.
 - 1. Office of Executive Director.
 - a. Division of Pari-mutuel Wagering and Compliance.
 - b. Division of Stewards.
 - c. Division of Licensing.
 - d. Division of Enforcement.
 - e. Division of Incentives and Development.
 - f. Division of Veterinary Services.
- (e) Department of Alcoholic Beverage Control.
 - 1. Division of Distilled Spirits.
 - 2. Division of Malt Beverages.
 - 3. Division of Enforcement.
- (f) Department of Charitable Gaming.
 - 1. Division of Licensing and Compliance.
 - 2. Division of Enforcement.
- (g) Department of Financial Institutions.
 - 1. Division of Depository Institutions.
 - 2. Division of Non-Depository Institutions.
 - 3. Division of Securities.
- (h) Department of Housing, Buildings and Construction.
 - 1. Division of Fire Prevention.
 - 2. Division of Plumbing.
 - 3. Division of Heating, Ventilation, and Air Conditioning.
 - 4. Division of Building Code Enforcement.
- (i) Department of Insurance.
 - 1. Division of Health and Life Insurance and Managed Care.

2. Division of Property and Casualty Insurance.
 3. Division of Administrative Services.
 4. Division of Financial Standards and Examination.
 5. Division of Licensing.
 6. Division of Insurance Fraud Investigation.
 7. Division of Consumer Protection.
 - (j) Department of Professional Licensing.
 1. Real Estate Authority.
- (4) Transportation Cabinet:
- (a) Department of Highways.
 1. Office of Project Development.
 2. Office of Project Delivery and Preservation.
 3. Office of Highway Safety.
 4. Highway District Offices One through Twelve.
 - (b) Department of Vehicle Regulation.
 - (c) Department of Aviation.
 - (d) Department of Rural and Municipal Aid.
 1. Office of Local Programs.
 2. Office of Rural and Secondary Roads.
 - (e) Office of the Secretary.
 1. Office of Public Affairs.
 2. Office for Civil Rights and Small Business Development.
 3. Office of Budget and Fiscal Management.
 4. Office of Inspector General.
 5. Secretary's Office of Safety.
 - (f) Office of Support Services.
 - (g) Office of Transportation Delivery.
 - (h) Office of Audits.
 - (i) Office of Human Resource Management.
 - (j) Office of Information Technology.
 - (k) Office of Legal Services.
- (5) Cabinet for Economic Development:
- (a) Office of the Secretary.
 1. Office of Legal Services.
 2. Department for Business and Community Development.
 - a. Development and Retention Division - West Kentucky.
 - b. Development, Retention, and Administrative Division - Central and East Kentucky.
 - c. Community and Workforce Development Division.
 3. Department for Financial Services.

ACTS OF THE GENERAL ASSEMBLY

- a. Kentucky Economic Development Finance Authority.
- b. Finance and Personnel Division.
- c. IT and Resource Management Division.
- d. Compliance Division.
- e. Program Administration Division.
- f. Bluegrass State Skills Corporation.
- 4. Office of Strategy and Public Affairs.
 - a. Marketing and Communications Division.
 - b. Research and Strategy Division.
- 5. Office of Entrepreneurship and Innovation.
 - a. Commission on Small Business Innovation and Advocacy.
- (6) Cabinet for Health and Family Services:
 - (a) Office of the Secretary.
 - 1. Office of the Ombudsman and Administrative Review.
 - 2. Office of Public Affairs.
 - 3. Office of Legal Services.
 - 4. Office of Inspector General.
 - 5. Office of Human Resource Management.
 - 6. Office of Finance and Budget.
 - 7. Office of Legislative and Regulatory Affairs.
 - 8. Office of Administrative Services.
 - 9. Office of Application Technology Services.
 - 10. Office of Data Analytics.
 - 11. Office of Medical Cannabis.**
 - a. Division of Enforcement and Compliance.**
 - b. Division of Licensure and Access.**
 - (b) Department for Public Health.
 - (c) Department for Medicaid Services.
 - (d) Department for Behavioral Health, Developmental and Intellectual Disabilities.
 - (e) Department for Aging and Independent Living.
 - (f) Department for Community Based Services.
 - (g) Department for Income Support.
 - (h) Department for Family Resource Centers and Volunteer Services.
 - (i) Office for Children with Special Health Care Needs.
- (7) Finance and Administration Cabinet:
 - (a) Office of the Secretary.
 - (b) Office of the Inspector General.
 - (c) Office of Legislative and Intergovernmental Affairs.
 - (d) Office of General Counsel.

- (e) Office of the Controller.
 - (f) Office of Administrative Services.
 - (g) Office of Policy and Audit.
 - (h) Department for Facilities and Support Services.
 - (i) Department of Revenue.
 - (j) Commonwealth Office of Technology.
 - (k) State Property and Buildings Commission.
 - (l) Office of Equal Employment Opportunity and Contract Compliance.
 - (m) Kentucky Employees Retirement Systems.
 - (n) Commonwealth Credit Union.
 - (o) State Investment Commission.
 - (p) Kentucky Housing Corporation.
 - (q) Kentucky Local Correctional Facilities Construction Authority.
 - (r) Kentucky Turnpike Authority.
 - (s) Historic Properties Advisory Commission.
 - (t) Kentucky Higher Education Assistance Authority.
 - (u) Kentucky River Authority.
 - (v) Kentucky Teachers' Retirement System Board of Trustees.
 - (w) Executive Branch Ethics Commission.
 - (x) Office of Fleet Management.
- (8) Tourism, Arts and Heritage Cabinet:
- (a) Kentucky Department of Tourism.
 - 1. Division of Tourism Services.
 - 2. Division of Marketing and Administration.
 - 3. Division of Communications and Promotions.
 - (b) Kentucky Department of Parks.
 - 1. Division of Information Technology.
 - 2. Division of Human Resources.
 - 3. Division of Financial Operations.
 - 4. Division of Purchasing.
 - 5. Division of Facilities.
 - 6. Division of Park Operations.
 - 7. Division of Sales, Marketing, and Customer Service.
 - 8. Division of Engagement.
 - 9. Division of Food Services.
 - 10. Division of Rangers.
 - (c) Department of Fish and Wildlife Resources.
 - 1. Division of Law Enforcement.
 - 2. Division of Administrative Services.

ACTS OF THE GENERAL ASSEMBLY

3. Division of Engineering, Infrastructure, and Technology.
 4. Division of Fisheries.
 5. Division of Information and Education.
 6. Division of Wildlife.
 7. Division of Marketing.
- (d) Kentucky Horse Park.
1. Division of Support Services.
 2. Division of Buildings and Grounds.
 3. Division of Operational Services.
- (e) Kentucky State Fair Board.
1. Office of Administrative and Information Technology Services.
 2. Office of Human Resources and Access Control.
 3. Division of Expositions.
 4. Division of Kentucky Exposition Center Operations.
 5. Division of Kentucky International Convention Center.
 6. Division of Public Relations and Media.
 7. Division of Venue Services.
 8. Division of Personnel Management and Staff Development.
 9. Division of Sales.
 10. Division of Security and Traffic Control.
 11. Division of Information Technology.
 12. Division of the Louisville Arena.
 13. Division of Fiscal and Contract Management.
 14. Division of Access Control.
- (f) Office of the Secretary.
1. Office of Finance.
 2. Office of Government Relations and Administration.
- (g) Office of Legal Affairs.
- (h) Office of Human Resources.
- (i) Office of Public Affairs and Constituent Services.
- (j) Office of Arts and Cultural Heritage.
- (k) Kentucky African-American Heritage Commission.
- (l) Kentucky Foundation for the Arts.
- (m) Kentucky Humanities Council.
- (n) Kentucky Heritage Council.
- (o) Kentucky Arts Council.
- (p) Kentucky Historical Society.
1. Division of Museums.
 2. Division of Oral History and Educational Outreach.

3. Division of Research and Publications.
4. Division of Administration.
- (q) Kentucky Center for the Arts.
 1. Division of Governor's School for the Arts.
- (r) Kentucky Artisans Center at Berea.
- (s) Northern Kentucky Convention Center.
- (t) Eastern Kentucky Exposition Center.
- (9) Personnel Cabinet:
 - (a) Office of the Secretary.
 - (b) Department of Human Resources Administration.
 - (c) Office of Employee Relations.
 - (d) Kentucky Public Employees Deferred Compensation Authority.
 - (e) Office of Administrative Services.
 - (f) Office of Legal Services.
 - (g) Governmental Services Center.
 - (h) Department of Employee Insurance.
 - (i) Office of Diversity, Equality, and Training.
 - (j) Office of Public Affairs.
- (10) Education and Labor Cabinet:
 - (a) Office of the Secretary.
 1. Office of Legal Services.
 - a. Workplace Standards Legal Division.
 - b. Workers' Claims Legal Division.
 - c. Workforce Development Legal Division.
 2. Office of Administrative Services.
 - a. Division of Human Resources Management.
 - b. Division of Fiscal Management.
 - c. Division of Operations and Support Services.
 3. Office of Technology Services.
 - a. Division of Information Technology Services.
 4. Office of Policy and Audit.
 5. Office of Legislative Services.
 6. Office of Communications.
 7. Office of the Kentucky Center for Statistics.
 8. Board of the Kentucky Center for Statistics.
 9. Early Childhood Advisory Council.
 10. Governors' Scholars Program.
 11. Governor's School for Entrepreneurs Program.
 12. Foundation for Adult Education.

- (b) Department of Education.
 - 1. Kentucky Board of Education.
 - 2. Kentucky Technical Education Personnel Board.
 - 3. Education Professional Standards Board.
- (c) Board of Directors for the Center for School Safety.
- (d) Department for Libraries and Archives.
- (e) Kentucky Environmental Education Council.
- (f) Kentucky Educational Television.
- (g) Kentucky Commission on the Deaf and Hard of Hearing.
- (h) Department of Workforce Development.
 - 1. Career Development Office.
 - 2. Office of Vocational Rehabilitation.
 - a. Division of Kentucky Business Enterprise.
 - b. Division of the Carl D. Perkins Vocational Training Center.
 - c. Division of Blind Services.
 - d. Division of Field Services.
 - e. Statewide Council for Vocational Rehabilitation.
 - f. Employment First Council.
 - 3. Office of Employer and Apprenticeship Services.
 - a. Division of Apprenticeship.
 - 4. Kentucky Apprenticeship Council.
 - 5. Division of Technical Assistance.
 - 6. Office of Adult Education.
 - 7. Office of the Kentucky Workforce Innovation Board.
- (i) Department of Workplace Standards.
 - 1. Division of Occupational Safety and Health Compliance.
 - 2. Division of Occupational Safety and Health Education and Training.
 - 3. Division of Wages and Hours.
- (j) Office of Unemployment Insurance.
- (k) Kentucky Unemployment Insurance Commission.
- (l) Department of Workers' Claims.
 - 1. Division of Workers' Compensation Funds.
 - 2. Office of Administrative Law Judges.
 - 3. Division of Claims Processing.
 - 4. Division of Security and Compliance.
 - 5. Division of Specialist and Medical Services.
 - 6. Workers' Compensation Board.
- (m) Workers' Compensation Funding Commission.
- (n) Kentucky Occupational Safety and Health Standards Board.

- (o) State Labor Relations Board.
- (p) Employers' Mutual Insurance Authority.
- (q) Kentucky Occupational Safety and Health Review Commission.
- (r) Workers' Compensation Nominating Committee.
- (s) Office of Educational Programs.
- (t) Kentucky Workforce Innovation Board.
- (u) Kentucky Commission on Proprietary Education.
- (v) Kentucky Work Ready Skills Advisory Committee.
- (w) Kentucky Geographic Education Board.

III. Other departments headed by appointed officers:

- (1) Council on Postsecondary Education.
- (2) Department of Military Affairs.
- (3) Department for Local Government.
- (4) Kentucky Commission on Human Rights.
- (5) Kentucky Commission on Women.
- (6) Department of Veterans' Affairs.
- (7) Kentucky Commission on Military Affairs.
- (8) Office of Minority Empowerment.
- (9) Governor's Council on Wellness and Physical Activity.
- (10) Kentucky Communications Network Authority.

➔Section 18. KRS 12.020 (Effective between July 1, 2024, and July 1, 2025) is amended to read as follows:

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

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

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

- (a) Commissioner of Agriculture.
 - (b) Agricultural Development Board.
 - (c) Kentucky Agricultural Finance Corporation.
 - (7) Auditor of Public Accounts.
 - (a) Commonwealth Office of the Ombudsman.
- II. Program cabinets headed by appointed officers:
- (1) Justice and Public Safety Cabinet:
 - (a) Department of Kentucky State Police.
 - 1. Office of Administrative Services.
 - a. Division of Operational Support.
 - b. Division of Management Services.
 - 2. Office of Operations.
 - a. Division of West Troops.
 - b. Division of East Troops.
 - c. Division of Special Enforcement.
 - d. Division of Commercial Vehicle Enforcement.
 - 3. Office of Technical Services.
 - a. Division of Forensic Sciences.
 - b. Division of Electronic Services.
 - c. Division of Records Management.
 - (b) Department of Criminal Justice Training.
 - (c) Department of Corrections.
 - (d) Department of Juvenile Justice.
 - (e) Office of the Secretary.
 - (f) Office of Drug Control Policy.
 - (g) Office of Legal Services.
 - (h) Office of the Kentucky State Medical Examiner.
 - (i) Parole Board.
 - (j) Kentucky State Corrections Commission.
 - (k) Office of Legislative and Intergovernmental Services.
 - (l) Office of Human Resource Management.
 - 1. Division of Human Resource Administration.
 - 2. Division of Employee Management.
 - (m) Department of Public Advocacy.
 - (n) Office of Communications.
 - 1. Information Technology Services Division.
 - (o) Office of Financial Management Services.
 - 1. Division of Financial Management.
 - (p) Grants Management Division.

- (2) Energy and Environment Cabinet:
 - (a) Office of the Secretary.
 - 1. Office of Legislative and Intergovernmental Affairs.
 - 2. Office of Legal Services.
 - a. Legal Division I.
 - b. Legal Division II.
 - 3. Office of Administrative Hearings.
 - 4. Office of Communication.
 - 5. Mine Safety Review Commission.
 - 6. Office of Kentucky Nature Preserves.
 - 7. Kentucky Public Service Commission.
 - (b) Department for Environmental Protection.
 - 1. Office of the Commissioner.
 - 2. Division for Air Quality.
 - 3. Division of Water.
 - 4. Division of Environmental Program Support.
 - 5. Division of Waste Management.
 - 6. Division of Enforcement.
 - 7. Division of Compliance Assistance.
 - (c) Department for Natural Resources.
 - 1. Office of the Commissioner.
 - 2. Division of Mine Permits.
 - 3. Division of Mine Reclamation and Enforcement.
 - 4. Division of Abandoned Mine Lands.
 - 5. Division of Oil and Gas.
 - 6. Division of Mine Safety.
 - 7. Division of Forestry.
 - 8. Division of Conservation.
 - 9. Office of the Reclamation Guaranty Fund.
 - (d) Office of Energy Policy.
 - 1. Division of Energy Assistance.
 - (e) Office of Administrative Services.
 - 1. Division of Human Resources Management.
 - 2. Division of Financial Management.
 - 3. Division of Information Services.
- (3) Public Protection Cabinet.
 - (a) Office of the Secretary.
 - 1. Office of Communications and Public Outreach.
 - 2. Office of Legal Services.

ACTS OF THE GENERAL ASSEMBLY

- a. Insurance Legal Division.
 - b. Charitable Gaming Legal Division.
 - c. Alcoholic Beverage Control Legal Division.
 - d. Housing, Buildings and Construction Legal Division.
 - e. Financial Institutions Legal Division.
 - f. Professional Licensing Legal Division.
3. Office of Administrative Hearings.
 4. Office of Administrative Services.
 - a. Division of Human Resources.
 - b. Division of Fiscal Responsibility.
- (b) Office of Claims and Appeals.
1. Board of Tax Appeals.
 2. Board of Claims.
 3. Crime Victims Compensation Board.
- (c) Kentucky Boxing and Wrestling Commission.
- (d) Kentucky Horse Racing Commission.
1. Office of Executive Director.
 - a. Division of Pari-mutuel Wagering and Compliance.
 - b. Division of Stewards.
 - c. Division of Licensing.
 - d. Division of Enforcement.
 - e. Division of Incentives and Development.
 - f. Division of Veterinary Services.
- (e) Department of Alcoholic Beverage Control.
1. Division of Distilled Spirits.
 2. Division of Malt Beverages.
 3. Division of Enforcement.
- (f) Department of Charitable Gaming.
1. Division of Licensing and Compliance.
 2. Division of Enforcement.
- (g) Department of Financial Institutions.
1. Division of Depository Institutions.
 2. Division of Non-Depository Institutions.
 3. Division of Securities.
- (h) Department of Housing, Buildings and Construction.
1. Division of Fire Prevention.
 2. Division of Plumbing.
 3. Division of Heating, Ventilation, and Air Conditioning.
 4. Division of Building Code Enforcement.

- (i) Department of Insurance.
 - 1. Division of Health and Life Insurance and Managed Care.
 - 2. Division of Property and Casualty Insurance.
 - 3. Division of Administrative Services.
 - 4. Division of Financial Standards and Examination.
 - 5. Division of Licensing.
 - 6. Division of Insurance Fraud Investigation.
 - 7. Division of Consumer Protection.
- (j) Department of Professional Licensing.
 - 1. Real Estate Authority.
- (4) Transportation Cabinet:
 - (a) Department of Highways.
 - 1. Office of Project Development.
 - 2. Office of Project Delivery and Preservation.
 - 3. Office of Highway Safety.
 - 4. Highway District Offices One through Twelve.
 - (b) Department of Vehicle Regulation.
 - (c) Department of Aviation.
 - (d) Department of Rural and Municipal Aid.
 - 1. Office of Local Programs.
 - 2. Office of Rural and Secondary Roads.
 - (e) Office of the Secretary.
 - 1. Office of Public Affairs.
 - 2. Office for Civil Rights and Small Business Development.
 - 3. Office of Budget and Fiscal Management.
 - 4. Office of Inspector General.
 - 5. Secretary's Office of Safety.
 - (f) Office of Support Services.
 - (g) Office of Transportation Delivery.
 - (h) Office of Audits.
 - (i) Office of Human Resource Management.
 - (j) Office of Information Technology.
 - (k) Office of Legal Services.
- (5) Cabinet for Economic Development:
 - (a) Office of the Secretary.
 - 1. Office of Legal Services.
 - 2. Department for Business and Community Development.
 - a. Development and Retention Division – West Kentucky.
 - b. Development, Retention, and Administrative Division – Central and East

ACTS OF THE GENERAL ASSEMBLY

Kentucky.

- c. Community and Workforce Development Division.
 - 3. Department for Financial Services.
 - a. Kentucky Economic Development Finance Authority.
 - b. Finance and Personnel Division.
 - c. IT and Resource Management Division.
 - d. Compliance Division.
 - e. Program Administration Division.
 - f. Bluegrass State Skills Corporation.
 - 4. Office of Strategy and Public Affairs.
 - a. Marketing and Communications Division.
 - b. Research and Strategy Division.
 - 5. Office of Entrepreneurship and Innovation.
 - a. Commission on Small Business Innovation and Advocacy.
- (6) Cabinet for Health and Family Services:
 - (a) Office of the Secretary.
 - 1. Office of Public Affairs.
 - 2. Office of Legal Services.
 - 3. Office of Inspector General.
 - 4. Office of Human Resource Management.
 - 5. Office of Finance and Budget.
 - 6. Office of Legislative and Regulatory Affairs.
 - 7. Office of Administrative Services.
 - 8. Office of Application Technology Services.
 - 9. Office of Data Analytics.
 - 10. **Office of Medical Cannabis.**
 - a. **Division of Enforcement and Compliance.**
 - b. **Division of Licensure and Access.**
 - (b) Department for Public Health.
 - (c) Department for Medicaid Services.
 - (d) Department for Behavioral Health, Developmental and Intellectual Disabilities.
 - (e) Department for Aging and Independent Living.
 - (f) Department for Community Based Services.
 - (g) Department for Income Support.
 - (h) Department for Family Resource Centers and Volunteer Services.
- (7) Finance and Administration Cabinet:
 - (a) Office of the Secretary.
 - (b) Office of the Inspector General.
 - (c) Office of Legislative and Intergovernmental Affairs.

- (d) Office of General Counsel.
 - (e) Office of the Controller.
 - (f) Office of Administrative Services.
 - (g) Office of Policy and Audit.
 - (h) Department for Facilities and Support Services.
 - (i) Department of Revenue.
 - (j) Commonwealth Office of Technology.
 - (k) State Property and Buildings Commission.
 - (l) Office of Equal Employment Opportunity and Contract Compliance.
 - (m) Kentucky Employees Retirement Systems.
 - (n) Commonwealth Credit Union.
 - (o) State Investment Commission.
 - (p) Kentucky Housing Corporation.
 - (q) Kentucky Local Correctional Facilities Construction Authority.
 - (r) Kentucky Turnpike Authority.
 - (s) Historic Properties Advisory Commission.
 - (t) Kentucky Higher Education Assistance Authority.
 - (u) Kentucky River Authority.
 - (v) Kentucky Teachers' Retirement System Board of Trustees.
 - (w) Executive Branch Ethics Commission.
 - (x) Office of Fleet Management.
- (8) Tourism, Arts and Heritage Cabinet:
- (a) Kentucky Department of Tourism.
 - 1. Division of Tourism Services.
 - 2. Division of Marketing and Administration.
 - 3. Division of Communications and Promotions.
 - (b) Kentucky Department of Parks.
 - 1. Division of Information Technology.
 - 2. Division of Human Resources.
 - 3. Division of Financial Operations.
 - 4. Division of Purchasing.
 - 5. Division of Facilities.
 - 6. Division of Park Operations.
 - 7. Division of Sales, Marketing, and Customer Service.
 - 8. Division of Engagement.
 - 9. Division of Food Services.
 - 10. Division of Rangers.
 - (c) Department of Fish and Wildlife Resources.
 - 1. Division of Law Enforcement.

2. Division of Administrative Services.
 3. Division of Engineering, Infrastructure, and Technology.
 4. Division of Fisheries.
 5. Division of Information and Education.
 6. Division of Wildlife.
 7. Division of Marketing.
- (d) Kentucky Horse Park.
1. Division of Support Services.
 2. Division of Buildings and Grounds.
 3. Division of Operational Services.
- (e) Kentucky State Fair Board.
1. Office of Administrative and Information Technology Services.
 2. Office of Human Resources and Access Control.
 3. Division of Expositions.
 4. Division of Kentucky Exposition Center Operations.
 5. Division of Kentucky International Convention Center.
 6. Division of Public Relations and Media.
 7. Division of Venue Services.
 8. Division of Personnel Management and Staff Development.
 9. Division of Sales.
 10. Division of Security and Traffic Control.
 11. Division of Information Technology.
 12. Division of the Louisville Arena.
 13. Division of Fiscal and Contract Management.
 14. Division of Access Control.
- (f) Office of the Secretary.
1. Office of Finance.
 2. Office of Government Relations and Administration.
- (g) Office of Legal Affairs.
- (h) Office of Human Resources.
- (i) Office of Public Affairs and Constituent Services.
- (j) Office of Arts and Cultural Heritage.
- (k) Kentucky African-American Heritage Commission.
- (l) Kentucky Foundation for the Arts.
- (m) Kentucky Humanities Council.
- (n) Kentucky Heritage Council.
- (o) Kentucky Arts Council.
- (p) Kentucky Historical Society.
1. Division of Museums.

2. Division of Oral History and Educational Outreach.
 3. Division of Research and Publications.
 4. Division of Administration.
- (q) Kentucky Center for the Arts.
1. Division of Governor's School for the Arts.
- (r) Kentucky Artisans Center at Berea.
- (s) Northern Kentucky Convention Center.
- (t) Eastern Kentucky Exposition Center.
- (9) Personnel Cabinet:
- (a) Office of the Secretary.
 - (b) Department of Human Resources Administration.
 - (c) Office of Employee Relations.
 - (d) Kentucky Public Employees Deferred Compensation Authority.
 - (e) Office of Administrative Services.
 - (f) Office of Legal Services.
 - (g) Governmental Services Center.
 - (h) Department of Employee Insurance.
 - (i) Office of Diversity, Equality, and Training.
 - (j) Office of Public Affairs.
- (10) Education and Labor Cabinet:
- (a) Office of the Secretary.
 1. Office of Legal Services.
 - a. Workplace Standards Legal Division.
 - b. Workers' Claims Legal Division.
 - c. Workforce Development Legal Division.
 2. Office of Administrative Services.
 - a. Division of Human Resources Management.
 - b. Division of Fiscal Management.
 - c. Division of Operations and Support Services.
 3. Office of Technology Services.
 - a. Division of Information Technology Services.
 4. Office of Policy and Audit.
 5. Office of Legislative Services.
 6. Office of Communications.
 7. Office of the Kentucky Center for Statistics.
 8. Board of the Kentucky Center for Statistics.
 9. Early Childhood Advisory Council.
 10. Governors' Scholars Program.
 11. Governor's School for Entrepreneurs Program.

12. Foundation for Adult Education.
- (b) Department of Education.
 1. Kentucky Board of Education.
 2. Kentucky Technical Education Personnel Board.
 3. Education Professional Standards Board.
- (c) Board of Directors for the Center for School Safety.
- (d) Department for Libraries and Archives.
- (e) Kentucky Environmental Education Council.
- (f) Kentucky Educational Television.
- (g) Kentucky Commission on the Deaf and Hard of Hearing.
- (h) Department of Workforce Development.
 1. Career Development Office.
 2. Office of Vocational Rehabilitation.
 - a. Division of Kentucky Business Enterprise.
 - b. Division of the Carl D. Perkins Vocational Training Center.
 - c. Division of Blind Services.
 - d. Division of Field Services.
 - e. Statewide Council for Vocational Rehabilitation.
 - f. Employment First Council.
 3. Office of Employer and Apprenticeship Services.
 - a. Division of Apprenticeship.
 4. Kentucky Apprenticeship Council.
 5. Division of Technical Assistance.
 6. Office of Adult Education.
 7. Office of the Kentucky Workforce Innovation Board.
- (i) Department of Workplace Standards.
 1. Division of Occupational Safety and Health Compliance.
 2. Division of Occupational Safety and Health Education and Training.
 3. Division of Wages and Hours.
- (j) Office of Unemployment Insurance.
- (k) Kentucky Unemployment Insurance Commission.
- (l) Department of Workers' Claims.
 1. Division of Workers' Compensation Funds.
 2. Office of Administrative Law Judges.
 3. Division of Claims Processing.
 4. Division of Security and Compliance.
 5. Division of Specialist and Medical Services.
 6. Workers' Compensation Board.
- (m) Workers' Compensation Funding Commission.

- (n) Kentucky Occupational Safety and Health Standards Board.
- (o) State Labor Relations Board.
- (p) Employers' Mutual Insurance Authority.
- (q) Kentucky Occupational Safety and Health Review Commission.
- (r) Workers' Compensation Nominating Committee.
- (s) Office of Educational Programs.
- (t) Kentucky Workforce Innovation Board.
- (u) Kentucky Commission on Proprietary Education.
- (v) Kentucky Work Ready Skills Advisory Committee.
- (w) Kentucky Geographic Education Board.
- (x) Disability Determination Services Program.

III. Other departments headed by appointed officers:

- (1) Council on Postsecondary Education.
- (2) Department of Military Affairs.
- (3) Department for Local Government.
- (4) Kentucky Commission on Human Rights.
- (5) Kentucky Commission on Women.
- (6) Department of Veterans' Affairs.
- (7) Kentucky Commission on Military Affairs.
- (8) Office of Minority Empowerment.
- (9) Governor's Council on Wellness and Physical Activity.
- (10) Kentucky Communications Network Authority.

➔Section 19. KRS 12.020 (Effective July 1, 2025) is amended to read as follows:

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

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

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

- (a) Treasurer.
 - (6) Department of Agriculture.
 - (a) Commissioner of Agriculture.
 - (b) Agricultural Development Board.
 - (c) Kentucky Agricultural Finance Corporation.
 - (7) Auditor of Public Accounts.
 - (a) Commonwealth Office of the Ombudsman.
- II. Program cabinets headed by appointed officers:
- (1) Justice and Public Safety Cabinet:
 - (a) Department of Kentucky State Police.
 - 1. Office of Administrative Services.
 - a. Division of Operational Support.
 - b. Division of Management Services.
 - 2. Office of Operations.
 - a. Division of West Troops.
 - b. Division of East Troops.
 - c. Division of Special Enforcement.
 - d. Division of Commercial Vehicle Enforcement.
 - 3. Office of Technical Services.
 - a. Division of Forensic Sciences.
 - b. Division of Electronic Services.
 - c. Division of Records Management.
 - (b) Department of Criminal Justice Training.
 - (c) Department of Corrections.
 - (d) Department of Juvenile Justice.
 - (e) Office of the Secretary.
 - (f) Office of Drug Control Policy.
 - (g) Office of Legal Services.
 - (h) Office of the Kentucky State Medical Examiner.
 - (i) Parole Board.
 - (j) Kentucky State Corrections Commission.
 - (k) Office of Legislative and Intergovernmental Services.
 - (l) Office of Human Resource Management.
 - 1. Division of Human Resource Administration.
 - 2. Division of Employee Management.
 - (m) Department of Public Advocacy.
 - (n) Office of Communications.
 - 1. Information Technology Services Division.
 - (o) Office of Financial Management Services.

1. Division of Financial Management.
- (p) Grants Management Division.
- (2) Energy and Environment Cabinet:
 - (a) Office of the Secretary.
 1. Office of Legislative and Intergovernmental Affairs.
 2. Office of Legal Services.
 - a. Legal Division I.
 - b. Legal Division II.
 3. Office of Administrative Hearings.
 4. Office of Communication.
 5. Mine Safety Review Commission.
 6. Office of Kentucky Nature Preserves.
 7. Kentucky Public Service Commission.
 - (b) Department for Environmental Protection.
 1. Office of the Commissioner.
 2. Division for Air Quality.
 3. Division of Water.
 4. Division of Environmental Program Support.
 5. Division of Waste Management.
 6. Division of Enforcement.
 7. Division of Compliance Assistance.
 - (c) Department for Natural Resources.
 1. Office of the Commissioner.
 2. Division of Mine Permits.
 3. Division of Mine Reclamation and Enforcement.
 4. Division of Abandoned Mine Lands.
 5. Division of Oil and Gas.
 6. Division of Mine Safety.
 7. Division of Forestry.
 8. Division of Conservation.
 9. Office of the Reclamation Guaranty Fund.
 - (d) Office of Energy Policy.
 1. Division of Energy Assistance.
 - (e) Office of Administrative Services.
 1. Division of Human Resources Management.
 2. Division of Financial Management.
 3. Division of Information Services.
- (3) Public Protection Cabinet.
 - (a) Office of the Secretary.

ACTS OF THE GENERAL ASSEMBLY

1. Office of Communications and Public Outreach.
2. Office of Legal Services.
 - a. Insurance Legal Division.
 - b. Charitable Gaming Legal Division.
 - c. Alcoholic Beverage Control Legal Division.
 - d. Housing, Buildings and Construction Legal Division.
 - e. Financial Institutions Legal Division.
 - f. Professional Licensing Legal Division.
3. Office of Administrative Hearings.
4. Office of Administrative Services.
 - a. Division of Human Resources.
 - b. Division of Fiscal Responsibility.
- (b) Office of Claims and Appeals.
 1. Board of Tax Appeals.
 2. Board of Claims.
 3. Crime Victims Compensation Board.
- (c) Kentucky Boxing and Wrestling Commission.
- (d) Kentucky Horse Racing Commission.
 1. Office of Executive Director.
 - a. Division of Pari-mutuel Wagering and Compliance.
 - b. Division of Stewards.
 - c. Division of Licensing.
 - d. Division of Enforcement.
 - e. Division of Incentives and Development.
 - f. Division of Veterinary Services.
- (e) Department of Alcoholic Beverage Control.
 1. Division of Distilled Spirits.
 2. Division of Malt Beverages.
 3. Division of Enforcement.
- (f) Department of Charitable Gaming.
 1. Division of Licensing and Compliance.
 2. Division of Enforcement.
- (g) Department of Financial Institutions.
 1. Division of Depository Institutions.
 2. Division of Non-Depository Institutions.
 3. Division of Securities.
- (h) Department of Housing, Buildings and Construction.
 1. Division of Fire Prevention.
 2. Division of Plumbing.

3. Division of Heating, Ventilation, and Air Conditioning.
4. Division of Building Code Enforcement.
- (i) Department of Insurance.
 1. Division of Health and Life Insurance and Managed Care.
 2. Division of Property and Casualty Insurance.
 3. Division of Administrative Services.
 4. Division of Financial Standards and Examination.
 5. Division of Licensing.
 6. Division of Insurance Fraud Investigation.
 7. Division of Consumer Protection.
- (j) Department of Professional Licensing.
 1. Real Estate Authority.
- (4) Transportation Cabinet:
 - (a) Department of Highways.
 1. Office of Project Development.
 2. Office of Project Delivery and Preservation.
 3. Office of Highway Safety.
 4. Highway District Offices One through Twelve.
 - (b) Department of Vehicle Regulation.
 - (c) Department of Aviation.
 - (d) Department of Rural and Municipal Aid.
 1. Office of Local Programs.
 2. Office of Rural and Secondary Roads.
 - (e) Office of the Secretary.
 1. Office of Public Affairs.
 2. Office for Civil Rights and Small Business Development.
 3. Office of Budget and Fiscal Management.
 4. Office of Inspector General.
 5. Secretary's Office of Safety.
 - (f) Office of Support Services.
 - (g) Office of Transportation Delivery.
 - (h) Office of Audits.
 - (i) Office of Human Resource Management.
 - (j) Office of Information Technology.
 - (k) Office of Legal Services.
- (5) Cabinet for Economic Development:
 - (a) Office of the Secretary.
 1. Office of Legal Services.
 2. Department for Business and Community Development.

ACTS OF THE GENERAL ASSEMBLY

- a. Development and Retention Division – West Kentucky.
- b. Development, Retention, and Administrative Division – Central and East Kentucky.
- c. Community and Workforce Development Division.
- 3. Department for Financial Services.
 - a. Kentucky Economic Development Finance Authority.
 - b. Finance and Personnel Division.
 - c. IT and Resource Management Division.
 - d. Compliance Division.
 - e. Program Administration Division.
 - f. Bluegrass State Skills Corporation.
- 4. Office of Strategy and Public Affairs.
 - a. Marketing and Communications Division.
 - b. Research and Strategy Division.
- 5. Office of Entrepreneurship and Innovation.
 - a. Commission on Small Business Innovation and Advocacy.
- (6) Cabinet for Health and Family Services:
 - (a) Office of the Secretary.
 - 1. Office of Public Affairs.
 - 2. Office of Legal Services.
 - 3. Office of Inspector General.
 - 4. Office of Human Resource Management.
 - 5. Office of Finance and Budget.
 - 6. Office of Legislative and Regulatory Affairs.
 - 7. Office of Administrative Services.
 - 8. Office of Application Technology Services.
 - 9. Office of Data Analytics.
 - 10. ***Office of Medical Cannabis.***
 - a. ***Division of Enforcement and Compliance.***
 - b. ***Division of Licensure and Access.***
 - (b) Department for Public Health.
 - (c) Department for Medicaid Services.
 - (d) Department for Behavioral Health, Developmental and Intellectual Disabilities.
 - (e) Department for Aging and Independent Living.
 - (f) Department for Community Based Services.
 - (g) Department for Family Resource Centers and Volunteer Services.
- (7) Finance and Administration Cabinet:
 - (a) Office of the Secretary.
 - (b) Office of the Inspector General.

- (c) Office of Legislative and Intergovernmental Affairs.
 - (d) Office of General Counsel.
 - (e) Office of the Controller.
 - (f) Office of Administrative Services.
 - (g) Office of Policy and Audit.
 - (h) Department for Facilities and Support Services.
 - (i) Department of Revenue.
 - (j) Commonwealth Office of Technology.
 - (k) State Property and Buildings Commission.
 - (l) Office of Equal Employment Opportunity and Contract Compliance.
 - (m) Kentucky Employees Retirement Systems.
 - (n) Commonwealth Credit Union.
 - (o) State Investment Commission.
 - (p) Kentucky Housing Corporation.
 - (q) Kentucky Local Correctional Facilities Construction Authority.
 - (r) Kentucky Turnpike Authority.
 - (s) Historic Properties Advisory Commission.
 - (t) Kentucky Higher Education Assistance Authority.
 - (u) Kentucky River Authority.
 - (v) Kentucky Teachers' Retirement System Board of Trustees.
 - (w) Executive Branch Ethics Commission.
 - (x) Office of Fleet Management.
- (8) Tourism, Arts and Heritage Cabinet:
- (a) Kentucky Department of Tourism.
 - 1. Division of Tourism Services.
 - 2. Division of Marketing and Administration.
 - 3. Division of Communications and Promotions.
 - (b) Kentucky Department of Parks.
 - 1. Division of Information Technology.
 - 2. Division of Human Resources.
 - 3. Division of Financial Operations.
 - 4. Division of Purchasing.
 - 5. Division of Facilities.
 - 6. Division of Park Operations.
 - 7. Division of Sales, Marketing, and Customer Service.
 - 8. Division of Engagement.
 - 9. Division of Food Services.
 - 10. Division of Rangers.
 - (c) Department of Fish and Wildlife Resources.

ACTS OF THE GENERAL ASSEMBLY

1. Division of Law Enforcement.
 2. Division of Administrative Services.
 3. Division of Engineering, Infrastructure, and Technology.
 4. Division of Fisheries.
 5. Division of Information and Education.
 6. Division of Wildlife.
 7. Division of Marketing.
- (d) Kentucky Horse Park.
1. Division of Support Services.
 2. Division of Buildings and Grounds.
 3. Division of Operational Services.
- (e) Kentucky State Fair Board.
1. Office of Administrative and Information Technology Services.
 2. Office of Human Resources and Access Control.
 3. Division of Expositions.
 4. Division of Kentucky Exposition Center Operations.
 5. Division of Kentucky International Convention Center.
 6. Division of Public Relations and Media.
 7. Division of Venue Services.
 8. Division of Personnel Management and Staff Development.
 9. Division of Sales.
 10. Division of Security and Traffic Control.
 11. Division of Information Technology.
 12. Division of the Louisville Arena.
 13. Division of Fiscal and Contract Management.
 14. Division of Access Control.
- (f) Office of the Secretary.
1. Office of Finance.
 2. Office of Government Relations and Administration.
- (g) Office of Legal Affairs.
- (h) Office of Human Resources.
- (i) Office of Public Affairs and Constituent Services.
- (j) Office of Arts and Cultural Heritage.
- (k) Kentucky African-American Heritage Commission.
- (l) Kentucky Foundation for the Arts.
- (m) Kentucky Humanities Council.
- (n) Kentucky Heritage Council.
- (o) Kentucky Arts Council.
- (p) Kentucky Historical Society.

1. Division of Museums.
 2. Division of Oral History and Educational Outreach.
 3. Division of Research and Publications.
 4. Division of Administration.
- (q) Kentucky Center for the Arts.
1. Division of Governor's School for the Arts.
- (r) Kentucky Artisans Center at Berea.
- (s) Northern Kentucky Convention Center.
- (t) Eastern Kentucky Exposition Center.
- (9) Personnel Cabinet:
- (a) Office of the Secretary.
 - (b) Department of Human Resources Administration.
 - (c) Office of Employee Relations.
 - (d) Kentucky Public Employees Deferred Compensation Authority.
 - (e) Office of Administrative Services.
 - (f) Office of Legal Services.
 - (g) Governmental Services Center.
 - (h) Department of Employee Insurance.
 - (i) Office of Diversity, Equality, and Training.
 - (j) Office of Public Affairs.
- (10) Education and Labor Cabinet:
- (a) Office of the Secretary.
 1. Office of Legal Services.
 - a. Workplace Standards Legal Division.
 - b. Workers' Claims Legal Division.
 - c. Workforce Development Legal Division.
 2. Office of Administrative Services.
 - a. Division of Human Resources Management.
 - b. Division of Fiscal Management.
 - c. Division of Operations and Support Services.
 3. Office of Technology Services.
 - a. Division of Information Technology Services.
 4. Office of Policy and Audit.
 5. Office of Legislative Services.
 6. Office of Communications.
 7. Office of the Kentucky Center for Statistics.
 8. Board of the Kentucky Center for Statistics.
 9. Early Childhood Advisory Council.
 10. Governors' Scholars Program.

11. Governor's School for Entrepreneurs Program.
12. Foundation for Adult Education.
- (b) Department of Education.
 1. Kentucky Board of Education.
 2. Kentucky Technical Education Personnel Board.
 3. Education Professional Standards Board.
- (c) Board of Directors for the Center for School Safety.
- (d) Department for Libraries and Archives.
- (e) Kentucky Environmental Education Council.
- (f) Kentucky Educational Television.
- (g) Kentucky Commission on the Deaf and Hard of Hearing.
- (h) Department of Workforce Development.
 1. Career Development Office.
 2. Office of Vocational Rehabilitation.
 - a. Division of Kentucky Business Enterprise.
 - b. Division of the Carl D. Perkins Vocational Training Center.
 - c. Division of Blind Services.
 - d. Division of Field Services.
 - e. Statewide Council for Vocational Rehabilitation.
 - f. Employment First Council.
 3. Office of Employer and Apprenticeship Services.
 - a. Division of Apprenticeship.
 4. Kentucky Apprenticeship Council.
 5. Division of Technical Assistance.
 6. Office of Adult Education.
 7. Office of the Kentucky Workforce Innovation Board.
- (i) Department of Workplace Standards.
 1. Division of Occupational Safety and Health Compliance.
 2. Division of Occupational Safety and Health Education and Training.
 3. Division of Wages and Hours.
- (j) Office of Unemployment Insurance.
- (k) Kentucky Unemployment Insurance Commission.
- (l) Department of Workers' Claims.
 1. Division of Workers' Compensation Funds.
 2. Office of Administrative Law Judges.
 3. Division of Claims Processing.
 4. Division of Security and Compliance.
 5. Division of Specialist and Medical Services.
 6. Workers' Compensation Board.

- (m) Workers' Compensation Funding Commission.
- (n) Kentucky Occupational Safety and Health Standards Board.
- (o) State Labor Relations Board.
- (p) Employers' Mutual Insurance Authority.
- (q) Kentucky Occupational Safety and Health Review Commission.
- (r) Workers' Compensation Nominating Committee.
- (s) Office of Educational Programs.
- (t) Kentucky Workforce Innovation Board.
- (u) Kentucky Commission on Proprietary Education.
- (v) Kentucky Work Ready Skills Advisory Committee.
- (w) Kentucky Geographic Education Board.
- (x) Disability Determination Services Program.

III. Other departments headed by appointed officers:

- (1) Council on Postsecondary Education.
- (2) Department of Military Affairs.
- (3) Department for Local Government.
- (4) Kentucky Commission on Human Rights.
- (5) Kentucky Commission on Women.
- (6) Department of Veterans' Affairs.
- (7) Kentucky Commission on Military Affairs.
- (8) Office of Minority Empowerment.
- (9) Governor's Council on Wellness and Physical Activity.
- (10) Kentucky Communications Network Authority.

➔Section 20. KRS 194A.030 (Effective until July 1, 2024) is amended to read as follows:

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

- (1) Office of the Secretary. Within the Office of the Secretary, there shall be an Office of the Ombudsman and Administrative Review, an Office of Legal Services, an Office of Inspector General, an Office of Public Affairs, an Office of Human Resource Management, an Office of Finance and Budget, an Office of Legislative and Regulatory Affairs, an Office of Administrative Services, an Office of Application Technology Services, ~~and~~ an Office of Data Analytics, **and an Office of Medical Cannabis** as follows:
 - (a) The Office of the Ombudsman and Administrative Review shall be headed by an executive director who shall be appointed by the secretary with the approval of the Governor under KRS 12.050 and shall:
 - 1. Investigate, upon complaint or on its own initiative, any administrative act of an organizational unit, employee, or contractor of the cabinet, without regard to the finality of the administrative act. Organizational units, employees, or contractors of the cabinet shall not willfully obstruct an investigation, restrict access to records or personnel, or retaliate against a complainant or cabinet employee;
 - 2. Make recommendations that resolve citizen complaints and improve governmental performance and may require corrective action when policy violations are identified;
 - 3. Provide evaluation and information analysis of cabinet performance and compliance with state and federal law;
 - 4. Place an emphasis on research and best practices, program accountability, quality service delivery, and improved governmental performance;

5. Provide information on how to contact the office for public posting at all offices where Department for Community Based Services employees or contractors work, at any facility where a child in the custody of the cabinet resides, and to all cabinet or contracted foster parents;
 6. Report to the Office of Inspector General for review and investigation any charge or case against an employee of the Cabinet for Health and Family Services where it has cause to believe the employee has engaged in dishonest, unethical, or illegal conduct or practices related to his or her job duties; or any violation of state law or administrative regulation by any organization or individual regulated by, or contracted with the cabinet;
 7. Compile a report of all citizen complaints about programs or services of the cabinet and a summary of resolution of the complaints and submit the report upon request to the Interim Joint Committee on Health Services and the Interim Joint Committee on Families and Children;
 8. Include oversight of administrative hearings; and
 9. Provide information to the Office of the Attorney General, when requested, related to substantiated violations of state law against an employee, a contractor of the cabinet, or a foster or adoptive parent;
- (b) The Office of Legal Services shall provide legal advice and assistance to all units of the cabinet in any legal action in which it may be involved. The Office of Legal Services shall employ all attorneys of the cabinet who serve the cabinet in the capacity of attorney, giving legal advice and opinions concerning the operation of all programs in the cabinet. The Office of Legal Services shall be headed by a general counsel who shall be appointed by the secretary with the approval of the Governor under KRS 12.050 and 12.210. The general counsel shall be the chief legal advisor to the secretary and shall be directly responsible to the secretary. The Attorney General, on the request of the secretary, may designate the general counsel as an assistant attorney general under the provisions of KRS 15.105;
- (c) The Office of Inspector General shall be headed by an inspector general who shall be appointed by the secretary with the approval of the Governor. The inspector general shall be directly responsible to the secretary. The Office of Inspector General shall be responsible for:
1. The conduct of audits and investigations for detecting the perpetration of fraud or abuse of any program by any client, or by any vendor of services with whom the cabinet has contracted; and the conduct of special investigations requested by the secretary, commissioners, or office heads of the cabinet into matters related to the cabinet or its programs;
 2. Licensing and regulatory functions as the secretary may delegate;
 3. Review of health facilities participating in transplant programs, as determined by the secretary, for the purpose of determining any violations of KRS 311.1911 to 311.1959, 311.1961, and 311.1963;
 4. The duties, responsibilities, and authority pertaining to the certificate of need functions and the licensure appeals functions, pursuant to KRS Chapter 216B;
 5. The notification and forwarding of any information relevant to possible criminal violations to the appropriate prosecuting authority;
 6. The oversight of the operations of the Kentucky Health Information Exchange; and
 7. The support and guidance to health care providers related to telehealth services, including the development of policy, standards, resources, and education to expand telehealth services across the Commonwealth;
- (d) The Office of Public Affairs shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide information to the public and news media about the programs, services, and initiatives of the cabinet;
- (e) The Office of Human Resource Management shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall coordinate, oversee, and execute all personnel, training, and management functions of the cabinet. The office shall focus on the oversight, development, and implementation of quality improvement services; curriculum development and delivery of instruction to staff; the administration, management, and

oversight of training operations; health, safety, and compliance training; and equal employment opportunity compliance functions;

- (f) The Office of Finance and Budget shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide central review and oversight of budget, contract, and cabinet finances. The office shall provide coordination, assistance, and support to program departments and independent review and analysis on behalf of the secretary;
 - (g) The Office of Legislative and Regulatory Affairs shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide central review and oversight of legislation, policy, and administrative regulations. The office shall provide coordination, assistance, and support to program departments and independent review and analysis on behalf of the secretary;
 - (h) The Office of Administrative Services shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide central review and oversight of procurement, general accounting including grant monitoring, and facility management. The office shall provide coordination, assistance, and support to program departments and independent review and analysis on behalf of the secretary;
 - (i) The Office of Application Technology Services shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide application technology services including central review and oversight. The office shall provide coordination, assistance, and support to program departments and independent review and analysis on behalf of the secretary; ~~and~~
 - (j) The Office of Data Analytics shall be headed by an executive director who shall be appointed by the secretary with the approval of the Governor under KRS 12.050 and shall identify and innovate strategic initiatives to inform public policy initiatives and provide opportunities for improved health outcomes for all Kentuckians through data analytics. The office shall provide leadership in the redesign of the health care delivery system using electronic information technology to improve patient care and reduce medical errors and duplicative services; *and*
 - (k) ***The Office of Medical Cannabis shall be headed by an executive director appointed by the Governor in accordance with KRS 12.040 and shall implement, operate, oversee, and regulate the medicinal cannabis program. The office shall be composed of the Division of Enforcement and Compliance and the Division of Licensure and Access. Each division in the office shall be headed by a director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050.***
- (2) Department for Medicaid Services. The Department for Medicaid Services shall serve as the single state agency in the Commonwealth to administer Title XIX of the Federal Social Security Act. The Department for Medicaid Services shall be headed by a commissioner for Medicaid services, who shall be appointed by the secretary with the approval of the Governor under KRS 12.050. The commissioner for Medicaid services shall be a person who by experience and training in administration and management is qualified to perform the duties of this office. The commissioner for Medicaid services shall exercise authority over the Department for Medicaid Services under the direction of the secretary and shall only fulfill those responsibilities as delegated by the secretary;
- (3) Department for Public Health. The Department for Public Health shall develop and operate all programs of the cabinet that provide health services and all programs for assessing the health status of the population for the promotion of health and the prevention of disease, injury, disability, and premature death. This shall include but not be limited to oversight of the Division of Women's Health. The Department for Public Health shall be headed by a commissioner for public health who shall be appointed by the secretary with the approval of the Governor under KRS 12.050. The commissioner for public health shall be a duly licensed physician who by experience and training in administration and management is qualified to perform the duties of this office. The commissioner shall advise the head of each major organizational unit enumerated in this section on policies, plans, and programs relating to all matters of public health, including any actions necessary to safeguard the health of the citizens of the Commonwealth. The commissioner shall serve as chief medical officer of the Commonwealth. The commissioner for public health shall exercise authority over the Department for Public Health under the direction of the secretary and shall only fulfill those responsibilities as delegated by the secretary;

- (4) Department for Behavioral Health, Developmental and Intellectual Disabilities. The Department for Behavioral Health, Developmental and Intellectual Disabilities shall develop and administer programs for the prevention of mental illness, intellectual disabilities, brain injury, developmental disabilities, and substance use disorders and shall develop and administer an array of services and support for the treatment, habilitation, and rehabilitation of persons who have a mental illness or emotional disability, or who have an intellectual disability, brain injury, developmental disability, or a substance use disorder. The Department for Behavioral Health, Developmental and Intellectual Disabilities shall be headed by a commissioner for behavioral health, developmental and intellectual disabilities who shall be appointed by the secretary with the approval of the Governor under KRS 12.050. The commissioner for behavioral health, developmental and intellectual disabilities shall be by training and experience in administration and management qualified to perform the duties of the office. The commissioner for behavioral health, developmental and intellectual disabilities shall exercise authority over the department under the direction of the secretary, and shall only fulfill those responsibilities as delegated by the secretary;
- (5) Office for Children with Special Health Care Needs. The duties, responsibilities, and authority set out in KRS 200.460 to 200.490 shall be performed by the office. The office shall advocate the rights of children with disabilities and, to the extent that funds are available, shall ensure the administration of services for children with disabilities as are deemed appropriate by this office pursuant to Title V of the Social Security Act. The office may promulgate administrative regulations under KRS Chapter 13A as may be necessary to implement and administer its responsibilities. The duties, responsibilities, and authority of the Office for Children with Special Health Care Needs shall be performed through the office of the executive director. The executive director shall be appointed by the secretary with the approval of the Governor under KRS 12.050;
- (6) Department for Family Resource Centers and Volunteer Services. The Department for Family Resource Centers and Volunteer Services shall streamline the various responsibilities associated with the human services programs for which the cabinet is responsible. This shall include, but not be limited to, oversight of the Division of Family Resource and Youth Services Centers and Serve Kentucky. The Department for Family Resource Centers and Volunteer Services shall be headed by a commissioner who shall be appointed by the secretary with the approval of the Governor under KRS 12.050. The commissioner for family resource centers and volunteer services shall be by training and experience in administration and management qualified to perform the duties of the office, shall exercise authority over the department under the direction of the secretary, and shall only fulfill those responsibilities as delegated by the secretary;
- (7) Department for Community Based Services. The Department for Community Based Services shall administer and be responsible for child and adult protection, violence prevention resources, foster care and adoption, permanency, and services to enhance family self-sufficiency, including child care, social services, public assistance, and family support. The department shall be headed by a commissioner appointed by the secretary with the approval of the Governor in accordance with KRS 12.050;
- (8) Department for Income Support. The Department for Income Support shall be responsible for child support enforcement and disability determination. The department shall serve as the state unit as required by Title II and Title XVI of the Social Security Act, and shall have responsibility for determining eligibility for disability for those citizens of the Commonwealth who file applications for disability with the Social Security Administration. The department shall be headed by a commissioner appointed by the secretary with the approval of the Governor in accordance with KRS 12.050; and
- (9) Department for Aging and Independent Living. The Department for Aging and Independent Living shall serve as the state unit as designated by the Administration on Aging Services under the Older Americans Act and shall have responsibility for administration of the federal community support services, in-home services, meals, family and caregiver support services, elder rights and legal assistance, senior community services employment program, the state health insurance assistance program, state home and community based services including home care, Alzheimer's respite services and the personal care attendant program, certifications of assisted living facilities, the state Council on Alzheimer's Disease and other related disorders, and guardianship services. The department shall also administer the Long-Term Care Ombudsman Program and the Medicaid Home and Community Based Waivers Participant Directed Services Option (PDS) Program. The department shall serve as the information and assistance center for aging and disability services and administer multiple federal grants and other state initiatives. The department shall be headed by a commissioner appointed by the secretary with the approval of the Governor in accordance with KRS 12.050.

➔Section 21. KRS 194A.030 (Effective between July 1, 2024, and July 1, 2025) is amended to read as follows:

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

- (1) Office of the Secretary. Within the Office of the Secretary, there shall be an Office of Legal Services, an Office of Inspector General, an Office of Public Affairs, an Office of Human Resource Management, an Office of Finance and Budget, an Office of Legislative and Regulatory Affairs, an Office of Administrative Services, an Office of Application Technology Services, ~~and~~ an Office of Data Analytics, **and an Office of Medical Cannabis** as follows:
- (a) The Office of Legal Services shall provide legal advice and assistance to all units of the cabinet in any legal action in which it may be involved. The Office of Legal Services shall employ all attorneys of the cabinet who serve the cabinet in the capacity of attorney, giving legal advice and opinions concerning the operation of all programs in the cabinet. The Office of Legal Services shall be headed by a general counsel who shall be appointed by the secretary with the approval of the Governor under KRS 12.050 and 12.210. The general counsel shall be the chief legal advisor to the secretary and shall be directly responsible to the secretary. The Attorney General, on the request of the secretary, may designate the general counsel as an assistant attorney general under the provisions of KRS 15.105;
 - (b) The Office of Inspector General shall be headed by an inspector general who shall be appointed by the secretary with the approval of the Governor. The inspector general shall be directly responsible to the secretary. The Office of Inspector General shall be responsible for:
 - 1. The conduct of audits and investigations for detecting the perpetration of fraud or abuse of any program by any client, or by any vendor of services with whom the cabinet has contracted; and the conduct of special investigations requested by the secretary, commissioners, or office heads of the cabinet into matters related to the cabinet or its programs;
 - 2. Licensing and regulatory functions as the secretary may delegate;
 - 3. Review of health facilities participating in transplant programs, as determined by the secretary, for the purpose of determining any violations of KRS 311.1911 to 311.1959, 311.1961, and 311.1963;
 - 4. The duties, responsibilities, and authority pertaining to the certificate of need functions and the licensure appeals functions, pursuant to KRS Chapter 216B;
 - 5. The notification and forwarding of any information relevant to possible criminal violations to the appropriate prosecuting authority;
 - 6. The oversight of the operations of the Kentucky Health Information Exchange; and
 - 7. The support and guidance to health care providers related to telehealth services, including the development of policy, standards, resources, and education to expand telehealth services across the Commonwealth;
 - (c) The Office of Public Affairs shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide information to the public and news media about the programs, services, and initiatives of the cabinet;
 - (d) The Office of Human Resource Management shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall coordinate, oversee, and execute all personnel, training, and management functions of the cabinet. The office shall focus on the oversight, development, and implementation of quality improvement services; curriculum development and delivery of instruction to staff; the administration, management, and oversight of training operations; health, safety, and compliance training; and equal employment opportunity compliance functions;
 - (e) The Office of Finance and Budget shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide central review and oversight of budget, contract, and cabinet finances. The office shall provide coordination, assistance, and support to program departments and independent review and analysis on behalf of the secretary;
 - (f) The Office of Legislative and Regulatory Affairs shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide central review and oversight of legislation, policy, and administrative regulations. The office shall provide coordination, assistance, and support to program departments and independent review and analysis on behalf of the secretary;

- (g) The Office of Administrative Services shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide central review and oversight of procurement, general accounting including grant monitoring, and facility management. The office shall provide coordination, assistance, and support to program departments and independent review and analysis on behalf of the secretary;
 - (h) The Office of Application Technology Services shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide application technology services including central review and oversight. The office shall provide coordination, assistance, and support to program departments and independent review and analysis on behalf of the secretary;~~{and}~~
 - (i) The Office of Data Analytics shall be headed by an executive director who shall be appointed by the secretary with the approval of the Governor under KRS 12.050 and shall identify and innovate strategic initiatives to inform public policy initiatives and provide opportunities for improved health outcomes for all Kentuckians through data analytics. The office shall provide leadership in the redesign of the health care delivery system using electronic information technology to improve patient care and reduce medical errors and duplicative services; *and*
 - (j) ***The Office of Medical Cannabis shall be headed by an executive director appointed by the Governor in accordance with KRS 12.040 and shall implement, operate, oversee, and regulate the medicinal cannabis program. The office shall be composed of the Division of Enforcement and Compliance and the Division of Licensure and Access. Each division in the office shall be headed by a director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050.***
- (2) Department for Medicaid Services. The Department for Medicaid Services shall serve as the single state agency in the Commonwealth to administer Title XIX of the Federal Social Security Act. The Department for Medicaid Services shall be headed by a commissioner for Medicaid services, who shall be appointed by the secretary with the approval of the Governor under KRS 12.050. The commissioner for Medicaid services shall be a person who by experience and training in administration and management is qualified to perform the duties of this office. The commissioner for Medicaid services shall exercise authority over the Department for Medicaid Services under the direction of the secretary and shall only fulfill those responsibilities as delegated by the secretary;
- (3) Department for Public Health. The Department for Public Health shall develop and operate all programs of the cabinet that provide health services and all programs for assessing the health status of the population for the promotion of health and the prevention of disease, injury, disability, and premature death. This shall include but not be limited to oversight of the Division of Women's Health and the Office for Children with Special Health Care Needs. The duties, responsibilities, and authority set out in KRS 200.460 to 200.490 shall be performed by the Department for Public Health. The Department for Public Health shall advocate for the rights of children with disabilities and, to the extent that funds are available, shall ensure the administration of services for children with disabilities as are deemed appropriate by this office pursuant to Title V of the Social Security Act. The Department for Public Health may promulgate administrative regulations under KRS Chapter 13A as may be necessary to implement and administer its responsibilities. The Office for Children with Special Health Care Needs may be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The Department for Public Health shall be headed by a commissioner for public health who shall be appointed by the secretary with the approval of the Governor under KRS 12.050. The commissioner for public health shall be a duly licensed physician who by experience and training in administration and management is qualified to perform the duties of this office. The commissioner shall advise the head of each major organizational unit enumerated in this section on policies, plans, and programs relating to all matters of public health, including any actions necessary to safeguard the health of the citizens of the Commonwealth. The commissioner shall serve as chief medical officer of the Commonwealth. The commissioner for public health shall exercise authority over the Department for Public Health under the direction of the secretary and shall only fulfill those responsibilities as delegated by the secretary;
- (4) Department for Behavioral Health, Developmental and Intellectual Disabilities. The Department for Behavioral Health, Developmental and Intellectual Disabilities shall develop and administer programs for the prevention of mental illness, intellectual disabilities, brain injury, developmental disabilities, and substance use disorders and shall develop and administer an array of services and support for the treatment, habilitation, and rehabilitation of persons who have a mental illness or emotional disability, or who have an intellectual disability, brain injury, developmental disability, or a substance use disorder. The Department for Behavioral

Health, Developmental and Intellectual Disabilities shall be headed by a commissioner for behavioral health, developmental and intellectual disabilities who shall be appointed by the secretary with the approval of the Governor under KRS 12.050. The commissioner for behavioral health, developmental and intellectual disabilities shall be by training and experience in administration and management qualified to perform the duties of the office. The commissioner for behavioral health, developmental and intellectual disabilities shall exercise authority over the department under the direction of the secretary, and shall only fulfill those responsibilities as delegated by the secretary;

- (5) Department for Family Resource Centers and Volunteer Services. The Department for Family Resource Centers and Volunteer Services shall streamline the various responsibilities associated with the human services programs for which the cabinet is responsible. This shall include, but not be limited to, oversight of the Division of Family Resource and Youth Services Centers and Serve Kentucky. The Department for Family Resource Centers and Volunteer Services shall be headed by a commissioner who shall be appointed by the secretary with the approval of the Governor under KRS 12.050. The commissioner for family resource centers and volunteer services shall be by training and experience in administration and management qualified to perform the duties of the office, shall exercise authority over the department under the direction of the secretary, and shall only fulfill those responsibilities as delegated by the secretary;
- (6) Department for Community Based Services. The Department for Community Based Services shall administer and be responsible for child and adult protection, guardianship services, violence prevention resources, foster care and adoption, permanency, and services to enhance family self-sufficiency, including child care, social services, public assistance, and family support. The department shall be headed by a commissioner appointed by the secretary with the approval of the Governor in accordance with KRS 12.050;
- (7) Department for Income Support. The Department for Income Support shall be responsible for child support enforcement and disability determination. The department shall serve as the state unit as required by Title II and Title XVI of the Social Security Act, and shall have responsibility for determining eligibility for disability for those citizens of the Commonwealth who file applications for disability with the Social Security Administration. The department shall be headed by a commissioner appointed by the secretary with the approval of the Governor in accordance with KRS 12.050; and
- (8) Department for Aging and Independent Living. The Department for Aging and Independent Living shall serve as the state unit as designated by the Administration on Aging Services under the Older Americans Act and shall have responsibility for administration of the federal community support services, in-home services, meals, family and caregiver support services, elder rights and legal assistance, senior community services employment program, the state health insurance assistance program, state home and community based services including home care, Alzheimer's respite services and the personal care attendant program, certifications of assisted living facilities, and the state Council on Alzheimer's Disease and other related disorders. The department shall also administer the Long-Term Care Ombudsman Program and the Medicaid Home and Community Based Waivers Participant Directed Services Option (PDS) Program. The department shall serve as the information and assistance center for aging and disability services and administer multiple federal grants and other state initiatives. The department shall be headed by a commissioner appointed by the secretary with the approval of the Governor in accordance with KRS 12.050.

➔Section 22. KRS 194A.030 (Effective July 1, 2025) is amended to read as follows:

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

- (1) Office of the Secretary. Within the Office of the Secretary, there shall be an Office of Legal Services, an Office of Inspector General, an Office of Public Affairs, an Office of Human Resource Management, an Office of Finance and Budget, an Office of Legislative and Regulatory Affairs, an Office of Administrative Services, an Office of Application Technology Services, ~~and~~ an Office of Data Analytics, **and an Office of Medical Cannabis** as follows:
 - (a) The Office of Legal Services shall provide legal advice and assistance to all units of the cabinet in any legal action in which it may be involved. The Office of Legal Services shall employ all attorneys of the cabinet who serve the cabinet in the capacity of attorney, giving legal advice and opinions concerning the operation of all programs in the cabinet. The Office of Legal Services shall be headed by a general counsel who shall be appointed by the secretary with the approval of the Governor under KRS 12.050 and 12.210. The general counsel shall be the chief legal advisor to the secretary and shall be directly responsible to the secretary. The Attorney General, on the request of the secretary, may designate the general counsel as an assistant attorney general under the provisions of KRS 15.105;

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

for all Kentuckians through data analytics. The office shall provide leadership in the redesign of the health care delivery system using electronic information technology to improve patient care and reduce medical errors and duplicative services; *and*

- (j) ***The Office of Medical Cannabis shall be headed by an executive director appointed by the Governor in accordance with KRS 12.040 and shall implement, operate, oversee, and regulate the medicinal cannabis program. The office shall be composed of the Division of Enforcement and Compliance and the Division of Licensure and Access. Each division in the office shall be headed by a director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050.***
- (2) Department for Medicaid Services. The Department for Medicaid Services shall serve as the single state agency in the Commonwealth to administer Title XIX of the Federal Social Security Act. The Department for Medicaid Services shall be headed by a commissioner for Medicaid services, who shall be appointed by the secretary with the approval of the Governor under KRS 12.050. The commissioner for Medicaid services shall be a person who by experience and training in administration and management is qualified to perform the duties of this office. The commissioner for Medicaid services shall exercise authority over the Department for Medicaid Services under the direction of the secretary and shall only fulfill those responsibilities as delegated by the secretary;
- (3) Department for Public Health. The Department for Public Health shall develop and operate all programs of the cabinet that provide health services and all programs for assessing the health status of the population for the promotion of health and the prevention of disease, injury, disability, and premature death. This shall include but not be limited to oversight of the Division of Women's Health and the Office for Children with Special Health Care Needs. The duties, responsibilities, and authority set out in KRS 200.460 to 200.490 shall be performed by the Department for Public Health. The Department for Public Health shall advocate for the rights of children with disabilities and, to the extent that funds are available, shall ensure the administration of services for children with disabilities as are deemed appropriate by this office pursuant to Title V of the Social Security Act. The Department for Public Health may promulgate administrative regulations under KRS Chapter 13A as may be necessary to implement and administer its responsibilities. The Office for Children with Special Health Care Needs may be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The Department for Public Health shall be headed by a commissioner for public health who shall be appointed by the secretary with the approval of the Governor under KRS 12.050. The commissioner for public health shall be a duly licensed physician who by experience and training in administration and management is qualified to perform the duties of this office. The commissioner shall advise the head of each major organizational unit enumerated in this section on policies, plans, and programs relating to all matters of public health, including any actions necessary to safeguard the health of the citizens of the Commonwealth. The commissioner shall serve as chief medical officer of the Commonwealth. The commissioner for public health shall exercise authority over the Department for Public Health under the direction of the secretary and shall only fulfill those responsibilities as delegated by the secretary;
- (4) Department for Behavioral Health, Developmental and Intellectual Disabilities. The Department for Behavioral Health, Developmental and Intellectual Disabilities shall develop and administer programs for the prevention of mental illness, intellectual disabilities, brain injury, developmental disabilities, and substance use disorders and shall develop and administer an array of services and support for the treatment, habilitation, and rehabilitation of persons who have a mental illness or emotional disability, or who have an intellectual disability, brain injury, developmental disability, or a substance use disorder. The Department for Behavioral Health, Developmental and Intellectual Disabilities shall be headed by a commissioner for behavioral health, developmental and intellectual disabilities who shall be appointed by the secretary with the approval of the Governor under KRS 12.050. The commissioner for behavioral health, developmental and intellectual disabilities shall be by training and experience in administration and management qualified to perform the duties of the office. The commissioner for behavioral health, developmental and intellectual disabilities shall exercise authority over the department under the direction of the secretary, and shall only fulfill those responsibilities as delegated by the secretary;
- (5) Department for Family Resource Centers and Volunteer Services. The Department for Family Resource Centers and Volunteer Services shall streamline the various responsibilities associated with the human services programs for which the cabinet is responsible. This shall include, but not be limited to, oversight of the Division of Family Resource and Youth Services Centers and Serve Kentucky. The Department for Family Resource Centers and Volunteer Services shall be headed by a commissioner who shall be appointed by the secretary with the approval of the Governor under KRS 12.050. The commissioner for family resource centers and volunteer services shall be by training and experience in administration and management qualified to

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

- (6) Department for Community Based Services. The Department for Community Based Services shall administer and be responsible for child and adult protection, guardianship services, violence prevention resources, foster care and adoption, permanency, and services to enhance family self-sufficiency, including child care, social services, public assistance, and family support. The department shall be headed by a commissioner appointed by the secretary with the approval of the Governor in accordance with KRS 12.050; and
- (7) Department for Aging and Independent Living. The Department for Aging and Independent Living shall serve as the state unit as designated by the Administration on Aging Services under the Older Americans Act and shall have responsibility for administration of the federal community support services, in-home services, meals, family and caregiver support services, elder rights and legal assistance, senior community services employment program, the state health insurance assistance program, state home and community based services including home care, Alzheimer's respite services and the personal care attendant program, certifications of assisted living facilities, and the state Council on Alzheimer's Disease and other related disorders. The department shall also administer the Long-Term Care Ombudsman Program and the Medicaid Home and Community Based Waivers Participant Directed Services Option (PDS) Program. The department shall serve as the information and assistance center for aging and disability services and administer multiple federal grants and other state initiatives. The department shall be headed by a commissioner appointed by the secretary with the approval of the Governor in accordance with KRS 12.050.

➔Section 23. Sections 10, 11, and 12 of this Act take effect July 1, 2024.

➔Section 24. 2023 Ky. Acts ch. 146, sec. 42, is amended to read as follows:

Section 2, *Section 5, Sections 17 to 24, Section 30, Section 32, and Sections 35 to 37 of this Act take effect July 1, 2024, and Section 4, Sections 6 to 8,*~~Sections 4 to 8,~~ Section 10, *and Sections 12 to 14*~~, Sections 17 to 24, Section 30, Section 32, and Sections 35 to 37~~ of this Act take effect January 1, 2025.

➔Section 25. Whereas medicinal cannabis businesses cannot ensure an adequate supply of medicinal cannabis in 2025 without becoming licensed and operational in 2024, and the Cabinet for Health and Family Services cannot issue licenses to medicinal cannabis businesses in 2024 under current law, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 17, 2024.

CHAPTER 196

(SB 191)

AN ACT relating to postsecondary education funding and declaring an emergency.

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

➔Section 1. KRS 164.092 is amended to read as follows:

- (1) For purposes of this section:
- (a) "Category I and Category II square feet" means square footage that falls under space categories as defined by the Postsecondary Education Facilities Inventory and Classification Manual published by the United States Department of Education;
 - (b) "Comprehensive university" has the same meaning as in KRS 164.001;
 - (c) "Council" means the Council on Postsecondary Education;
 - (d) "Equilibrium" means a condition in which every institution has an appropriately proportionate level of resources as determined by the performance funding model established in this section given each institution's level of productivity in achieving student success outcomes, course completion outcomes, and other components included in the model;

- (e) "Formula base amount" means an institution's enacted general fund appropriation amount minus debt service on bonds and appropriations for mandated programs;
 - (f) "Hold-harmless provision" means a provision included in the funding formulas as described in subsection (9) of this section that prevents a reduction of a designated portion of funding for an institution through operation of the funding formula;
 - (g) "Institution" means a college in the Kentucky Community and Technical College System or a public university;
 - (h) "KCTCS" means the Kentucky Community and Technical College System;
 - (i) "KCTCS institution allocable resources" means the formula base amount net of any equity adjustment as described in subsection (7)(b) of this section, any amount protected by a hold-harmless provision, and any applicable increase or decrease in general fund appropriations;
 - (j) "Mandated program" means a research or public service activity that is not integral to the instructional mission of the institution and is identified by the General Assembly in the biennial budget;
 - (k) *"Nontraditional age students" means students between the ages of twenty-five (25) and sixty-four (64);*
 - (l) "Performance fund" means the postsecondary education performance fund established in subsection (13) of this section;~~;~~
 - ~~(m)~~ "Research universities" means the University of Kentucky and the University of Louisville;
 - ~~(n)~~ "Stop-loss provision" means a provision included in the funding formulas as described in subsection (9) of this section to limit reduction of an institution's funding amount to a predetermined percentage, notwithstanding the amounts calculated by operation of the formula; and
 - ~~(o)~~ "University allocable resources" means the formula base amount net of any small school adjustment as described in subsection (5)(c) of this section, any amount protected by a hold-harmless provision, and any applicable increase or decrease in general fund appropriations.
- (2) The General Assembly hereby finds that improving opportunity for the Commonwealth's citizens and building a stronger economy can be achieved by its public college and university system focusing its efforts and resources on the goals of:
- (a) Increasing the retention and progression of students toward timely credential or degree completion;
 - (b) Increasing the number and types of credentials and degrees earned by all types of students;
 - (c) Increasing the number of credentials and degrees that garner higher salaries upon graduation, such as science, technology, engineering, math, and health, and in areas of industry demand;
 - (d) Closing achievement gaps by increasing the number of credentials and degrees earned by low-income students, underprepared students, ~~and~~ underrepresented ~~minority~~ students, *and nontraditional age students*; and
 - (e) Facilitating credit hour accumulation and transfer of students from KCTCS to four (4) year postsecondary institutions.
- (3) (a) The General Assembly hereby declares these goals can best be accomplished by implementing a comprehensive funding model for the allocation of state general fund appropriations for postsecondary institution operations that aligns the Commonwealth's investments in postsecondary education with the Commonwealth's postsecondary education policy goals and objectives.
- (b) The General Assembly further recognizes that priority for state general fund appropriations for postsecondary institutions should be given to each institution's funding floor over appropriations to the performance fund. For purposes of this section, "funding floor" means an institution's fiscal year 2020-2021 general fund appropriation included in 2020 Ky. Acts ch. 92, plus any fiscal year 2020-2021 distribution from the performance fund, and minus fiscal year 2020-2021 debt service on bonds and appropriations for mandated programs.
- (4) This section establishes a comprehensive funding model for the public postsecondary education system to be implemented by the Council on Postsecondary Education. The funding model shall include a public university

sector formula and a KCTCS sector formula, *and shall not include any race-based metrics or targets in the formulas.*

- (5) The funding formula for the public university sector shall:
- (a) Recognize differences in missions and cost structures between research universities and comprehensive universities to ensure that neither are advantaged or disadvantaged during the first full year of implementation;
 - (b) Distribute one hundred percent (100%) of the university allocable resources for all universities in the sector, based on rational criteria, including student success, course completion, and operational support components, regardless of whether state funding for postsecondary institution operations increases, decreases, or remains stable;
 - (c) Include an adjustment to minimize impact on smaller campuses as determined by the council; and
 - (d) Be constructed to achieve equilibrium, at which point the funding formula rewards rates of improvement above the sector average rate.
- (6) Funding for the public university sector shall be distributed as follows:
- (a) **Forty percent (40%)**~~{Thirty five percent (35%)}~~ of total university allocable resources shall be distributed based on each university's share of total student success outcomes produced, including but not limited to:
 1. Bachelor's degree production;
 2. ~~{Bachelor's degrees awarded per one hundred (100) undergraduate full-time equivalent students;~~
 3. ~~—~~Numbers of students progressing beyond thirty (30), sixty (60), and ninety (90) credit hour thresholds;
 - 3.~~{4.}~~ Science, technology, engineering, math, and health bachelor's degree production; and
 - 4.~~{5.}~~ Bachelor's degrees earned by low-income students and underrepresented ~~{minority}~~ students;
 - (b) **Thirty percent (30%)**~~{Thirty five percent (35%)}~~ of total university allocable resources shall be distributed based on each university's share of sector total student credit hours earned, excluding dual credit enrollment, weighted to account for cost differences by academic discipline and course level, such as lower and upper division baccalaureate, master's, doctoral research, ~~{and}~~ doctoral professional, *and nontraditional age students*; and
 - (c) Thirty percent (30%) of total university allocable resources shall be distributed in support of vital campus operations as follows:
 1. Ten percent (10%) shall be distributed based on each university's share of Category I and Category II square feet, net of research, nonclass laboratory, and open laboratory space, to support maintenance and operation of campus facilities and may include a space utilization factor as determined by the council in collaboration with the working group established in subsection (11) of this section;
 2. Ten percent (10%) shall be distributed based on each university's share of total instruction and student services spending, net of maintenance and operation, to support campus administrative functions; and
 3. Ten percent (10%) shall be distributed based on each university's share of total full-time equivalent student enrollment to support academic support services such as libraries and academic computing.
- (7) The funding formula for the KCTCS sector:
- (a) Shall distribute one hundred percent (100%) of KCTCS institution allocable resources for all KCTCS colleges based on rational criteria, including student success, course completion, and operational support components, regardless of whether state funding for postsecondary institution operations increases, decreases, or remains stable;
 - (b) May include an adjustment to account for *community economic disadvantage*~~{declining enrollment}~~ in some regions of the Commonwealth as determined by the council; and

- (c) Shall be constructed to achieve equilibrium, at which point the funding formula rewards rates of improvement above the sector average rate.
- (8) Funding for the KCTCS sector shall be distributed as follows:
- (a) Thirty-five percent (35%) of total KCTCS institution allocable resources shall be distributed based on each college's share of total student success outcomes produced, including but not limited to:
1. Certificate, diploma, and associate degree production, ***weighted to provide a premium for credentials that are aligned with the economic needs of the state***;
 2. Numbers of students progressing beyond fifteen (15), thirty (30), and forty-five (45) credit hour thresholds;
 3. ~~Science, technology, engineering, math, and health credentials production;~~
 4. ~~Production of high wage, high demand, industry credentials as determined using occupational outlook data and employment statistics wage data provided by the Department of Workforce Development in the Education and Labor Cabinet;~~
 5. ~~Production of industry credentials designated as targeted industries by the Education and Labor Cabinet;~~
 6. ~~Credentials earned by low-income students, underprepared students, ~~and~~ underrepresented ~~minority~~ students, ***and nontraditional age students***; and~~
- 4.7. Transfers to four (4) year institutions;
- (b) Thirty-five percent (35%) of total KCTCS institution allocable resources shall be distributed based on each college's share of total student credit hours earned, weighted to account for cost differences by academic discipline; and
- (c) Thirty percent (30%) of total KCTCS institution allocable resources shall be distributed in support of vital campus operations as follows:
1. Ten percent (10%) shall be distributed based on each college's share of Category I and Category II square feet, net of research, nonclass laboratory, and open laboratory space, to support maintenance and operation of campus facilities and may include a space utilization factor as determined by the council in collaboration with the postsecondary education working group established in subsection (11) of this section;
 2. Ten percent (10%) shall be distributed based on each college's share of total instruction and student services spending, net of maintenance and operation, to support campus administrative functions; and
 3. Ten percent (10%) shall be distributed based on each college's share of total full-time equivalent student enrollment to support academic support services such as libraries and academic computing.
- (9) (a) The funding formula for both sectors shall include:
1. A hold-harmless provision for fiscal year 2018-2019 preventing a reduction in an institution's funding amount based solely on the formula calculation, and allowing a hold-harmless amount determined by the formula in fiscal year 2018-2019 to be deducted from an institution's formula base amount in whole or in part in fiscal years 2019-2020 and 2020-2021, as determined by the council;
 2. A hold-harmless provision for fiscal year 2021-2022, and every fiscal year thereafter, preventing a reduction in an institution's funding amount based solely on the formula calculation;
 3. A stop-loss provision for fiscal year 2019-2020 limiting the reduction in funding to any institution to one percent (1%) of that institution's formula base amount;
 4. A stop-loss provision for fiscal year 2020-2021 limiting the reduction in funding to any institution to two percent (2%) of that institution's formula base amount; and
 5. A stop-loss provision for fiscal year 2021-2022, and every fiscal year thereafter, limiting the reduction in funding to any institution to zero percent (0%) of that institution's formula base amount.

- (b) Paragraph (a) of this subsection shall not be construed to limit the level of a budget reduction that may be enacted by the General Assembly or implemented by the Governor.
- (10) (a) By May 1 each year, the council shall certify to the Office of the State Budget Director the amount to be distributed to each of the public universities and KCTCS as determined by the comprehensive funding model created in this section, not to exceed the available balance in the performance fund.
- (b) The Office of the State Budget Director shall distribute the appropriations in the performance fund for that fiscal year to the institutions in the amounts the council has certified. The adjusted appropriations to each institution shall be allotted as provided in KRS 48.600, 48.605, 48.610, 48.620, and 48.630.
- (c)
 1. The certified amounts distributed from the performance fund to the institutions are nonrecurring funds that shall not be included in the institutions' base budget amounts submitted in their biennial budget requests.
 2. The certified amounts distributed from the performance fund in the previous fiscal year shall be included in the performance fund's base budget amount submitted by the council in the biennial budget request.
- (d) For fiscal year 2017-2018, the Office of the State Budget Director shall distribute to the public postsecondary education institutions, except for Kentucky State University, those funds appropriated to the performance fund by the General Assembly in 2016 Ky. Acts ch. 149, Part I, K., 12., in accordance with the comprehensive funding model created in this section.
- (11) (a) The Council on Postsecondary Education is hereby directed to establish a postsecondary education working group composed of the following:
 1. The president of the council;
 2. The president or designee of each public postsecondary institution, including the president of KCTCS;
 3. The Governor or designee;
 4. The Speaker of the House or designee; and
 5. The President of the Senate or designee.
- (b) Beginning in fiscal year 2020-2021 and every three (3) fiscal years thereafter, the postsecondary education working group shall convene to determine if the comprehensive funding model is functioning as expected, identify any unintended consequences of the model, and recommend any adjustments to the model. The council may call the working group to convene prior to the start of the required fiscal year to allow sufficient time for the group to complete its work.
- (c) The results of the review and recommendations of the working group shall be reported by the council to the Governor, the Interim Joint Committee on Appropriations and Revenue, and the Interim Joint Committee on Education by December 1 of each fiscal year the working group convenes.
- (12) The council shall promulgate administrative regulations under KRS Chapter 13A to implement the provisions of this section.
- (13) (a) The postsecondary education performance fund is hereby established as an appropriation unit to support improvement in the operations of the public postsecondary institutions and achievement of the Commonwealth's education policy goals and workforce development priorities. General fund moneys may be appropriated by the General Assembly to this fund for distribution to the public postsecondary institutions in amounts determined through the comprehensive funding model created in this section.
- (b) Any balance in the performance fund at the close of any fiscal year shall not lapse but shall be carried forward to the next fiscal year and be continuously appropriated for the purposes specified in this section. A general statement that all continuing appropriations are repealed, discontinued, or suspended shall not operate to repeal, discontinue, or suspend this fund or to repeal this action.

➔Section 2. The Council on Postsecondary Education shall promulgate and file an emergency administrative regulation, or amend a current administrative regulation, in accordance with KRS Chapter 13A by April 1, 2024, or within 30 days of the effective date of this Act, whichever is later, to implement Section 1 of this Act.

➔Section 3. The postsecondary education working group established in subsection (11) of Section 1 of this Act shall convene during the 2024 Interim for the sole purpose of considering how to define "underrepresented

students" in the comprehensive funding model for the public postsecondary education system created in Section 1 of this Act. By December 1, 2024, the Council on Postsecondary Education shall report the recommendations of the working group to the Governor and to the Legislative Research Commission for referral to the Interim Joint Committees on Education and Appropriations and Revenue.

➔Section 4. The Council on Postsecondary Education, for the fiscal year 2024-2025 funding distribution in the comprehensive funding model created in Section 1 of this Act, shall:

(1) Define "underrepresented students" as first-generation college students, and shall distribute one and one-half percent of allocable resources to bachelor's degree production in this area in the university model and one percent of allocable resources to degree production in this area in the Kentucky Community and Technical College System model; and

(2) Distribute nine and one-half percent of allocable resources to low-income students in the university model and five percent of allocable resources in the Kentucky Community and Technical College System model.

➔Section 5. Whereas the General Assembly recognizes the need for the citizens of Kentucky to be lifelong learners and realizes the necessity of postsecondary institutions in assisting with that endeavor, an emergency is declared to exist and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 17, 2024.

CHAPTER 197

(SB 118)

AN ACT relating to trespass.

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

➔Section 1. KRS 511.070 is amended to read as follows:

- (1) A person is guilty of criminal trespass in the second degree when he or she knowingly enters or remains unlawfully in a building or upon premises as to which notice against trespass is given by fencing or other enclosure.
- (2) *For the purposes of this section, notice against trespass includes the placement of identifying purple paint marks on trees or posts on the property, if the marks are:*
 - (a) *Vertical lines of not less than eight (8) inches in length and not less than one (1) inch in width;*
 - (b) *Placed so that the bottom of the mark is not less than three (3) feet from the ground nor more than five (5) feet from the ground; and*
 - (c) *Placed at locations that are readily visible to any person approaching the property and no more than:*
 1. *One hundred (100) feet apart on forest land; or*
 2. *One thousand (1,000) feet apart on land other than forest land.*
- (3)~~(2)~~ Criminal trespass in the second degree is a Class B misdemeanor, unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class A misdemeanor.

Signed by Governor April 17, 2024.

CHAPTER 198

(SB 107)

AN ACT relating to transportation and making an appropriation therefor.

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

➔Section 1. KRS 186.040 is amended to read as follows:

- (1) Upon receiving the application and fee, the county clerk shall issue to the owner a certificate of registration containing the information required by subsection (2) of this section and a registration plate. If the cabinet finds that there is a shortage of materials suitable for making plates, or that a substantial saving will result, it may require by regulation with the approval of the Governor that previously issued plates continue to be used for a designated period. Except as provided in subsection (3) of this section and in KRS 186.162, for services performed, the owner shall pay the county clerk the sum of six dollars (\$6) for each registration, or if the registration exceeds a twelve (12) month period, the clerk shall receive a fee of nine dollars (\$9).
- (2) The certificate of registration shall contain the registration number, the name and post office address of the owner, and such other information as the cabinet may require.
- (3) **Thirty dollars (\$30) of the registration fee**~~[An owner who registers a vehicle]~~ under KRS 186.050 **for a motor vehicle** that has a declared gross vehicle weight with any towed unit of forty-four thousand and one (44,001) pounds or greater shall **be distributed to**~~[pay]~~ the county clerk **of the county where the vehicle is registered**~~[thirty dollars (\$30) for each registration. The clerk shall retain the thirty dollar (\$30) fee for services performed under this subsection].~~
- (4) Any person requesting a certificate of registration or renewal of registration of any type of motor vehicle shall have the opportunity to donate one dollar (\$1) to the child care assistance account. The one dollar (\$1) donation shall be added to the regular fee for vehicle registration. One donation may be made per issuance or renewal of vehicle registration. Donation to the child care assistance account shall be voluntary and may be refused by the applicant at the time of the issuance or renewal of any vehicle registration.
- (5) The county clerk may retain five percent (5%) of fees collected for the child care assistance account under subsection (4) of this section. The remaining funds shall be deposited into a trust and agency account in the State Treasury to the credit of the Cabinet for Health and Family Services for the exclusive use as follows:
 - (a) Funds shall be made available to the agencies that administer child care subsidy funds; and
 - (b) Funds shall be used as determined by the cabinet for working families whose income exceeds the state income eligibility limits for child day care assistance.
- (6) Except as provided in KRS 186.162, in addition to the registration fee provided for county clerks in subsections (1) and (3) of this section, an additional three dollars (\$3) per registration shall be collected~~[by the county clerk]~~ at the time of registration. This additional fee shall be distributed as follows:
 - (a) One dollar (\$1) shall be placed in an agency fund to provide additional funds exclusively for technological improvements or replacement of the AVIS system. The operation and maintenance of AVIS shall remain as currently provided for from the operational budget of the Transportation Cabinet and shall not be reduced below the 2005-2006 funding level;
 - (b) One dollar (\$1) shall be placed in an agency trust fund to provide funds exclusively for technological improvements to the hardware and software in county clerk offices related to the collection and administration of road fund taxes. The Transportation Cabinet, in consultation with county clerks, shall allocate funds as necessary from this fund to be used for this exclusive purpose; and
 - (c) One dollar (\$1) shall be placed in a trust fund to be maintained by the Transportation Cabinet to provide an unrestricted revenue supplement, for operations of the office related to the collection and administration of road fund taxes, to county clerk offices in counties containing a population of less than twenty thousand (20,000), as determined by the decennial census, and for no other purpose. Annually, by March 1, the Transportation Cabinet shall calculate the amount collected in the previous calendar year and distribute the entire fund proportionate to each county that qualifies under this paragraph based on population. This revenue shall be considered current year revenue when paid to the clerk and shall not be identified as excess fees from the previous year.

➔Section 2. KRS 186.050 is amended to read as follows:

- (1) The annual registration fee shall be eleven dollars fifty cents (\$11.50) for:

- (a) Motor vehicles, including pickup trucks and passenger vans; and
 - (b) Motor carrier vehicles, as defined in KRS 281.010, primarily designed for carrying passengers or passengers for hire and having been designed or constructed to transport not more than fifteen (15) passengers, including the operator.
- (2) Except as provided in KRS 186.041 and 186.162, the annual registration fee for each motorcycle shall be nine dollars (\$9).
- (3) (a) All motor vehicles having a declared gross weight of vehicle and any towed unit of ten thousand (10,000) pounds or less, except those mentioned in subsections (1) and (2) of this section, are classified as commercial vehicles and the annual registration fee, except as provided in subsections (4) to (14) of this section, shall be eleven dollars and fifty cents (\$11.50).
- (b) All motor vehicles, except those mentioned in subsections (1) and (2) of this section, and those engaged in hauling passengers for hire which are designed or constructed to transport more than fifteen (15) passengers including the operator, whose registration fee shall be one hundred dollars (\$100), are classified as commercial vehicles and the annual registration fee, except as provided in subsections (3)(a) and (4) to (14) of this section, shall be as follows:

Declared Gross Weight of Vehicle and Any Towed Unit	Registration Fee
10,001-14,000	30.00
14,001-18,000	50.00
18,001-22,000	132.00
22,001-26,000	160.00
26,001-32,000	216.00
32,001-38,000	300.00
38,001-44,000	474.00
44,001-55,000	699.00 669.00
55,001-62,000	1,037.00 1,007.00
62,001-73,280	1,280.00 1,250.00
73,281-80,000	1,440.00 1,410.00

- (4) (a) 1. Any farmer owning a truck having a gross weight of twenty-six thousand (26,000) pounds or less may have it registered as a farmer's truck and obtain a license for eleven dollars and fifty cents (\$11.50). The applicant's signature upon the certificate of registration and ownership shall constitute a certificate that ***the applicant***~~he~~ is a farmer engaged in the production of crops, livestock, or dairy products, that ***the applicant***~~he~~ owns a truck of the gross weight of twenty-six thousand (26,000) pounds or less, and that during the next twelve (12) months the truck shall not be used in for-hire transportation and may be used in transporting persons, food, provender, feed, machinery, livestock, material, and supplies necessary for ***the applicant's***~~his~~ farming operation, and the products grown on ***the applicant's***~~his~~ farm.
2. Any farmer owning a truck having a gross weight of twenty-six thousand one (26,001) pounds to thirty-eight thousand (38,000) pounds may have it registered as a farmer's truck and obtain a license for eleven dollars and fifty cents (\$11.50). The applicant's signature upon the certificate of registration and ownership shall constitute a certificate that ***the applicant***~~he~~ is a farmer engaged in the production of crops, livestock, or dairy products, that ***the applicant***~~he~~ owns a truck of the gross weight between twenty-six thousand one (26,001) pounds and thirty-eight thousand (38,000) pounds, and that during the next twelve (12) months the truck shall not be used in for-hire transportation and may be used in transporting persons, food, provender, feed, machinery, livestock, material, and supplies necessary for ***the applicant's***~~his~~ farming operation and the products grown on ***the applicant's***~~his~~ farm.
- (b) Any farmer owning a truck having a declared gross weight in excess of thirty-eight thousand (38,000) pounds shall not be required to pay the fee set out in subsection (3) of this section and, in lieu thereof,

shall pay forty percent (40%) of the fee set out in subsection (3) of this section and shall be exempt from any fee charged under the provisions of KRS 281.752. The applicant's signature upon the registration receipt shall be considered to be a certification that **the applicant** is a farmer engaged solely in the production of crops, livestock, or dairy products, and that during the current registration year the truck will be used only in transporting persons, food, provender, feed, and machinery used in operating **the applicant's** farm and the products grown on **the applicant's** farm.

- (c) An initial applicant for, or an applicant renewing, his or her registration pursuant to this subsection, may at the time of application make a voluntary contribution to be deposited into the agricultural program trust fund established in KRS 246.247. The recommended voluntary contribution shall be set at ten dollars (\$10) and automatically added to the cost of registration or renewal unless the individual registering or renewing the vehicle opts out of contributing the recommended amount. The county clerk shall collect and forward the voluntary contribution to the cabinet for distribution to the Department of Agriculture.
- (5) Any person owning a ~~truck or~~ bus used solely in transporting school children and school employees may have the ~~truck or~~ bus registered as a school bus and obtain a license for eleven dollars fifty cents (\$11.50) by filing with the county clerk, in addition to other information required, an affidavit stating that the ~~truck or~~ bus is used solely in the transportation of school children and persons employed in the schools of the district, that **the words "School Bus" are** ~~he has caused to be~~ printed on each side of the ~~truck or~~ bus and on the rear door ~~the words "School Bus"~~ in letters at least six (6) inches high, and of a conspicuous color, and the ~~truck or~~ bus will be used during the next twelve (12) months only for the purpose stated.
- (6) Any church or religious organization owning a ~~truck or~~ bus used solely in transporting persons to and from a place of worship or for other religious work may have the ~~truck or~~ bus registered as a church bus and obtain a license for eleven dollars and fifty cents (\$11.50) by filing with the county clerk, in addition to other information required, an affidavit stating that the ~~truck or~~ bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the ~~truck or~~ bus in large letters the words "Church Bus," with the name of the church or religious organization owning and using the ~~truck or~~ bus, and that during the next twelve (12) months the ~~truck or~~ bus will be used only for the purpose stated.
- (7) Any person owning a motor vehicle with a gross weight of fourteen thousand (14,000) pounds or less on which a wrecker crane or other equipment suitable for wrecker service has been permanently mounted may register the vehicle and obtain a license for eleven dollars fifty cents (\$11.50) by filing with the county clerk, in addition to other information required, an affidavit that a wrecker crane or other equipment suitable for wrecker service has been permanently mounted on **the** ~~such~~ vehicle and that during the next twelve (12) months the vehicle will be used only in wrecker service. If the gross weight of the vehicle exceeds fourteen thousand (14,000) pounds, the vehicle shall be registered in accordance with subsection (3) of this section. The gross weight of a vehicle used in wrecker service shall not include the weight of the vehicle being towed by the wrecker.
- (8) Motor vehicles having a declared gross weight in excess of eighteen thousand (18,000) pounds, which when operated in this state are used exclusively for the transportation of property within the limits of the city named in the affidavit hereinafter required to be filed, or within ten (10) miles of the city limits of the city if it is a city with a population equal to or greater than three thousand (3,000) based upon the most recent federal decennial census, or within five (5) miles of its limits if it is a city with a population of less than three thousand (3,000) based upon the most recent federal decennial census, or anywhere within a county containing an urban-county government, shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof shall pay seventy-five percent (75%) of the fee set forth in subsection (3) of this section and shall be exempt from any fee charged under the provisions of KRS 281.752. Nothing in this section shall be construed to limit any right of nonresidents to exemption from registration under any other provisions of the laws granting reciprocity to nonresidents. Operations outside of this state shall not be considered in determining whether or not the foregoing mileage limitations have been observed. When claiming the right to the reduced fee, the applicant's signature on the certificate of registration and ownership shall constitute a certification or affidavit stating that the motor vehicle when used within this state is used only for the transportation of property within the city to be named in the affidavit and the area above set out and that the vehicle will not be used outside of a city and the area above set out during the current registration period.
- (9) Motor vehicles having a declared gross weight in excess of eighteen thousand (18,000) pounds, which are used exclusively for the transportation of primary forest products from the harvest area to a mill or other processing facility, where **the** ~~such~~ mill or processing facility is located at a point not more than fifty (50) air miles from

the harvest area or which are used exclusively for the transportation of concrete blocks or ready-mixed concrete from the point at which ~~the~~_[such] concrete blocks or ready-mixed concrete is produced to a construction site where ~~the~~_[such] concrete blocks or ready-mixed concrete is to be used, where ~~the~~_[such] construction site is located at a point not more than thirty (30) air miles from the point at which ~~the~~_[such] concrete blocks or ready-mixed concrete is produced shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof, shall pay seventy-five percent (75%) of the fee set out in subsection (3) of this section and shall be exempt from any fee charged under the provisions of KRS 281.752. The applicant's signature upon the certificate of registration and ownership shall constitute a certification that the motor vehicle will not be used during the current registration period in any manner other than that for which the reduced fee is provided in this section.

- (10) Any owner of a commercial vehicle registered for a declared gross weight in excess of eighteen thousand (18,000) pounds, intending to transfer same and desiring to take advantage of the refund provisions of KRS 186.056(2), may reregister ~~the~~_[such] vehicle and obtain a "For Sale" certificate of registration and ownership for one dollar (\$1). Title to a vehicle so registered may be transferred, but ~~the~~_[such] registration shall not authorize the operation or use of the vehicle on any public highway. No refund may be made under the provisions of KRS 186.056(2) until ~~such time as~~_[such time as] the title to ~~the~~_[such] vehicle has been transferred to the purchaser thereof. Provided, however, that nothing herein shall be so construed as to prevent the seller of a commercial vehicle from transferring the registration of ~~the~~_[such] vehicle to any purchaser thereof.
- (11) The annual registration fee for self-propelled vehicles containing sleeping or eating facilities shall be twenty dollars (\$20) and the multiyear license plate issued shall be designated "Recreational vehicle." The foregoing shall not include any motor vehicle primarily designed for commercial or farm use having temporarily attached thereto any sleeping or eating facilities, or any commercial vehicle having sleeping facilities.
- (12) The registration fee on any vehicle registered under this section shall be increased fifty percent (50%) when the vehicle is not equipped wholly with pneumatic tires.
- (13)
 - (a) The Department of Vehicle Regulation is authorized to negotiate and execute an agreement or agreements for the purpose of developing and instituting proportional registration of motor vehicles engaged in interstate commerce, or in a combination of interstate and intrastate commerce, and operating into, through, or within the Commonwealth of Kentucky. The agreement or agreements may be made on a basis commensurate with, and determined by, the miles traveled on, and use made of, the highways of this Commonwealth as compared with the miles traveled on and use made of highways of other states, or upon any other equitable basis of proportional registration. Notwithstanding the provisions of KRS 186.020, the cabinet shall promulgate administrative regulations concerning the registration of motor vehicles under any agreement or agreements made under this section and shall provide for direct issuance by it of evidence of payment of any registration fee required under ~~the~~_[such] agreement or agreements. Any proportional registration fee required to be collected under any proportional registration agreement or agreements shall be in accordance with the taxes established in this section.
 - (b) Any owner of a commercial vehicle who is required to title his *or her* motor vehicle under this section shall first title ~~the~~_[such] vehicle with the county clerk pursuant to KRS 186.020 for a state fee of one dollar (\$1). Title to ~~the~~_[such] vehicle may be transferred; however title without proper registration shall not authorize the operation or use of the vehicle on any public highway. Any commercial vehicle properly titled in Kentucky may also be registered in Kentucky, and, upon payment of the required fees, the department may issue an apportioned registration plate to ~~the~~_[such] commercial vehicle.
 - (c) Any commercial vehicle that is properly titled in a foreign jurisdiction, which vehicle is subject to apportioned registration, as provided in paragraph (a) of this subsection, may be registered in Kentucky, and, upon proof of proper title and payment of the required fees, the department may issue an apportioned registration plate to the commercial vehicle. The department shall promulgate administrative regulations in accordance with this section.
- (14) Any person seeking to obtain a special license plate for an automobile that has been provided to ~~the~~_[such] applicant ~~him~~_[him] pursuant to an occupation shall meet both of the following requirements:
 - (a) The automobile shall be provided for the full-time exclusive use of the applicant; and
 - (b) The applicant shall obtain permission in writing from the vehicle owner or lessee on a form provided by the cabinet to use the vehicle and for the vehicle to bear the special license plate.

- (15) An applicant for any motor vehicle registration issued pursuant to this section shall have the opportunity to make a donation of two dollars (\$2) to promote a hunger relief program through specific wildlife management and conservation efforts by the Department of Fish and Wildlife Resources in accordance with KRS 150.015. If an applicant elects to make a contribution under this subsection, the two dollar (\$2) donation shall be added to the regular fee for any motor vehicle registration issued pursuant to this section. One (1) donation may be made per issuance of each registration. The fee shall be paid to the county clerk and shall be transmitted by the State Treasurer to the Department of Fish and Wildlife Resources to be used exclusively for the purpose of wildlife management and conservation activities in support of hunger relief. The county clerk may retain up to five percent (5%) of the fees collected under this subsection for administrative costs associated with the collection of this donation. Any donation requested under this subsection shall be voluntary and may be refused by the applicant at the time of issuance or renewal of a license plate.
- (16) In addition to the fees outlined in this section, the county clerk shall collect from the registrants of electric vehicles, electric motorcycles, and hybrid vehicles the electric vehicle ownership fees imposed in KRS 138.475.

➔Section 3. KRS 189.340 is amended to read as follows:

- (1) ***The driver of a vehicle***~~[Vehicles]~~ overtaking other vehicles proceeding in the same direction shall pass to the left of them and shall not again drive to the right until reasonably clear of those vehicles. ***The driver of a vehicle***~~[Vehicles]~~ overtaking streetcars may pass either to the right or left when so directed by a police officer, when on a one (1) way street or where the location of the tracks prevents compliance with this section, with regard for other traffic.
- (2) (a) ***The driver of a vehicle***~~[Vehicles]~~ overtaking a bicycle or electric low-speed scooter proceeding in the same direction shall:
1. If there is more than one (1) lane for traffic proceeding in the same direction, move the vehicle to the immediate left, if the lane is available and moving in the lane is reasonably safe; or
 2. If there is only one (1) lane for traffic proceeding in the same direction, pass to the left of the bicycle or electric low-speed scooter at a distance of not less than three (3) feet between any portion of the vehicle and the bicycle or electric low-speed scooter and maintain that distance until safely past the overtaken bicycle or electric low-speed scooter. If space on the roadway is not available to have a minimum distance of three (3) feet between the vehicle and the bicycle or electric low-speed scooter, then the driver of the passing vehicle shall use reasonable caution in passing the bicyclist or electric low-speed scooter operator.
- (b) The driver of a motor vehicle may drive to the left of the center of a roadway, including when a no-passing zone is marked in accordance with subsection (6) of this section, to pass a person operating a bicycle or electric low-speed scooter only if the roadway to the left of the center is unobstructed for a sufficient distance to permit the driver to pass the person operating the bicycle or electric low-speed scooter safely and avoid interference with oncoming traffic. This paragraph does not authorize driving on the left side of the center of the roadway when otherwise prohibited under state law.
- (c) The operator of a bicycle or electric low-speed scooter shall not ride more than two (2) abreast on a single highway lane unless operating on any part of the roadway marked exclusively for bicycle use. Persons riding two (2) abreast shall not impede the normal and reasonable movement of traffic.
- (3) The operator of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
- (a) When the vehicle overtaken is making or about to make a left turn; ***or***
 - (b) Upon a roadway with unobstructed pavement of sufficient width for two (2) or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.
- (4) The operator of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting ***the passing***~~[such movements]~~ in safety, ***and not***~~[Such movement shall not be made]~~ by driving off the roadway unless ***the vehicle being passed is at***~~[passing vehicle comes to]~~ a complete stop and ***the passing***~~[such movement]~~ may be made safely.
- (5) ***A person***~~[No vehicle]~~ shall ***not drive a vehicle***~~[be driven]~~ to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit overtaking and passing to be completely

made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event, the overtaking vehicle must return to the right-hand side of the roadway before coming within two hundred (200) feet of any vehicle approaching from the opposite direction.

- (6) The commissioner of highways is hereby authorized to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of ~~the~~^{such} zones, and when ~~such~~^{such} signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof, except as provided for in subsection (2)(b) of this section.
- (7) Whenever any roadway has been divided into three (3) *or more* clearly marked lanes for travel *in one (1) direction*, the following additional rules shall apply:
- (a) *A person shall drive* a vehicle ~~shall be driven~~ as nearly as may be practical entirely within a single lane and shall not *move* ~~be moved~~ from that lane until the driver *ascertains* ~~has first ascertained~~ that the movement can be made with safety;
 - (b) *A person shall not drive* a vehicle ~~shall not be driven~~ in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and the center lane is clear of traffic within a safe distance, or in preparation for a left turn or where a center lane is at the time allocated exclusively to traffic moving in the direction in which the vehicle is proceeding and is signposted to give notice of the allocation;~~and~~
 - (c) *A person shall not operate a truck tractor, trailer, or semitrailer in the leftmost lane except when entering or leaving a highway, yielding to traffic coming onto the highway, or when traffic conditions exist which would prohibit safe use of the right or center lanes; and*
 - (d) Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and operators of vehicles shall obey the directions of ~~these~~^{such} signs.
- (8) ~~On~~^{A vehicle shall not be driven in the left lane of} any limited access highway of four (4) lanes or more with a posted speed limit of at least sixty-five (65) miles per hour, *a person shall not operate a motor vehicle in the leftmost lane*, except *when*:~~in~~
- (a) Overtaking a slower vehicle;~~;~~
 - (b) Yielding to traffic coming onto ~~the~~^{such a} highway;~~;~~ or
 - (c) ~~when~~^{Traffic} *or road* conditions exist which would prohibit safe use of the right or center lanes.
- (9) (a) Except as provided in paragraph (c) of this subsection, the operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having regard for the speed of the vehicle and the traffic upon and condition of the highway.
- (b) Except as provided in paragraph (c) of this subsection, the operator of any motor truck, semitrailer truck, bus, or heavy construction equipment unit, when traveling upon a highway outside of a business or residential district, shall not follow within two hundred fifty (250) feet of another ~~such~~ vehicle or equipment unit. This subsection shall not prevent overtaking and passing, nor shall it apply to any lane specially designated for use of motor trucks or semitrailer trucks, buses or heavy construction equipment units.
- (c) Paragraphs (a) and (b) of this subsection shall not apply to a trailing commercial motor vehicle involved in a platoon as defined in KRS 281.010, but shall apply to the commercial motor vehicle leading a platoon.

➔Section 4. KRS 281.926 is amended to read as follows:

- (1) This section applies to any towing company that engages in, or offers to engage in, emergency towing.
- (2) Prior to attaching a motor vehicle to the tow truck, the towing company shall furnish the vehicle's owner or operator, if the owner or operator is present at the scene of the disabled vehicle and upon the owner's or operator's request, a rate sheet listing all rates for towing services, including but not limited to all rates for towing and associated fees, cleanup, labor, storage, and any other services provided by the towing company.
- (3) (a) Any towing company or storage facility shall:
 - I.* Post a rate sheet *as described in subsection (2) of this section* at its place of business;

2. *Provide a current rate sheet to the nearest Department of Kentucky State Police post and any law enforcement agency in its service area; and ~~shall~~*
 3. Make the rate sheet available upon a customer's request.
- (b) Any charge in excess of the rate sheets provided under this subsection shall be deemed excessive.
- (c) *If a towing company fails to comply with any of the provisions of this subsection, the Department of Kentucky State Police and any local law enforcement agency in the company's service area shall remove that towing company from its wrecker log for a period of:*
1. *Six (6) months for the first violation; and*
 2. *One (1) year for any subsequent violation.*
- (4) An itemized invoice of actual towing charges assessed by a towing company for a completed tow shall be made available to the owner of the motor vehicle or the owner's agent no later than one (1) business day after:
- (a) The tow is completed; or
 - (b) The towing company has obtained all necessary information to be included on the invoice, including any charges submitted by subcontractors used by the towing company to complete the tow and recovery.
- (5) The itemized invoice required under subsection (4) of this section shall contain the following information:
- (a) The date and time the motor vehicle was towed;
 - (b) The location to which the motor vehicle was towed;
 - (c) The name, address, and telephone number of the towing company;
 - (d) A description of the towed motor vehicle, including the color, make, model, year, and vehicle identification number of the motor vehicle;
 - (e) The license plate number and state of registration for the towed motor vehicle;
 - (f) The cost of the original towing service;
 - (g) The cost of any vehicle storage fees, expressed as a daily rate;
 - (h) Other fees, including documentation fees and motor vehicle search fees; and
 - (i) A list of the services that were performed under a warranty or that were otherwise performed at no cost to the owner of the motor vehicle.
- (6) Any service or fee in addition to the services or fees described in subsection (5)(f), (g), or (h) of this section shall be set forth individually as a single line item on the invoice required by this section, with an explanation and the exact charge for the service or the exact amount of the fee.
- (7) A copy of each invoice and receipt submitted by a tow truck operator in accordance with this section shall:
- (a) Be retained by the towing company for a period of two (2) years from the date of issuance; and
 - (b) Throughout the two (2) year period described in this subsection, be made available for inspection and copying not later than forty-eight (48) hours after receiving a written request for inspection from:
 1. A law enforcement agency;
 2. The Attorney General;
 3. A city attorney, county attorney, or the prosecuting attorney having jurisdiction in the location of any of the towing company's business locations;
 4. The disabled motor vehicle's owner or lienholder;
 5. An agent of the disabled motor vehicle's owner or lienholder; or
 6. Any individual involved in the underlying collision, his or her respective insurance companies, or his or her legal representatives, if the disabled motor vehicle was involved in a collision.

➔Section 5. KRS 189.222 is amended to read as follows:

- (1) Except as provided in subsection (2) of this section, the secretary of the Transportation Cabinet in respect to highways which are a part of the state-maintained system, by official order, may increase on designated highways or portions thereof, the maximum height, length, and gross weight prescribed in KRS 189.221, if in the opinion of the secretary, the increased height, length, and weight designated by him *or her* are justified by the strength, safety, and durability of the designated highways, and the highways do not appear susceptible to unreasonable and unusual damage by reason of the increases and the secretary may establish reasonable classification of state maintained roads and fix a different maximum for each classification. Any increase in the height, length, or width of any motor truck or tractor semitrailer combinations or any other vehicle combinations including any part of the body or load or designation of highways to be used by the vehicles, shall not, in any way, exceed the federal law or regulations thereunder or jeopardize the allotment or qualification for federal aid funds of the Commonwealth of Kentucky or exceed the following dimensions and weights:
 - (a)
 1. Height, for vehicles transporting motor vehicles, fourteen (14) feet; and
 2. Height, for all other vehicles, thirteen and one-half (13-1/2) feet;
 - (b) Length, semitrailers, fifty-three (53) feet; trailers, twenty-eight (28) feet; motor trucks, forty-five (45) feet, not to exceed two (2) trailers per truck tractor;
 - (c) Weight, twenty thousand (20,000) pounds per single axle, with axles less than forty-two (42) inches apart to be considered as a single axle; thirty-four thousand (34,000) pounds on two (2) axles in tandem arrangement which are spaced forty-two (42) inches or more apart and less than ninety-six (96) inches apart; forty-eight thousand (48,000) pounds on three (3) axles which are spaced forty-two (42) inches or more apart and less than one hundred twenty (120) inches apart. No single axle in any arrangement shall exceed twenty thousand (20,000) pounds or seven hundred (700) pounds per inch of the aggregate width of all the tires on a single axle, whichever is less. The total gross weight of the vehicle and load shall not exceed eighty thousand (80,000) pounds;
 - (d) Except on the interstate highway system, a tolerance of not more than five percent (5%) per axle load shall be permitted before a carrier is deemed to have violated paragraph (c) of this subsection. The gross weight shall not exceed eighty thousand (80,000) pounds;
 - (e) Except as provided for in paragraph (f) of this subsection, truck tractor, semitrailer and trailer combinations, and other vehicle combinations may be operated only on the interstate system and on those parts of the federal aid highway system and the state-maintained system which have been designated by the secretary of the Transportation Cabinet by official order as safely allowing same; **and**
 - (f) A vehicle or combination of vehicles that is one hundred two (102) inches wide or less and has a gross weight of not more than eighty thousand (80,000) pounds may be driven on any state highway, for a distance of up to fifteen (15) miles from an interstate or parkway exit.
- (2) In addition to the provisions of KRS 189.2226, vehicles with a gross weight of up to eighty thousand (80,000) pounds may travel on any state highway in the Commonwealth without obtaining a special permit, if the weight does not exceed any limits mandated by federal law or regulation, any posted bridge weight limit, or the weight limits for the size and type of vehicle established under paragraph (c) of subsection (1) of this section, and if the vehicle is transporting any of the following:
 - (a) Meats or agricultural crop products originating from a farm to first market;
 - (b) Livestock or poultry from their point of origin to first market. As used in this paragraph and in paragraph (d) of this subsection, "livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, or any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species;
 - (c) Primary forest products, including, but not limited to, sawdust, wood chips, bark, slabs, or logs originating from their points of origin to first market; or
 - (d) Supplies, materials, or equipment necessary to carry out a farming operation engaged in the production of agricultural crop products, meats, livestock, or poultry.
- (3) The following vehicles registered under KRS 186.050 may exceed the gross weight provisions set forth in subsection (1)(c) of this section by a weight tolerance of ten percent (10%), except on the interstate highway system:
 - (a) Vehicles that are engaged exclusively in the transportation of items listed in subsection (2)(a), (b), and (c) of this section; and

- (b) Vehicles that are engaged exclusively in the transportation of feed for livestock or poultry.
- (4) Vehicles exclusively engaged in the transportation of motor vehicles, unmanufactured tobacco, or unmanufactured tobacco products may, on those highways which are a part of the state-maintained system and which have been designated by the secretary of the Transportation Cabinet by official order as safely allowing same, attain the maximum lengths as provided by subsection (1)(b) of this section, excluding the usual and ordinary bumper overhang of the transported vehicles.
- (5) Vehicles engaged exclusively in the transportation of farm or primary forestry products and registered under KRS 186.050(4) or 186.050(9) and vehicles engaged exclusively in the transportation of ready-mixed concrete shall be excluded from the axle weight provisions, except on interstate highways, and subject only to total gross weight provisions.
- (6) Vehicles registered pursuant to KRS 186.050(3)(b) and engaged in the transportation of primary forest products, including, but not limited to, vehicles transporting sawdust, wood chips, bark, slabs, or logs, may exceed the axle, or gross weight provisions as set forth in accordance with subsection (1)(c) of this section by a weight tolerance of ten percent (10%), except on the interstate highway system.
- (7) Vehicles designed for and engaged exclusively in the collection and hauling of refuse and registered under KRS 186.050(3)(b) shall be excluded from the axle weight provisions, except when in operation on the federal interstate system, and subject only to total gross weight provisions.
- (8) The secretary of the Transportation Cabinet may by order increase the weight and height limits prescribed by this chapter for motor vehicles while being operated exclusively on roads or highways being constructed, reconstructed, or repaired under contract with the Transportation Cabinet by the contractor or subcontractor, agent, or employee thereof.
- (9) Except as otherwise provided in this chapter, the secretary of the Transportation Cabinet shall not authorize the operation of any vehicle or combination of vehicles, upon any part of the federal aid highway system or state parkway system, which exceeds the following dimensions and weights:
- (a) Width, one hundred two (102) inches, including any part of the body or load;
- or*
- (b) Weight, twenty thousand (20,000) pounds per single axle, with axles less than forty-two (42) inches apart to be considered as a single axle; thirty-four thousand (34,000) pounds on two (2) axles in tandem arrangement which are spaced forty-two (42) inches or more apart and less than ninety-six (96) inches apart; forty-eight thousand (48,000) pounds on three (3) axles which are spaced forty-two (42) inches or more apart and less than one hundred twenty (120) inches apart. The total gross weight of the vehicle and load shall not exceed eighty thousand (80,000) pounds. If any federal law or laws or regulations thereunder are hereafter enacted authorizing weights and dimensions in excess of those set out in paragraphs (a) and (b) of this subsection, the secretary of the Transportation Cabinet may by official order increase the maximum weights and dimensions but the increased weights and dimensions shall not exceed those set out in this section.
- (10) Except on the interstate highway system, vehicles engaged exclusively in the transportation of crushed stone, fill dirt and rock, soil, bulk sand, coal, phosphate muck, asphalt, concrete, solid waste, tankage or animal residues, livestock, feed for livestock or poultry, and agricultural products shall be permitted a tolerance of ten percent (10%) of the axle weight provisions before a carrier is deemed to have violated paragraph (1)(c) of this section.
- (11) ***For any vehicle which is equipped with an auxiliary power unit, the weight limits set forth in this section shall be increased by four hundred (400) pounds.***
- (12) The Transportation Cabinet may promulgate administrative regulations pursuant to KRS Chapter 13A, relating to the implementation of 23 C.F.R. ~~pt. Part~~ 658 as it relates to state-maintained or locally maintained roads. The enforcement of the provisions of KRS 189.221 and this section on locally maintained roads shall not be the responsibility of the law enforcement officers of the Transportation Cabinet, unless the head of the corresponding local government unit has requested, in writing, enforcement assistance from the Transportation Cabinet.

➔ Section 6. KRS 189.221 is amended to read as follows:

A person shall not operate on any highway, except those highways designated by the secretary of transportation under the provisions of KRS 189.222, or those locally maintained highways under the provisions of KRS 189.222(12)~~(11)~~ or KRS 189.230(4), any of the following trucks, trailers, manufactured homes, or vehicles:

- (1) Any motor truck, semitrailer, trailer, manufactured home, or vehicle which exceeds eleven and one-half (11-1/2) feet in height or ninety-six (96) inches in width, including any part of the body or load;
- (2) Any motor truck, except a semitrailer truck, which exceeds twenty-six and one half (26-1/2) feet in length, including any part of the body or load;
- (3) Any semitrailer truck which exceeds thirty (30) feet in length, including any part of the body or load;
- (4) Any truck, semitrailer truck, or truck and trailer unit which exceeds 36,000 pounds gross weight, including the load;
- (5) Any truck, semitrailer truck, or tractor-trailer unit which exceeds a gross weight equal to the sum of six hundred (600) pounds per inch of the combined width of the tires upon which the vehicle may be propelled, but no more than thirty-six thousand (36,000) pounds; ~~and~~;
- (6) Notwithstanding the provisions of this section, any truck hauling building materials under KRS 189.2226, or to a road construction project on a highway rated less than the maximum weight provided above, may haul up to eighty thousand (80,000) pounds gross weight, including the load, without a permit.

➔Section 7. KRS 189.270 is amended to read as follows:

- (1) (a) The department may issue permits for the operation of motor vehicles, manufactured homes, recreational vehicles, boats, or any other vehicle transporting a nondivisible load, whose gross weight including load, height, width, or length exceeds the limits prescribed by this chapter or which in other respects fail to comply with the requirements of this chapter. Permits may be issued by the department for stated periods, special purposes, and unusual conditions, and upon terms in the interest of public safety and the preservation of the highways as the department may require.
 - (b) ***Subject to the limitations in subsection (4) of this section, the department shall promulgate administrative regulations in accordance with KRS Chapter 13A to set fees for permits established under this section.***
- (2) Except as provided in subsection (8) of this section, the department may, at the request of an applicant, issue a single-trip permit regardless of the type of vehicle or equipment being transported that exceeds the weight or dimension limits established by this chapter if the load being transported is a nondivisible load. ~~[A single-trip permit shall cost sixty dollars (\$60) for each overweight or overdimensional permit requested.]~~
- (3) (a) Except as provided in subsection (8) of this section, the department may, at the request of an applicant, issue an annual permit regardless of the type of vehicle or equipment being transported that exceeds the weight or dimension limits established by this chapter if the load being transported is a nondivisible load.
 - (b) The vehicle operating under a permit issued under this subsection shall not exceed sixteen (16) feet in width exclusive of usual and ordinary overhang, one hundred twenty (120) feet in length including a towing vehicle and trailer combination, thirteen (13) feet six (6) inches in height, or one hundred sixty thousand (160,000) pounds.
 - ~~[(c) Except as provided in subsections (4), (7), and (8) of this section, an annual permit for loads less than or equal to fourteen (14) feet in width shall cost two hundred fifty dollars (\$250). An annual permit for loads exceeding fourteen (14) feet in width shall cost five hundred dollars (\$500).]~~
- (4) ***The department shall establish the following*** ~~[An]~~ annual ***permits*** ~~[permit]~~ to transport farm equipment, ***with the listed fee limits:***
 - (a) ***For equipment*** less than ***or equal to*** fourteen (14) feet in width, ~~[shall cost]~~ eighty dollars (\$80); ~~and~~ ~~[An annual permit to transport farm equipment]~~
 - (b) ***For equipment*** that exceeds fourteen (14) feet in width, ***when transported*** from a dealership to a farm, from a farm to a dealership, or from a dealership to a dealership, ~~[shall cost]~~ one hundred fifty dollars (\$150).
- (5) Permits issued under this section shall be for nondivisible loads and shall be valid statewide; however, the department may, as a condition of issuing an annual or single-trip permit, limit the overweight or

overdimensional vehicle to specified routes, exclude certain highways, or even cancel an applicant's permit if an unreasonable risk of accident or an unreasonable impedance of the flow of traffic would result from the presence of the overweight or overdimensional vehicle. A person who applies for, and accepts, a permit issued under this section is acknowledging that the Kentucky Transportation Cabinet is not guaranteeing safe passage of vehicles by issuing the permit. A person who applies for, and accepts, a permit issued under this section agrees to measure all clearances of highway structures, both laterally and vertically, prior to passage of the person's vehicles along the routes specified in the permit. A person who applies for, and accepts, a permit issued under this section is classified as a bare licensee whose duty is to assume sole risk involved in using Kentucky's highways without warranty of accuracy.

- (6) Subject to the limitations of subsection (12) of this section, the department shall promulgate administrative regulations under KRS Chapter 13A to establish requirements for escort vehicles, safety markings, and other safety restrictions governing the operation of an overweight or overdimensional vehicle. The department shall provide each applicant for an annual or single-trip permit issued under this section a copy of all restrictions associated with the overweight or overdimensional permit at no charge to the applicant. The department shall be prohibited from raising the permit fee established in subsections (2) and (3) of this section by levying additional fees for an overweight or overdimensional permit through the administrative regulation process.
- (7) (a) Notwithstanding KRS 189.269, the department may, at the request of an applicant who is a transporter of manufactured housing, issue an annual permit that exceeds the weight or dimension limits established by this chapter if the load being transported is a nondivisible load.
- (b) The vehicle operated shall not exceed sixteen (16) feet in width exclusive of usual and ordinary overhang, one hundred twenty (120) feet in length including a towing vehicle and trailer combination, fifteen (15) feet in height, or one hundred sixty thousand (160,000) pounds.
- ~~(c) The cost for an annual permit issued under this subsection shall be:~~
- ~~1. One thousand five hundred dollars (\$1,500) for loads greater than fourteen (14) feet in width or greater than thirteen (13) feet six (6) inches in height; and~~
 - ~~2. Five hundred dollars (\$500) for loads less than or equal to fourteen (14) feet in width and less than or equal to thirteen (13) feet six (6) inches in height.~~
- ~~(d)~~ The holder of a permit issued under this subsection shall, when transporting a manufactured home:
1. Abide by all escort requirements, safety markings, and other safety restrictions governing overweight and overdimensional vehicles; and
 2. Equip each truck operating under a permit with global positioning system technology that keeps a record of locations traveled. The travel records of trucks operating under a permit shall be open to inspection by the Transportation Cabinet.
- ~~(d)~~~~(e)~~ Any person with a permit under this subsection who operates a vehicle greater than thirteen (13) feet six (6) inches in height while operating in a restricted area designated by the Transportation Cabinet shall be fined one thousand dollars (\$1,000).
- (8) The cabinet shall not issue an annual permit under this section if the person applying for the permit is eligible for an annual permit issued under KRS 189.2716 or 189.2717.
- (9) The department may require the applicant to give bond, with approved surety, to indemnify the state or counties against damage to highways or bridges resulting from use by the applicant. The operation of vehicles in accordance with the terms of the permit issued under this section shall not constitute a violation of this chapter if the operator has the permit, or an authenticated copy of it, in his *or her* possession.
- (10) Any person transporting a parade float which exceeds the dimensional limits on a highway over which it is transported shall be required to obtain a permit as required in subsection (2) of this section. If the float is being used in conjunction with a parade to be held within the boundaries of the Commonwealth, a fee shall not be assessed by the department to issue the permit.
- (11) A person shall not operate any vehicle in violation of the terms of the permit issued under this section.
- (12) (a) The cabinet shall not promulgate administrative regulations pursuant to this section that restrict the time or days of the week when a permit holder may operate on the highway, except that travel may be limited from 6 a.m. to 9 a.m. and 3 p.m. to 6 p.m. Monday through Friday. In addition to the restrictions established in this paragraph, any manufactured home being transported by permit issued under this

section shall not travel on any highway after daylight hours Monday through Saturday, or at any time on Sunday.

- (b) The cabinet shall allow a permit holder who has obtained a permit to transport equipment to a work site to return to the permit holder's place of business immediately after work is completed at the job site, subject to the limitations of paragraph (a) of this subsection.
- (c) The cabinet shall not promulgate administrative regulations pursuant to this section setting forth escort vehicle requirements for overdimensional farm implements or vehicles towing overdimensional farm implements that are more stringent than the following:
 1. For a single vehicle and load in excess of twelve (12) feet in width being operated on a two (2) lane highway, no more than one (1) lead vehicle shall be required;
 2. For a single vehicle and load in excess of twelve (12) feet in width being operated on a four (4) lane highway, no more than one (1) trail vehicle shall be required;
 3. For a single vehicle and load in excess of eighty-five (85) feet in length being operated on a two (2) lane highway, no more than one (1) lead vehicle shall be required;
 4. For more than one (1) vehicle and load in excess of twelve (12) feet in width or eighty-five (85) feet in length being operated as a convoy on a two (2) lane highway, no more than one (1) lead vehicle shall be required;
 5. A lead escort vehicle on a two (2) lane highway under this paragraph may also serve as a tow vehicle;
 6. Any distance for lead or trail escort vehicles shall contain provisions allowing for a variance from that distance due to safety or road conditions; and
 7. A vehicle or its escort shall be required to bear a sign declaring that the vehicle is oversized or be required to use lights, flashers, or flags, but a vehicle or its escort shall not be required to do both.

➔Section 8. KRS 189.271 is amended to read as follows:

- (1) Notwithstanding any other provision of laws, the Transportation Cabinet may issue special permits to the owners, operators, or lessees of motor vehicles for the purpose of hauling industrial materials whose gross weight or dimensions, including vehicle and load, exceeds the limits prescribed by this chapter or which in other respects fail to comply with the requirements of this chapter. A separate permit shall be required for each vehicle. ~~Such~~ Permits **issued in accordance with this section** shall be issued:
 - (a) For specified materials only and shall designate the portions of the state primary road system over which ~~the~~~~such~~ vehicle may operate pursuant to the permit;
 - (b) ~~Such permit shall be issued~~ For a stated period of time determined by the applicant not to exceed three (3) years, and an existing permit may be renewed pending an inspection by the cabinet of the routes listed on the permit; **and**
 - (c) ~~Permits under this section shall be~~ Upon ~~the~~~~such~~ terms and conditions as the cabinet may, in its discretion, require in the public interest.
- (2) The cabinet may establish a system by which a current permit holder can be granted a new permit specifying different routes or materials without having to complete a new application or pay a separate application fee.
- (3) The cabinet shall:
 - (a) **Promulgate administrative regulations in accordance with KRS Chapter 13A to set fees for permits established under this section; and**~~require, as a condition to the issuance of the permit, that the applicant pay a reasonable fee, to be fixed by the cabinet, and shall~~
 - (b) Require that an applicant convicted under provisions of KRS 189.990(2)(a) two (2) or more times within a five (5) year period give bond, with approved surety, in an amount not to exceed six thousand dollars (\$6,000) for each vehicle to indemnify the Commonwealth of Kentucky against damage to highways or bridges resulting from the operation of any motor vehicle under the authorization of ~~the~~~~such~~ permit. A bond acquired under this subsection may be carried forward to another permit if the cabinet has not gone against the bond.

- (4) The operation of any motor vehicle in accordance with the terms of ~~the~~~~[any such]~~ permit shall not constitute a violation of this chapter, if the operator has the permit, or a copy of it, authenticated as the cabinet may require, in his *or her* possession.
- (5) The cabinet shall not issue a permit under this section for a vehicle whose gross weight, including vehicle and load, exceeds the maximum gross weight as provided in KRS 189.222.
- (6) The cabinet shall not issue a permit under this section for a vehicle whose dimensions, including vehicle and load, exceed the maximum dimension as provided in KRS 189.222.
- (7) A person shall not operate a motor vehicle in violation of the terms and conditions of any permit issued by the cabinet pursuant to this section.
- (8) As used in this section, industrial materials shall mean all cargo, whether divisible or indivisible, which a motor vehicle transports in the usual and ordinary course of business and shall specifically include, but not be limited to, agricultural products, minerals, or natural resources transported by a motor vehicle.
- (9) The cabinet may:
 - (a) Exercise general supervision of the administering and enforcement of this section;~~[-]~~
 - (b) Promulgate administrative regulations, subject to the limitations of this section, with respect to the issuance of a permit, including, but not limited to, administrative regulations concerning the duration of permits and weight limits for various types of vehicles, materials, and highways;~~[-]~~
 - (c) Promulgate administrative regulations with respect to the amount, terms and conditions of the bond and the sufficiency of the surety of ~~a~~~~[such]~~ bond required by this section. The cabinet shall allow applicants not required to post a surety bond under subsection (3) of this section to self-insure to meet the bonding requirements of this section; ~~and~~~~[-]~~
 - (d) Issue, continue in effect, revoke, modify, or deny, under~~[-such]~~ conditions as the cabinet may prescribe, permits provided for under this section.

➔Section 9. KRS 189.2713 is amended to read as follows:

- (1) As used in this section, "metal commodities" means:
 - (a) Output products from metal-producing industries that are transported in their most basic and original form from a mill or storage facility to market for processing; ~~and~~~~[-]~~
 - (b) ~~["Metal commodities"]~~ Does not include manufactured parts being transported from a manufacturer or supplier to another customer.
- (2) The department shall promulgate administrative regulations pursuant to KRS Chapter 13A governing the issuance of annual and single-trip permits for the operation of motor vehicles transporting metal commodities with a minimum gross weight of eighty thousand and one (80,001) pounds and a maximum gross weight of one hundred twenty thousand (120,000) pounds in divisible or nondivisible loads to or from a facility manufacturing metal commodities in this state or a facility used for storage of metal commodities. ***The administrative regulations promulgated under this section shall include fees for annual and single-trip permits.***
- (3) A motor carrier transporting metal commodities in divisible or nondivisible loads to or from a facility manufacturing metal commodities in this state or a facility used for storage of metal commodities, may apply for an annual or single-trip overweight permit pursuant to subsection (2) of this section. A permit issued under this section shall be specific to a single truck and shall be valid twenty-four (24) hours a day.
- ~~(4)(a) The cost of an annual permit issued under this section shall be one thousand two hundred fifty dollars (\$1,250).~~
- ~~(b) The cost of a single trip permit issued under this section shall be one hundred dollars (\$100).~~
- ~~(5)~~ Permits issued under this section shall contain a ***website***~~[Web site]~~ hyperlink or any other method to provide the motor carrier with routes that are approved by the department.
- ~~(5)(6)~~ Upon renewal of any annual permit issued under this section, the permit holder shall report to the cabinet the number of trips made and the total miles driven under the permit during the previous year.

~~(6)(7)~~ Administrative regulations promulgated by the department under this section may require motor carriers to meet specific Federal Motor Carrier Safety Administration (FMCSA) safety ratings and FMCSA safety measurement system scores before issuance of a permit under this section.

➔Section 10. KRS 189.2716 is amended to read as follows:

- (1) As used in this section, "riverport" means a riverport facility established by a riverport authority under KRS 65.520.
- (2) In order to promote economic development and retain jobs within this state, subject to KRS 189.222, the department shall promulgate administrative regulations pursuant to KRS Chapter 13A governing the issue of annual permits for the operation of motor vehicles that are transporting steel products in divisible or nondivisible loads on state highways from a facility manufacturing products in this state to a riverport within this state, and whose dimensions exceed the limits for vehicle width prescribed by this chapter.
- (3) The maximum width dimension for an overdimensional permit issued in accordance with this section shall be ten (10) feet.
- (4) A motor carrier transporting steel products in divisible or nondivisible loads from a facility manufacturing steel products in this state may apply for an annual overdimensional permit pursuant to subsection (2) of this section. An application for a permit shall identify the route to be used. The permit shall be valid twenty-four (24) hours a day, but shall be limited to movements of steel products within the state of not more than seven (7) road miles from the manufacturing facility.
- (5) *The department shall promulgate administrative regulations in accordance with KRS Chapter 13A to set fees for permits established under this section*~~{cost of the annual permit shall be two hundred fifty dollars (\$250)}~~.

➔Section 11. KRS 189.2717 is amended to read as follows:

- (1) Subject to the provisions of KRS 189.222, the department may promulgate administrative regulations pursuant to KRS Chapter 13A governing the issuance of annual permits for the operation of motor vehicles transporting nondivisible loads in this Commonwealth whose gross weight exceeds the limits prescribed by this chapter. The gross weight of a motor vehicle operating pursuant to this section shall not exceed one hundred twenty thousand (120,000) pounds. The movement of the overweight motor vehicle shall be limited to a specific route set forth on the annual permit.
- (2) The following axle weights shall not be exceeded in the loading of a nondivisible load:
 - (a) Single axle with axles less than forty-two (42) inches apart and being the steering axle with one (1) wheel on each side of the axle to be considered a single axle shall not be more than fifteen thousand (15,000) pounds;
 - (b) Two (2) axles in tandem arrangement which are spaced forty-two (42) inches or more apart and less than ninety-six (96) inches apart shall not be more than forty thousand (40,000) pounds;
 - (c) Three (3) axles in tridem arrangement which are spaced forty-two (42) or more inches apart and less than one hundred twenty (120) inches apart shall not be more than sixty-five thousand (65,000) pounds; and
 - (d) Dual wheel axle with one (1) axle with two (2) wheels on each side of the axle to be considered a dual wheel axle shall not be more than twenty thousand (20,000) pounds each.
- (3) Each motor vehicle operating pursuant to this section shall comply with the safety provisions set forth in the administrative regulations promulgated by the department pursuant to this section.
- (4) *The department shall promulgate administrative regulations in accordance with KRS Chapter 13A to set fees for permits established under this section*~~{fee for the annual permit for each motor vehicle pursuant to this section shall be five hundred dollars (\$500)}~~.
- (5) The department may refuse to issue a permit for a requested route because of the inadequacies of the roadway or a structure on that route.

➔Section 12. KRS 186.480 (Effective July 1, 2024) is amended to read as follows:

- (1) The Department of Kentucky State Police shall examine every applicant for an operator's license as identified in KRS 186.635, except as otherwise provided in this section. The examination shall be held in the county where the applicant resides unless:

- (a) The applicant is granted written permission by the Transportation Cabinet to take the examination in another county; or
 - (b) The applicant is tested using a bioptic telescopic device.
- (2) The examination shall include a test of the applicant's eyesight to ensure compliance with the visual acuity and visual field standards set forth in KRS 186.577. The vision testing outlined in this subsection shall be administered under the provisions established in KRS 186.577 at, or prior to, the time of application. The examination shall also include a test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic, the applicant's knowledge of traffic laws, and an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle. The provisions of this subsection shall not apply to an applicant who:
- (a) At the time of application, holds a valid operator's license from another state, provided that state affords a reciprocal exemption to a Kentucky resident;
 - (b) At the time of application for a motorcycle instruction permit or motorcycle operator's license, presents evidence of successful completion of an approved rider training course under KRS 176.5062; or
 - (c) Is a citizen of the Commonwealth who has been serving in the United States military and has allowed his or her operator's license to expire.
- (3) In addition to the requirements of subsection (2) of this section, an applicant for a motorcycle operator's license who does not present evidence of successful completion of an approved rider training course under KRS 176.5062 shall be required to show his or her ability to operate a motorcycle. An applicant who successfully completes the skills portion of the test under this subsection on a:
- (a) Three (3) wheeled motorcycle shall be issued a motorcycle operator's license restricted to the operation of three (3) wheeled motorcycles under KRS 186.447; or
 - (b) Two (2) wheeled motorcycle shall be issued a motorcycle operator's license without the restriction identified in KRS 186.447, and may operate both two (2) and three (3) wheeled motorcycles.
- (4) Any person whose intermediate license or operator's license is denied, suspended, or revoked for cause shall apply for reinstatement at the termination of the period for which the license was denied, suspended, or revoked by submitting to the examination. The provisions of this subsection shall not apply to any person whose license was suspended for failure to meet the conditions described in KRS 186.411 when, within one (1) year of suspension, the driving privileges of ~~the person are~~ ~~[such individuals are]~~ reinstated.
- (5) An applicant shall not use an autocycle for road skills testing administered under the provisions of this section.
- (6) ***The Department of Kentucky State Police shall include, in the educational materials it produces for prospective drivers, information about the purposes, processes, and benefits of the organ donation program.***

➔Section 13. KRS 281.990 is amended to read as follows:

- (1) Except as provided in ~~subsections~~ ~~[subsection]~~ (4) and (5) of this section, a person shall be fined not less than twenty-five dollars (\$25) and no more than two hundred dollars (\$200), if the person:
- (a) Violates, causes, aids, or abets any violation of the provisions of this chapter, or any order, rule, or administrative regulation lawfully issued pursuant to authority granted by this chapter;
 - (b) Knowingly makes any false or erroneous statement, report, or representation to the Department of Vehicle Regulation with respect to any matter placed under the jurisdiction of the department by this chapter;
 - (c) Knowingly makes any false entry in the accounts or records required to be kept pursuant to the authority granted by this chapter; or
 - (d) Knowingly fails to keep, or knowingly destroys or mutilates, any accounts or records.
- Every device to evade or to prevent the application of any provision of this chapter, or any lawful order, rule or administrative regulation of the department issued pursuant thereto, shall constitute a violation thereof.
- (2) (a) Any person who violates KRS 281.630(1) or 281.631(1) shall be fined not less than five hundred dollars (\$500) nor more than three thousand five hundred dollars (\$3,500).

- (b) Any person who operates as a motor carrier in violation of the terms of his or her certificate or motor carrier vehicle license shall be fined not less than five hundred dollars (\$500) nor more than three thousand five hundred dollars (\$3,500).
- (3) A person who violates KRS 281.630(9) shall not be subject to a penalty under this section.
- (4) (a) Except as provided in this subsection, any person who violates KRS 281.757 shall be fined two hundred fifty dollars (\$250) for each offense.
- (b) A person who is cited for a violation of KRS 281.757 in which the lights were inoperable or the reflectors were missing may, within thirty (30) days from the date of the citation, provide proof to the county attorney of the county in which the offense occurred that the mechanical problem has been repaired and that the lights are in working order or that the required reflectors have been placed on the vehicle. If such proof is shown, the citation shall be dismissed.
- (c) A law enforcement officer and the department shall not issue a citation to a person as violating KRS 281.757 if the atmospheric conditions all motorists were subjected to at the time the person is stopped reasonably limit the ability of a person to keep the vehicle's lights or reflectors from being obscured by dirt, mud, or debris.
- (5) ***The cabinet may promulgate administrative regulations in accordance with KRS Chapter 13A to set penalties for violations of KRS 281.920 to 281.936.***

➔Section 14. KRS 189.930 is amended to read as follows:

- (1) Upon the approach of an emergency vehicle equipped with, and operating, one (1) or more flashing, rotating, or oscillating red or blue lights, visible under normal conditions from a distance of five hundred (500) feet to the front of ***the emergency***~~such~~ vehicle; or the driver is given audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way, immediately drive to a position parallel to, and as close as possible to, the edge or curb of the highway clear of any intersection, and stop and remain ***stopped***~~in such position~~ until the emergency vehicle has passed, except when otherwise directed by a police officer or firefighter.
- (2) Upon the approach of any emergency vehicle, operated in conformity with the provisions of subsection (1) of this section, the operator of every vehicle shall immediately stop clear of any intersection and shall ***remain stopped***~~keep such position~~ until the emergency vehicle has passed, unless directed otherwise by a police officer or firefighter.
- (3) No operator of any vehicle, unless he ***or she*** is on official business, shall follow any emergency vehicle being operated in conformity with the provisions of subsection (1) of this section closer than five hundred (500) feet, nor shall he ***or she*** drive into, or park the vehicle into, or park the vehicle within, the block where the vehicle has stopped in answer to an emergency call or alarm unless he ***or she*** is directed otherwise by a police officer or firefighter.
- (4) No vehicle, train, or other equipment shall be driven over any unprotected hose of a fire department when the hose is laid down on any street, private driveway, or track for use at any fire or fire alarm unless the fire department official in command consents that the hose be driven over.
- (5) ***The provisions of subsection (6) of this section shall apply to any driver***~~Upon~~ approaching a stationary:
- (a) Emergency vehicle or public safety vehicle, when the emergency vehicle or public safety vehicle is giving a signal by displaying alternately flashing yellow, red, red and white, red and blue, or blue lights;
or
- (b) ***Disabled vehicle, when the disabled vehicle is displaying some type of warning signal, such as emergency flashers, flares, or retroreflective signals.***
- (6) ***The driver of a vehicle that is approaching a vehicle described in subsection (5) of this section***~~[- a person who drives an approaching vehicle]~~ shall, while proceeding with due caution:
- (a) Yield the right-of-way by moving to a lane not adjacent to that of the~~[- authorized emergency]~~ vehicle, if:
1. The person is driving on a highway having at least four (4) lanes, with ***at least***~~not fewer than~~ two (2) lanes proceeding in the same direction as the approaching vehicle; and
 2. ~~[[~~It is possible to make the lane change with due regard to safety and traffic conditions; or

- (b) Reduce the speed of the vehicle, maintaining a safe speed to road conditions, if *the road has less than four (4) lanes or if* changing lanes would be impossible or unsafe.

~~(7)(6)~~ This section does not operate to relieve the person who drives an emergency vehicle from the duty to operate the vehicle with due regard for the safety of all persons using the highway.

➔Section 15. KRS 189.290 is amended to read as follows:

- (1) The operator of any vehicle upon a highway shall operate the vehicle in a careful manner, with regard for the safety and convenience of pedestrians and other vehicles upon the highway.
- (2) ~~A person shall not~~~~No person shall~~ willfully operate any vehicle on any highway in such a manner as to injure the highway.
- (3) ***A person shall not willfully operate any vehicle on any highway in such a manner as to injure vehicles or equipment located in or near a highway work zone.***
- (4) ***A person shall not operate any vehicle in a reckless or negligent manner as to endanger persons or property in or near a highway, or in or near a highway work zone.***
- (5) ***In addition to any other penalty, an operator who violates subsection (3) or (4) of this section shall be subject to revocation of his or her operator's license under Section 21 of this Act.***

➔Section 16. KRS 189.960 is amended to read as follows:

- (1) The operator of a vehicle shall yield the right-of-way to any public safety vehicle, as defined in KRS 189.910~~(2)~~, or any pedestrian ***or worker, including utility worker***, actually engaged in work ***in a highway work zone as defined in Section 20 of this Act***~~upon a highway or within any highway construction or maintenance area indicated by official traffic control devices~~.
- (2) The operator of a vehicle shall yield the right-of-way to any public safety vehicle obviously and actually engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of KRS 189.920(4).
- (3) ***The operator of a vehicle shall stay in a designated lane reserved for traffic in a highway work zone.***

➔Section 17. KRS 189.2325 is amended to read as follows:

The secretary of the Transportation Cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A governing the posting of signs advising motorists that penalties are increased for traffic violations occurring ~~on state maintained streets or state maintained highways~~ in a highway work zone. The administrative regulations promulgated by the cabinet shall include guidelines to determine which areas are appropriate to the posting of these signs. The guidelines may include, but are not limited to, the following:

- (1) The duration of the work on the highway;
- (2) The proximity of workers to moving traffic;
- (3) The existence of any unusual or hazardous conditions;
- (4) The volume of traffic on the highway; and
- (5) Other appropriate factors as determined by the secretary.

➔Section 18. KRS 189.2327 is amended to read as follows:

- (1) Subject to the requirements of subsection (2) of this section, if a violation of KRS 189.290 to ~~189.575~~~~189.580~~ or 189.910 to 189.960 occurred in a highway work zone, the fine ***shall be:***
 - (a) ***Five hundred dollars (\$500) if no person is physically injured or dies as a result of the violation. Notwithstanding the provisions of KRS 189.999, the fine under this paragraph is prepayable; and***
 - (b) ***Not less than five hundred dollars (\$500) nor more than ten thousand dollars (\$10,000) if the violation results in physical injury to or death of any person***~~established under KRS 189.394, 189.990, or 189.993 shall be doubled~~.
- (2) (a) In order for ***an increased***~~a~~ fine to be ***imposed***~~doubled~~ under this section, the highway work zone must have:
 - 1.~~(a)~~ Signs displayed informing drivers of the existence of a highway work zone and that fines are ***increased***~~doubled~~ in it; and

2.~~(b)~~ At least one (1) bona fide worker present.

(b) *If a violation of any of the offenses identified in subsection (1) of this section can be classified as a misdemeanor, those penalties shall apply in addition to the penalties in subsection (1) of this section.*

- (3) All fines collected for violations in a highway work zone under ~~subsection (1) of~~ this section shall be deposited into a separate trust and agency account within the Transportation Cabinet known as the "highway work zone safety fund." The highway work zone safety fund shall be used exclusively by the Transportation Cabinet to hire or pay for enhanced law enforcement of traffic laws within highway work zones.

➔Section 19. KRS 189.990 is amended to read as follows:

- (1) Any person who violates any of the provisions of KRS 189.020 to 189.040, subsection (1) or (4) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.285, **subsection (1) or (2) of KRS 189.290**, 189.300 to 189.360, KRS 189.380, KRS 189.400 to 189.430, KRS 189.450 to 189.458, KRS 189.4595 to 189.480, subsection (1) of KRS 189.520, KRS 189.540, KRS 189.570 to 189.590, except subsection (1)(b) or (6)(b) of KRS 189.580, KRS 189.345, subsection (6) of KRS 189.456, and 189.960 shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense. Any person who violates subsection (1)(a) of KRS 189.580 shall be fined not less than twenty dollars (\$20) nor more than two thousand dollars (\$2,000) or imprisoned in the county jail for not more than one (1) year, or both, unless the accident involved death or serious physical injury and the person knew or should have known of the death or serious physical injury, in which case the person shall be guilty of a Class D felony. Any person who violates paragraph (c) of subsection (5) of KRS 189.390 shall be fined not less than eleven dollars (\$11) nor more than thirty dollars (\$30). Neither court costs nor fees shall be taxed against any person violating paragraph (c) of subsection (5) of KRS 189.390.
- (2) (a) 1. Except as provided in subparagraph 2. of this paragraph, any person who violates the weight provisions of KRS 189.212, 189.221, 189.222, 189.226, 189.230, 189.270, or 189.2713 shall be fined two cents (\$0.02) per pound for each pound of excess load when the excess is five thousand (5,000) pounds or less. When the excess exceeds five thousand (5,000) pounds the fine shall be two cents (\$0.02) per pound for each pound of excess load, but the fine levied shall not be less than one hundred dollars (\$100) and shall not be more than five hundred dollars (\$500).
2. Any person who violates a posted bridge weight limit on a state-maintained bridge that is more than seventy-five (75) years old shall be fined:
- a. Five hundred dollars (\$500) for the first offense;
 - b. One thousand dollars (\$1,000) for the second offense within a one (1) year period; and
 - c. Two thousand dollars (\$2,000) for any subsequent offense within a one (1) year period.
- The Transportation Cabinet shall erect signs warning drivers of the increased fines in this subparagraph. Signs erected under this subparagraph shall be placed in such a manner that drivers are given adequate warning in order to exit the road prior to crossing the bridge. If warning signs are not erected in accordance with this subparagraph, the fines in this subparagraph shall not apply and violators shall be fined under subparagraph 1. of this paragraph.
- (b) Any person who violates the provisions of KRS 189.271 and is operating on a route designated on the permit shall be fined one hundred dollars (\$100); otherwise, the penalties in paragraph (a) of this subsection shall apply.
- (c) Any person who violates any provision of subsection (2) or (3) of KRS 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270, 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which another penalty is not specifically provided shall be fined not less than ten dollars (\$10) nor more than five hundred dollars (\$500).
- (d) 1. Any person who violates the provisions of KRS 177.985 while operating on a route designated in KRS 177.986 shall be fined one hundred dollars (\$100).
2. Any person who operates a vehicle with a permit under KRS 177.985 in excess of eighty thousand (80,000) pounds while operating on a route not designated in KRS 177.986 shall be fined one thousand dollars (\$1,000).

- (e) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to prejudice or affect the authority of the Department of Vehicle Regulation to suspend or revoke certificates of common carriers, permits of contract carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221 to 189.228 or any other act applicable to motor vehicles, as provided by law.
- (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not more than fifteen dollars (\$15).
- (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not less than thirty-five dollars (\$35) nor more than two hundred dollars (\$200).
- (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).
- (b) Any peace officer who fails, when properly informed, to enforce KRS 189.210 shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).
- (c) All fines collected under this subsection, after payment of commissions to officers entitled thereto, shall go to the county road fund if the offense is committed in the county, or to the city street fund if committed in the city.
- (5) Any person who violates KRS 189.370 shall for the first offense be fined not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or imprisoned not less than thirty (30) days nor more than sixty (60) days, or both. For each subsequent offense occurring within three (3) years, the person shall be fined not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500) or imprisoned not less than sixty (60) days nor more than six (6) months, or both. The minimum fine for this violation shall not be subject to suspension. A minimum of six (6) points shall be assessed against the driving record of any person convicted.
- (6) Any person who violates KRS 189.500 shall be fined not more than fifteen dollars (\$15) in excess of the cost of the repair of the road.
- (7) Any person who violates KRS 189.510 or KRS 189.515 shall be fined not less than twenty dollars (\$20) nor more than fifty dollars (\$50).
- (8) Any peace officer who violates subsection (2) of KRS 189.520 shall be fined not less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).
- (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned not less than thirty (30) days nor more than twelve (12) months, or both.
- (b) Any person who violates KRS 189.530(2) shall be fined not less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).
- (10) Any person who violates any of the provisions of KRS 189.550 shall be guilty of a Class B misdemeanor.
- (11) Any person who violates subsection (3) of KRS 189.560 shall be fined not less than thirty dollars (\$30) nor more than one hundred dollars (\$100) for each offense.
- (12) The fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of this section shall, in the case of a public highway, be paid into the county road fund, and, in the case of a privately owned road or bridge, be paid to the owner. These fines shall not bar an action for damages for breach of contract.
- (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- (14) Any person who violates any provision of KRS 189.575 shall be fined not less than twenty dollars (\$20) nor more than twenty-five dollars (\$25).
- (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- (16) Any person who violates restrictions or regulations established by the secretary of transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense, be fined one hundred dollars (\$100) and, upon subsequent convictions, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisoned for thirty (30) days, or both.

- (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty of a Class B misdemeanor.
- (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in case of violation by any person in whose name the vehicle used in the transportation of inflammable liquids or explosives is licensed, the person shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). Each violation shall constitute a separate offense.
- (18) Any person who abandons a vehicle upon the right-of-way of a state highway for three (3) consecutive days shall be fined not less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days nor more than thirty (30) days.
- (19) Every person violating KRS 189.393 shall be guilty of a Class B misdemeanor, unless the offense is being committed by a defendant fleeing the commission of a felony offense which the defendant was also charged with violating and was subsequently convicted of that felony, in which case it is a Class A misdemeanor.
- (20) Any law enforcement agency which fails or refuses to forward the reports required by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157.
- (21) A person who operates a bicycle in violation of the administrative regulations promulgated pursuant to KRS 189.287 shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100).
- (22) Any person who violates KRS 189.860 shall be fined not more than five hundred dollars (\$500) or imprisoned for not more than six (6) months, or both.
- (23) Any person who violates KRS 189.754 shall be fined not less than twenty-five dollars (\$25) nor more than three hundred dollars (\$300).
- (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty dollars (\$50). This fine shall be subject to prepayment. A fine imposed under this subsection shall not be subject to court costs pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765, or any other additional fees or costs.
- (25) Any person who violates the provisions of KRS 189.125(3)(b) shall not be issued a uniform citation, but shall instead receive a courtesy warning up until July 1, 2009. For a violation on or after July 1, 2009, the person shall be fined thirty dollars (\$30). This fine shall be subject to prepayment. A fine imposed under this subsection shall not be subject to court costs pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or any other additional fees or costs. A person who has not been previously charged with a violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting the requirements of KRS 189.125. Upon presentation of sufficient proof of the acquisition, the charge shall be dismissed and no fees or costs shall be imposed.
- (26) Any person who violates the provisions of KRS 189.125(6) shall be fined an amount not to exceed twenty-five dollars (\$25). This fine shall be subject to prepayment. A fine imposed under this subsection shall not be subject to court costs pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765, or any other additional fees or costs.
- (27) Fines levied pursuant to this chapter shall be assessed in the manner required by KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines shall be governed by KRS 534.020 and 534.060.
- (28) A licensed driver under the age of eighteen (18) charged with a moving violation pursuant to this chapter as the driver of a motor vehicle may be referred, prior to trial, by the court to a diversionary program. The diversionary program under this subsection shall consist of one (1) or both of the following:
- (a) Execution of a diversion agreement which prohibits the driver from operating a vehicle for a period not to exceed forty-five (45) days and which allows the court to retain the driver's operator's license during this period; and
- (b) Attendance at a driver improvement clinic established pursuant to KRS 186.574. If the person completes the terms of this diversionary program satisfactorily the violation shall be dismissed.
- (29) A person who violates the provisions of subsection (2) or (3) of KRS 189.459 shall be fined two hundred fifty dollars (\$250). The fines and costs for a violation of subsection (2) or (3) of KRS 189.459 shall be collected and disposed of in accordance with KRS 24A.180. Once deposited into the State Treasury, ninety percent (90%) of the fine collected under this subsection shall immediately be forwarded to the personal care assistance program under KRS 205.900 to 205.920. Ten percent (10%) of the fine collected under this

subsection shall annually be returned to the county where the violation occurred and distributed equally to all law enforcement agencies within the county.

- (30) Any person who violates KRS 189.292 or 189.294 shall be fined twenty-five dollars (\$25) for the first offense and fifty dollars (\$50) for each subsequent offense.
- (31) Any person who violates KRS 189.281(5) or (7)(b) shall be subject to a fine of two hundred fifty dollars (\$250). This fine shall be subject to prepayment. A fine imposed under this subsection shall not be subject to court costs pursuant to KRS 24A.175, additional costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765, or any other additional fees or costs.
- (32) ***Any person who violates subsection (3) or (4) of Section 15 of this Act and causes physical injury to a person shall be fined five hundred dollars (\$500).***

➔Section 20. KRS 189.010 is amended to read as follows:

As used in this chapter:

- (1) "Department" means the Department of Highways;
- (2) "Crosswalk" means:
 - (a) That part of a roadway at an intersection within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable roadway; or
 - (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;
- (3) "Highway" means any public road, street, avenue, alley or boulevard, bridge, viaduct, or trestle and the approaches to them and includes private residential roads and parking lots covered by an agreement under KRS 61.362, off-street parking facilities offered for public use, whether publicly or privately owned, except for-hire parking facilities listed in KRS 189.700;
- (4) "Intersection" means:
 - (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another, but do not necessarily continue, at approximately right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come into conflict; or
 - (b) Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. If the intersecting highway also includes two (2) roadways thirty (30) feet or more apart, every crossing of two (2) roadways of the highways shall be regarded as a separate intersection. The junction of a private alley with a public street or highway shall not constitute an intersection;
- (5) "Manufactured home" has the same meaning as defined in KRS 186.650;
- (6) "Motor truck" means any motor-propelled vehicle designed for carrying freight or merchandise. It shall not include self-propelled vehicles designed primarily for passenger transportation but equipped with frames, racks, or bodies having a load capacity of not exceeding one thousand (1,000) pounds;
- (7) "Operator" means the person in actual physical control of a vehicle;
- (8) "Pedestrian" means any person afoot or in a wheelchair;
- (9) "Right-of-way" means the right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other;
- (10) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two (2) or more separate roadways, the term "roadway" as used herein shall refer to any roadway separately but not to all such roadways collectively;
- (11) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone;

- (12) "Semitrailer" means a vehicle designed to be attached to, and having its front end supported by, a motor truck or truck tractor, intended for the carrying of freight or merchandise and having a load capacity of over one thousand (1,000) pounds;
- (13) "Truck tractor" means any motor-propelled vehicle designed to draw and to support the front end of a semitrailer. The semitrailer and the truck tractor shall be considered to be one (1) unit;
- (14) "Sharp curve" means a curve of not less than thirty (30) degrees;
- (15) "State Police" includes any agency for the enforcement of the highway laws established pursuant to law;
- (16) "Steep grade" means a grade exceeding seven percent (7%);
- (17) "Trailer" means any vehicle designed to be drawn by a motor truck or truck-tractor, but supported wholly upon its own wheels, intended for the carriage of freight or merchandise and having a load capacity of over one thousand (1,000) pounds;
- (18) "Unobstructed highway" means a straight, level, first-class road upon which no other vehicle is passing or attempting to pass and upon which no other vehicle or pedestrian is approaching in the opposite direction, closer than three hundred (300) yards;
- (19) (a) "Vehicle" includes:
1. All agencies for the transportation of persons or property over or upon the public highways of the Commonwealth; and
 2. All vehicles passing over or upon the highways.
- (b) "Motor vehicle" includes all vehicles, as defined in paragraph (a) of this subsection, except:
1. Road rollers;
 2. Road graders;
 3. Farm tractors;
 4. Vehicles on which power shovels are mounted;
 5. Construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways;
 6. Vehicles that travel exclusively upon rails;
 7. Vehicles propelled by electric power obtained from overhead wires while being operated within any municipality or where the vehicles do not travel more than five (5) miles beyond the city limits of any municipality;
 8. Vehicles propelled by muscular power; and
 9. Electric low-speed scooters;
- (20) "Reflectance" means the ratio of the amount of total light, expressed in a percentage, which is reflected outward by the product or material to the amount of total light falling on the product or material;
- (21) "Sunscreening material" means a product or material, including film, glazing, and perforated sunscreening, which, when applied to the windshield or windows of a motor vehicle, reduces the effects of the sun with respect to light reflectance or transmittance;
- (22) "Transmittance" means the ratio of the amount of total light, expressed in a percentage, which is allowed to pass through the product or material, including glazing, to the amount of total light falling on the product or material and the glazing;
- (23) "Window" means any device designed for exterior viewing from a motor vehicle, except the windshield, any roof-mounted viewing device, and any viewing device having less than one hundred fifty (150) square inches in area;
- (24) "All-terrain vehicle" means any motor vehicle used for recreational off-road use;
- (25) "Nondivisible load," as pertains to state highways that are not part of the national truck network established pursuant to 23 C.F.R. pt. 658, means a load or vehicle, that if separated into smaller loads or vehicles:

- (a) Compromises the intended use of the vehicle, making it unable to perform the function for which it was intended;
 - (b) Destroys the value of the load or vehicle, making it unusable for its intended purpose; or
 - (c) Requires more than four (4) work hours to dismantle and reassemble using appropriate equipment;
- (26) "Electric low-speed scooter" means a device that:
- (a) Weighs less than one hundred (100) pounds;
 - (b) Is equipped with wheels;
 - (c) Is equipped with handlebars;
 - (d) Is equipped with a brake adequate enough to stop and park the device;
 - (e) Is designed to be stood or sat upon;
 - (f) Is propelled by an electric motor, human power, or both; and
 - (g) Is designed to operate at a maximum speed of twenty (20) miles per hour, on a paved level surface, with or without human propulsion; and
- (27) "Highway work zone" means that ~~lane or~~ portion of a **highway** ~~state-maintained highway open to vehicular traffic~~ and the affected area adjacent to a lane, berm, or shoulder, **including a sidewalk**, ~~of a state-maintained highway~~ upon which construction, reconstruction, resurfacing, maintenance, inspection, or other work of that nature is being conducted **by a government agency, private contractor, or utility company**.

➔Section 21. KRS 186.560 is amended to read as follows:

- (1) The cabinet shall forthwith revoke the license of any operator of a motor vehicle upon receiving record of his or her:
- (a) Conviction of any of the following offenses:
 1. Murder or manslaughter resulting from the operation of a motor vehicle;
 2. Driving a vehicle which is not a motor vehicle while under the influence of alcohol or any other substance which may impair one's driving ability;
 3. Perjury or the making of a false affidavit under KRS 186.400 to 186.640 or any law requiring the registration of motor vehicles or regulating their operation on highways;
 4. Any felony in the commission of which a motor vehicle is used;
 5. Conviction or forfeiture of bail upon three (3) charges of reckless driving within the preceding twelve (12) months;
 6. Conviction of driving a motor vehicle involved in an accident and failing to stop and disclose his identity at the scene of the accident;
 7. Conviction of theft of a motor vehicle or any of its parts, including the conviction of any person under the age of eighteen (18) years;
 8. Failure to have in full force and effect the security required by Subtitle 39 of KRS Chapter 304 upon conviction of a second and each subsequent offense within any five (5) year period;
 9. Conviction for fraudulent use of a driver's license or use of a fraudulent driver's license to purchase or attempt to purchase alcoholic beverages, as defined in KRS 241.010, in violation of KRS 244.085(4);
 10. Conviction of operating a motor vehicle, motorcycle, or moped without an operator's license as required by KRS 186.410; ~~and~~
 11. Conviction of fleeing or evading police in the second degree when the offense involved the operation of a motor vehicle; **and**
 12. **Conviction of violating the provisions of subsection (3) or (4) of Section 15 of this Act;** or
 - (b) Being found incompetent to stand trial under KRS Chapter 504.

- (2) If the person convicted of any offense named in subsection (1) of this section or who is found incompetent to stand trial is not the holder of a license, the cabinet shall deny the person so convicted a license for the same period of time as though he *or she* had possessed a license which had been revoked. If through an inadvertence the defendant should be issued a license, the cabinet shall forthwith cancel it.
- (3) The cabinet, upon receiving a record of the conviction of any person upon a charge of operating a motor vehicle while the license of that person is denied, or suspended, or revoked, or while his privilege to operate a motor vehicle is withdrawn, shall immediately extend the period of the first denial, suspension, revocation, or withdrawal for an additional like period.
- (4) The revocation or denial of a license or the withdrawal of the privilege of operating a motor vehicle for a violation of subsection (1)(a)1. of this section shall be for a period of not less than five (5) years. Revocations or denials under this section shall not be subject to any lessening of penalties authorized under any other provision of this section or any other statute.
- (5) Except as provided in subsections (3), (4), (8), and (9) of this section, in all other cases, the revocation or denial of a license or the withdrawal of the privilege of operating a motor vehicle under this section shall be for a period of six (6) months, except that if the same person has had one (1) previous conviction of any offense enumerated in subsection (1) of this section, regardless of whether the person's license was revoked because of the previous conviction, the period of the revocation, denial, or withdrawal shall be one (1) year. If the person has had more than one (1) previous conviction of the offenses considered collectively as enumerated in subsection (1) of this section, regardless of whether the person's license was revoked for any previous conviction, the period of revocation, denial, or withdrawal shall be for not less than two (2) years. If the cabinet, upon receipt of the written recommendation of the court in which any person has been convicted of violating KRS 189.520(1) or 244.085(4) as relates to instances in which a driver's license or fraudulent driver's license was the identification used or attempted to be used in the commission of the offense, who has had no previous conviction of said offense, the person's operator's license shall not be revoked, but the person's operator's license shall be restricted to any terms and conditions the secretary in his discretion may require, provided the person has enrolled in an alcohol or substance abuse education or treatment program as the cabinet shall require. If the person fails to satisfactorily complete the education or treatment program or violates the restrictions on his operator's license, the cabinet shall immediately revoke his operator's license for a period of six (6) months.
- (6) In order to secure the reinstatement of a license to operate a motor vehicle or motorcycle restored following a period of suspension pursuant to KRS Chapter 189A, the person whose license is suspended shall comply with the fees and other procedures of the Transportation Cabinet with regard to the reinstatement of suspended licenses.
- (7) The cabinet shall revoke the license of any operator of a motor vehicle upon receiving notification that the person is under age eighteen (18) and has dropped out of school or is academically deficient, as defined in KRS 159.051(1).
- (8) A person under the age of eighteen (18) who is convicted of the offenses of subsections (1) or (3) of this section, except for subsection (1)(a)8. or 9. of this section, shall have his license revoked until he *or she* reaches the age of eighteen (18) or shall have his license revoked as provided in this section, whichever penalty will result in the longer period of revocation.
- (9) A revocation or denial of a license or the withdrawal of the privilege of operating a motor vehicle under this section due to a person being found incompetent to stand trial shall extend until the person is found competent to stand trial or the criminal case is dismissed.

➔SECTION 22. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "state police" means the Department of Kentucky State Police.*
- (2) *From September 1, 2024, until June 30, 2026, the state police shall operate a pilot program to provide operator's license skills testing in five (5) counties in which the state police does not provide permanent, full-time, driver licensing testing.*
- (3) *In administering the pilot project under this section, the state police shall:*
 - (a) *Identify the counties participating in the pilot project based on both public demand and available state police resources;*

- (b) *Provide testing in each county at least two (2) times each month;*
 - (c) *Accept applications for testing slots through the state police's online application portal;*
 - (d) *Limit testing only to residents of the pilot project county where the test will be administered;*
 - (e) *Limit testing only to applicants for an intermediate license under KRS 186.452; and*
 - (f) *Evaluate service levels, unsubscribed appointments, and no-shows during the term of the pilot project and, if necessary, move the pilot project to another county identified in subsection (2) of this section, while maintaining the pilot project in at least five (5) counties during the term of the project.*
- (4) *The state police shall collect data on testing done under this section and, by October 31, 2025, submit a report to the Legislative Research Commission for referral to the Interim Joint Committee on Transportation providing:*
- (a) *Counts of the number of available testing appointments in each county, applicants served, unclaimed testing slots, and no-show appointments;*
 - (b) *Information regarding how the pilot program affected testing associated with regional licensing offices; and*
 - (c) *Recommendations on the continuation or expansion of the pilot project.*

➔Section 23. Sections 1 and 2 of this Act take effect January 1, 2025.

Signed by Governor April 17, 2024.

CHAPTER 199

(SJR 170)

A JOINT RESOLUTION directing the Council on Postsecondary Education to conduct a feasibility study on expanding postbaccalaureate program offerings at comprehensive universities.

WHEREAS, KRS 164.020 directs the activities of the Council on Postsecondary Education; and

WHEREAS, through KRS 164.020(15), the General Assembly requires the Council to define and approve the offering of all postsecondary education technical, associate, baccalaureate, graduate, and professional degree, certificate, or diploma programs in the public postsecondary education institutions; and

WHEREAS, KRS 164.295 restricts the postbaccalaureate offerings of Kentucky's comprehensive universities; and

WHEREAS, KRS 164.295 requires action by the General Assembly to approve changes to the postbaccalaureate offerings of a comprehensive university; and

WHEREAS, many of Kentucky's comprehensive universities have requested that the General Assembly approve expansion of their postbaccalaureate programs and degree offerings; and

WHEREAS, the General Assembly should regularly evaluate the evolving workforce needs of this Commonwealth, the ability of Kentucky's existing postsecondary education system to serve those needs, and the feasibility of expanding postbaccalaureate offerings at comprehensive universities to better serve those needs;

NOW, THEREFORE,

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

➔Section 1. (1) The Council on Postsecondary Education shall meet with the president of each comprehensive university to identify regional economic and workforce development needs that may be addressed by a postbaccalaureate initiative to expand an existing postbaccalaureate program or create a new postbaccalaureate program at the comprehensive university.

(2) The Council on Postsecondary Education shall contract with an outside entity to conduct a study on each comprehensive university's postbaccalaureate initiative and develop and present specific recommendations for

the General Assembly to consider for action during the 2025 Regular Session. Each study shall take into consideration the accreditation needs of the postbaccalaureate initiative.

(3) The studies shall, at a minimum, include separate studies on establishing each of the following postbaccalaureate programs:

(a) A doctoral program for professional practice and licensure in veterinary medicine at Murray State University;

(b) A doctoral program for professional practice and licensure in osteopathic medicine at Eastern Kentucky University; and

(c) Doctoral programs to obtain an R2 "High Research Activity" designation from the Carnegie Classification of Institutions of Higher Education at Western Kentucky University.

(4) The evaluation of a potential expansion or creation of a postbaccalaureate offering at a comprehensive university shall include but not be limited to the following factors to inform a recommendation to General Assembly on whether to pursue that postbaccalaureate initiative:

(a) Consideration of the recent performance history of the university in the comprehensive funding model established by KRS 164.092;

(b) The university's capacity to expand or create the postbaccalaureate degree program that is the focus of the postbaccalaureate initiative without jeopardizing the university's ability to fulfill its statutory responsibilities;

(c) The alignment of the postbaccalaureate initiative to the economic and workforce needs of the Commonwealth; and

(d) The projected ability of the postbaccalaureate initiative to meet or exceed those needs in an efficient manner.

(5) Any recommendation for an expansion to postbaccalaureate offerings at comprehensive universities shall include the following information in regard to each recommended offering:

(a) A potential annual budget for the transition and initial implementation;

(b) The various additional revenues that the comprehensive university could expect upon implementation based on conservative and moderate projections;

(c) The projected additional recurring costs, including retirement and health care for employees;

(d) Anticipated tuition and fee charges and projected gross and net tuition and fee revenue;

(e) Projected enrollment;

(f) The projected ability of the comprehensive university to attract necessary high-quality faculty;

(g) The availability of federal funds and private funding that might offset the identified costs;

(h) The projected economic impact; and

(i) A proposed implementation timeline for each postbaccalaureate initiative.

➔Section 2. The results of the study and recommendations required by Section 1 of this Resolution shall be submitted to the Legislative Research Commission by December 1, 2024, for referral to the Senate Committee on Education, House Committee on Education, Senate Committee on Appropriations and Revenue, and House Committee on Appropriations and Revenue during the 2025 Regular Session.

Signed by Governor April 17, 2024.

CHAPTER 200

(HB 122)

AN ACT relating to revenue and declaring an emergency.

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

➔Section 1. KRS 138.477 is amended to read as follows:

- (1) As used in this section:
 - (a) "Department" means the Department of Revenue;
 - (b) "Distribute" means the delivery or transfer of electric power into the battery or other energy storage device of an electric vehicle at a location in this state;
 - (c) "Electric vehicle power" means electrical energy distributed into the battery or other energy storage device of an electric vehicle to be used to power the vehicle;
 - (d) "Electric vehicle power dealer" means a person who owns or leases an electric vehicle charging station ***with a charging capacity of twenty (20) kilowatts or more***;
 - (e) "Electric vehicle" has the same meaning as in KRS 186.010;
 - (f) "Electric vehicle charging station" means any place accessible to general public vehicular traffic where electric power may be used to charge a battery or other storage device of a licensed electric vehicle; and
 - (g) "Person" has the same meaning as in KRS 139.010.
- (2) On or after January 1, 2024:
 - (a) An excise tax with an initial base rate of three cents (\$0.03) per kilowatt hour is imposed on electric vehicle power distributed in this state by an electric vehicle power dealer for the purpose of charging electric vehicles in this state; and
 - (b) A surtax with an initial base rate of three cents (\$0.03) per kilowatt hour is imposed on electric vehicle power distributed in this state by an electric vehicle power dealer when the electric vehicle charging station is located on state property.
- (3)
 - (a) On or before December 1, 2024, and on or before each December 1 thereafter, the department shall compare the most current quarterly National Highway Construction Cost Index 2.0 (NHCCI 2.0) value and determine the percentage change in relation to the NHCCI 2.0 value from the same quarter for the previous year.
 - (b)
 1. The tax rate on January 1, 2025, and on each January 1 thereafter, shall be adjusted by the change in the NHCCI 2.0 determined by paragraph (a) of this subsection, unless the change is:
 - a. Greater than a five percent (5%) increase, in which case the taxes shall be one hundred five percent (105%) of the tax rates in effect at the close of the previous calendar year; or
 - b. Greater than a five percent (5%) decrease, in which case the taxes shall be ninety-five percent (95%) of the tax rates in effect at the close of the previous calendar year.
 2. Notwithstanding subparagraph 1. of this paragraph, the tax rate shall not be less than the initial base rate identified in subsection (2) of this section.
 - (c) Adjustments to the tax rate shall be rounded to the nearest one-tenth of one cent (\$0.001).
- (4) At least twenty (20) days in advance of the first day of each calendar year, the department shall provide notification of:
 - (a) The adjusted electric vehicle power tax rate for the upcoming calendar year to all electric vehicle power dealers; and
 - (b) The adjusted electric vehicle ownership fee imposed under KRS 138.475 for the upcoming calendar year to all county clerks.
- (5) This tax shall be:
 - (a) Administered by the department; and
 - (b) Transferred to the road fund as defined in KRS 48.010.
- (6)
 - (a) The tax shall be added to the selling price charged by the electric vehicle power dealer at the electric vehicle charging station on electric vehicle power sold in this state.

- (b) If there is no selling price at the charging station, the electric vehicle power dealer shall be responsible for paying the tax on the electric power distributed by the electric vehicle charging station, except in the case of an electric vehicle charging station installed prior to July 1, 2022.
- (7) (a) The tax imposed shall be paid by the electric vehicle power dealer to the State Treasurer.
(b) The electric vehicle power dealer is liable for the electric vehicle power tax.
- (8) Every electric vehicle power dealer shall, by the twenty-fifth day of each month, transmit to the department reports, on the forms the department may prescribe, on the total kilowatt hours distributed and the amount of tax collected. Payment of the tax shall be due with the report.
- (9) The electric vehicle power dealer shall keep and preserve an accurate record of all receipts of electricity and tax together with invoices or other pertinent records and papers required by the department for five (5) years.
- (10) (a) No dealer or other person shall fail or refuse to make the returns and pay the tax prescribed by this section, or refuse to permit the department or its representatives appointed by the commissioner of the department in writing to examine his or her records, papers, files, and equipment pertaining to the taxable business.
(b) No person shall make an incomplete, false, or fraudulent return, or attempt to do anything to avoid a full disclosure of the amount of business done or to avoid the payment of the whole or any part of the tax or penalties due.
(c) No person shall fail to keep and preserve records of electric vehicle power distributed to make reports as required by this section.
- (11) Any person who violates any provision of this section shall be subject to the uniform civil penalties imposed pursuant to KRS 131.180 and interest at the tax interest rate as defined in KRS 131.183.
- (12) (a) Notwithstanding any other provisions of this chapter to the contrary, the president, vice president, secretary, treasurer, or any other person holding any equivalent corporate office of any corporation subject to the provisions of this chapter shall be personally and individually liable, both jointly and severally, for the taxes imposed under this chapter, and neither the corporate dissolution nor withdrawal of the corporation from the state nor the cessation of holding any corporate office shall discharge the foregoing liability of any person.
(b) The personal and individual liability shall apply to each and every person holding the corporate office at the time the taxes become or became due.
(c) No person will be personally and individually liable pursuant to this section who had no authority in the management of the business or financial affairs of the corporation at the time that the taxes imposed by this chapter become or became due.
- (13) (a) Notwithstanding any other provisions of this chapter, KRS 275.150, 362.1-306(3) or predecessor law, or 362.2-404(3) to the contrary, the managers of a limited liability company, the partners of a limited liability partnership, and the general partners of a limited liability limited partnership or any other person holding any equivalent office of a limited liability company, limited liability partnership, or limited liability limited partnership subject to the provisions of this chapter shall be personally and individually liable, both jointly and severally, for the taxes imposed under this chapter.
(b) Dissolution or withdrawal of the limited liability company, limited liability partnership, or limited liability limited partnership from the state, or the cessation of holding any office shall not discharge the liability of any person.
(c) The personal and individual liability shall apply to each and every manager of a limited liability company, partner of a limited liability partnership, and general partner of a limited liability limited partnership at the time the taxes become or became due.
(d) No person shall be personally and individually liable under this subsection who had no authority to collect, truthfully account for, or pay any tax imposed by this chapter at the time that the taxes imposed by this chapter become or became due.
- (14) "Taxes" as used in this section shall include interest accrued at the rate provided by KRS 131.183, all applicable penalties imposed under this chapter, and all applicable penalties and fees imposed under KRS 131.180, 131.410 to 131.445, and 131.990.

- (15) The department may prescribe forms and promulgate administrative regulations to execute and administer the provisions of this section.

➔Section 2. KRS 132.590 is amended to read as follows:

- (1) (a) *The General Assembly of the Commonwealth of Kentucky hereby finds and determines that property valuation administrators in all counties are officers whose jurisdiction or duties are coextensive with that of the Commonwealth within the meaning of Section 246 of the Constitution of Kentucky.*
- (b) The compensation of the property valuation administrator shall be based on the schedule contained in subsection (2) of this section as modified by subsection (3) of this section. The compensation of the property valuation administrator shall be calculated by the department annually. Should a property valuation administrator for any reason vacate the office in any year during his term of office, he shall be paid only for the calendar days actually served during the year.
- (2) The salary schedule for property valuation administrators provides for nine (9) levels of salary based upon the population of the county in the prior year as determined by the United States Department of Commerce, Bureau of the Census annual estimates. To implement the salary schedule, the department shall, by November 1 of each year, certify for each county the population group applicable to each county based on the most recent estimates of the United States Department of Commerce, Bureau of the Census. The salary schedule provides four (4) steps for yearly increments within each population group. Property valuation administrators shall be paid according to the first step within their population group for the first year or portion thereof they serve in office. Thereafter, each property valuation administrator, on January 1 of each subsequent year, shall be advanced automatically to the next step in the salary schedule until the maximum salary figure for the population group is reached. If the county population as certified by the department increases to a new group level, the property valuation administrator's salary shall be computed from the new group level at the beginning of the next year. A change in group level shall have no effect on the annual change in step. Prior to assuming office, any person who has previously served as a property valuation administrator must certify to the department the total number of years, not to exceed four (4) years, that the person has previously served in the office. The department shall place the person in the proper step based upon a formula of one (1) incremental step per full calendar year of service:

SALARY SCHEDULE

County Population by Group	Steps and Salary for Property Valuation Administrators			
	Step 1	Step 2	Step 3	Step 4
Group I <i>0-4,999</i>	<i>\$81,460</i>	<i>\$83,928</i>	<i>\$86,397</i>	<i>\$88,865</i>
Group II <i>5,000-9,999</i>	<i>88,865</i>	<i>91,334</i>	<i>93,802</i>	<i>96,270</i>
Group III <i>10,000-19,999</i>	<i>96,270</i>	<i>98,739</i>	<i>101,207</i>	<i>103,676</i>
Group IV <i>20,000-29,999</i>	<i>99,973</i>	<i>103,676</i>	<i>107,379</i>	<i>111,081</i>
Group V <i>30,000-44,999</i>	<i>107,379</i>	<i>111,081</i>	<i>114,784</i>	<i>118,487</i>
Group VI <i>45,000-59,999</i>	<i>111,081</i>	<i>116,018</i>	<i>120,955</i>	<i>125,892</i>
Group VII <i>60,000-89,999</i>	<i>118,487</i>	<i>123,424</i>	<i>128,361</i>	<i>133,298</i>
Group VIII <i>90,000-499,999</i>	<i>122,189</i>	<i>128,361</i>	<i>134,532</i>	<i>140,703</i>
Group IX				

<i>500,000 and up</i>	<i>129,595</i>	<i>135,766</i>	<i>141,937</i>	<i>148,108</i>
0 4,999	\$45,387	\$46,762	\$48,137	\$49,513
Group II				
5,000 9,999	49,513	50,888	52,263	53,639
Group III				
10,000 19,999	53,639	55,014	56,389	57,765
Group IV				
20,000 29,999	55,702	57,765	59,828	61,891
Group V				
30,000 44,999	59,828	61,891	63,954	66,017
Group VI				
45,000 59,999	61,891	64,641	67,392	70,143
Group VII				
60,000 89,999	66,017	68,768	71,518	74,269
Group VIII				
90,000 499,999	68,080	71,518	74,957	78,395
Group IX				
500,000 and up	72,206	75,644	79,083	82,521

- (3) (a) For calendar year ~~2024~~~~[2000]~~, the salary schedule in subsection (2) of this section shall be increased by the amount of increase in the annual consumer price index as published by the United States Department of Commerce for the year ended December 31, ~~2023~~~~[1999]~~. This salary adjustment shall take effect on *the effective date of this Act*~~[July 14, 2000]~~, and shall not be retroactive to the preceding January 1.
- (b) *I.* For each calendar year beginning after December 31, ~~2024~~~~[2000]~~, upon publication of the annual consumer price index by the United States Department of Commerce, the annual rate of salary for the property valuation administrator shall be determined by applying the increase in the consumer price index to the salary in effect for the previous year. This salary determination shall be retroactive to the preceding January 1. *A property valuation administrator's salary shall not exceed the maximum salary set out for officers whose jurisdiction or duties are coextensive with that of the Commonwealth within the meaning of Section 246 of the Constitution of Kentucky.*
- 2. a. Each property valuation administrator who is serving in office on the effective date of this Act who did not receive an eight percent (8%) salary increase in July 2022 while serving as property valuation administrator shall receive a lump-sum payment that is equal to eight percent (8%) of the sum the property valuation administrator received between the effective date of this Act and the date the property valuation administrator took office after July 1, 2022.*
- b. The department shall calculate the payments due the eligible property valuation administrators as set out in subdivision a. of this subparagraph and shall direct that the eligible property valuation administrators each receive a lump-sum payment on or before June 30, 2024.*
- (c) In addition to the step increases based on service in office, each property valuation administrator shall be paid an annual incentive of six hundred eighty-seven dollars and sixty-seven cents (\$687.67) per calendar year for each forty (40) hour training unit successfully completed based on continuing service in that office and, except as provided in this subsection, completion of at least forty (40) hours of approved training in each subsequent calendar year. If a property valuation administrator fails without good cause, as determined by the commissioner of the department, to obtain the minimum amount of approved training in any year, the officer shall lose all training incentives previously accumulated. No

property valuation administrator shall receive more than one (1) training unit per calendar year nor more than four (4) incentive payments per calendar year. Each property valuation administrator shall be allowed to carry forward up to forty (40) hours of training credit into the following calendar year for the purpose of satisfying the minimum amount of training for that year. This amount shall be increased by the consumer price index adjustments prescribed in paragraphs (a) and (b) of this subsection. Each training unit shall be approved and certified by the department. Each unit shall be available to property valuation administrators in each office based on continuing service in that office. The department shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish guidelines for the approval and certification of training units.

- (4) Notwithstanding any provision contained in this section, no property valuation administrator holding office on *the effective date of this Act* ~~[July 14, 2000]~~, shall receive any reduction in salary or reduction in adjustment to salary otherwise allowable by the statutes in force on *the effective date of this Act* ~~[July 14, 2000]~~.
- (5) Deputy property valuation administrators and other authorized personnel may be advanced one (1) step in grade upon completion of twelve (12) months' continuous service. The department may make grade classification changes corresponding to any approved for department employees in comparable positions, so long as the changes do not violate the integrity of the classification system. Subject to availability of funds, the department may extend cost-of-living increases approved for department employees to deputy property valuation administrators and other authorized personnel, by advancement in grade.
- (6) Beginning with the 1990-1992 biennium, the department shall prepare a biennial budget request for the staffing of property valuation administrators' offices. An equitable allocation of employee positions to each property valuation administrator's office in the state shall be made on the basis of comparative assessment work units. Assessment work units shall be determined from the most current objective information available from the United States Bureau of the Census and other similar sources of unbiased information. Beginning with the 1996-1998 biennium, assessment work units shall be based on parcel count per employee. The total sum allowed by the state to any property valuation administrator's office as compensation for deputies, other authorized personnel, and for other authorized expenditures shall not exceed the amount fixed by the department. However, each property valuation administrator's office shall be allowed as a minimum such funds that are required to meet the federal minimum wage requirements for two (2) full-time deputies.
- (7) Beginning with the 1990-1992 biennium each property valuation administrator shall submit by June 1 of each year for the following fiscal year to the department a budget request for his office which shall be based upon the number of employee positions allocated to his office under subsection (6) of this section and upon the county and city funds available to his office and show the amount to be expended for deputy and other authorized personnel including employer's share of FICA and state retirement, and other authorized expenses of the office. The department shall return to each property valuation administrator, no later than July 1, an approved budget for the fiscal year.
- (8) Each property valuation administrator may appoint any persons approved by the department to assist him in the discharge of his duties. Each deputy shall be more than twenty-one (21) years of age and may be removed at the pleasure of the property valuation administrator. The salaries of deputies and other authorized personnel shall be fixed by the property valuation administrator in accordance with the grade classification system established by the department and shall be subject to the approval of the department. The Personnel Cabinet shall provide advice and technical assistance to the department in the revision and updating of the personnel classification system, which shall be equitable in all respects to the personnel classification systems maintained for other state employees. Any deputy property valuation administrator employed or promoted to a higher position may be examined by the department in accordance with standards of the Personnel Cabinet, for the position to which he is being appointed or promoted. No state funds available to any property valuation administrator's office as compensation for deputies and other authorized personnel or for other authorized expenditures shall be paid without authorization of the department prior to the employment by the property valuation administrator of deputies or other authorized personnel or the incurring of other authorized expenditures.
- (9) Each county fiscal court shall annually appropriate and pay each fiscal year to the office of the property valuation administrator as its cost for use of the assessment, as required by KRS 132.280, an amount determined as follows:

Assessment Subject to

County Tax of:

At Least	But Less Than	Amount
----	\$100,000,000	\$0.005 for each \$100 of the first \$50,000,000 and \$0.002 for each \$100 over \$50,000,000.
\$100,000,000	150,000,000	\$0.004 for each \$100 of the first \$100,000,000 and \$0.002 for each \$100 over \$100,000,000.
150,000,000	300,000,000	\$0.004 for each \$100 of the first \$150,000,000 and \$0.003 for each \$100 over \$150,000,000.
300,000,000	----	\$0.004 for each \$100.

- (10) The total sum to be paid by the fiscal court to any property valuation administrator's office under the provisions of subsection (9) of this section shall not exceed the limits set forth in the following table:

Assessed Value of Property Subject to

County Tax of:

At Least	But Less Than	Limit
----	\$700,000,000	\$25,000
\$700,000,000	1,000,000,000	35,000
1,000,000,000	2,000,000,000	50,000
2,000,000,000	2,500,000,000	75,000
2,500,000,000	5,000,000,000	100,000
5,000,000,000	7,500,000,000	175,000
7,500,000,000	30,000,000,000	250,000
30,000,000,000	----	400,000

This allowance shall be based on the assessment as of the previous January 1 and shall be used for deputy and other personnel allowance, supplies, maps and equipment, travel allowance for the property valuation administrator and his deputies and other authorized personnel, and other authorized expenses of the office.

- (11) Annually, after appropriation by the county of funds required of it by subsection (9) of this section, and no later than August 1, the property valuation administrator shall file a claim with the county for that amount of the appropriation specified in his approved budget for compensation of deputies and assistants, including employer's shares of FICA and state retirement, for the fiscal year. The amount so requested shall be paid by the county into the State Treasury by September 1, or paid to the property valuation administrator and be submitted to the State Treasury by September 1. These funds shall be expended by the department only for compensation of approved deputies and assistants and the employer's share of FICA and state retirement in the appropriating county. Any funds paid into the State Treasury in accordance with this provision but unexpended by the close of the fiscal year for which they were appropriated shall be returned to the county from which they were received.
- (12) After submission to the State Treasury or to the property valuation administrator of the county funds budgeted for personnel compensation under subsection (11) of this section, the fiscal court shall pay the remainder of the county appropriation to the office of the property valuation administrator on a quarterly basis. Four (4) equal payments shall be made on or before September 1, December 1, March 1, and June 1 respectively. Any unexpended county funds at the close of each fiscal year shall be retained by the property valuation administrator, except as provided in KRS 132.601(2). During county election years the property valuation administrator shall not expend in excess of forty percent (40%) of the allowances available to his office from county funds during the first five (5) months of the fiscal year in which the general election is held.

- (13) The provisions of this section shall apply to urban-county governments and consolidated local governments. In an urban-county government and a consolidated local government, all the rights and obligations conferred on fiscal courts or consolidated local governments by the provisions of this section shall be exercised by the urban-county government or consolidated local government.
- (14) When an urban-county form of government is established through merger of existing city and county governments as provided in KRS Chapter 67A or when a consolidated local government is established through merger of existing city and county governments as provided by KRS Chapter 67C, the annual county assessment shall be presumed to have been adopted as if the city had exercised the option to adopt as provided in KRS 132.285. For purposes of this subsection, the amount to be considered as the assessment for purposes of KRS 132.285 shall be the amount subject to taxation for full urban services.
- (15) Notwithstanding the provisions of subsection (9) of this section, the amount appropriated and paid by each county fiscal court to the office of the property valuation administrator for 1996 and subsequent years shall be equal to the amount paid to the office of the property valuation administrator for 1995, or the amount required by the provisions of subsections (9) and (10) of this section, whichever is greater~~[-~~.
- ~~(16) Notwithstanding this section or any other Kentucky Revised Statute to the contrary, the total compensation for the office of the property valuation administrator in an urban-county government shall be four hundred twenty thousand dollars (\$420,000) per year.~~

➔Section 3. KRS 132.010 is amended to read as follows:

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

- (1) "Department" means the Department of Revenue;
- (2) "Taxpayer" means any person made liable by law to file a return or pay a tax;
- (3) "Real property":
 - (a) ~~Means~~~~includes~~ all lands within this state and improvements thereon; *and*
 - (b) *For property assessed on January 1, 2024, and on January 1, 2025, includes but is not limited to mains, pipes, pipelines, and conduits that are:*
 1. *Authorized to be installed in, upon, or under any public or private street or place; and*
 2. *Used or to be used for or in connection with the collection, transmission, distribution, conducting, sale, or furnishing of heat, steam, water, sewage, natural or manufactured gas, or electricity to or for the public;*
- (4) "Personal property" ~~means~~~~includes~~ every species and character of property, tangible and intangible, other than real property;
- (5) "Resident" means any person who has taken up a place of abode within this state with the intention of continuing to abide in this state; any person who has had his or her actual or habitual place of abode in this state for the larger portion of the twelve (12) months next preceding the date as of which an assessment is due to be made shall be deemed to have intended to become a resident of this state;
- (6) "Compensating tax rate" means that rate which, rounded to the next higher one-tenth of one cent (\$0.001) per one hundred dollars (\$100) of assessed value and applied to the current year's assessment of the property subject to taxation by a taxing district, excluding new property and personal property, produces an amount of revenue approximately equal to that produced in the preceding year from real property. However, in no event shall the compensating tax rate be a rate which, when applied to the total current year assessment of all classes of taxable property, produces an amount of revenue less than was produced in the preceding year from all classes of taxable property. For purposes of this subsection, "property subject to taxation" means the total fair cash value of all property subject to full local rates, less the total valuation exempted from taxation by the homestead exemption provision of the Constitution and the difference between the fair cash value and agricultural or horticultural value of agricultural or horticultural land;
- (7) "Net assessment growth" means the difference between:
 - (a) The total valuation of property subject to taxation by the county, city, school district, or special district in the preceding year, less the total valuation exempted from taxation by the homestead exemption provision of the Constitution in the current year over that exempted in the preceding year; and

- (b) The total valuation of property subject to taxation by the county, city, school district, or special district for the current year;
- (8) "New property" means the net difference in taxable value between real property additions and deletions to the property tax roll for the current year. "Real property additions" shall mean:
- (a) Property annexed or incorporated by a municipal corporation, or any other taxing jurisdiction; however, this definition shall not apply to property acquired through the merger or consolidation of school districts, or the transfer of property from one (1) school district to another;
 - (b) Property, the ownership of which has been transferred from a tax-exempt entity to a nontax-exempt entity;
 - (c) The value of improvements to existing nonresidential property;
 - (d) The value of new residential improvements to property;
 - (e) The value of improvements to existing residential property when the improvement increases the assessed value of the property by fifty percent (50%) or more;
 - (f) Property created by the subdivision of unimproved property, provided, that when the property is reclassified from farm to subdivision by the property valuation administrator, the value of the property as a farm shall be a deletion from that category;
 - (g) Property exempt from taxation, as an inducement for industrial or business use, at the expiration of its tax exempt status;
 - (h) Property, the tax rate of which will change, according to the provisions of KRS 82.085, to reflect additional urban services to be provided by the taxing jurisdiction, provided, however, that the property shall be considered "real property additions" only in proportion to the additional urban services to be provided to the property over the urban services previously provided; and
 - (i) The value of improvements to real property previously under assessment moratorium.
- "Real property deletions" shall be limited to the value of real property removed from, or reduced over the preceding year on, the property tax roll for the current year;
- (9) "Agricultural land" means:
- (a) Any tract of land, including all income-producing improvements, of at least ten (10) contiguous acres in area used for the production of livestock, livestock products, poultry, poultry products and/or the growing of tobacco and/or other crops including timber;
 - (b) Any tract of land, including all income-producing improvements, of at least five (5) contiguous acres in area commercially used for aquaculture; or
 - (c) Any tract of land devoted to and meeting the requirements and qualifications for payments pursuant to agriculture programs under an agreement with the state or federal government;
- (10) "Horticultural land" means any tract of land, including all income-producing improvements, of at least five (5) contiguous acres in area commercially used for the cultivation of a garden, orchard, or the raising of fruits or nuts, vegetables, flowers, or ornamental plants;
- (11) "Agricultural or horticultural value" means the use value of "agricultural or horticultural land" based upon income-producing capability and comparable sales of farmland purchased for farm purposes where the price is indicative of farm use value, excluding sales representing purchases for farm expansion, better accessibility, and other factors which inflate the purchase price beyond farm use value, if any, considering the following factors as they affect a taxable unit:
- (a) Relative percentages of tillable land, pasture land, and woodland;
 - (b) Degree of productivity of the soil;
 - (c) Risk of flooding;
 - (d) Improvements to and on the land that relate to the production of income;
 - (e) Row crop capability including allotted crops other than tobacco;
 - (f) Accessibility to all-weather roads and markets; and

- (g) Factors which affect the general agricultural or horticultural economy, such as: interest, price of farm products, cost of farm materials and supplies, labor, or any economic factor which would affect net farm income;
- (12) "Deferred tax" means the difference in the tax based on agricultural or horticultural value and the tax based on fair cash value;
- (13) "Homestead" means real property maintained as the permanent residence of the owner with all land and improvements adjoining and contiguous thereto including but not limited to lawns, drives, flower or vegetable gardens, outbuildings, and all other land connected thereto;
- (14) "Residential unit" means all or that part of real property occupied as the permanent residence of the owner;
- (15) "Special benefits" are those which are provided by public works not financed through the general tax levy but through special assessments against the benefited property;
- (16) "Manufactured home" means a structure manufactured after June 15, 1976, in accordance with the National Manufactured Housing Construction and Safety Standards Act, transportable in one (1) or more sections, which when erected on site measures eight (8) body feet or more in width and thirty-two (32) body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. It may be used as a place of residence, business, profession, or trade by the owner, lessee, or their assignees and may consist of one (1) or more units that can be attached or joined together to comprise an integral unit or condominium structure;
- (17) "Mobile home" means a structure manufactured on or before June 15, 1976, that was not required to be constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act, transportable in one (1) or more sections, which when erected on site measures eight (8) body feet or more in width and thirty-two (32) body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. It may be used as a place of residence, business, profession, or trade by the owner, lessee, or their assigns and may consist of one (1) or more units that can be attached or joined together to comprise an integral unit or condominium structure;
- (18) "Modular home" means a structure which is certified by its manufacturer as being constructed in accordance with all applicable provisions of the Kentucky Building Code and standards adopted by the local authority which has jurisdiction, transportable in one (1) or more sections, and designed to be used as a dwelling on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein;
- (19) "Prefabricated home" means a manufactured home, a mobile home, or a modular home;
- (20) "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home. As used in this subsection:
 - (a) "Travel trailer" means a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of a size or weight that does not require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than two hundred twenty (220) square feet, excluding built-in equipment (such as wardrobes, closets, cabinets, kitchen units or fixtures) and bath and toilet rooms;
 - (b) "Camping trailer" means a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping, or travel use;
 - (c) "Truck camper" means a portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pick-up truck; and
 - (d) "Motor home" means a vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle;
- (21) "Hazardous substances" shall have the meaning provided in KRS 224.1-400;

- (22) "Pollutant or contaminant" shall have the meaning provided in KRS 224.1-400;
- (23) "Release" shall have the meaning as provided in either or both KRS 224.1-400 and KRS 224.60-115;
- (24) "Qualifying voluntary environmental remediation property" means real property subject to the provisions of KRS 224.1-400 and 224.1-405, or 224.60-135 where the Energy and Environment Cabinet has made a determination that:
- (a) All releases of hazardous substances, pollutants, contaminants, petroleum, or petroleum products at the property occurred prior to the property owner's acquisition of the property;
 - (b) The property owner has made all appropriate inquiry into previous ownership and uses of the property in accordance with generally accepted practices prior to the acquisition of the property;
 - (c) The property owner or a responsible party has provided all legally required notices with respect to hazardous substances, pollutants, contaminants, petroleum, or petroleum products found at the property;
 - (d) The property owner is in compliance with all land use restrictions and does not impede the effectiveness or integrity of any institutional control;
 - (e) The property owner complied with any information request or administrative subpoena under KRS Chapter 224; and
 - (f) The property owner is not affiliated with any person who is potentially liable for the release of hazardous substances, pollutants, contaminants, petroleum, or petroleum products on the property pursuant to KRS 224.1-400, 224.1-405, or 224.60-135, through:
 1. Direct or indirect familial relationship;
 2. Any contractual, corporate, or financial relationship, excluding relationships created by instruments conveying or financing title or by contracts for sale of goods or services; or
 3. Reorganization of a business entity that was potentially liable;
- (25) "Intangible personal property" means stocks, mutual funds, money market funds, bonds, loans, notes, mortgages, accounts receivable, land contracts, cash, credits, patents, trademarks, copyrights, tobacco base, allotments, annuities, deferred compensation, retirement plans, and any other type of personal property that is not tangible personal property;
- (26) (a) "County" means any county, consolidated local government, urban-county government, unified local government, or charter county government;
- (b) "Fiscal court" means the legislative body of any county, consolidated local government, urban-county government, unified local government, or charter county government; and
- (c) "County judge/executive" means the chief executive officer of any county, consolidated local government, urban-county government, unified local government, or charter county government;
- (27) "Taxing district" means any entity with the authority to levy a local ad valorem tax, including special purpose governmental entities;
- (28) "Special purpose governmental entity" shall have the same meaning as in KRS 65A.010, and as used in this chapter shall include only those special purpose governmental entities with the authority to levy ad valorem taxes, and that are not specifically exempt from the provisions of this chapter by another provision of the Kentucky Revised Statutes;
- (29) (a) "Broadcast" means the transmission of audio, video, or other signals, through any electronic, radio, light, or similar medium or method now in existence or later devised over the airwaves to the public in general.
- (b) "Broadcast" shall not apply to operations performed by multichannel video programming service providers as defined in KRS 136.602 or any other operations that transmit audio, video, or other signals, exclusively to persons for a fee;
- (30) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species;
- (31) "Heavy equipment rental agreement" means the short-term rental contract under which qualified heavy equipment is rented without an operator for a period:

- (a) Not to exceed three hundred sixty-five (365) days; or
 - (b) That is open-ended under the terms of the contract with no specified end date;
- (32) "Heavy equipment rental company" means an entity that is primarily engaged in a line of business described in Code 532412 or 532310 of the North American Industry Classification System Manual in effect on January 1, 2019;
- (33) "Qualified heavy equipment" means machinery and equipment, including ancillary equipment and any attachments used in conjunction with the machinery and equipment, that is:
- (a) Primarily used and designed for construction, mining, forestry, or industrial purposes, including but not limited to cranes, earthmoving equipment, well-drilling machinery and equipment, lifts, material handling equipment, pumps, generators, and pollution-reducing equipment; and
 - (b) Held in a heavy equipment rental company's inventory for:
 1. Rental under a heavy equipment rental agreement; or
 2. Sale in the regular course of business;
- (34) "Veteran service organization" means an organization wholly dedicated to advocating on behalf of military veterans and providing charitable programs in honor and on behalf of military veterans;
- (35) "Government restriction on use" means a limitation on the use of at least fifty percent (50%) of the individual dwelling units of a multi-unit rental housing in order to receive a federal or state government incentive based on low-income renter restrictions, including the following government incentives:
- (a) A tax credit under Section 42 of the Internal Revenue Code;
 - (b) Financing derived from exempt facility bonds for qualified residential rental projects under Section 142 of the Internal Revenue Code;
 - (c) A low-interest loan under Section 235 or 236 of the National Housing Act or Section 515 of the Housing Act of 1949;
 - (d) A rent subsidy;
 - (e) A guaranteed loan;
 - (f) A grant; or
 - (g) A guarantee;
- (36) "Low income" means earning at or below eighty percent (80%) of the area median income as defined by the United States Department of Housing and Urban Development for the location of the multi-unit rental housing; and
- (37) "Multi-unit rental housing" means residential property or project consisting of four (4) or more individual dwelling units and does not include:
- (a) Assisted living facilities; or
 - (b) Duplexes or single-family units unless they are included as part of a larger property that is subject to government restriction on use.

➔Section 4. KRS 136.010 is amended to read as follows:

As used in this chapter, except for KRS 136.500 to 136.575, unless the context requires otherwise:

- (1) "Real property":
- (a) ***Means***~~[includes]~~ all lands within this state and improvements thereon; ***and***
 - (b) ***For property assessed on January 1, 2024, and on January 1, 2025, includes but is not limited to mains, pipes, pipelines, and conduits that are:***
 1. ***Authorized to be installed in, upon, or under any public or private street or place; and***
 2. ***Used or to be used for or in connection with the collection, transmission, distribution, conducting, sale, or furnishing of heat, steam, water, sewage, natural or manufactured gas, or electricity to or for the public;***~~[-]~~

- (2) "Personal property" ~~means~~~~includes~~ every species and character of property, tangible and intangible, other than real property;~~†~~
- (3) "Tax exempt United States obligations" ~~means~~~~shall include~~ all obligations of the United States exempt from taxation under 31 *U.S.C. sec.*~~†U.S.C. Section~~ 3124(a) or exempt under the United States Constitution or any federal statute including the obligations of any instrumentality or agency of the United States which are exempt from state or local taxation under the United States Constitution or any statute of the United States; ~~and~~~~†~~
- (4) "Out-of-state business property" means all real and personal property having a taxable situs outside this state owned by a corporation for use in the active conduct of a trade or business.

➔Section 5. Section 1 of this Act shall apply retroactively to January 1, 2024.

➔Section 6. Whereas electric vehicle power dealers are currently remitting the electric vehicle power tax, and it is important to remunerate affected property valuation administrators at the earliest time possible by establishing an adjusted salary schedule, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 17, 2024.

CHAPTER 201

(SB 297)

AN ACT relating to programs of all-inclusive care for the elderly.

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

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

(1) *As used in this section:*

- (a) *"National Background Check Program" or "NBCP" means the enhanced employment background check screening process used by health facilities or services that are licensed under this chapter;*
- (b) *"PACE" means programs of all-inclusive care for the elderly as provided in 42 U.S.C. sec. 1395eee; and*
- (c) *"PACE service provider" means an organization that provides services for the elderly pursuant to and in compliance with an agreement among the provider, the Centers for Medicare and Medicaid Services, and the Kentucky Department for Medicaid Services.*

- (2) *Nothing in this chapter shall be construed to require a PACE service provider to obtain a health facility license to provide PACE services.*
- (3) *A PACE service provider shall be eligible to participate and enroll in the NBCP to perform employment background checks.*

Signed by Governor April 17, 2024.

CHAPTER 202

(HB 272)

AN ACT relating to abandoned infants.

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

➔Section 1. KRS 405.075 is amended to read as follows:

- (1) As used in this section:
 - (a) "Newborn infant" means an infant who is medically determined to be less than thirty (30) days old;
 - (b) "Newborn safety device" means a device:
 1. Designed to permit a parent to anonymously place a newborn infant in the device with the intent to leave the newborn and for an emergency medical services provider to remove the newborn from the device and take custody of the newborn infant;
 2. Installed with an adequate dual alarm system connected to the physical location where the device is physically installed. The dual alarm system shall be:
 - a. Tested at least one (1) time per month to ensure the alarm system is in working order; and
 - b. Visually checked at least two (2) times per day to ensure the alarm system is in working order;
 3. Approved by and physically located inside a participating staffed Class I, Class II, Class III, or Class IV ground ambulance provider, staffed police station, staffed fire station, or staffed hospital that:
 - a. Is licensed or otherwise legally operating in this state; and
 - b. Is staffed continuously on a twenty-four (24) hour basis every day by a licensed emergency medical services provider *except when all licensed emergency medical services providers are temporarily off-site providing emergency medical services as defined in KRS 311A.010*; and
 4. Located in an area that is conspicuous and visible to Class I, Class II, Class III, or Class IV ground ambulance provider, police station, fire station, or hospital staff; and
 - (c) "Participating place of worship" means a recognized place of religious worship that has voluntarily agreed to perform the duty granted in this section and display signage prominently on its premises regarding its participation in this section and its operating hours during which staff will be present.
- (2) A parent shall have the right to remain anonymous, shall not be pursued, and shall not be considered to have abandoned or endangered a newborn infant under KRS Chapters 508 and 530 if the parent:
 - (a) Places a newborn infant:
 1. With an emergency medical services provider;
 2. At a staffed police station, fire station, or hospital;
 3. At a participating place of worship; or
 4. Inside a newborn safety device that meets the requirements of subsection (1) of this section; and
 - (b) Expresses no intent to return for the newborn infant.
- (3)
 - (a) Any emergency medical services provider, police officer, or firefighter who accepts physical custody of a newborn infant, or who physically retrieves a newborn infant from a newborn safety device that meets the requirements of subsection (1) of this section, in accordance with this section shall immediately arrange for the infant to be taken to the nearest hospital emergency room and shall have implied consent to any and all appropriate medical treatment.
 - (b) Any staff member at a participating place of worship who accepts physical custody of a newborn infant in accordance with this section shall immediately contact the 911 emergency telephone service as set forth in KRS 65.750 to 65.760, wireless enhanced 911 system as set forth in KRS 65.7621 to 65.7643, or emergency medical services as set forth in KRS Chapter 311A for transportation to the nearest hospital emergency room.
- (4) By placing a newborn infant in the manner described in this section, the parent:
 - (a) Waives the right to notification required by subsequent court proceedings conducted under KRS Chapter 620 until such time as a claim of parental rights is made; and
 - (b) Waives legal standing to make a claim of action against any person who accepts physical custody of the newborn infant.

- (5) A staffed police station, fire station, hospital, emergency medical facility, or participating place of worship may post a sign easily seen by the public stating that: "This facility is a safe and legal place to surrender a newborn infant who is less than 30 days old. A parent who places a newborn infant at this facility and expresses no intent to return for the infant shall have the right to remain anonymous and not be pursued and shall not be considered to have abandoned or endangered their newborn infant under KRS Chapters 508 and 530."
- (6) Actions taken by an emergency medical services provider, police officer, firefighter, or staff member at a participating place of worship in conformity with the duty granted in this section shall be immune from criminal or civil liability. Nothing in this subsection shall limit liability for negligence.
- (7) The provisions of subsection (2) of this section shall not apply when indicators of child physical abuse or child neglect are present.
- (8) KRS 211.951, 216B.190, 405.075, 620.350, and 620.355 shall be known as "The Representative Thomas J. Burch Safe Infants Act."

➔Section 2. KRS 156.095 is amended to read as follows:

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

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

- (d) The requirements of paragraphs (b) and (c) of this subsection shall apply to public charter schools as a health and safety requirement under KRS 160.1592(1).
- (7) (a) By November 1, 2019, and November 1 of each year thereafter, a minimum of one (1) hour of training on how to respond to an active shooter situation shall be required for all school district employees with job duties requiring direct contact with students. The training shall be provided either in person, by live streaming, or via a video recording prepared by the Kentucky Department of Criminal Justice Training in collaboration with the Kentucky Law Enforcement Council, the Kentucky Department of Education, and the Center for School Safety and may be included in the four (4) days of professional development under KRS 158.070.
 - (b) When a staff member subject to the training requirements of this subsection is initially hired after the training has been provided for the school year, the local district shall provide materials on how to respond to an active shooter situation.
 - (c) The requirements of this subsection shall also apply to public charter schools as a health and safety requirement under KRS 160.1592(1).
- (8) (a) The Kentucky Department of Education shall develop and maintain a list of approved comprehensive evidence-informed trainings on child abuse and neglect prevention, recognition, and reporting that encompass child physical, sexual, and emotional abuse and neglect.
 - (b) The trainings shall be web-based or in-person and cover, at a minimum, the following topics:
 1. Recognizing child physical, sexual, and emotional abuse and neglect;
 2. Reporting suspected child abuse and neglect in Kentucky as required by KRS 620.030 and the appropriate documentation;
 3. Responding to the child; and
 4. Understanding the response of child protective services.
 - (c) The trainings shall include a questionnaire or other basic assessment tool upon completion to document basic knowledge of training components.
 - (d) Each local board of education shall adopt one (1) or more trainings from the list approved by the Department of Education to be implemented by schools.
 - (e) All current school administrators, certified personnel, office staff, instructional assistants, and coaches and extracurricular sponsors who are employed by the school district shall complete the implemented training or trainings by January 31, 2017, and then every two (2) years after.
 - (f) All school administrators, certified personnel, office staff, instructional assistants, and coaches and extracurricular sponsors who are employed by the school district hired after January 31, 2017, shall complete the implemented training or trainings within ninety (90) days of being hired and then every two (2) years after.
 - (g) Every public school shall prominently display the statewide child abuse hotline number administered by the Cabinet for Health and Family Services, ~~and~~ the National Human Trafficking Reporting Hotline number administered by the United States Department for Health and Human Services, **and the Safe Haven Baby Boxes Crisis Line number administered by the Safe Haven Baby Boxes national organization or any equivalent successor entity.**
- (9) The Department of Education shall establish an electronic consumer bulletin board that posts information regarding professional development providers and programs as a service to school district central office personnel, school councils, teachers, and administrators. Participation on the electronic consumer bulletin board shall be voluntary for professional development providers or vendors, but shall include all programs sponsored by the department. Participants shall provide the following information: program title; name of provider or vendor; qualifications of the presenters or instructors; objectives of the program; program length; services provided, including follow-up support; costs for participation and costs of materials; names of previous users of the program, addresses, and telephone numbers; and arrangements required. Posting information on the bulletin board by the department shall not be viewed as an endorsement of the quality of any specific provider or program.
- (10) The Department of Education shall provide training to address the characteristics and instructional needs of students at risk of school failure and most likely to drop out of school. The training shall be developed to meet

the specific needs of all certified and classified personnel depending on their relationship with these students. The training for instructional personnel shall be designed to provide and enhance skills of personnel to:

- (a) Identify at-risk students early in elementary schools as well as at-risk and potential dropouts in the middle and high schools;
 - (b) Plan specific instructional strategies to teach at-risk students;
 - (c) Improve the academic achievement of students at risk of school failure by providing individualized and extra instructional support to increase expectations for targeted students;
 - (d) Involve parents as partners in ways to help their children and to improve their children's academic progress; and
 - (e) Significantly reduce the dropout rate of all students.
- (11) The department shall establish teacher academies to the extent funding is available in cooperation with postsecondary education institutions for elementary, middle school, and high school faculty in core disciplines, utilizing facilities and faculty from universities and colleges, local school districts, and other appropriate agencies throughout the state. Priority for participation shall be given to those teachers who are teaching core discipline courses for which they do not have a major or minor or the equivalent. Participation of teachers shall be voluntary.
- (12) The department shall annually provide to the oversight council established in KRS 15A.063, the information received from local schools pursuant to KRS 158.449.

Signed by Governor April 17, 2024.

CHAPTER 203

(SB 167)

AN ACT relating to public school students' communication skills.

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

➔Section 1. KRS 156.160 is amended to read as follows:

- (1) With the advice of the Local Superintendents Advisory Council, the Kentucky Board of Education shall promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance. These regulations shall comply with the expected outcomes for students and schools set forth in KRS 158.6451. Administrative regulations shall be promulgated for the following:
- (a) Courses of study for the different grades and kinds of common schools identifying the common curriculum content directly tied to the goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and 158.6453 and distributed to local school districts and schools. The administrative regulations shall provide that:
 - 1. If a school offers American sign language, the course shall be accepted as meeting the foreign language requirements in common schools notwithstanding other provisions of law;
 - 2. If a school offers the Reserve Officers Training Corps program, the course shall be accepted as meeting the physical education requirement for high school graduation notwithstanding other provisions of law;~~and~~
 - 3. Every public middle and high school's curriculum shall include instruction on the Holocaust and other cases of genocide, as defined by the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, that a court of competent jurisdiction, whether a court in the United States or the International Court of Justice, has determined to have been committed by applying rigorous standards of due process; *and*

4. ***Beginning in the 2025-2026 school year, cursive writing shall be included as a course of study in all elementary schools and shall be designed to ensure proficiency in cursive writing by the end of grade five (5);***
- (b) Courses of study or educational experiences available to students in all middle and high schools to fulfill the prerequisites for courses in advanced science and mathematics as defined in KRS 158.845;
 - (c) The acquisition and use of educational equipment for the schools as recommended by the Council for Education Technology;
 - (d) The minimum requirements for high school graduation in light of the expected outcomes for students and schools set forth in KRS 158.6451. The minimum requirements shall not include achieving any postsecondary readiness indicator as described in KRS 158.6455 or any minimum score on a statewide assessment administered under KRS 158.6453. Student scores from any assessment administered under KRS 158.6453 that are determined by the department's technical advisory committee to be valid and reliable at the individual level shall be included on the student transcript. The department's technical advisory committee shall submit its determination to the commissioner of education and the Legislative Research Commission;
 - (e) The requirements for an alternative high school diploma for students with disabilities whose individualized education program indicates that, in accordance with 20 U.S.C. sec. 1414(d)(1)(A):
 - 1. The student cannot participate in the regular statewide assessment; and
 - 2. An appropriate alternate assessment has been selected for the student based upon a modified curriculum and an individualized course of study;
 - (f) Taking and keeping a school census, and the forms, blanks, and software to be used in taking and keeping the census and in compiling the required reports. The board shall create a statewide student identification numbering system based on students' Social Security numbers. The system shall provide a student identification number similar to, but distinct from, the Social Security number, for each student who does not have a Social Security number or whose parents or guardians choose not to disclose the Social Security number for the student;
 - (g) Sanitary and protective construction of public school buildings, toilets, physical equipment of school grounds, school buildings, and classrooms. With respect to physical standards of sanitary and protective construction for school buildings, the Kentucky Board of Education shall adopt the Uniform State Building Code;
 - (h) Medical inspection, physical and health education and recreation, and other regulations necessary or advisable for the protection of the physical welfare and safety of the public school children. The administrative regulations shall set requirements for student health standards to be met by all students in grades four (4), eight (8), and twelve (12) pursuant to the outcomes described in KRS 158.6451. The administrative regulations shall permit a student who received a physical examination no more than six (6) months prior to his or her initial admission to Head Start to substitute that physical examination for the physical examination required by the Kentucky Board of Education of all students upon initial admission to the public schools, if the physical examination given in the Head Start program meets all the requirements of the physical examinations prescribed by the Kentucky Board of Education;
 - (i) A vision examination by an optometrist or ophthalmologist that shall be required by the Kentucky Board of Education. The administrative regulations shall require evidence that a vision examination that meets the criteria prescribed by the Kentucky Board of Education has been performed. This evidence shall be submitted to the school no later than January 1 of the first year that a three (3), four (4), five (5), or six (6) year-old child is enrolled in a public school, public preschool, or Head Start program;
 - (j)
 - 1. Beginning with the 2010-2011 school year, a dental screening or examination by a dentist, dental hygienist, physician, registered nurse, advanced practice registered nurse, or physician assistant that shall be required by the Kentucky Board of Education. The administrative regulations shall require evidence that a dental screening or examination that meets the criteria prescribed by the Kentucky Board of Education has been performed. This evidence shall be submitted to the school no later than January 1 of the first year that a five (5) or six (6) year-old child is enrolled in a public school.
 - 2. A child shall be referred to a licensed dentist if a dental screening or examination performed by anyone other than a licensed dentist identifies the possibility of dental disease;

- (k) The transportation of children to and from school;
 - (l) The fixing of holidays on which schools may be closed and special days to be observed, and the pay of teachers during absence because of sickness or quarantine or when the schools are closed because of quarantine;
 - (m) The preparation of budgets and salary schedules for the several school districts under the management and control of the Kentucky Board of Education;
 - (n) A uniform series of forms and blanks, educational and financial, including forms of contracts, for use in the several school districts;
 - (o) The disposal of real and personal property owned by local boards of education; and
 - (p) The development and implementation of procedures, for all students who are homeless children and youths as defined in 42 U.S.C. sec. 11434a(2), to do the following:
 - 1. Awarding and accepting of credit, including partial credit, for all coursework satisfactorily completed by a student while enrolled at another school;
 - 2. Allowing a student who was previously enrolled in a course required for graduation the opportunity, to the extent practicable, to complete the course, at no cost to the student, before the beginning of the next school year;
 - 3. Awarding a diploma, at the student's request, by a district from which the student transferred, if the student transfers schools at any time after the completion of the student's second year of high school and the student is ineligible to graduate from the district to which the student transfers, but meets the graduation requirements of the district from which the student transferred; and
 - 4. Exempting the student from all coursework and other requirements imposed by the local board of education that are in addition to the minimum requirements for high school graduation established by the Kentucky Board of Education pursuant to paragraph (d) of this subsection in the district to which the student transfers, if the student transfers schools at any time after the completion of the student's second year of high school and the student is ineligible to graduate both from the district to which the student transfers and the district from which the student transferred.
- (2) (a) At the request of a local board of education or a school council, a local school district superintendent shall request that the Kentucky Board of Education waive any administrative regulation promulgated by that board. Beginning in the 1996-97 school year, a request for waiver of any administrative regulation shall be submitted to the Kentucky Board of Education in writing with appropriate justification for the waiver. The Kentucky Board of Education may approve the request when the school district or school has demonstrated circumstances that may include but are not limited to the following:
- 1. An alternative approach will achieve the same result required by the administrative regulation;
 - 2. Implementation of the administrative regulation will cause a hardship on the school district or school or jeopardize the continuation or development of programs; or
 - 3. There is a finding of good cause for the waiver.
- (b) The following shall not be subject to waiver:
- 1. Administrative regulations relating to health and safety;
 - 2. Administrative regulations relating to civil rights;
 - 3. Administrative regulations required by federal law; and
 - 4. Administrative regulations promulgated in accordance with KRS 158.6451, 158.6453, 158.6455, and this section, relating to measurement of performance outcomes and determination of successful districts or schools, except upon issues relating to the grade configuration of schools.
- (c) Any waiver granted under this subsection shall be subject to revocation upon a determination by the Kentucky Board of Education that the school district or school holding the waiver has subsequently failed to meet the intent of the waiver.

- (3) Any private, parochial, or church school may voluntarily comply with curriculum, certification, and textbook standards established by the Kentucky Board of Education and be certified upon application to the board by such schools.
- (4) Any public school that violates the provisions of KRS 158.854 shall be subject to a penalty to be assessed by the commissioner of education as follows:
 - (a) The first violation shall result in a fine of no less than one (1) week's revenue from the sale of the competitive food;
 - (b) Subsequent violations shall result in a fine of no less than one (1) month's revenue from the sale of the competitive food;
 - (c) "Habitual violations," which means five (5) or more violations within a six (6) month period, shall result in a six (6) month ban on competitive food sales for the violating school; and
 - (d) Revenue collected as a result of the fines in this subsection shall be transferred to the food service fund of the local school district.

➔Section 2. KRS 158.6453 is amended to read as follows:

- (1) As used in this section:
 - (a) "Accelerated learning" means an organized way of helping students meet individual academic goals by providing direct instruction to eliminate student performance deficiencies or enable students to move more quickly through course requirements and pursue higher level skill development;
 - (b) "Constructed-response items" or "performance-based items" means individual test items that require the student to create an answer rather than select a response and may include fill-in-the-blank, short-answer, extended-answer, open-response, and writing-on-demand formats;
 - (c) "Criterion-referenced test" means a test that is aligned with defined academic content standards and measures an individual student's level of performance against the standards;
 - (d) "End-of-course examination" means the same as defined in KRS 158.860;
 - (e) "Formative assessment" means a process used by teachers and students during instruction to adjust ongoing teaching and learning to improve students' achievement of intended instructional outcomes. Formative assessments may include the use of commercial assessments, classroom observations, teacher-designed classroom tests and assessments, and other processes and assignments to gain information about individual student learning;
 - (f) "Interim assessments" means assessments that are given periodically throughout the year to provide diagnostic information and to show individual student performance against content standards;
 - (g) "Summative assessment" means an assessment given at the end of the school year, semester, or other period of time to evaluate students' performance against content standards within a unit of instruction or a course; and
 - (h) "Writing" means a purposeful act of thinking and expression that uses language to explore ideas and communicate meaning to others. Writing is a complex, multifaceted act of communication ***and is distinct from basic handwriting or penmanship.***
- (2) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the Kentucky Department of Education shall implement a process for reviewing Kentucky's academic standards and the alignment of corresponding assessments for possible revision or replacement to ensure alignment with transition readiness standards necessary for global competitiveness, state career and technical education standards, and KRS 158.196.
- (b) The revisions to the content standards shall:
 1. Focus on critical knowledge, skills, and capacities needed for success in the global economy;
 2. Result in fewer but more in-depth standards to facilitate mastery learning;
 3. Communicate expectations more clearly and concisely to teachers, parents, students, and citizens;
 4. Be based on evidence-based research;

5. Consider international benchmarks; and
 6. Ensure that the standards are aligned from elementary to high school to postsecondary education so that students can be successful at each education level.
- (c)
1. The department shall establish four (4) standards and assessments review committees, with each committee composed of a minimum of six (6) Kentucky public school teachers and a minimum of two (2) representatives from Kentucky institutions of higher education, including at least one (1) representative from a public institution of higher education. Each committee member shall teach in the subject area that his or her committee is assigned to review and have no prior or current affiliation with a curriculum or assessment resources vendor.
 2. One (1) of the four (4) committees shall be assigned to focus on the review of language arts and writing academic standards and assessments, one (1) on the review of mathematics academic standards and assessments, one (1) on the review of science academic standards and assessments, and one (1) on the review of social studies academic standards and assessments.
- (d)
1. The department shall establish twelve (12) advisory panels to advise and assist each of the four (4) standards and assessments review committees.
 2. Three (3) advisory panels shall be assigned to each standards and assessments review committee. One (1) panel shall review the standards and assessments for kindergarten through grade five (5), one (1) shall review the standards and assessments for grades six (6) through eight (8), and one (1) shall review the standards and assessments for grades nine (9) through twelve (12).
 3. Each advisory panel shall be composed of at least one (1) representative from a Kentucky institution of higher education and a minimum of six (6) Kentucky public school teachers who teach in the grade level and subject reviewed by the advisory panel to which they are assigned and have no prior or current affiliation with a curriculum or assessment resources vendor.
- (e)
- The commissioner of education and the president of the Council on Postsecondary Education shall also provide consultants for the standards and assessments review committees and the advisory panels who are business and industry professionals actively engaged in career fields that depend on the various content areas.
- (f)
1. The standards and assessments process review committee is hereby established and shall be composed of the commissioner of education or designee as a nonvoting member and nine (9) voting representatives of public schools, of whom at least two (2) shall be parents of public school students, appointed by the Governor and confirmed by the Senate in accordance with KRS 11.160 as follows:
 - a. One (1) language arts teacher;
 - b. One (1) math teacher;
 - c. One (1) science teacher;
 - d. One (1) social studies teacher;
 - e. Two (2) school principals;
 - f. Two (2) school superintendents; and
 - g. One (1) school board member.
 2. On making appointments to the committee, the Governor shall ensure broad geographical urban and rural representation and representation of elementary, middle, and high school levels; ensure equal representation of the two (2) sexes, inasmuch as possible; and ensure that appointments reflect the minority racial composition of the Commonwealth.
 3. The review of the committee shall be limited to the procedural aspects of the review process undertaken prior to its consideration.
 4. Notwithstanding KRS 12.028, the committee shall not be subject to reorganization by the Governor.
- (g)
1. The review process implemented under this subsection shall be an open, transparent process that allows all Kentuckians an opportunity to participate. The department shall ensure the public's

assistance in reviewing and suggesting changes to the standards and alignment adjustments to corresponding state assessments by establishing a Web site dedicated to collecting comments by the public and educators. An independent third party, which has no prior or current affiliation with a curriculum or assessment resources vendor, shall be selected by the department to collect and transmit the comments to the department for dissemination to the appropriate advisory panel for review and consideration.

2. Each advisory panel shall review the standards and assessments for its assigned subject matter and grade level and the suggestions made by the public and educators. After completing its review, each advisory panel shall make recommendations for changes to the standards and alignment adjustments for assessments to the appropriate standards and assessments review committee.
 3. Each standards and assessments review committee shall review the findings and make recommendations to revise or replace existing standards and to adjust alignment of assessments.
 4. The recommendations shall be published on the Web site established in this subsection for the purpose of gathering additional feedback from the public. The commissioner shall subsequently present the recommendations and the public feedback to the Interim Joint Committee on Education.
 5. The commissioner shall subsequently provide a report to the standards and assessments process review committee summarizing the process conducted under this subsection and the resulting recommendations. The report shall include but not be limited to the timeline of the review process, public feedback, and responses from the Interim Joint Committee on Education.
 6. After receiving the commissioner's report, the standards and assessments process review committee shall either concur that stakeholders have had adequate opportunity to provide input on standards and the corresponding alignment of state assessments or find the input process deficient. If the process is found deficient, the recommendations may be returned to the appropriate standards and assessments review committee for review as described in subparagraph 3. of this paragraph. If the process is found sufficient, the recommendations shall be forwarded without amendment to the Kentucky Board of Education.
- (h) The Kentucky Board of Education shall promulgate administrative regulations in accordance with KRS Chapter 13A as may be needed for the administration of the review process, including staggering the timing and sequence of the review process by subject area and remuneration of the review committees and advisory panels described in paragraphs (c) and (d) of this subsection.
- (i)
1. The Kentucky Board of Education shall consider for approval the revisions to academic standards for a content area and the alignment of the corresponding state assessment once recommendations are received from the standards and assessments process review committee. Existing state academic standards shall remain in place until the board approves new standards.
 2. Any revision to, or replacement of, the academic standards and assessments as a result of the review process conducted under this subsection shall be implemented in Kentucky public schools no later than the second academic year following the review process. Existing academic standards shall be used until new standards are implemented.
 3. The Department of Education shall disseminate the academic content standards to the schools and teacher preparation programs.
- (j) The Department of Education shall provide or facilitate statewide training sessions for existing teachers and administrators on how to:
1. Integrate the revised content standards into classroom instruction;
 2. Better integrate performance assessment of students within their instructional practices; and
 3. Help all students use higher-order thinking and communication skills.
- (k) The Education Professional Standards Board in cooperation with the Kentucky Board of Education and the Council on Postsecondary Education shall coordinate information and training sessions for faculty and staff in all of the teacher preparation programs in the use of the revised academic content standards. The Education Professional Standards Board shall ensure that each teacher preparation program

includes use of the academic standards in the pre-service education programs and that all teacher interns will have experience planning classroom instruction based on the revised standards.

- (1) The Council on Postsecondary Education in cooperation with the Kentucky Department of Education and the postsecondary education institutions in the state shall coordinate information sessions regarding the academic content standards for faculty who teach in the various content areas.
- (3)
 - (a) The Kentucky Board of Education shall be responsible for creating and implementing a balanced statewide assessment program that measures the students', schools', and districts' achievement of the goals set forth in KRS 158.645 and 158.6451, to ensure compliance with the federal Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, and to ensure school accountability.
 - (b) The board shall revise the annual statewide assessment program as needed in accordance with revised academic standards and corresponding assessment alignment adjustments approved by the board under subsection (2) of this section.
 - (c) The statewide assessments shall not include any academic standards not approved by the board under subsection (2) of this section.
 - (d) The board shall seek the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; the Education Assessment and Accountability Review Subcommittee, and the department's technical advisory committee in the development of the assessment program. The statewide assessment program shall not include measurement of a student's ability to become a self-sufficient individual or to become a responsible member of a family, work group, or community.
- (4)
 - (a) The academic components of the statewide assessment program shall be composed of annual student summative tests, which may include a combination of multiple competency-based assessment and performance measures approved by the Kentucky Board of Education.
 - (b) The annual student summative tests shall:
 1. Measure individual student achievement in language, reading, English, mathematics, science, and social studies at designated grades;
 2. Provide teachers and parents a valid and reliable comprehensive analysis of skills mastered by individual students;
 3. Provide diagnostic information that identifies strengths and academic deficiencies of individual students in the content areas;
 4. Provide information to teachers that can enable them to improve instruction for current and future students;
 5. Provide longitudinal profiles for students; and
 6. Ensure school and district accountability for student achievement of the goals set forth in KRS 158.645 and 158.6451, except the statewide assessment program shall not include measurement of a student's ability to become a self-sufficient individual or to become a responsible member of a family, work group, or community.
- (5) The state student assessments shall include the following components:
 - (a) Elementary and middle grades requirements are:
 1. A criterion-referenced test each in mathematics and reading in grades three (3) through eight (8) that is valid and reliable for an individual student and that measures the depth and breadth of Kentucky's academic content standards;
 2. A criterion-referenced test each in science and social studies that is valid and reliable for an individual student as necessary to measure the depth and breadth of Kentucky's academic content standards to be administered one (1) time within the elementary and middle grades, respectively;
 3. An on-demand assessment of student writing to be administered one (1) time within the elementary grades and one (1) time within the middle grades; and
 4. An editing and mechanics test relating to writing, using multiple choice and constructed response items, to be administered one (1) time within the elementary and the middle grades, respectively;

- (b) High school requirements are:
 - 1. A criterion-referenced test in mathematics, reading, and science that is valid and reliable for an individual student and that measures the depth and breadth of Kentucky's academic content standards to be administered one (1) time within the high school grades;
 - 2. A criterion-referenced test in social studies that is valid and reliable for an individual student as necessary to measure the depth and breadth of Kentucky's academic content standards to be administered one (1) time within the high school grades;
 - 3. An on-demand assessment of student writing to be administered one (1) time within the high school grades;
 - 4. An editing and mechanics test relating to writing, using multiple choice and constructed response items, to be administered one (1) time within the high school grades; and
 - 5. A college admissions examination to assess English, reading, mathematics, and science in the spring of grade eleven (11);
 - (c) The Kentucky Board of Education shall add any other component necessary to comply with the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, as determined by the United States Department of Education;
 - (d) The criterion-referenced components required in this subsection shall be composed of constructed response items and multiple choice items;
 - (e) The Kentucky Board of Education may incorporate end-of-course examinations into the assessment program to be used in lieu of requirements for criterion-referenced tests required under paragraph (b) of this subsection; and
 - (f) The results of the assessment program developed under this subsection shall be used by schools and districts to determine appropriate instructional modifications for all students in order for students to make continuous progress, including that needed by advanced learners.
- (6) Each school district shall administer the statewide student assessment during the last fourteen (14) days of school in the district's instructional calendar. The Kentucky Board of Education may change the testing window to allow for innovative assessment systems or other online test administration and shall promulgate administrative regulations that minimize the number of days of testing and outline the procedures to be used during the testing process to ensure test security, including procedures for testing makeup days, and to comply with federal assessment requirements.
 - (7) A student enrolled in a district-operated or district-contracted alternative program shall participate in the appropriate assessments required by this section.
 - (8) A local school district may select and use commercial interim or formative assessments or develop and use its own formative assessments to provide data on how well its students are growing toward mastery of Kentucky academic standards, so long as the district's local school board develops a policy minimizing the reduction in instructional time related to the administration of the interim assessments. Nothing in this section precludes teachers from using ongoing teacher-developed formative processes.
 - (9) Each school that enrolls primary students shall use diagnostic assessments and prompts that measure readiness in reading and mathematics for its primary students as determined by the school to be developmentally appropriate. The schools may use commercial products, use products and procedures developed by the district, or develop their own diagnostic procedures. The results shall be used to inform the teachers and parents or guardians of each student's skill level.
 - (10) The state board shall ensure that a technically sound longitudinal comparison of the assessment results for the same students shall be made available.
 - (11) The following provisions shall apply to the college admissions examination described in subsection (5)(b)5. of this section:
 - (a) The cost of the college admissions examination administered to students in high school shall be paid for by the Kentucky Department of Education. The costs of additional college admissions examinations shall be the responsibility of the student;

- (b) If funds are available, the Kentucky Department of Education shall provide a college admissions examination preparation program to all public high school juniors. The department may contract for necessary services; and
 - (c) Accommodations provided to a student with a disability taking the college admissions assessment under this subsection shall consist of:
 - 1. Accommodations provided in a manner allowed by the college admissions assessment provider when results in test scores are reportable to a postsecondary institution for admissions and placement purposes, except as provided in subparagraph 2. of this paragraph; or
 - 2. Accommodations provided in a manner allowed by a student's individualized education program as defined in KRS 158.281 for a student whose disability precludes valid assessment of his or her academic abilities using the accommodations provided under subparagraph 1. of this paragraph when the student's scores are not reportable to a postsecondary institution for admissions and placement purposes.
- (12) Kentucky teachers shall have a significant role in providing feedback about the design of the assessments, except for the college admissions exam described in subsection (5)(b)5. of this section. The assessments shall be designed to:
- (a) Measure grade appropriate core academic content, basic skills, and higher-order thinking skills and their application;
 - (b) Provide valid and reliable scores for schools. If scores are reported for students individually, they shall be valid and reliable;
 - (c) Minimize the time spent by teachers and students on assessment; and
 - (d) Assess Kentucky academic standards only.
- (13) The results from assessment under subsections (3) and (5) of this section shall be reported to the school districts and schools no later than seventy-five (75) days following the last day the assessment can be administered. Assessment reports provided to the school districts and schools shall include an electronic copy of an operational subset of test items from each assessment administered to their students and the results for each of those test items by student and by school.
- (14) The Department of Education shall gather information to establish the validity of the assessment and accountability program. It shall develop a biennial plan for validation studies that shall include but not be limited to the consistency of student results across multiple measures, the congruence of school scores with documented improvements in instructional practice and the school learning environment, and the potential for all scores to yield fair, consistent, and accurate student performance level and school accountability decisions. Validation activities shall take place in a timely manner and shall include a review of the accuracy of scores assigned to students and schools, as well as of the testing materials. The plan shall be submitted to the Commission by July 1 of the first year of each biennium. A summary of the findings shall be submitted to the Legislative Research Commission by September 1 of the second year of the biennium.
- (15) The Department of Education and the state board shall offer optional assistance to local school districts and schools in developing and using continuous assessment strategies needed to ensure student progress. The continuous assessment shall provide diagnostic information to improve instruction to meet the needs of individual students.
- (16) The Administration Code for Kentucky's Assessment Program shall include prohibitions of inappropriate test preparation activities by school district employees charged with test administration and oversight, including but not limited to the issue of teachers being required to do test practice in lieu of regular classroom instruction and test practice outside the normal work day. The code shall include disciplinary sanctions that may be taken toward a school or individuals.
- (17) The Kentucky Board of Education, after the Department of Education has received advice from the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the department's technical advisory committee, shall promulgate an administrative regulation under KRS Chapter 13A to establish the components of a reporting structure for assessments administered under this section. The reporting structure shall include the following components:
- (a) A school report card that clearly communicates with parents and the public about school performance. The school report card shall be sent to the parents of the students of the districts, and information on

electronic access to a summary of the results for the district shall be published in the newspaper with the largest circulation in the county. It shall include but not be limited to the following components reported by race, gender, and disability when appropriate:

1. Student academic achievement, including the results from each of the assessments administered under this section;
 2. For Advanced Placement, Cambridge Advanced International, and International Baccalaureate, the courses offered, the number of students enrolled, completing, and taking the examination for each course, and the percentage of examinees receiving a score of three (3) or better on AP examinations, a score of "e" or better on Cambridge Advanced International examinations, or a score of four (4) or better on IB examinations. The data shall be disaggregated by gender, race, students with disabilities, and economic status;
 3. Nonacademic achievement, including the school's attendance, retention, graduation rates, and student transition to postsecondary;
 4. School learning environment, including measures of parental involvement; and
 5. Any other school performance data required by the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor;
- (b) An individual student report to parents for each student in grades three (3) through eight (8) summarizing the student's skills in reading, science, social studies, and mathematics. The school's staff shall develop a plan for accelerated learning for any student with identified deficiencies or strengths; and
- (c) A student's score on the college admissions assessment administered under subsection (5)(b)5. of this section.
- (18) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the Kentucky Department of Education shall implement a comprehensive process for reviewing and revising the academic standards in visual and performing arts and practical living skills and career studies for all levels and in foreign language for middle and high schools. The department shall develop review committees for the standards for each of the content areas that include representation from certified specialist public school teachers and postsecondary teachers in those subject areas.
- (b) The academic standards in practical living skills for elementary, middle, and high school levels shall include a focus on drug abuse prevention, with an emphasis on the prescription drug epidemic and the connection between prescription opioid abuse and addiction to other drugs, such as heroin and synthetic drugs.
- (c) The department shall provide to all schools guidelines for programs that incorporate the adopted academic standards in visual and performing arts and practical living and career studies. The department shall provide to middle and high schools guidelines for including a foreign language program. The guidelines shall address program length and time, courses offered, staffing, resources, and facilities.
- (d) The Kentucky Department of Education, in consultation with certified public school teachers of visual and performing arts, may develop program standards for the visual and performing arts.
- (19) The Kentucky Department of Education shall provide to all school districts guidelines for including an effective writing program within the curriculum.
- (20) (a) The Kentucky Department of Education, in consultation with the review committees described in subsection (18) of this section, shall develop a school profile report to be used by all schools to document how they will address the adopted academic standards in their implementation of the programs as described in subsection (18) of this section, which may include student opportunities and experiences in extracurricular activities. The department shall include the essential workplace ethics program on the school profile report.
- (b) By October 1 of each year, each school principal shall complete the school profile report, which shall be signed by the members of the school council, or the principal if no school council exists, and the superintendent. The report shall be electronically transmitted to the Kentucky Department of Education, and the original shall be maintained on file at the local board office and made available to the public upon request. The department shall include a link to each school's profile report on its Web site.

- (c) If a school staff member, student, or a student's parent has concerns regarding deficiencies in a school's implementation of the programs described in subsection (18) of this section, he or she may submit a written inquiry to the school council.

Signed by Governor April 17, 2024.

CHAPTER 204

(SB 249)

AN ACT relating to sex offenders.

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

➔SECTION 1. A NEW SECTION OF KRS 17.500 TO 17.580 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section, "social media platform":*

(a) *Means a website or application that is open to the public, allows a user to create an account, and enables users to do all of the following:*

1. *Interact socially with other users within the confines of the website or application;*
2. *Construct a public or semipublic profile for the purpose of signing into and using the website or application;*
3. *Populate a list of other users with whom an individual shares or has the ability to share a social connection within the website or application; and*
4. *Create or post content viewable by others, including on message boards, chat rooms, video channels, direct or private messages, or chats, or on a landing page or main feed that presents the user with content generated by other users; and*

(b) *Does not include:*

1. *A broadband internet access service as defined by the Federal Communications Commission;*
2. *An electronic mail service;*
3. *A search engine service;*
4. *A cloud storage or cloud computing service;*
5. *An online service, application, or website in which interaction between users is limited to reviewing products offered for sale by electronic commerce or commenting on reviews posted by other users; or*
6. *An online service, application, or website:*
 - a. *That consists primarily of information or content that is not user-generated but is preselected by the provider; and*
 - b. *For which any chat, comments, or interactive functionality is incidental to, directly related to, or dependent upon the provision of the content described by subdivision a. of this subparagraph.*

(2) *A registrant who has committed a criminal offense against a victim who is a minor shall not create or have control of an account on a social media platform unless the account displays his or her full legal name.*

(3) *This section shall apply retroactively.*

(4) *Any person who violates subsection (2) of this section shall be guilty of a Class A misdemeanor for the first offense, and a Class D felony for a second or subsequent offense.*

Signed by Governor April 17, 2024.

CHAPTER 205**(HB 657)**

AN ACT relating to transfers of land.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 382 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "plat" and "subdivision" have the same meaning as in KRS 100.111.*
- (2) *This section shall apply to sales and transfers of land in a county which has not adopted regulations under KRS Chapter 100 relating to the subdivision of land within its boundaries.*
- (3)
 - (a) *A person owning land comprising a subdivision, or his or her agent, shall not sell or transfer any lot or parcel of land located within the subdivision by reference to, by exhibition of, or by any other use of a plat of the subdivision, before the plat has been recorded at the expense of the subdivider in the office of the county clerk. Any such instrument of sale or transfer shall be void and shall not be recorded unless the subdivision plat is subsequently recorded, but all rights of a purchaser to damages are hereby preserved.*
 - (b) *The description of a lot or parcel of land subject to paragraph (a) of this subsection by metes and bounds in any instrument of sale or transfer or other document used in the process of selling or transferring the land shall not exempt the person attempting to sell or transfer from recording a plat of the subdivision, or from penalties under this section, or deprive the purchaser of any rights or remedies he or she may otherwise have. Provided, however, a person, or his or her agent, may agree to sell any lot or parcel of land located within a subdivision by reference to an unrecorded plat or by reference to a metes and bounds description of the lot or parcel, and any such executory contract of sale or option to purchase that does so may be recorded and shall be valid and enforceable so long as the subdivision plat is subsequently recorded.*
 - (c) *The plat shall be in the form of a rectangle, and the county clerk shall not be required to record a plat exceeding twenty-four (24) inches on one (1) side and thirty-six (36) inches on the other. Each county clerk shall provide a plat cabinet with an appropriate index for those plats which are too large to be placed in a plat book.*
- (4) *A person, owner, or agent who violates this section shall, upon conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.*

Signed by Governor April 18, 2024.

CHAPTER 206**(HB 40)**

AN ACT relating to water and wastewater systems.

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

➔SECTION 1. A NEW SECTION OF SUBCHAPTER 10 OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

- (1) *The Kentucky Board of Certification of Water and Wastewater System Operators is hereby established. The board shall recommend qualified applicants to the cabinet for certification and perform other acts as may be necessary to carry out the purposes of this section. Members of the board shall be appointed by the Governor. The board shall consist of eight (8) members who shall have professional backgrounds as follows:*

- (a) *One (1) employee of a municipality who holds the position of either city manager, city engineer, director of public works, or the equivalent thereof;*
 - (b) *One (1) member who is a faculty member of a college, university, or professional school whose major field is related to water treatment, water distribution, or wastewater treatment;*
 - (c) *One (1) ex officio member representing the cabinet;*
 - (d) *One (1) member who is an operator of an industrial wastewater system;*
 - (e) *Two (2) members currently employed as operators holding valid water treatment or water distribution certificates; and*
 - (f) *Two (2) members currently employed as operators holding valid wastewater certificates.*
- (2) *After the expiration of the initial appointments, board members shall serve four (4) year terms. The ex officio member representing the cabinet shall serve as executive secretary and treasurer and shall be responsible for maintaining records. The members of the board shall serve without compensation, but may be reimbursed for all actual and necessary expenses incurred while discharging their official duties. At least five (5) members of the board shall constitute a quorum.*
- (3) *On or before December 31, 2024, the board, working in conjunction with the Drinking Water Advisory Workgroup and the Clean Water Advisory Workgroup, shall submit to the cabinet recommendations for the establishment of the following voluntary certification programs for supervisors or certified operators of water treatment plants, water distribution systems, public or private sewage systems, or any portions thereof:*
- (a) *A voluntary certification program for supervisors of certified operators, which shall be available to any current supervisor or any certified operator interested in taking on a supervisory role at his or her system or plant. Supervisor certifications recommended under this subsection shall be classified by the size, type, and physical characteristics of the systems they supervise, in the same manner as operator certifications;*
 - (b) *A voluntary shared services certification program for supervisors or certified operators working in, or interested in working in, regionalized systems or plants that serve multiple communities. The voluntary shared services certifications recommended under this subsection shall be classified by the size, type, and physical characteristics of the systems they supervise, in the same manner as operator certifications; and*
 - (c) *A program or strategy for recruiting applicants to work in the operation of systems or plants who are not currently participating in any apprenticeships or certification programs administered by the cabinet.*

➔Section 2. KRS 223.160 is amended to read as follows:

- (1) It is the intent of KRS 223.160 to 223.220,~~and~~ 223.991, *and Section 1 of this Act* that every operator in responsible charge of a water treatment plant or water distribution system be required to hold a valid and effective certificate of competency issued by the Energy and Environment Cabinet in a class equal to or higher than the class of the particular treatment plant or distribution system where he is currently employed in order to protect the public health. Operators other than those in responsible charge of such facilities shall also be eligible to apply for certification.
- (2) An operator of a water treatment facility for a school and for a semipublic water supply shall be entitled to a limited certificate of competency for his particular facility provided he has demonstrated that he has the knowledge and experience required to operate properly the particular water treatment facility for which he is responsible. A limited certificate of competency so issued is not transferable to any other water treatment facility, nor is the period of operation under such a limited certificate eligible for consideration toward the experience requirements for a certificate of competency as provided in subsection (1) of this section.

➔Section 3. KRS 223.170 is amended to read as follows:

The Energy and Environment Cabinet shall certify persons as to their qualifications to supervise successfully the operation of water treatment plants or water distribution systems after considering the recommendations of *the Kentucky Board of Certification of Water and Wastewater System Operators established in Section 1 of this Act* ~~a board of certification which shall be appointed by the secretary of the Energy and Environment Cabinet or his designee. The board shall consist of the following: two (2) members who are currently employed as waterworks~~

~~operators holding valid certificates; one (1) member employed by a municipality who holds the position of either city manager, city engineer, director of public works, or the equivalent thereof; one (1) member who is a faculty member of a college, university, or professional school whose major field is related to water supply; and one (1) ex officio member representing the Energy and Environment Cabinet. Board members shall serve for a four (4) year term or until their successors are appointed and qualify. The Energy and Environment Cabinet representative shall serve as executive secretary and treasurer of the board and be responsible for maintaining records. The members of the board shall serve without compensation, but may be reimbursed for all actual and necessary expenses incurred while discharging their official duties.~~

→Section 4. KRS 223.200 is amended to read as follows:

The secretary of the Energy and Environment Cabinet, with the advice of the board of certification *established under Section 1 of this Act*, shall adopt rules and regulations as are reasonably necessary to carry out the intent of KRS 223.160 to 223.220, ~~and 223.991~~, *and Section 1 of this Act*. The rules and regulations may include, but are not limited to, provisions establishing standards for classification of water treatment plants and water distribution systems, provisions establishing qualifications of applicants and procedures for examination of candidates, membership, and duties of the board of certification, provisions relating to the renewal, cancellation or revocation of certificates, including the specifications of the grounds therefor, and such other provisions as are necessary for the administration of KRS 223.160 to 223.220, ~~and 223.991~~, *and Section 1 of this Act*.

→Section 5. KRS 223.210 is amended to read as follows:

It shall be unlawful for any person, firm, or corporation (municipal or private) to operate a water treatment plant or water distribution system unless the competency of the operator who is in direct responsible charge is duly certified to by the Energy and Environment Cabinet under the provisions of KRS 223.160 to 223.220, ~~and 223.991~~, *and Section 1 of this Act*. It shall be unlawful for any person to perform the duties of an operator, in direct responsible charge, without being duly certified under the provisions of KRS 223.160 to 223.220, ~~and 223.991~~, *and Section 1 of this Act*. The Energy and Environment Cabinet may, however, issue provisional certificates for emergency situations.

→Section 6. KRS 224.73-110 is amended to read as follows:

- (1) ~~*The Kentucky Board of Certification of Wastewater System Operators established in Section 1 of this Act*~~~~[The Kentucky Board of Certification of Wastewater System Operators is established. The board]~~ shall recommend qualified applicants to the cabinet for certification and perform other acts as may be necessary to carry out the purposes of this section.~~[Members of the board shall be appointed by the Governor. The board shall consist of eight (8) members who may have professional backgrounds as follows: one (1) employee of a municipality who holds the position of either city manager, city engineer, director of public works, or the equivalent thereof; one (1) member who is a faculty member of a college, university, or professional school whose major field is related to wastewater treatment; one (1) nonvoting ex officio member representing the cabinet; and five (5) members currently employed as operators holding valid certificates where one (1) of these five (5) shall be an operator of an industrial wastewater system. Board members shall serve for a four (4) year term, except for the first board to which two (2) of the operators will be appointed for four (4) years and three (3) for two (2) years. The first college faculty member will be appointed for two (2) years and the remaining board members will be appointed for four (4) years. The cabinet's representative shall serve as executive secretary and treasurer and be responsible for maintaining records. The members of the board shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred while discharging their official duties. At least four (4) existing members of the board shall constitute a quorum.]~~
 - (a) The person has passed an examination prescribed by the Energy and Environment Cabinet and board which shall determine the person's skill and competency for the operation and has been issued a certificate to that effect by the cabinet; or
 - (b) The person is operating a sewage system located at the residence where the person lives and the sewage system serves only one (1) residence.
- (2) No person shall have primary responsibility for the operation of any sewage system or portion thereof whether publicly or privately owned unless:
 - (a) The person has passed an examination prescribed by the Energy and Environment Cabinet and board which shall determine the person's skill and competency for the operation and has been issued a certificate to that effect by the cabinet; or
 - (b) The person is operating a sewage system located at the residence where the person lives and the sewage system serves only one (1) residence.
- (3) No person shall authorize or allow any person who does not hold a certificate issued pursuant to subsection (2) of this section to have primary responsibility for the operation of any sewage system or portion thereof.
- (4) The cabinet, with the advice of the board of certification, may classify all sewage systems and portions thereof in the manner provided by the rules and regulations of the cabinet with regard to size, type, physical conditions

affecting such systems or portions thereof, and the skill, knowledge and experience required for the operation of the system or portion thereof and restrict the application of any certificate issued pursuant to subsection (2) of this section to the operation of a sewage system or portion thereof of a specific class.

- (5) Any person who has primary responsibility for the operation of a sewage system for a school shall be entitled to a limited certificate of competency for his particular system, provided he has demonstrated that he has the knowledge and experience required to operate properly the particular sewage system for which he is responsible. A limited certificate of competency so issued is not transferable to any other sewage system, nor is the period of operation under such a limited certificate eligible for consideration toward the experience requirements for a certificate of competency as provided in subsection (2) of this section.
- (6) All applicants for the examination and certification for the operation of any sewage system or portion thereof, whether publicly or privately owned, shall pay a reasonable schedule of fees and charges fixed by regulation. The fees required under this section shall be payable to the cabinet.
- (7) Operators shall have accumulated a minimum number of hours of appropriate board approved training set by regulation for certificate renewal. Such training shall include, but may not be limited to, correspondence courses, short courses, trade association meetings, and on-the-job training. Training hours accumulated in any given year in excess of the minimum requirement necessary for renewal may be carried forward for a period not to exceed two (2) years.
- (8) The board may waive any or all of the requirements of subsection (7) of this section for all or portions of an established class of operators.

➔Section 7. All initial appointments to the Kentucky Board of Certification of Water and Wastewater System Operators shall be made on or before August 1, 2024. Notwithstanding subsection (2) of Section 1 of this Act, the initial terms of the board shall be staggered as follows:

- (1) One of the wastewater operators and one of the water system operators shall be appointed for two years;
- (2) One of the wastewater operators and one of the water system operators shall be appointed for three years;
- (3) The college faculty member shall be appointed for two years; and
- (4) The remaining board members shall be appointed for four years.

Following the initial appointments, all appointments shall be for four-year terms

➔Section 8. On or before August 1, 2024, copies of any records, files, or documents associated with the functions of the Kentucky Board of Certification of Wastewater System Operators and the Kentucky Board of Certification of Water Treatment and Distribution System Operators shall be transferred to the Kentucky Board of Certification of Water and Wastewater System Operators. Any evaluations, recommendations, or other actions previously undertaken by the Kentucky Board of Certification of Wastewater System Operators and the Kentucky Board of Certification of Water Treatment and Distribution System Operators shall remain in effect until rescinded, modified, or superseded by action of the Kentucky Board of Certification of Water and Wastewater System Operators.

Signed by Governor April 18, 2024.

CHAPTER 207

(SB 74)

AN ACT relating to public health.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

- (1) *The Kentucky maternal psychiatry access program, also known as the Kentucky Lifeline for Moms, is hereby established. The purpose of the program shall be to help health care practitioners in the Commonwealth meet the needs of a mother with mental illness or an intellectual disability.*

- (2) *The program shall be operated by the Cabinet for Health and Family Services, Department for Public Health, Division of Maternal and Child Health.*
- (3) *The program shall, at a minimum, employ a psychiatrist licensed pursuant to KRS Chapter 311 and a psychologist licensed pursuant to KRS Chapter 319.*
- (4) *The program shall operate a dedicated hotline phone number Monday through Friday from 8 a.m. to 5 p.m. local time that serves as the entry point to the program for health care practitioners to be able to get services for a mother with mental illness or with an intellectual disability. Services shall include:*
 - (a) *An immediate clinical consultation over the telephone;*
 - (b) *An expedited face-to-face mental health consultation;*
 - (c) *Care coordination for assistance with referrals to community behavioral health services; and*
 - (d) *Continuing professional education specifically designed for health care practitioners.*
- (5) *The department shall, within sixty (60) days of the effective date of this Act, promulgate administrative regulations in accordance with KRS Chapter 13A to implement the provisions of this section.*

➔Section 2. KRS 211.122 is amended to read as follows:

- (1) The Cabinet for Health and Family Services shall, in cooperation with maternal and infant health and mental health professional societies:
 - (a) Develop written information on perinatal mental health disorders and make it available on its website for access by birthing centers, hospitals that provide labor and delivery services, and the public; and
 - (b) Provide access on its website to one (1) or more evidence-based clinical assessment tools designed to detect the symptoms of perinatal mental health disorders for use by health care providers providing perinatal care and health care providers providing pediatric infant care.
- (2) The Cabinet for Health and Family Services shall establish *the Kentucky maternal and infant health collaborative. The collaborative shall be composed of the following members appointed by the secretary of the Cabinet for Health and Family Services:*~~[a collaborative panel composed of]~~
 - (a) *Four (4) representatives of health care facilities that provide obstetrical, ~~and~~ newborn ~~care~~, maternal, and infant health care, one (1) of whom shall be a member of the Kentucky Chapter of the American College of Obstetricians and Gynecologists;*
 - (b) *Two (2) providers of ~~the~~ maternal mental health care;*
 - (c) *Two (2) ~~providers,~~ representatives of university mental health training programs;*
 - (d) *Two (2) ~~the~~ maternal health advocates;*
 - (e) *Three (3) ~~the~~ women, each of whom shall have ~~with~~ experience living with at least one (1) of the following:*
 1. Perinatal mental health disorders;
 2. *Substance use disorder; and*
 3. *Intimate partner violence;*
 - (f) *One (1) public health director of a local health department in the Commonwealth; and*
 - (g) *The commissioner of the Department for Public Health or his or her designee.*
- (3) *The ~~and other stakeholders for the~~ purposes of the collaborative shall be:*
 - (a) Improving the quality of prevention and treatment of perinatal mental health disorders;
 - (b) Promoting the implementation of evidence-based bundles of care to improve patient safety;
 - (c) Identifying unaddressed gaps in service related to perinatal mental health disorders that are linked to geographic, racial, and ethnic inequalities; lack of screenings; and insufficient access to treatments, professionals, or support groups; and
 - (d) Exploring grant and other funding opportunities and making recommendations for funding allocations to address the need for services and supports for perinatal mental health disorders.

~~(4)(3)~~ ***The collaborative shall annually review the operations of the Kentucky maternal psychiatry access program established in Section 1 of this Act.***

(5) The objectives set forth in subsection ~~(3)(2)(a) to (d)~~ of this section may be achieved by incorporating the ***collaborative's***~~panel's~~ findings and recommendations into other programs administered by the Cabinet for Health and Family Services that are intended to improve maternal health care quality and safety.

~~(6)(4)~~ On or before November 1 of each year, the ***collaborative***~~panel~~ shall submit a report to the Interim Joint Committee on Families and Children, the Interim Joint Committee on Health Services, and the Advisory Council for Medical Assistance describing the ***collaborative's***~~panel's~~ work and any recommendations to address identified gaps in services and supports for perinatal mental health disorders.

➔Section 3. KRS 211.690 is amended to read as follows:

(1) There is established within the Cabinet for Health and Family Services the Health Access Nurturing Development Services (HANDS) program as a voluntary statewide home visitation program, for the purpose of providing assistance to at-risk parents during the prenatal period and until the child's third birthday. The HANDS program recognizes that parents are the primary decision-makers for their children. The goals of the HANDS program ~~shall be~~~~are~~ to:

- (a) Facilitate safe and healthy delivery of babies;
- (b) Provide information about optimal child growth and human development;
- (c) Facilitate the safety and health of homes; and
- (d) Encourage greater self-sufficiency of families.

(2) The cabinet shall administer the HANDS program in cooperation with the Cabinet for Health and Family Services and the local public health departments. The voluntary home visitation program may supplement, but shall not duplicate, any existing program that provides assistance to parents of young children.

(3) The HANDS program shall include ~~an~~ educational ***components***~~component~~ on:

- ~~(a)~~ ~~the~~ recognition and prevention of pediatric abusive head trauma, as defined in KRS 620.020;
- (b) Information related to lactation consultation and breastfeeding information; and***
- (c) Information related to the importance of safe sleep for babies as a way to prevent sudden infant death syndrome as defined in KRS 213.011.***

(4) Participants in the HANDS program shall express informed consent to participate by ~~written~~ agreement on a form promulgated by the Cabinet for Health and Family Services.

(5) ***Participants in the HANDS program shall participate in the home visitation program through in-person face-to-face methods or through tele-service delivery methods. For the purposes of this subsection, "tele-service" means a home visitation service provided through video communication with the HANDS provider, parent, and child present in real time.***

➔SECTION 4. A NEW SECTION OF SUBTITLE 17 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) ***As used in this section:***

(a) ***"Health benefit plan" has the same meaning as in KRS 304.17A-005, except for purposes of this section, the term includes student health insurance offered by a Kentucky-licensed insurer under written contract with a university or college whose students it proposes to insure; and***

(b) ***"Individual Exchange":***

- 1. ***Means a governmental agency or nonprofit entity that makes qualified health plans, as defined in 42 U.S.C. sec. 18021, as amended, available to qualified individuals;***
- 2. ***Includes an exchange serving the individual market for qualified individuals; and***
- 3. ***Does not include a Small Business Health Options Program serving the small group market for qualified employers.***

(2) ***To the extent permitted by federal law:***

- (a) *The following shall provide a special enrollment period to pregnant women who are eligible for coverage:*
1. *Any insurer offering a health benefit plan in the individual market, which shall include student health insurance coverage as defined in 45 C.F.R. sec. 147.145, as amended; and*
 2. *Any individual exchange operating in this state;*
- (b) *Except as provided in paragraph (c) of this subsection, the insurer or exchange shall allow a pregnant woman, and any individual who is eligible for coverage because of a relationship to a pregnant woman, to enroll for coverage under the plan or on the exchange at any time during the pregnancy;*
- (c) *If the insurer or exchange is required by federal law to limit the enrollment period to a period that is less than the period provided in paragraph (b) of this subsection:*
1. *The enrollment period shall not be less than the maximum period of time permitted by federal law; and*
 2. *The enrollment period shall begin not earlier than the date that the pregnant woman receives confirmation of the pregnancy from a medical professional;*
- (d) *The coverage required under this subsection shall begin no later than the first day of the first calendar month in which a medical professional determines that the pregnancy began, except that a pregnant woman may direct coverage to begin on the first day of any month occurring after that date but during the pregnancy; and*
- (e) *If a directive under paragraph (d) of this subsection falls outside of the pregnancy period, the coverage required under this subsection shall begin no later than the first day of the last month that occurred during the pregnancy.*
- (3) (a) *Nothing in this section shall be construed to imply that the insured is not responsible for the payment of premiums for each month during which coverage is provided.*
- (b) *For any coverage provided under this section, the original or first premium shall become due and owing not earlier than thirty (30) days after the date of enrollment.*

➔Section 5. KRS 304.17A-145 is amended to read as follows:

- (1) *As used in this section:*
- (a) *"Health benefit plan" has the same meaning as in KRS 304.17A-005, except for purposes of this section, the term:*
1. *Includes student health insurance offered by a Kentucky-licensed insurer under written contract with a university or college whose students it proposes to insure; and*
 2. *Does not include a group health benefit plan that provides grandfathered health plan coverage as defined in 45 C.F.R. sec. 147.140(a), as amended;*
- (b) *"In-home program" means a program offered by a health care facility or health care professional for the treatment of substance use disorder which the insured accesses through telehealth or digital health services; and*
- (c) *"Telehealth" or "digital health" has the same meaning as in KRS 211.332.*
- (2) *Except as provided for in subsection (5) of this section:*
- (a) *A health benefit plan shall provide*~~[issued or renewed on or after July 15, 1996, that provides]~~ *maternity coverage; and*
- (b) *The coverage required by this subsection includes coverage for:*~~[shall provide]~~
1. *All individuals covered under the plan, including dependents, regardless of age;*
 2. *Maternity care associated with pregnancy, childbirth, and postpartum care;*
 3. *Labor and delivery;*
 4. *All breastfeeding services and supplies required under 42 U.S.C. sec. 300gg-13(a) and any related federal regulations, as amended; and*

5. ~~[Coverage for]~~ ***Except as provided in subsection (3) of this section***, inpatient care for a mother and her newly-born child for a minimum of:
- a. Forty-eight (48) hours after vaginal delivery; ~~or [and a minimum of]~~
 - b. Ninety-six (96) hours after delivery by Cesarean section.
- (3)~~(2)~~ The provisions of subsection ~~(2)(b)5.(1)~~ of this section shall not apply to a health benefit plan if:
- (a) The ~~health benefit~~ plan authorizes an initial postpartum home visit which would include the collection of an adequate sample for the hereditary and metabolic newborn screening; ~~and [if]~~
 - (b) The attending physician, with the consent of the mother of the ***newly born***~~[newly born]~~ child, authorizes a shorter length of stay~~[than that required of health benefit plans in subsection (1) of this section]~~ upon the physician's determination that the mother and newborn meet the criteria for medical stability in the most current version of "Guidelines for Perinatal Care" prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists.
- (4) ***Except as provided for in subsection (5) of this section, a health benefit plan shall provide coverage:***
- (a) ***To pregnant and postpartum women for an in-home program; and***
 - (b) ***For telehealth or digital health services that are related to maternity care associated with pregnancy, childbirth, and postpartum care.***
- (5) ***If the application of any requirement of this section to a qualified health plan as defined in 42 U.S.C. sec. 18021(a)(1), as amended, would result in a determination that the state must make payments to defray the cost of the requirement under 42 U.S.C. sec. 18031(d)(3) and 45 C.F.R. sec. 155.170, as amended, then the requirement shall not apply to the qualified health plan until the cost defrayal requirement is no longer applicable.***

➔Section 6. KRS 18A.225 (Effective January 1, 2025) is amended to read as follows:

- (1) (a) The term "employee" for purposes of this section means:
1. Any person, including an elected public official, who is regularly employed by any department, office, board, agency, or branch of state government; or by a public postsecondary educational institution; or by any city, urban-county, charter county, county, or consolidated local government, whose legislative body has opted to participate in the state-sponsored health insurance program pursuant to KRS 79.080; and who is either a contributing member to any one (1) of the retirement systems administered by the state, including but not limited to the Kentucky Retirement Systems, County Employees Retirement System, Kentucky Teachers' Retirement System, the Legislators' Retirement Plan, or the Judicial Retirement Plan; or is receiving a contractual contribution from the state toward a retirement plan; or, in the case of a public postsecondary education institution, is an individual participating in an optional retirement plan authorized by KRS 161.567; or is eligible to participate in a retirement plan established by an employer who ceases participating in the Kentucky Employees Retirement System pursuant to KRS 61.522 whose employees participated in the health insurance plans administered by the Personnel Cabinet prior to the employer's effective cessation date in the Kentucky Employees Retirement System;
 2. Any certified or classified employee of a local board of education or a public charter school as defined in KRS 160.1590;
 3. Any elected member of a local board of education;
 4. Any person who is a present or future recipient of a retirement allowance from the Kentucky Retirement Systems, County Employees Retirement System, Kentucky Teachers' Retirement System, the Legislators' Retirement Plan, the Judicial Retirement Plan, or the Kentucky Community and Technical College System's optional retirement plan authorized by KRS 161.567, except that a person who is receiving a retirement allowance and who is age sixty-five (65) or older shall not be included, with the exception of persons covered under KRS 61.702(2)(b)3. and 78.5536(2)(b)3., unless he or she is actively employed pursuant to subparagraph 1. of this paragraph; and
 5. Any eligible dependents and beneficiaries of participating employees and retirees who are entitled to participate in the state-sponsored health insurance program;

- (b) The term "health benefit plan" for the purposes of this section means a health benefit plan as defined in KRS 304.17A-005;
 - (c) The term "insurer" for the purposes of this section means an insurer as defined in KRS 304.17A-005; and
 - (d) The term "managed care plan" for the purposes of this section means a managed care plan as defined in KRS 304.17A-500.
- (2) (a) The secretary of the Finance and Administration Cabinet, upon the recommendation of the secretary of the Personnel Cabinet, shall procure, in compliance with the provisions of KRS 45A.080, 45A.085, and 45A.090, from one (1) or more insurers authorized to do business in this state, a group health benefit plan that may include but not be limited to health maintenance organization (HMO), preferred provider organization (PPO), point of service (POS), and exclusive provider organization (EPO) benefit plans encompassing all or any class or classes of employees. With the exception of employers governed by the provisions of KRS Chapters 16, 18A, and 151B, all employers of any class of employees or former employees shall enter into a contract with the Personnel Cabinet prior to including that group in the state health insurance group. The contracts shall include but not be limited to designating the entity responsible for filing any federal forms, adoption of policies required for proper plan administration, acceptance of the contractual provisions with health insurance carriers or third-party administrators, and adoption of the payment and reimbursement methods necessary for efficient administration of the health insurance program. Health insurance coverage provided to state employees under this section shall, at a minimum, contain the same benefits as provided under Kentucky Kare Standard as of January 1, 1994, and shall include a mail-order drug option as provided in subsection (13) of this section. All employees and other persons for whom the health care coverage is provided or made available shall annually be given an option to elect health care coverage through a self-funded plan offered by the Commonwealth or, if a self-funded plan is not available, from a list of coverage options determined by the competitive bid process under the provisions of KRS 45A.080, 45A.085, and 45A.090 and made available during annual open enrollment.
- (b) The policy or policies shall be approved by the commissioner of insurance and may contain the provisions the commissioner of insurance approves, whether or not otherwise permitted by the insurance laws.
 - (c) Any carrier bidding to offer health care coverage to employees shall agree to provide coverage to all members of the state group, including active employees and retirees and their eligible covered dependents and beneficiaries, within the county or counties specified in its bid. Except as provided in subsection (20) of this section, any carrier bidding to offer health care coverage to employees shall also agree to rate all employees as a single entity, except for those retirees whose former employers insure their active employees outside the state-sponsored health insurance program and as otherwise provided in KRS 61.702(2)(b)3.b. and 78.5536(2)(b)3.b.
 - (d) Any carrier bidding to offer health care coverage to employees shall agree to provide enrollment, claims, and utilization data to the Commonwealth in a format specified by the Personnel Cabinet with the understanding that the data shall be owned by the Commonwealth; to provide data in an electronic form and within a time frame specified by the Personnel Cabinet; and to be subject to penalties for noncompliance with data reporting requirements as specified by the Personnel Cabinet. The Personnel Cabinet shall take strict precautions to protect the confidentiality of each individual employee; however, confidentiality assertions shall not relieve a carrier from the requirement of providing stipulated data to the Commonwealth.
 - (e) The Personnel Cabinet shall develop the necessary techniques and capabilities for timely analysis of data received from carriers and, to the extent possible, provide in the request-for-proposal specifics relating to data requirements, electronic reporting, and penalties for noncompliance. The Commonwealth shall own the enrollment, claims, and utilization data provided by each carrier and shall develop methods to protect the confidentiality of the individual. The Personnel Cabinet shall include in the October annual report submitted pursuant to the provisions of KRS 18A.226 to the Governor, the General Assembly, and the Chief Justice of the Supreme Court, an analysis of the financial stability of the program, which shall include but not be limited to loss ratios, methods of risk adjustment, measurements of carrier quality of service, prescription coverage and cost management, and statutorily required mandates. If state self-insurance was available as a carrier option, the report also shall provide a detailed financial analysis of the self-insurance fund including but not limited to loss ratios, reserves, and reinsurance agreements.

- (f) If any agency participating in the state-sponsored employee health insurance program for its active employees terminates participation and there is a state appropriation for the employer's contribution for active employees' health insurance coverage, then neither the agency nor the employees shall receive the state-funded contribution after termination from the state-sponsored employee health insurance program.
 - (g) Any funds in flexible spending accounts that remain after all reimbursements have been processed shall be transferred to the credit of the state-sponsored health insurance plan's appropriation account.
 - (h) Each entity participating in the state-sponsored health insurance program shall provide an amount at least equal to the state contribution rate for the employer portion of the health insurance premium. For any participating entity that used the state payroll system, the employer contribution amount shall be equal to but not greater than the state contribution rate.
- (3) The premiums may be paid by the policyholder:
- (a) Wholly from funds contributed by the employee, by payroll deduction or otherwise;
 - (b) Wholly from funds contributed by any department, board, agency, public postsecondary education institution, or branch of state, city, urban-county, charter county, county, or consolidated local government; or
 - (c) Partly from each, except that any premium due for health care coverage or dental coverage, if any, in excess of the premium amount contributed by any department, board, agency, postsecondary education institution, or branch of state, city, urban-county, charter county, county, or consolidated local government for any other health care coverage shall be paid by the employee.
- (4) If an employee moves his or her place of residence or employment out of the service area of an insurer offering a managed health care plan, under which he or she has elected coverage, into either the service area of another managed health care plan or into an area of the Commonwealth not within a managed health care plan service area, the employee shall be given an option, at the time of the move or transfer, to change his or her coverage to another health benefit plan.
- (5) No payment of premium by any department, board, agency, public postsecondary educational institution, or branch of state, city, urban-county, charter county, county, or consolidated local government shall constitute compensation to an insured employee for the purposes of any statute fixing or limiting the compensation of such an employee. Any premium or other expense incurred by any department, board, agency, public postsecondary educational institution, or branch of state, city, urban-county, charter county, county, or consolidated local government shall be considered a proper cost of administration.
- (6) The policy or policies may contain the provisions with respect to the class or classes of employees covered, amounts of insurance or coverage for designated classes or groups of employees, policy options, terms of eligibility, and continuation of insurance or coverage after retirement.
- (7) Group rates under this section shall be made available to the disabled child of an employee regardless of the child's age if the entire premium for the disabled child's coverage is paid by the state employee. A child shall be considered disabled if he or she has been determined to be eligible for federal Social Security disability benefits.
- (8) The health care contract or contracts for employees shall be entered into for a period of not less than one (1) year.
- (9) The secretary shall appoint thirty-two (32) persons to an Advisory Committee of State Health Insurance Subscribers to advise the secretary or the secretary's designee regarding the state-sponsored health insurance program for employees. The secretary shall appoint, from a list of names submitted by appointing authorities, members representing school districts from each of the seven (7) Supreme Court districts, members representing state government from each of the seven (7) Supreme Court districts, two (2) members representing retirees under age sixty-five (65), one (1) member representing local health departments, two (2) members representing the Kentucky Teachers' Retirement System, and three (3) members at large. The secretary shall also appoint two (2) members from a list of five (5) names submitted by the Kentucky Education Association, two (2) members from a list of five (5) names submitted by the largest state employee organization of nonschool state employees, two (2) members from a list of five (5) names submitted by the Kentucky Association of Counties, two (2) members from a list of five (5) names submitted by the Kentucky League of Cities, and two (2) members from a list of names consisting of five (5) names submitted by each

state employee organization that has two thousand (2,000) or more members on state payroll deduction. The advisory committee shall be appointed in January of each year and shall meet quarterly.

- (10) Notwithstanding any other provision of law to the contrary, the policy or policies provided to employees pursuant to this section shall not provide coverage for obtaining or performing an abortion, nor shall any state funds be used for the purpose of obtaining or performing an abortion on behalf of employees or their dependents.
- (11) Interruption of an established treatment regime with maintenance drugs shall be grounds for an insured to appeal a formulary change through the established appeal procedures approved by the Department of Insurance, if the physician supervising the treatment certifies that the change is not in the best interests of the patient.
- (12) Any employee who is eligible for and elects to participate in the state health insurance program as a retiree, or the spouse or beneficiary of a retiree, under any one (1) of the state-sponsored retirement systems shall not be eligible to receive the state health insurance contribution toward health care coverage as a result of any other employment for which there is a public employer contribution. This does not preclude a retiree and an active employee spouse from using both contributions to the extent needed for purchase of one (1) state sponsored health insurance policy for that plan year.
- (13)
 - (a) The policies of health insurance coverage procured under subsection (2) of this section shall include a mail-order drug option for maintenance drugs for state employees. Maintenance drugs may be dispensed by mail order in accordance with Kentucky law.
 - (b) A health insurer shall not discriminate against any retail pharmacy located within the geographic coverage area of the health benefit plan and that meets the terms and conditions for participation established by the insurer, including price, dispensing fee, and copay requirements of a mail-order option. The retail pharmacy shall not be required to dispense by mail.
 - (c) The mail-order option shall not permit the dispensing of a controlled substance classified in Schedule II.
- (14) The policy or policies provided to state employees or their dependents pursuant to this section shall provide coverage for obtaining a hearing aid and acquiring hearing aid-related services for insured individuals under eighteen (18) years of age, subject to a cap of one thousand four hundred dollars (\$1,400) every thirty-six (36) months pursuant to KRS 304.17A-132.
- (15) Any policy provided to state employees or their dependents pursuant to this section shall provide coverage for the diagnosis and treatment of autism spectrum disorders consistent with KRS 304.17A-142.
- (16) Any policy provided to state employees or their dependents pursuant to this section shall provide coverage for obtaining amino acid-based elemental formula pursuant to KRS 304.17A-258.
- (17) If a state employee's residence and place of employment are in the same county, and if the hospital located within that county does not offer surgical services, intensive care services, obstetrical services, level II neonatal services, diagnostic cardiac catheterization services, and magnetic resonance imaging services, the employee may select a plan available in a contiguous county that does provide those services, and the state contribution for the plan shall be the amount available in the county where the plan selected is located.
- (18) If a state employee's residence and place of employment are each located in counties in which the hospitals do not offer surgical services, intensive care services, obstetrical services, level II neonatal services, diagnostic cardiac catheterization services, and magnetic resonance imaging services, the employee may select a plan available in a county contiguous to the county of residence that does provide those services, and the state contribution for the plan shall be the amount available in the county where the plan selected is located.
- (19) The Personnel Cabinet is encouraged to study whether it is fair and reasonable and in the best interests of the state group to allow any carrier bidding to offer health care coverage under this section to submit bids that may vary county by county or by larger geographic areas.
- (20) Notwithstanding any other provision of this section, the bid for proposals for health insurance coverage for calendar year 2004 shall include a bid scenario that reflects the statewide rating structure provided in calendar year 2003 and a bid scenario that allows for a regional rating structure that allows carriers to submit bids that may vary by region for a given product offering as described in this subsection:
 - (a) The regional rating bid scenario shall not include a request for bid on a statewide option;

- (b) The Personnel Cabinet shall divide the state into geographical regions which shall be the same as the partnership regions designated by the Department for Medicaid Services for purposes of the Kentucky Health Care Partnership Program established pursuant to 907 KAR 1:705;
 - (c) The request for proposal shall require a carrier's bid to include every county within the region or regions for which the bid is submitted and include but not be restricted to a preferred provider organization (PPO) option;
 - (d) If the Personnel Cabinet accepts a carrier's bid, the cabinet shall award the carrier all of the counties included in its bid within the region. If the Personnel Cabinet deems the bids submitted in accordance with this subsection to be in the best interests of state employees in a region, the cabinet may award the contract for that region to no more than two (2) carriers; and
 - (e) Nothing in this subsection shall prohibit the Personnel Cabinet from including other requirements or criteria in the request for proposal.
- (21) Any fully insured health benefit plan or self-insured plan issued or renewed on or after July 12, 2006, to public employees pursuant to this section which provides coverage for services rendered by a physician or osteopath duly licensed under KRS Chapter 311 that are within the scope of practice of an optometrist duly licensed under the provisions of KRS Chapter 320 shall provide the same payment of coverage to optometrists as allowed for those services rendered by physicians or osteopaths.
- (22) Any fully insured health benefit plan or self-insured plan issued or renewed to public employees pursuant to this section shall comply with:
- (a) KRS 304.12-237;
 - (b) KRS 304.17A-270 and 304.17A-525;
 - (c) KRS 304.17A-600 to 304.17A-633;
 - (d) KRS 205.593;
 - (e) KRS 304.17A-700 to 304.17A-730;
 - (f) KRS 304.14-135;
 - (g) KRS 304.17A-580 and 304.17A-641;
 - (h) KRS 304.99-123;
 - (i) KRS 304.17A-138;
 - (j) KRS 304.17A-148;
 - (k) KRS 304.17A-163 and 304.17A-1631;
 - (l) KRS 304.17A-265;
 - (m) KRS 304.17A-261;
 - (n) KRS 304.17A-262;~~and~~
 - (o) ***Section 5 of this Act; and***
 - (p) Administrative regulations promulgated pursuant to statutes listed in this subsection.
- (23) (a) ***Any fully insured health benefit plan or self-insured plan issued or renewed to public employees pursuant to this section shall provide a special enrollment period to pregnant women who are eligible for coverage in accordance with the requirements set forth in Section 4 of this Act.***
- (b) ***The Department of Employee Insurance shall, at or before the time a public employee is initially offered the opportunity to enroll in the plan or coverage, provide the employee a notice of the special enrollment rights under this subsection.***

➔Section 7. KRS 164.2871 (Effective January 1, 2025) is amended to read as follows:

- (1) The governing board of each state postsecondary educational institution is authorized to purchase liability insurance for the protection of the individual members of the governing board, faculty, and staff of such institutions from liability for acts and omissions committed in the course and scope of the individual's

employment or service. Each institution may purchase the type and amount of liability coverage deemed to best serve the interest of such institution.

- (2) All retirement annuity allowances accrued or accruing to any employee of a state postsecondary educational institution through a retirement program sponsored by the state postsecondary educational institution are hereby exempt from any state, county, or municipal tax, and shall not be subject to execution, attachment, garnishment, or any other process whatsoever, nor shall any assignment thereof be enforceable in any court. Except retirement benefits accrued or accruing to any employee of a state postsecondary educational institution through a retirement program sponsored by the state postsecondary educational institution on or after January 1, 1998, shall be subject to the tax imposed by KRS 141.020, to the extent provided in KRS 141.010 and 141.0215.
- (3) Except as provided in KRS Chapter 44, the purchase of liability insurance for members of governing boards, faculty and staff of institutions of higher education in this state shall not be construed to be a waiver of sovereign immunity or any other immunity or privilege.
- (4) The governing board of each state postsecondary education institution is authorized to provide a self-insured employer group health plan to its employees, which plan shall:
 - (a) Conform to the requirements of Subtitle 32 of KRS Chapter 304; and
 - (b) Except as provided in subsection (5) of this section, be exempt from conformity with Subtitle 17A of KRS Chapter 304.
- (5) A self-insured employer group health plan provided by the governing board of a state postsecondary education institution to its employees shall comply with:
 - (a) KRS 304.17A-163 and 304.17A-1631;
 - (b) KRS 304.17A-265;
 - (c) KRS 304.17A-261;~~and~~
 - (d) KRS 304.17A-262; **and**
 - (e) **Section 5 of this Act.**
- (6)
 - (a) ***A self-insured employer group health plan provided by the governing board of a state postsecondary education institution to its employees shall provide a special enrollment period to pregnant women who are eligible for coverage in accordance with the requirements set forth in Section 4 of this Act.***
 - (b) ***The governing board of a state postsecondary education institution shall, at or before the time an employee is initially offered the opportunity to enroll in the plan or coverage, provide the employee a notice of the special enrollment rights under this subsection.***

➔Section 8. KRS 194A.099 is amended to read as follows:

- (1) The Division of Health Benefit Exchange ***within the Office of Data Analytics*** shall administer the provisions of the Patient Protection and Affordable Care Act of 2010, Pub. L. No. 111-148.
- (2) The Division of Health Benefit Exchange shall:
 - (a) Facilitate enrollment in health coverage and the purchase and sale of qualified health plans in the individual market;
 - (b) Facilitate the ability of eligible individuals to receive premium tax credits and cost-sharing reductions and enable eligible small businesses to receive tax credits, in compliance with all applicable federal and state laws and regulations;
 - (c) Oversee the consumer assistance programs of navigators, in-person assisters, certified application counselors, and insurance agents as appropriate;
 - (d) At a minimum, carry out the functions and responsibilities required pursuant to 42 U.S.C. sec. 18031 to implement and comply with federal regulations in accordance with 42 U.S.C. sec. 18041;~~and~~
 - (e) Regularly consult with stakeholders in accordance with 45 C.F.R. sec. 155.130; **and**
 - (f) ***Comply with Section 4 of this Act.***
- (3) The Office ***of Data Analytics:***

- (a) May enter into contracts and other agreements with appropriate entities, including but not limited to federal, state, and local agencies, as permitted under 45 C.F.R. sec. 155.110, to the extent necessary to carry out the duties and responsibilities of the office ~~if, provided that~~ the agreements incorporate adequate protections with respect to the confidentiality of any information to be shared; ~~;~~
- ~~(b)(4)~~ ~~The office~~ Shall pursue all available federal funding for the further development and operation of the Division of Health Benefit Exchange; ~~;~~
- ~~(c)(5)~~ ~~The Office of Health Data and Analytics~~ Shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section; ~~and~~ ~~;~~
- ~~(d)(6)~~ ~~The office~~ Shall not establish procedures and rules that conflict with or prevent the application of the Patient Protection and Affordable Care Act of 2010, Pub. L. No. 111-148.

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

- (1) ***With respect to the administration and provision of Medicaid benefits pursuant to this chapter,*** the Department for Medicaid Services, ~~and~~ any managed care organization contracted to provide Medicaid benefits pursuant to this chapter, ***and the state's medical assistance program shall be subject to, and*** comply with, the ***following, as applicable:*** ~~provisions of~~
 - (a) KRS 304.17A-163; ~~;~~
 - (b) ***KRS*** 304.17A-1631; ~~;~~
 - (c) ***KRS*** 304.17A-167; ~~;~~
 - (d) ***KRS*** 304.17A-235; ~~;~~
 - (e) ***KRS*** 304.17A-257; ~~;~~
 - (f) ***KRS*** 304.17A-259; ~~;~~
 - (g) ***KRS*** 304.17A-263; ~~;~~
 - (h) ***KRS*** 304.17A-515; ~~;~~
 - (i) ***KRS*** 304.17A-580; ~~;~~
 - (j) ***KRS*** 304.17A-600, 304.17A-603, ***and*** 304.17A-607; ~~;~~ ~~and~~
 - (k) ***KRS*** 304.17A-740 to 304.17A-743; ~~and~~ ~~as applicable~~
 - (l) ***Section 5 of this Act.***
- (2) A managed care organization contracted to provide Medicaid benefits pursuant to this chapter shall comply with the reporting requirements of KRS 304.17A-732.

➔Section 10. KRS 205.592 is amended to read as follows:

- (1) ***Except as provided in subsection (2) of this section,*** pregnant women, new mothers up to twelve (12) months postpartum, and children up to age one (1) shall be eligible for participation in the Kentucky Medical Assistance Program if:
 - ~~(a)(1)~~ They have family income up to but not exceeding one hundred and eighty-five percent (185%) of the nonfarm income official poverty guidelines as promulgated by the Department of Health and Human Services of the United States as revised annually; and
 - ~~(b)(2)~~ They are otherwise eligible for the program.
- (2) ***The percentage established in subsection (1)(a) of this section may be increased to the extent:***
 - (a) ***Permitted under federal law; and***
 - (b) ***Funding is available.***

➔Section 11. KRS 205.6485 is amended to read as follows:

- (1) ***As used in this section, "KCHIP" means the Kentucky Children's Health Insurance Program.***
- (2) The Cabinet for Health and Family Services shall:

- (a) Prepare a state child health plan, **known as KCHIP**, meeting the requirements of Title XXI of the Federal Social Security Act, for submission to the Secretary of the United States Department of Health and Human Services within such time as will permit the state to receive the maximum amounts of federal matching funds available under Title XXI; ~~and~~ ~~the cabinet shall,~~
- (b) By administrative regulation promulgated in accordance with KRS Chapter 13A, establish the following:
1. ~~(a)~~ The eligibility criteria for children covered by **KCHIP, which shall include a provision that** ~~the Kentucky Children's Health Insurance Program. However,~~ no person eligible for services under Title XIX of the Social Security Act, 42 U.S.C. *secs.* 1396 to 1396v, as amended, shall be eligible for services under **KCHIP**, ~~the Kentucky Children's Health Insurance Program~~ except to the extent that Title XIX coverage is expanded by KRS 205.6481 to 205.6495 and KRS 304.17A-340;
 2. ~~(b)~~ The schedule of benefits to be covered by **KCHIP** ~~the Kentucky Children's Health Insurance Program~~, which shall: ~~include preventive services, vision services including glasses, and dental services including at least sealants, extractions, and fillings, and which shall~~
 - a. Be at least equivalent to one (1) of the following:
 - i. ~~1~~ The standard Blue Cross/Blue Shield preferred provider option under the Federal Employees Health Benefit Plan established by 5 U.S.C. sec. 8903(1);
 - ii. ~~2~~ A mid-range health benefit coverage plan that is offered and generally available to state employees; or
 - iii. ~~3~~ Health insurance coverage offered by a health maintenance organization that has the largest insured commercial, non-Medicaid enrollment of covered lives in the state; **and**
 - b. **Comply with subsection (6) of this section;**
 3. ~~(c)~~ The premium contribution per family ~~for~~ ~~off~~ health insurance coverage available under the **KCHIP, which** ~~Kentucky Children's Health Insurance Program with provisions for the payment of premium contributions by families of children eligible for coverage by the program based upon a sliding scale relating to family income. Premium contributions~~ shall be based:
 - a. On a six (6) month period; **and**
 - b. **Upon a sliding scale relating to family income** not to exceed:
 - i. ~~1~~ Ten dollars (\$10), to be paid by a family with income between one hundred percent (100%) to one hundred thirty-three percent (133%) of the federal poverty level;
 - ii. ~~2~~ Twenty dollars (\$20), to be paid by a family with income between one hundred thirty-four percent (134%) to one hundred forty-nine percent (149%) of the federal poverty level; and
 - iii. ~~3~~ One hundred twenty dollars (\$120), to be paid by a family with income between one hundred fifty percent (150%) to two hundred percent (200%) of the federal poverty level, and which may be made on a partial payment plan of twenty dollars (\$20) per month or sixty dollars (\$60) per quarter;
 4. ~~(d)~~ There shall be no copayments for services provided under **KCHIP** ~~the Kentucky Children's Health Insurance Program~~; and
 5. ~~(e)~~
 - a. The criteria for health services providers and insurers wishing to contract with the Commonwealth to provide ~~the children's health insurance~~ coverage **under KCHIP**.
 - b. ~~However,~~ The cabinet shall provide, in any contracting process for **coverage of** ~~the~~ preventive **services** ~~health insurance program~~, the opportunity for a public health department to bid on preventive health services to eligible children within the public health department's service area. A public health department shall not be disqualified from bidding because the department does not currently offer all the services required by ~~paragraph (b) of~~ this **section** ~~subsection~~. The criteria shall be set forth in administrative regulations under KRS Chapter 13A and shall maximize competition among the providers

and insurers. The ~~Cabinet for~~ Finance and Administration **Cabinet** shall provide oversight over contracting policies and procedures to assure that the number of applicants for contracts is maximized.

- (3)~~(2)~~ Within twelve (12) months of federal approval of the state's Title XXI child health plan, the Cabinet for Health and Family Services shall assure that a KCHIP program is available to all eligible children in all regions of the state. If necessary, in order to meet this assurance, the cabinet shall institute its own program.
- (4)~~(3)~~ KCHIP recipients shall have direct access without a referral from any gatekeeper primary care provider to dentists for covered primary dental services and to optometrists and ophthalmologists for covered primary eye and vision services.
- (5)~~(4)~~ **KCHIP**~~[The Kentucky Children's Health Insurance Plan]~~ shall comply with KRS 304.17A-163 and 304.17A-1631.
- (6) **The schedule of benefits required under subsection (2)(b)2. of this section shall include:**
- (a) **Preventive services;**
 - (b) **Vision services, including glasses;**
 - (c) **Dental services, including sealants, extractions, and fillings; and**
 - (d) **The coverage required under Section 5 of this Act.**

➔SECTION 12. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

- (1) **As used in this section:**
- (a) **"Breast pump kit" means a collection of tubing, valves, flanges, bottles, and other parts required to extract human milk using a breast pump;**
 - (b) **"In-home program" means a program offered by a health care facility or health care professional for the treatment of substance use disorder which the insured accesses through telehealth or digital health service;**
 - (c) **"Lactation consultation" means the clinical application of scientific principles and a multidisciplinary body of evidence for evaluation, problem identification, treatment, education, and consultation to families regarding the course of lactation and feeding by a qualified clinical lactation care practitioner, including but not be limited to:**
 1. **Clinical maternal, child, and feeding history and assessment related to breastfeeding and human lactation through the systematic collection of subjective and objective information;**
 2. **Analysis of data;**
 3. **Development of a lactation management and child feeding plan with demonstration and instruction to parents;**
 4. **Provision of lactation and feeding education;**
 5. **The recommendation and use of assistive devices;**
 6. **Communication to the primary health care practitioner or practitioners and referral to other health care practitioners, as needed;**
 7. **Appropriate follow-up with evaluation of outcomes; and**
 8. **Documentation of the encounter in a patient record;**
 - (d) **"Qualified clinical lactation care practitioner" means a licensed health care practitioner wherein lactation consultation is within their legal scope of practice; and**
 - (e) **"Telehealth" or "digital health" has the same meaning as in KRS 211.332.**
- (2) **The Department for Medicaid Services and any managed care organization with which the department contracts for the delivery of Medicaid services shall provide coverage:**
- (a) **For lactation consultation;**
 - (b) **For breastfeeding equipment;**

- (c) *To pregnant and postpartum women for an in-home program; and*
 - (d) *For telehealth or digital health services that are related to maternity care associated with pregnancy, childbirth, and postpartum care.*
- (3) *The coverage required by this section shall:*
- (a) *Not be subject to:*
 - 1. *Any cost-sharing requirements, including but not limited to copayments; or*
 - 2. *Utilization management requirements, including but not limited to prior authorization, prescription, or referral, except as permitted in paragraph (d) of this subsection;*
 - (b) *Be provided in conjunction with each birth for the duration of breastfeeding, as defined by the beneficiary;*
 - (c) *For lactation consultation, include:*
 - 1. *In-person, one-on-one consultation, including home visits, regardless of location of service provision;*
 - 2. *The delivery of consultation via telehealth, as defined in KRS 205.510, if the beneficiary requests telehealth consultation in lieu of in-person, one-on-one consultation; or*
 - 3. *Group consultation, if the beneficiary requests group consultation in lieu of in-person, one-on-one consultation; and*
 - (d) *For breastfeeding equipment, include:*
 - 1. *Purchase of a single-user, double electric breast pump, or a manual pump in lieu of a double electric breast pump, if requested by the beneficiary;*
 - 2. *Rental of a multi-user breast pump on the recommendation of a licensed health care provider; and*
 - 3. *Two (2) breast pump kits as well as appropriately sized breast pump flanges and other lactation accessories recommended by a health care provider.*
- (4) (a) *The breastfeeding equipment described in subsection (3)(d) of this section shall be furnished within forty-eight (48) hours of notification of need, if requested after the birth of the child, or by the later of two (2) weeks before the beneficiary's expected due date or seventy-two (72) hours after notification of need, if requested prior to the birth of the child.*
- (b) *If the department cannot ensure delivery of breastfeeding equipment in accordance with paragraph (a) of this subsection, an individual may purchase equipment and the department or a managed care organization with whom the department contracts for the delivery of Medicaid services shall reimburse the individual for all out-of-pocket expenses incurred by the individual, including any balance billing amounts.*

➔Section 13. If the application of a provision of Section 4 or 5 of this Act results, or would result, in a determination that the state must make payments to defray the cost of the provision under 42 U.S.C. sec. 18031(d)(3) and 45 C.F.R. sec. 155.170, as amended, or would be required to make payments to defray the cost of the provision under 42 U.S.C. sec. 18031(d)(3) and 45 C.F.R. sec. 155.170, as amended, if the provision were not suspended or otherwise inapplicable under state law, then the Department of Insurance shall, within 180 days of the effective date of this section, apply for a waiver under 42 U.S.C. sec. 18052, as amended, or any other applicable federal law of all or any of the cost defrayal requirements.

➔Section 14. If the Cabinet for Health and Family Services determines that a waiver or other authorization from a federal agency is necessary to implement Section 8, 9, 10, 11, or 12 of this Act for any reason, including the loss of federal funds, the cabinet shall, within 90 days of the effective date of this section, request the waiver or authorization, and may only delay implementation of those provisions for which a waiver or authorization was deemed necessary until the waiver or authorization is granted.

➔Section 15. The Cabinet for Health and Family Services shall study existing doula certification programs in the United States and currently operating doula services in the Commonwealth of Kentucky. The study shall review the training and quality requirements of doula certifications and consider potential recommendations regarding doula services for populations most at risk for poor perinatal outcomes. The Cabinet for Health and Family

Services may receive input from parties concerned with this study. By December 1, 2024, the Cabinet for Health and Family Services shall provide a report on the study to the Legislative Research Commission for referral to the Interim Joint Committee on Health Services. As used in this section, "doula services" means services provided by a trained nonmedical professional to support women and families throughout labor and birth, and intermittently during the prenatal and postpartum periods.

➔Section 16. Sections 4 to 8 of this Act apply to plans issued or renewed on or after January 1, 2025.

➔Section 17. Sections 4, 5, 6, 7, 8, and 16 of this Act take effect January 1, 2025.

➔Section 18. KRS 211.684 is amended to read as follows:

(1) For the purposes of KRS Chapter 211:

(a) "Child fatality" means the death of a person under the age of eighteen (18) years; *and*

(b) ~~["Local child and maternal fatality response team" and "local team" means a community team composed of representatives of agencies, offices, and institutions that investigate child and maternal deaths, including but not limited to, coroners, social service workers, medical professionals, law enforcement officials, and Commonwealth's and county attorneys; and~~

~~(c)]"Maternal fatality" means the death of a woman *during pregnancy and* within one (1) year of *the end of the pregnancy*[giving birth].~~

(2) The Department for Public Health may establish a state child ~~and maternal~~ fatality review team. The state *child fatality review* team may include representatives of public health, social services, law enforcement *agencies with investigation responsibilities for child fatalities, the offices of Commonwealth's and county attorneys*~~prosecution~~, coroners, health-care providers, and other agencies or professions deemed appropriate by the commissioner of the department.

(3) If a state *child fatality review* team is created, the duties of the state team may include *but not be limited to* the following:

(a) Develop and distribute a model protocol for local child ~~and maternal~~ fatality response teams for the investigation of child~~and maternal~~ fatalities;

(b) Facilitate the development of local child ~~and maternal~~ fatality response teams, *as permitted under Section 19 of this Act, including but* ~~which may include, but is~~ not limited to~~;~~ providing joint training opportunities and, upon request, providing technical assistance;

(c) Review and approve local protocols prepared and submitted by local teams;

(d) Receive data and information on child ~~and maternal~~ fatalities and analyze the information to identify trends, patterns, and risk factors;

(e) Evaluate the effectiveness of prevention and intervention strategies adopted;~~and~~

(f) Recommend changes in state programs, legislation, administrative regulations, policies, budgets, and treatment and service standards which may facilitate strategies for prevention and reduce the number of child~~and maternal~~ fatalities; *and*

(g) *Cooperate, as appropriate, with the external child fatality and near fatality review panel established by KRS 620.055 upon request.*

(4) *The department shall establish a state maternal fatality review team. The state maternal fatality review team may include representatives of public health, social services, law enforcement, coroners, health-care providers, and other agencies or professions deemed appropriate by the commissioner of the department.*

(5) *The duties of the state maternal fatality review team may include but not be limited to the following:*

(a) *Receive data and information on maternal fatalities and analyze the information to identify trends, patterns, and risk factors;*

(b) *Evaluate the effectiveness of prevention and intervention strategies adopted; and*

(c) *Recommend changes in state programs, legislation, administrative regulations, policies, budgets, and treatment and service standards which may facilitate strategies for prevention and reduce the number of maternal fatalities.*

- (6) The department shall prepare an annual report to be submitted no later than November 1 of each year to the Governor, the *Legislative Research Commission for referral to the Interim Joint Committee on Families and Children and the Interim Joint Committee on Health Services*, the Chief Justice of the Kentucky Supreme Court, and to be made available to the citizens of the Commonwealth. The report shall include a statistical analysis, *including but not limited to Medicaid, Kentucky Children's Health Insurance Program, or other health benefit coverage*, ~~that includes the demographics of~~ race, *ethnicity*~~[income]~~, and geography, of the incidence and causes of child and maternal fatalities in the Commonwealth during the past fiscal year and recommendations for action. The report shall not include any information which would identify specific child and maternal fatality cases. *Separate reports may be submitted for the state child fatality review team and the state maternal fatality review team.*
- (7) *The proceedings, records, opinions, and deliberations of the state child fatality review team and of the state maternal fatality review team shall be privileged and shall not be subject to discovery, subpoena, or introduction into evidence in any civil action in any manner that would directly or indirectly identify specific persons or cases reviewed by the state child fatality review team or the state maternal fatality review team. Nothing in this subsection shall be construed to restrict or limit the right to discover or use in any civil action any evidence that is discoverable independent of the proceedings of the state child fatality review team or the state maternal fatality review team.*

➔Section 19. KRS 211.686 is amended to read as follows:

- (1) A local child ~~and maternal~~ fatality response team may be established in every county or group of contiguous counties by the coroner or coroners with jurisdiction in the county or counties. The local coroner may authorize the creation of additional local teams within the coroner's jurisdiction as needed.
- (2) Membership of ~~the~~ local *teams*~~[team]~~ may include representatives of the coroner, the local office of the Department for Community Based Services, law enforcement agencies with investigation responsibilities for child ~~and maternal~~ fatalities which occur within the jurisdiction of the local team, the Commonwealth's and county attorneys, representatives of the medical profession, and other members whose participation the local team believes is important to carry out its purpose. Each local team member shall be appointed by the agency the member is representing and shall serve at the pleasure of the appointing authority.
- (3) The purpose of the local child ~~and maternal~~ fatality response *teams*~~[team]~~ shall be to:
- (a) Allow each member to share specific and unique information with the local team;
 - (b) Generate overall investigative direction and emphasis through team coordination and sharing of specialized information;
 - (c) Create a body of information that will assist in the coroner's effort to accurately identify the cause and reasons for death; and
 - (d) Facilitate the appropriate response by each member agency to the fatality, including but not limited to, intervention on behalf of others who may be adversely affected by the situation, implementation of health services necessary for protection of other citizens, further investigation by law enforcement, or legal action by Commonwealth's or county attorneys.
- (4) ~~The~~ Local *teams*~~[team]~~ may:
- (a) Analyze information regarding local child ~~and maternal~~ fatalities to identify trends, patterns, and risk factors;
 - (b) Recommend to the state *teams*~~[team]~~ *established under Section 18 of this Act*, and any other entities deemed appropriate, changes in state or local programs, legislation, administrative regulations, policies, budgets, and treatment and service standards which may facilitate strategies for prevention and reduce the number of child ~~and maternal~~ fatalities; and
 - (c) Evaluate the effectiveness of local prevention and intervention strategies.
- (5) ~~The~~ Local *teams*~~[team]~~ may establish a protocol for the investigation of child ~~and maternal~~ fatalities and may establish operating rules and procedures as *deemed*~~[it deems]~~ necessary to carry out the purposes of this section.
- (6) The review of a child ~~and maternal~~ fatality by a local team may include information from reports generated or received by agencies, organizations, or individuals that are responsible for investigation, prosecution, or treatment in the case.

- (7) The proceedings, records, opinions, and deliberations of ~~the~~ local ~~teams~~~~team~~ shall be privileged and shall not be subject to discovery, subpoena, or introduction into evidence in any civil action in any manner that would directly or indirectly identify specific persons or cases reviewed by ~~the~~ local ~~teams~~~~team~~. Nothing in this subsection shall be construed to restrict or limit the right to discover or use in any civil action any evidence that is discoverable independent of the proceedings of ~~the~~ local ~~teams~~~~team~~.

➔Section 20. KRS 216.2929 is amended to read as follows:

- (1) (a) The Cabinet for Health and Family Services shall make available on its website information on charges for health-care services at least annually in understandable language with sufficient explanation to allow consumers to draw meaningful comparisons between every hospital and ambulatory facility, differentiated by payor if relevant, and for other provider groups as relevant data becomes available.
- (b) Any charge information compiled and reported by the cabinet shall include the median charge and other percentiles to describe the typical charges for all of the patients treated by a provider and the total number of patients represented by all charges, and shall be risk-adjusted.
- (c) The report shall clearly identify the sources of data used in the report and explain limitations of the data and why differences between provider charges may be misleading. Every provider that is specifically identified in any report shall be given thirty (30) days to verify the accuracy of its data prior to public release and shall be afforded the opportunity to submit comments on its data that shall be included on the website and as part of any printed report of the data.
- (d) The cabinet shall only provide linkages to organizations that publicly report comparative-charge data for Kentucky providers using data for all patients treated regardless of payor source, which may be adjusted for outliers, is risk-adjusted, and meets the requirements of paragraph (c) of this subsection.
- (2) (a) The cabinet shall make information available on its website at least annually describing quality and outcome measures in understandable language with sufficient explanations to allow consumers to draw meaningful comparisons between every hospital and ambulatory facility in the Commonwealth and other provider groups as relevant data becomes available.
- (b) 1. The cabinet shall utilize only national quality indicators that have been endorsed and adopted by the Agency for Healthcare Research and Quality, the National Quality Forum, or the Centers for Medicare and Medicaid Services; or
2. The cabinet shall provide linkages only to the following organizations that publicly report quality and outcome measures on Kentucky providers:
- a. The Centers for Medicare and Medicaid Services;
 - b. The Agency for Healthcare Research and Quality;
 - c. The Joint Commission; and
 - d. Other organizations that publicly report relevant outcome data for Kentucky providers.
- (c) The cabinet shall utilize or refer the general public to only those nationally endorsed quality indicators that are based upon current scientific evidence or relevant national professional consensus and have definitions and calculation methods openly available to the general public at no charge.
- (3) Any report the cabinet disseminates or refers the public to shall:
- (a) Not include data for a provider whose caseload of patients is insufficient to make the data a reliable indicator of the provider's performance;
 - (b) Meet the requirements of subsection (1)(c) of this section;
 - (c) Clearly identify the sources of data used in the report and explain the analytical methods used in preparing the data included in the report; and
 - (d) Explain any limitations of the data and how the data should be used by consumers.
- (4) The cabinet shall report at least biennially, no later than October 1 of each odd-numbered year, on the special health needs of the minority population in the Commonwealth as compared to the population in the Commonwealth as compared to the population at large. The report shall contain an overview of the health status of minority Kentuckians, shall identify the diseases and conditions experienced at disproportionate

mortality and morbidity rates within the minority population, and shall make recommendations to meet the identified health needs of the minority population.

- (5) *Beginning December 1, 2024, and at least annually thereafter, the Cabinet for Health and Family Services shall publish a report on its website for the most recent five (5) years of available data on the number and types of delivery procedures for pregnancy by hospital, including but not limited to the following procedures:*

- (a) *Augmentation of labor;*
- (b) *Cesarean section;*
- (c) *Episiotomy;*
- (d) *Induction of labor;*
- (e) *Primary cesarean section;*
- (f) *Nulliparous, term, singleton, vertex (NTSV) cesarean section;*
- (g) *Use of forceps;*
- (h) *Use of vacuum;*
- (i) *Vaginal birth after cesarean (VBAC); and*
- (j) *Vaginal delivery.*

The cabinet shall use health data collected pursuant to KRS 216.2920 to 216.2929 to obtain the required information, and may use additional sources including data derived from birth certificates if the required information is not available from data collected pursuant to KRS 216.2920 to 216.2929.

- (6) The ~~reports~~~~report~~ required under ~~subsections~~~~subsection~~ (4) and (5) of this section shall be submitted to *the Legislative Research Commission for referral to the Interim Joint Committees on Appropriations and Revenue, Families and Children, and Health Services, and to the Governor.*

➔Section 21. KRS 211.575 is amended to read as follows:

- (1) As used in this section, "department" means the Department for Public Health.
- (2) The Department for Public Health shall establish and implement a plan for achieving continuous quality improvement in the quality of care provided under a statewide system for stroke response and treatment. In implementing the plan, the department shall:
 - (a) Maintain a statewide stroke database to compile information and statistics on stroke care as follows:
 - 1. The database shall align with the stroke consensus metrics developed and approved by the American Heart Association, the American Stroke Association, the Centers for Disease Control and Prevention, and the Joint Commission;
 - 2. The department shall utilize the "Get With The Guidelines-Stroke" quality improvement program maintained by the American Heart Association and the American Stroke Association or another nationally recognized program that utilizes a data set platform with patient confidentiality standards no less secure than the statewide stroke database established in this paragraph; and
 - 3. Require certified stroke centers as established in KRS 216B.0425 to report to the database each case of stroke seen at the facility. The data shall be reported in a format consistent with nationally recognized guidelines on the treatment of individuals within the state with confirmed cases of stroke;
 - (b) To the extent possible, coordinate with national voluntary health organizations involved in stroke quality improvement to avoid duplication and redundancy;
 - (c) Encourage the sharing of information and data among health care providers on methods to improve the quality of care of stroke patients in the state;
 - (d) Facilitate communication about data trends and treatment developments among health care professionals involved in the care of individuals with stroke;

- (e) Require the application of evidence-based treatment guidelines for the transition of stroke patients upon discharge from a hospital following acute treatment to community-based care provided in a hospital outpatient, physician office, or ambulatory clinic setting; and
- (f) Establish a data oversight process and a plan for achieving continuous quality improvement in the quality of care provided under the statewide system for stroke response and treatment, which shall include:
 1. Analysis of the data included in the stroke database;
 2. Identification of potential interventions to improve stroke care in specific geographic regions of the state; and
 3. Recommendations to the department and the Kentucky General Assembly for improvement in the delivery of stroke care in the state.
- (3) All data reported under subsection (2)(a) of this section shall be made available to the department and all government agencies or contractors of government agencies which are responsible for the management and administration of emergency medical services throughout the state.
- (4) **By September**~~On June 1, 2013, and annually on June 1~~ **of each year**~~thereafter~~, the department shall provide a report of its data and any related findings and recommendations to the Governor and to the Legislative Research Commission **for referral to the Interim Joint Committee on Health Services**. The report also shall be made available on the department's **website**~~Web site~~.
- (5) Nothing in this section shall be construed to require the disclosure of confidential information or data in violation of the federal Health Insurance Portability and Accountability Act of 1996.

➔Section 22. KRS 211.689 is amended to read as follows:

- (1) As used in this section and KRS 211.690:
 - (a) "Home visitation" means a service delivery strategy with voluntary participation ~~by eligible families that is carried out in the homes~~ of at-risk parents during the prenatal period and until the child's third birthday that provides ~~face-to-face~~ visits by nurses, social workers, and other ~~early childhood~~ professionals or trained and supervised paraprofessionals to improve maternal, infant, and child health and well-being, including:
 1. Reducing preterm births;
 2. Promoting positive parenting practices;
 3. Improving school readiness;
 4. Enhancing the social, emotional, and cognitive development of children;
 5. Reducing child abuse and neglect;
 6. Improving the health of the family; and
 7. Empowering families to be self-sufficient;
 - (b) "Home visitation program" means the voluntary statewide home visiting program established by KRS 211.690 or a program implementing a research-based model or a promising model that includes voluntary home visitation as a primary service delivery strategy that may supplement but shall not duplicate any existing program that provides assistance to parents ~~of young children~~ and that does not include:
 1. Programs with few or infrequent home visits;
 2. Home visits based on professional judgment or medical referrals that are infrequent and supplemental to a treatment plan;
 3. Programs in which home visiting is supplemental to other services, such as child protective services;
 4. In-home services delivered **to at-risk parents** through provisions of an individualized family service plan or individualized education program under the federal Individuals with Disabilities Education Act, Part B or C; or

5. Programs with goals related to direct intervention of domestic violence or substance abuse;
- (c) "Research-based model" means a home visitation model based on a clear, consistent program model that:
 1. Is research-based, grounded in relevant empirically based knowledge, linked to program determined outcomes, has comprehensive home visitation standards that ensure high-quality service delivery and continuous quality improvement, and has demonstrated significant, sustained positive outcomes;
 2. Employs highly trained and competent professionals or paraprofessionals who are provided close supervision and continual professional development and training relevant to the specific model being delivered;
 3. Demonstrates strong linkages to other community-based services; and
 4. Is operated within an organization to ensure program fidelity and meets the outlined objectives and criteria for the model design; and
- (d) "Promising model" means a home visitation model that has ongoing research, is modeled after programs with proven standards and outcomes, and has demonstrated its effectiveness or is actively incorporating model evaluation protocols designed to measure its efficacy.
- (2) ~~Beginning fiscal year 2014,~~ An agency receiving state funds for the purpose of the delivery of home visitation services shall:
 - (a) Meet the definition of home visitation program in this section;
 - (b) Demonstrate to the Department for Public Health that it is part of a coordinated system of care for promoting health and well-being for at-risk parents during the prenatal period and until the child's third birthday; and
 - (c) Report data to the statewide home visiting data system managed by the Department for Public Health in a uniform format prescribed by the department ~~ensuring~~~~assuring~~ common data elements, relevant home visiting data, and information to monitor program effectiveness, including program outcomes, numbers of families served, and other relevant data as determined by the department.

➔Section 23. KRS 213.046 is amended to read as follows:

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

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

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

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

- (b) If the mother claims that the father of the child is not her husband and the husband agrees to such a claim and the putative father agrees to the statement, a three (3) way affidavit of paternity may be signed by the respective parties and duly notarized. The state registrar of vital statistics shall enter the name of a nonhusband on the birth certificate as the father and the surname of the child shall be any name chosen by the mother; ~~and~~
 - (c) If a question of paternity determination arises which is not resolved under paragraph (b) of this subsection, it shall be settled by the District Court.
- (10) The following provisions shall apply if the mother was not married at the time of either conception or birth or between conception and birth or the marital relationship between the mother and her husband has been interrupted for more than ten (10) months prior to the birth of the child:
- (a) The name of the father shall not be entered on the certificate of birth. The state registrar shall upon acknowledgment of paternity by the father and with consent of the mother pursuant to KRS 213.121, enter the father's name on the certificate. The surname of the child shall be any name chosen by the mother and father. If there is no agreement, the child's surname shall be determined by the parent with legal custody of the child;
 - (b) If an affidavit of paternity has been properly completed and the certificate of birth has been filed accordingly, any further modification of the birth certificate regarding the paternity of the child shall require an order from the District Court;
 - (c) In any case in which paternity of a child is determined by a court order, the name of the father and surname of the child shall be entered on the certificate of birth in accordance with the finding and order of the court; ~~and~~
 - (d) In all other cases, the surname of the child shall be any name chosen by the mother.
- (11) If the father is not named on the certificate of birth, no other information about the father shall be entered on the certificate. In all cases, the maiden name of the gestational mother shall be entered on the certificate.
- (12) Any child whose surname was restricted prior to July 13, 1990, shall be entitled to apply to the state registrar for an amendment of a birth certificate showing as the surname of the child, any surname chosen by the mother or parents as provided under this section.
- (13) The birth certificate of a child born as a result of artificial insemination shall be completed in accordance with the provisions of this section.
- (14) Each birth certificate filed under this section shall include all Social Security numbers that have been issued to the parents of the child.
- (15) Either of the parents of the child, or other informant, shall attest to the accuracy of the personal data entered on the certificate in time to permit the filing of the certificate within *five (5)* ~~ten (10)~~ days prescribed in subsection (1) of this section.
- (16) When a birth certificate is filed for any birth that occurred outside an institution, the Cabinet for Health and Family Services shall forward information regarding the need for an auditory screening for an infant and a list of options available for obtaining an auditory screening for an infant. The list shall include the Office for Children with Special Health Care Needs, local health departments as established in KRS Chapter 212, hospitals offering obstetric services, alternative birthing centers required to provide an auditory screening under KRS 216.2970, audiological assessment and diagnostic centers approved by the Office for Children with Special Health Care Needs in accordance with KRS 211.647 and licensed audiologists, and shall specify the hearing methods approved by the Office for Children with Special Health Care Needs in accordance with KRS 216.2970.

➔Section 24. KRS 387.540 is amended to read as follows:

- (1) (a) Prior to a hearing on a petition for a determination of partial disability or disability and the appointment of a limited guardian, guardian, limited conservator, or conservator, an interdisciplinary evaluation report shall be filed with the court. The report may be filed as a single and joint report of the interdisciplinary evaluation team, or it may otherwise be constituted by the separate reports filed by each individual of the team.

- (b) If the court and all parties to the proceeding and their attorneys agree to the admissibility of the report or reports, the report or reports shall be admitted into evidence and shall be considered by the court or the jury if one is impaneled.
- (c) The report shall be compiled by at least three (3) individuals, including:
1. A physician, an advanced practice registered nurse, or a physician assistant; ~~††~~
 2. A psychologist licensed or certified under the provisions of KRS Chapter 319; ~~††~~ and
 3. A person licensed or certified as a social worker or an employee of the Cabinet for Health and Family Services who **has at least one (1) year of investigative experience and has completed training in conducting decisional capacity assessments**~~meets the qualifications of KRS 335.080(1)(a), (b), and (c) or 335.090(1)(a), (b), and (c)}~~. The social worker shall, when possible, be chosen from among employees of the Cabinet for Health and Family Services residing or working in the area, and there shall be no additional compensation for their service on the interdisciplinary evaluation team.
- (2) At least one (1) person participating in the compilation of the report shall have knowledge of the particular disability which the respondent is alleged to have or knowledge of the skills required of the respondent to care for himself and his estate.
- (3) If the respondent is alleged to be partially disabled or disabled due to mental illness, at least one (1) person participating in the compilation of the interdisciplinary evaluation report shall be a qualified mental health professional as defined in KRS 202A.011(12). If the respondent is alleged to be partially disabled or disabled due to an intellectual disability, at least one (1) person participating in the compilation of the evaluation report shall be a qualified professional in the area of intellectual disabilities as defined in KRS 202B.010(12).
- (4) The interdisciplinary evaluation report shall contain:
- (a) A description of the nature and extent of the respondent's disabilities, if any;
 - (b) Current evaluations of the respondent's social, intellectual, physical, and educational condition, adaptive behavior, and social skills. Such evaluations may be based on prior evaluations not more than three (3) months old, except that evaluations of the respondent's intellectual condition may be based on individual intelligence test scores not more than one (1) year old;
 - (c) An opinion as to whether guardianship or conservatorship is needed, the type of guardianship or conservatorship needed, if any, and the reasons therefor;
 - (d) An opinion as to the length of time guardianship or conservatorship will be needed by the respondent, if at all, and the reasons therefor;
 - (e) If limited guardianship or conservatorship is recommended, a further recommendation as to the scope of the guardianship or conservatorship, specifying particularly the rights to be limited and the corresponding powers and duties of the limited guardian or limited conservator;
 - (f) A description of the social, educational, medical, and rehabilitative services currently being utilized by the respondent, if any;
 - (g) A determination whether alternatives to guardianship or conservatorship are available;
 - (h) A recommendation as to the most appropriate treatment or rehabilitation plan and living arrangement for the respondent and the reasons therefor;
 - (i) A listing of all medications the respondent is receiving, the dosage, and a description of the impact of the medication upon the respondent's mental and physical condition and behavior;
 - (j) An opinion whether attending a hearing on a petition filed under KRS 387.530 would subject the respondent to serious risk of harm;
 - (k) The names and addresses of all individuals who examined or interviewed the respondent or otherwise participated in the evaluation; and
 - (l) Any dissenting opinions or other comments by the evaluators.
- (5) The evaluation report may be compiled by a community center for mental health or individuals with an intellectual disability, a licensed facility for mentally ill or developmentally disabled persons, if the respondent is a resident of such facility, or a similar agency.

- (6) In all cases where the respondent is a resident of a licensed facility for mentally ill or developmentally disabled persons and the petition is filed by an employee of that facility, the petition shall be accompanied by an interdisciplinary evaluation report prepared by the facility.
- (7) Except as provided in subsection (6) of this section, the court shall order appropriate evaluations to be performed by qualified persons or a qualified agency. The report shall be prepared and filed with the court and copies mailed to the attorneys for both parties at least ten (10) days prior to the hearing. All items specified in subsection (4) of this section shall be included in the report.
- (8) If the person evaluated is a poor person as defined in KRS 453.190, the examiners shall be paid by the county in which the petition is filed upon an order of allowance entered by the court. Payment shall be in an amount which is reasonable as determined by the court, except no payment shall be required of the county for an evaluation performed by a salaried employee of a state agency for an evaluation performed within the course of his employment. Additionally, no payment shall be required of the county for an evaluation performed by a salaried employee of a community center for mental health or individuals with an intellectual disability or private facility or agency where the costs incurred by the center, facility, or agency are reimbursable through third-party payors. Affidavits or other competent evidence shall be admissible to prove the services rendered but not to prove their value.
- (9) The respondent may file a response to the evaluation report no later than five (5) days prior to the hearing.
- (10) The respondent may secure an independent evaluation. If the respondent is unable to pay for the evaluation, compensation for the independent evaluation may be paid by the county in an amount which is reasonable as determined by the court.

Signed by Governor April 18, 2024.

CHAPTER 208

(HB 169)

AN ACT relating to emergency medical preparedness of schools.

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

➔Section 1. KRS 158.162 is amended to read as follows:

- (1) As used in this section:
 - (a) "Emergency management response plan" or "emergency plan" means a written document to prevent, mitigate, prepare for, respond to, and recover from emergencies; and
 - (b) "First responders" means local fire, police, and emergency medical personnel.
- (2) (a) Each local board of education shall require the school council or, if none exists, the principal in each school building in its jurisdiction to adopt an emergency plan. The emergency plan shall include:
 1. Procedures to be followed in case of medical emergency, fire, severe weather, earthquake, or a building lockdown as defined in KRS 158.164;
 2. A written cardiac emergency response plan; and
 3. A diagram of the facility that clearly identifies the location of each automated external defibrillator.
 - (b) The emergency plan shall be provided to appropriate first responders and all school staff.
 - (c) The emergency plan shall be reviewed following the end of each school year by the school nurse, school council, the principal, and first responders and revised as needed.
 - (d) The principal shall discuss the emergency plan with all school staff prior to the first instructional day of each school year and document the time and date of any discussion.
 - (e) The cardiac emergency response plan shall be rehearsed by simulation prior to the beginning of each athletic season by all:

1. Licensed athletic trainers, school nurses, and athletic directors; and
 2. Interscholastic coaches and volunteer coaches of each athletic team active during that athletic season.
- (f) The emergency plan shall be excluded from the application of KRS 61.870 to 61.884.
- (3) Each local board of education shall require the school council or, if none exists, the principal in each school building to:
- (a) Establish primary and secondary evacuation routes for all rooms located within the school and shall post the routes in each room by any doorway used for evacuation;
 - (b) Identify the best available severe weather safe zones, in consultation with local and state safety officials and informed by guiding principles set forth by the National Weather Service and the Federal Emergency Management Agency, and post the location of safe zones in each room of the school;
 - (c) Develop practices for students to follow during an earthquake;
 - (d) Develop and adhere to practices to control the access to each school building. Practices shall include but not be limited to:
 1. Controlling outside access to exterior doors during the school day;
 2. Controlling the main entrance of the school with electronically locking doors, a camera, and an intercom system;
 3. Controlling access to individual classrooms;
 4. Requiring classroom doors to be equipped with hardware that allows the door to be locked from the outside but opened from the inside;
 5. Requiring classroom doors to remain closed and locked during instructional time, except:
 - a. In instances in which only one (1) student and one (1) adult are in the classroom; or
 - b. When approved in writing by the state school security marshal;
 6. Requiring classroom doors with windows to be equipped with material to quickly cover the window during a building lockdown;
 7. Requiring all visitors to report to the front office of the building, provide valid identification, and state the purpose of the visit; and
 8. Providing a visitor's badge to be visibly displayed on a visitor's outer garment;
 - (e) Maintain a portable automated external defibrillator in a public, readily accessible, well-marked location in every ~~middle and high~~ school building and, as funds become available, at school-sanctioned ~~middle and high school~~ athletic practices and competitions and:
 1. Adopt procedures for the use of the portable automated external defibrillator during an emergency;
 2. Adopt policies for compliance with KRS 311.665 to 311.669 on training, maintenance, notification, and communication with the local emergency medical services system;
 3. Ensure that a minimum of three (3) employees in the school and all interscholastic athletic coaches be trained on the use of a portable automated external defibrillator in accordance with KRS 311.667; ~~and~~
 4. Ensure that all interscholastic athletic coaches maintain a cardiopulmonary resuscitation certification recognized by a national accrediting body on heart health; and
 5. ***No later than November 1 of each school year, submit an annual report to the Kentucky Department of Education on:***
 - a. ***The number and location of each portable automated external defibrillator in every school building;***

- b. *The name, school, and training date of each school district employee and interscholastic athletic coach in the district trained in the use of a portable automated external defibrillator; and*
 - c. *The progress made towards having a portable automated external defibrillator at all school-sanctioned athletic practices and competitions; and*
- (f) Require development of an event-specific emergency action plan for each school-sanctioned nonathletic event held off-campus to be used during a medical emergency, which may include the provision of a portable automated external defibrillator. The plan shall:
- 1. Include a delineation of the roles of staff and emergency personnel, methods of communication, any assigned emergency equipment including a portable automated external defibrillator, a cardiac emergency response plan, and access to and plan for emergency transport; and
 - 2. Be in writing and distributed to any member of school personnel attending the school-sanctioned event in an official capacity.
- (4) All schools shall be in compliance with the provisions of subsection (3)(d) of this section no later than July 1, 2022.
- (5) (a) Each local board of education shall require the principal in each public school building in its jurisdiction to conduct, at a minimum, emergency response drills to include:
- 1. One (1) severe weather drill, one (1) earthquake drill, and one (1) lockdown drill within the first thirty (30) instructional days of each school year and again during the month of January; and
 - 2. The emergency response plan rehearsal by simulation required by subsection (2) of this section and the venue-specific emergency action plan rehearsal by simulation required by KRS 160.445(5) prior to the beginning of each athletic season.
- (b) Required fire drills shall be conducted according to administrative regulations promulgated by the Department of Housing, Buildings and Construction. Whenever possible, first responders shall be invited to observe emergency response drills.
- (6) No later than November 1 of each school year, a local district superintendent shall send verification to the Kentucky Department of Education that all schools within the district are in compliance with the requirements of this section.
- (7) A district with a school not in compliance with the requirements of subsection (3)(d) of this section by July 1, 2022, shall not be eligible for approval by the Kentucky Department of Education for new building construction or expansion in the 2022-2023 school year and any subsequent year without verification of compliance, except for facility improvements that specifically address the school safety and security requirements of this section, when deemed necessary for the protection of student or staff health and safety, or to comply with other legal requirements or orders.

➔Section 2. KRS 158.1622 is amended to read as follows:

- (1) There is hereby created a trust and agency account to be known as the school AED fund to be administered by the Cabinet for Health and Family Services, in collaboration with the Department of Education. Amounts deposited in the fund shall be used for the purpose of awarding needs-based grants to public schools for:
- (a) The purchase and maintenance of portable automated external defibrillators *and other medical devices used to diagnose, prevent, or treat a medical condition that is harmful to student athletes*; and
 - (b) The provision of cardiopulmonary resuscitation training.
- (2) The school AED fund shall consist of any:
- (a) Appropriations designated for the fund;
 - (b) Funds, grants, and receipts from fundraising activities on behalf of the fund; and
 - (c) Other moneys made available for the purposes of the fund.
- (3) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward into the next fiscal year.
- (4) Any interest earnings of the fund shall become a part of the fund and shall not lapse.

- (5) Moneys deposited in the fund are hereby appropriated for the purposes set forth in this section and shall not be appropriated or transferred by the General Assembly for any other purposes.
- (6) Nothing in this section shall be interpreted to restrict the ability of a school or school district to accept direct private donations for the purchase or maintenance of an automated external defibrillator *or other medical device used to diagnose, prevent, or treat a medical condition that is harmful to student athletes.*

Signed by Governor April 18, 2024.

CHAPTER 209

(HB 300)

AN ACT relating to the profession of education.

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

➔Section 1. KRS 161.120 is amended to read as follows:

- (1) Except as described in KRS 161.795, the Education Professional Standards Board may revoke, suspend, or refuse to issue or renew; impose probationary or supervisory conditions upon; issue a written reprimand or admonishment; or any combination of those actions regarding any certificate issued under KRS 161.010 to 161.100, or any certificate or license issued under any previous law to superintendents, principals, teachers, substitute teachers, interns, supervisors, directors of pupil personnel, or other administrative, supervisory, or instructional employees for the following reasons:
 - (a) Being convicted of, or entering an "Alford" plea or plea of nolo contendere to, notwithstanding an order granting probation or suspending imposition of any sentence imposed following the conviction or entry of the plea, one (1) of the following:
 - 1. A felony;
 - 2. A misdemeanor under KRS Chapter 218A, 508, 509, 510, 522, 525, 529, 530, or 531; or
 - 3. A misdemeanor involving a student or minor.

A certified copy of the conviction or plea shall be conclusive evidence of the conviction or plea;
 - (b) Having sexual contact as defined in KRS 510.010(7) with a student or minor. Conviction in a criminal proceeding shall not be a requirement for disciplinary action;
 - (c) Committing any act that constitutes fraudulent, corrupt, dishonest, or immoral conduct. If the act constitutes a crime, conviction in a criminal proceeding shall not be a condition precedent to disciplinary action;
 - (d) Demonstrating willful or careless disregard for the health, welfare, or safety of others;
 - (e) Physical or mental incapacity that prevents the certificate holder from performing duties with reasonable skill, competence, or safety;
 - (f) Possessing, using, or being under the influence of alcohol, which impairs the performance of duties;
 - (g) Unlawfully possessing or unlawfully using a drug during the performance of duties;
 - (h) Incompetency or neglect of duty;
 - (i) Making, or causing to be made, any false or misleading statement or concealing a material fact in obtaining issuance or renewal of any certificate;
 - (j) Failing to report as required by subsection (3){(2)} of this section;
 - (k) Failing to comply with an order of the Education Professional Standards Board;
 - (l) Violating any state statute relating to schools or the teaching profession;
 - (m) Violating the professional code of ethics for Kentucky school certified personnel established by the Education Professional Standards Board through the promulgation of administrative regulation;

- (n) Violating any administrative regulation promulgated by the Education Professional Standards Board or the Kentucky Board of Education; or
 - (o) Receiving disciplinary action or having the issuance of a certificate denied or restricted by another jurisdiction on grounds that constitute a violation of this subsection.
- (2) *The Education Professional Standards Board shall respond to complaints against a certificate holder by the following process:*
- (a) *Within thirty (30) calendar days of the receipt of a completed complaint, board staff shall conduct an initial review to determine whether there is sufficient evidence that a violation may have occurred and shall provide notice of the initial determination to the certificate holder within seven (7) business days that shall include the complete copy of the report and all underlying relevant documents and records;*
 - (b) *Upon receipt of the notice, the certificate holder shall have thirty (30) calendar days to respond or provide a rebuttal to any complaint that was determined to contain sufficient evidence that a violation may have occurred. The response period shall be extended an additional thirty (30) calendar days upon the certificate holder's written request submitted to the board;*
 - (c) *Within ten (10) business days of the receipt of the certificate holder's response or the end of the response period established in paragraph (b) of this subsection, board staff shall conduct another review of the complaint to determine if sufficient evidence exists to support a violation. If the board staff determines that the evidence is:*
 - 1. *Insufficient, then the board staff shall recommend dismissal and shall notify the certificate holder and the complainant of the recommendation within seven (7) business days of the determination; or*
 - 2. *Sufficient, then the board staff shall have seven (7) business days to notify the certificate holder and the complainant of the determination. Notice to the complainant shall only state that further proceedings will occur;*
 - (d) *Upon a determination that sufficient evidence exists to support a possible violation, within the notice required under paragraph (c)2. of this subsection, board staff shall initiate an in-person or virtual conference with the certificate holder to share information and to determine if an agreed resolution can be recommended to the board concerning the alleged violation. The conference shall be scheduled within thirty (30) calendar days of the determination. The certificate holder may decline the conference. If the conference does not occur due to the certificate holder's failure to respond within the thirty (30) calendar days, the required conference shall be considered waived. The certificate holder may have an attorney present at the conference;*
 - (e) *Upon the conclusion of the thirty (30) calendar days conference period, the board shall act on the complaint within thirty (30) calendar days. If the board fails to act on the complaint within the thirty (30) calendar days, then the complaint shall be considered dismissed. The board shall consider the entirety of the complaint with any associated response or recommended agreed resolution to determine:*
 - 1. *Dismissal, conditional dismissal upon completion of training, admonishment, further investigation, or initiation of a hearing;*
 - 2. *Approval of the recommended agreed resolution; or*
 - 3. *A deferral if:*
 - a. *The content of the complaint is subject to ongoing:*
 - i. *Criminal investigation or proceedings;*
 - ii. *Child abuse, dependency, or neglect investigation by an authorized state agency; or*
 - iii. *Teacher tribunal process as provided in KRS 161.790; or*
 - b. *The deferral is agreed to by the certificate holder; and*
 - (f) *The provision of a confirmation of receipt from the board to the certificate holder whenever the certificate holder submits a response or correspondence to the board.*

- (3) (a) The superintendent of each local school district shall report in writing to the Education Professional Standards Board the name, address, phone number, Social Security number, and position name of any certified school employee in the employee's district whose contract is terminated or not renewed, for cause except failure to meet local standards for quality of teaching performance prior to the employee gaining tenure; who resigns from, or otherwise leaves, a position under threat of contract termination, or nonrenewal, for cause; who is convicted in a criminal prosecution; or who otherwise may have engaged in any actions or conduct while employed in the school district that might reasonably be expected to warrant consideration for action against the certificate under subsection (1) of this section. The duty to report shall exist without regard to any disciplinary action, or lack thereof, by the superintendent, and the required report shall be submitted within thirty (30) *calendar* days of the event giving rise to the duty to report.
- (b) The district superintendent shall inform the Education Professional Standards Board in writing of the full facts and circumstances leading to the contract termination or nonrenewal, resignation, or other absence, conviction, or otherwise reported actions or conduct of the certified employee, that may warrant action against the certificate under subsection (1) of this section, and shall forward copies of all relevant documents and records in his possession.
- (c) ***The Education Professional Standards Board shall provide the superintendent confirmation of receipt of any report submitted by the superintendent within seven (7) business days and shall provide the superintendent with notice of:***
1. ***Whether or not board staff determine that there is sufficient evidence in the report that a violation may have occurred; and***
 2. ***Any board action taken against the certificate holder who is the subject of the report.***
- (d) The Education Professional Standards Board may consider reports and information received from other sources.
- (e)~~(d)~~ The certified school employee shall be given a copy of any report provided to the Education Professional Standards Board by the district superintendent or other sources. The employee shall have the right to file a written rebuttal ***pursuant to subsection (2) of this section*** to the report which shall be placed in the official file with the report.
- ~~(4)(3)~~ A finding or action by a school superintendent or tribunal does not create a presumption of a violation or lack of a violation of subsection (1) of this section.
- ~~(5)(4)~~ The board may issue a written admonishment to the certificate holder if the board determines, based on the evidence, that a violation has occurred that is not of a serious nature. A copy of the written admonishment shall be placed in the official file of the certificate holder. The certificate holder may respond in writing to the admonishment within thirty (30) *calendar* days of receipt and have that response placed in his official certification file. Alternatively, the certificate holder may file a request for a hearing with the board within thirty (30) *calendar* days of receipt of the admonishment. Upon receipt of a request for a hearing, the board shall set aside the written admonishment and set the matter for hearing pursuant to the provisions of KRS Chapter 13B ***within thirty (30) calendar days of receipt of the request.***
- ~~(6)(5)~~ (a) ***In accordance with the timeline specified in this section,*** the Education Professional Standards Board shall schedule and conduct a hearing in accordance with KRS Chapter 13B:
1. ***Upon determining that a complaint warrants possible~~(Before)~~ revoking, suspending, refusing to renew, imposing probationary or supervisory conditions upon, issuing a written reprimand, or any combination of these actions regarding any certificate;***
 2. After denying an application for a certificate, upon written request filed within thirty (30) *calendar* days of receipt of the letter advising of the denial; or
 3. After issuing a written admonishment, upon written request for a hearing filed within thirty (30) *calendar* days of receipt of the written admonishment.
- (b) ***If after the hearing required under paragraph (a) of this subsection is scheduled and the certificate holder or applicant believes the hearing is not timely, the certificate holder or applicant may submit a request for an expedited hearing, and the hearing shall be conducted within sixty (60) calendar days of the request.***
- (c) Upon request, a hearing may be public or private at the discretion of the certified employee or applicant.

~~(d)~~~~(e)~~ The hearing shall be conducted before ~~the full board, a panel of three (3) members of the board, or a person appointed as a~~ hearing officer *secured* by the board pursuant to KRS 13B.030~~(4)~~ *and the board may:*

1. *Employ hearing officers;*
2. *Contract with another agency for hearing officers;*
3. *Contract with private attorneys through personal service contracts; or*
4. *Secure a hearing officer from the Attorney General's office.*

~~(e)~~ *The hearing shall afford the certificate holder all the rights secured under KRS Chapter 13B.*

~~(7)~~~~(6)~~ The Education Professional Standards Board or its chair may take emergency action pursuant to KRS 13B.125. Emergency action shall not affect a certificate holder's contract or tenure rights in the school district.

~~(8)~~~~(7)~~ If the Education Professional Standards Board substantiates that sexual contact occurred between a certified employee and a student or minor, the employee's certificate may be revoked or suspended with mandatory treatment of the employee as prescribed by the Education Professional Standards Board. The Education Professional Standards Board may require the employee to pay a specified amount for mental health services for the student or minor which are needed as a result of the sexual contact.

~~(9)~~~~(8)~~ At any time during the investigative or hearing processes, the board may enter into an agreed order or accept an assurance of voluntary compliance with the certificate holder.

~~(10)~~~~(9)~~ The board may reconsider, modify, or reverse its decision on any disciplinary action.

~~(11)~~~~(10)~~ Suspension of a certificate shall be for a specified period of time, not to exceed two (2) years.

- (a) At the conclusion of the specified period, upon demonstration of compliance with any educational requirements and the terms set forth in the agreed order, the certificate shall be reactivated.
- (b) A suspended certificate is subject to expiration and termination.

~~(12)~~~~(11)~~ Revocation of a certificate is a permanent forfeiture. The board shall establish the minimum period of time before an applicant can apply for a new certificate.

- (a) At the conclusion of the specified period, and upon demonstration of compliance with any educational requirements and the terms set forth in the agreed order, the applicant shall bear the burden of proof to show that he or she is again fit for practice.
- (b) The board shall have discretion to impose conditions that it deems reasonably appropriate to ensure the applicant's fitness and the protection of public safety. Any conditions imposed by the board shall address or apply to only that time period after the revocation of the certificate.

~~(13)~~~~(12)~~ An appeal from any final order of the Education Professional Standards Board shall be filed in Franklin Circuit Court *or the Circuit Court of the county in which the certificate holder was employed when the incident occurred* in accordance with KRS Chapter 13B *which provides that all final orders of an agency shall be subject to judicial review.*

Signed by Governor April 18, 2024.

CHAPTER 210

(HB 499)

AN ACT relating to career and technical education funding, making an appropriation therefor, and declaring an emergency.

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

➔SECTION 1. KRS 157.069 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

(1) *As used in this section:*

- (a) *"Administrative operations costs" means costs associated with the operations and staffing of a state-operated area technology center, including but not limited to personnel, facility costs, building utilities and maintenance, and custodial and office supplies;*
 - (b) *"Approved career and technical education dual credit" means earning a grade of "C" or higher for a Kentucky Department of Education-approved career and technical education dual credit course equivalent to three (3) hours of college credit;*
 - (c) *"Approved career and technical education pathway" means a four (4) course career and technical education pathway approved by the Kentucky Department of Education that provides a coherent, articulated sequence of rigorous academic and career-related courses within a career and technical education program area, and leads to an associate degree, an industry-recognized certificate or license, or a baccalaureate or higher degree;*
 - (d) *"Concentrator" means a student who has earned at least two (2) credits for no less than two (2) courses in a single career and technical education pathway;*
 - (e) *"Converted career and technical education center" means a center providing locally operated career and technical education for which a local district assumed authority from the state for the management and control of the center during the 2020-2021, 2021-2022, or 2022-2023 academic years;*
 - (f) *"General-cost career and technical education program" means a career and technical education program or pathway in which high-cost technical equipment, materials, or facilities are not required;*
 - (g) *"General-cost full-time equivalents" means the total number of secondary students enrolled in general-cost career and technical education programs, multiplied by the number of hours those students are enrolled, and divided by six (6) hours;*
 - (h) *"High-cost career and technical education program" means a career and technical education program or pathway in which high-cost equipment, materials, or facilities are required;*
 - (i) *"Locally operated career and technical education" means a district program that provides secondary students with one (1) or more approved career and technical education pathways;*
 - (j) *"State-operated area technology center" means a state-operated secondary school facility with the primary purpose of offering approved career and technical education pathways;*
 - (k) *"Supplemental funding" or "supplemental funds" means moneys appropriated by the General Assembly to support qualifying locally operated career and technical education centers and programs and state-operated area technology centers and programs based on enrollment and incentive criteria;*
 - (l) *"Technical skill attainment" means earning an industry-recognized certification, licensure, or credential as identified by the Kentucky Workforce Innovation Board pursuant to KRS 158.6455(1)(e) or passing an end-of-program assessment for articulated postsecondary credit as designated by the Kentucky Department of Education Office of Career and Technical Education;*
 - (m) *"Weighted high-cost full-time equivalents" means the total number of secondary students enrolled in high-cost career and technical education programs, multiplied by the number of credit hours in which those students are enrolled, divided by six (6) hours, and multiplied by one and one-half (1.5); and*
 - (n) *"Work-based learning program" means a cooperative education program, internship, or registered apprenticeship within the student's chosen approved career and technical education pathway.*
- (2) *The Kentucky Department of Education shall provide funds from the department's annual general fund appropriation to support the administrative operations costs of state-operated area technology centers and converted career and technical education centers.*
 - (3) *For converted career and technical education centers, beginning with fiscal year 2024-2025, the Kentucky Department of Education shall deduct from funds designated for the state-operated area technology centers an amount equal to the administrative operations costs of each converted career and technical education center in the amount received by the center in the most recent fiscal year that the center was under state management and control. The funds for each converted career and technical education center shall be divided as follows:*

- (a) *Seventy-five percent (75%) of the funds shall be sent to the local district that has assumed management and control of the center; and*
- (b) *Twenty-five percent (25%) of the funds shall be sent to the career and technical education innovation and support fund established in subsection (4) of this section.*
- (4) (a) *There is hereby established in the State Treasury a restricted fund to be known as the career and technical education innovation and support fund to receive the funds allocated under subsection (3)(b) of this section. The fund shall consist of moneys received from state appropriations, gifts, grants, and federal funds. The fund shall be administered by the Office of Career and Technical Education. Amounts deposited in the fund shall be used for:*
 - 1. *Supporting innovation in new or emerging career fields;*
 - 2. *Supporting state-operated area technology centers that may experience hardship or natural disasters;*
 - 3. *Personnel costs to provide technical assistance to local districts providing locally operated career and technical education, including technical assistance relating to the monitoring and oversight on the use of supplemental career and technical education funding; and*
 - 4. *Any other purposes reasonably related to improving student outcomes in career and technical education.*
- (b) *Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward into the next fiscal year.*
- (5) *Beginning with the 2024-2025 fiscal year and for each fiscal year thereafter, the Kentucky Department of Education shall distribute to local districts providing locally operated career and technical education and to state-operated area technology centers all general funds designated as supplemental funds to career and technical education programs, subject to the following:*
 - (a) *A local district providing locally operated career and technical education or a state-operated area technology center shall maintain eligibility for receipt of federal funding pursuant to the Strengthening Career and Technical Education for the 21st Century Act, Pub. L. No. 115-224, to be eligible to receive supplemental funding pursuant to this subsection;*
 - (b) *All supplemental funds distributed pursuant to this subsection shall be used to improve student outcomes in career and technical education pathways for students in grades nine (9) through twelve (12), including but not limited to student supplies, resources, materials, and equipment that is designed for enhanced quality of instruction in a career and technical education pathway, the purchase and maintenance of industry standard equipment, assisting students with achieving technical skill attainment, and supporting career and technical student organization participation;*
 - (c)
 - 1. *Supplemental funds for career and technical education shall be divided and allocated to each local district providing locally operated career and technical education and to each state-operated area technology center, with sixty percent (60%) dedicated for enrollment-based funding and forty percent (40%) for incentive-based funding.*
 - 2. *The sixty percent (60%) enrollment-based funding shall be based on a statewide full-time equivalent calculation of the total weighted high-cost full-time equivalents and general-cost full-time equivalents during the prior school year, subject to the following:*
 - a. *The department shall then distribute the enrollment-based funds for each state-operated area technology center or local district providing locally operated career and technical education based on the center's or district's proportional share of the combined weighted high-cost full-time equivalents and general-cost full-time equivalents of the prior year;*
 - b. *The department shall distribute the state-operated area technology center fund portion to the respective state-operated area technology centers and the local district fund portion to the respective local districts; and*
 - c. *The department shall classify qualifying programs as either a high-cost career and technical education program or a general-cost career and technical education program.*

3. *The forty percent (40%) incentives-based funding shall be based on an annual statewide calculation of the total number of qualifying student incentives. The calculation shall only use students that are in grade twelve (12) and use the total incentives earned by those students during secondary education at a state-operated area technology center or within a local district. Once a student has been included in a year's calculation, that student shall not be included in any subsequent year's calculation, subject to the following:*
 - a. *Qualifying student incentives for students in their grade twelve (12) year shall include:*
 - i. *Reaching the designation of a concentrator;*
 - ii. *Technical skill attainment;*
 - iii. *Completing a required number of hours or achieving a benchmark within a work-based learning program; and*
 - iv. *Earning an approved career and technical education dual credit;*
 - b. *The incentives in subdivision a. of this subparagraph shall be allotted to the state-operated area technology center or local district in which it was earned. Each type of incentive shall only be counted once per student at state-operated area technology centers and once per student at local districts for a maximum of four (4) incentives per student at state-operated area technology centers and four (4) incentives at local districts throughout their secondary career and technical education. For incentive criteria that is achieved more than once at state-operated area technology centers, the incentive shall be counted for the state-operated area technology center where it was first achieved. For incentive criteria that is achieved more than once at local districts, the incentive shall be counted for the local district where it was first achieved;*
 - c. *The department shall distribute incentives-based funds for each state-operated area technology center or local district based on the center's or district's proportional share of the combined number of qualifying student incentives achieved by students in grade twelve (12) at a state-operated area technology center or within a local district throughout their secondary career and technical education. The incentives-based funds shall be distributed to the state-operated area technology center or local district in which the incentive was achieved; and*
 - d. *The department shall distribute the state-operated area technology center fund portion to the respective state-operated area technology centers and the local district fund portion to the respective local districts;*
- (d) *There shall be no mid-year adjustment to the allocation of career and technical education supplemental funding for a center or local district; and*
- (e) *Notwithstanding the restriction in paragraph (b) of this subsection, a district may submit a waiver request to the Office of Career and Technical Education to use a portion of its allocation of supplemental funds for career and technical education programming for students in grades (5) through eight (8). The district shall submit a request which details the district's plan for career and technical education programming for students in grades five (5) through eight (8). In reviewing the request, the Office of Career and Technical Education shall consider whether:*
 1. *The district details a plan for orientation and exploration of broad-based industries by giving students knowledge and experience regarding careers within these industries and exploratory or hands-on skills used in the industry;*
 2. *There is direct alignment between middle and secondary career and technical education pathways within the requesting district; and*
 3. *Such designation of supplemental funding for programming for students in grades five (5) through eight (8) does not have a significant detrimental impact on the programming available for students in secondary grades.*
- (6) *The Office of Career and Technical Education shall monitor and provide oversight of state funds distributed pursuant to this section to ensure that the use of funding by eligible recipients meets the approved criteria as described in this section.*

- (7) *The Kentucky Board of Education shall promulgate administrative regulations in accordance with KRS Chapter 13A as may be needed in the administration of this section and for disbursement of moneys.*
- (8) *The Kentucky Department of Education shall publish on the department's website:*
- (a) *The list of all career and technical education programs available to students and the program's designation as a high-cost career and technical education program or as a general-cost career and technical education program;*
 - (b) *A report of the supplemental funding amounts provided to each local district and to each state-operated area technology center, including an explanation of the amount designated as enrollment-based funding and as incentives-based funding; and*
 - (c) *A report of the administrative operations costs provided to each state-operated area technology center and to each converted career and technical education center, as well as the amount contributed toward the career and technical education innovation and support fund.*

➔Section 2. (1) To the extent that funds are made available for this purpose, a local board of education shall provide a one-time award to any employee of a converted career and technical education center as defined in subsection (1)(e) of Section 1 of this Act who was employed by the converted career and technical education center at the time of conversion and who remains employed by the same local board of education that assumed operational control. The one-time award shall be an amount up to 14.48 percent of the employee's salary at the time of conversion, which is based on the raises subsequently provided for executive branch state employees and shall provide the qualifying employees what they would have received had the career and technical education center remained under state operation. The award amount shall be calculated by the Kentucky Department of Education for each qualifying employee.

(2) A local board of education shall request reimbursement for the amount of one-time award payments made pursuant to this section from the fund to support education excellence in Kentucky established in KRS 157.330. If the amount appropriated for reimbursement of award payments is insufficient, then each award shall be reduced proportionally.

(3) The Kentucky Department of Education shall ensure equitable distribution of funds under this section.

(4) Notwithstanding the payment provided in subsection (1) of this section being a one-time award, a local board of education may recognize the one-time award amount as reflective of the appropriate annual salary for an employee receiving the award under the conditions established by subsection (1) of this section, and may use resources available to the local board of education to increase an employee's annual salary accordingly.

➔Section 3. There is hereby appropriated General Fund moneys in the amount of \$170,000 in fiscal year 2023-2024 to the Learning and Results Services budget unit to support the payment of awards set forth in Section 2 of this Act.

➔Section 4. Whereas it is critical to ensure that funding for career and technical education is equitable across the state, aligns with fiscal years, reflects student enrollment, and fosters successful outcomes in workforce preparation, an emergency is declared to exist, and Sections 2 and 3 of this Act take effect upon its passage and approval by the Governor or upon its otherwise becoming a law, and Section 1 of this Act takes effect on July 1, 2024.

Signed by Governor April 18, 2024.

CHAPTER 211

(HB 214)

AN ACT relating to individuals with intellectual and developmental disabilities.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 210 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "developmental disabilities" has the same meaning as in KRS 387.510.*

- (2) *The General Assembly finds that in addition to the rights provided under KRS Chapter 347 for developmentally disabled persons, the rights of individuals with intellectual or developmental disabilities include but are not limited to the right to:*
- (a) *Be treated at all times with courtesy and respect and with full recognition of their dignity and individuality;*
 - (b) *Accessible, appropriate, safe, equal, and sanitary living, learning, and working environments that comply with local, state, and federal standards and recognize the individual's need for privacy and independence;*
 - (c) *Practice the religion of their choice or to abstain from the practice of religion;*
 - (d) *Ownership and use of personal possessions to maintain individuality and personal dignity;*
 - (e) *Pursue vocational opportunities that will promote and enhance economic independence;*
 - (f) *Be treated equally as citizens under the law;*
 - (g) *Be free from emotional, psychological, verbal, and physical abuse;*
 - (h) *Participate in decisions that affect their lives and promote self-determination in relation to their cognitive abilities;*
 - (i) *Participate in their personal financial affairs to the extent not otherwise determined by order of a court of competent jurisdiction or otherwise by law;*
 - (j) *Confidential treatment of all information in their personal and medical records, except to the extent that disclosure or release of records is permitted under KRS 210.235;*
 - (k) *Voice grievances and recommend changes in policies and services without coercion or discrimination;*
 - (l) *Freely participate in the political process to the extent provided by law;*
 - (m) *Communicate verbal or nonverbal refusal to participate in medical or psychological experiments;*
 - (n) *Participate in integrated programs of education, training, social development, habilitation, and recreation;*
 - (o) *Fair and equal wages in integrated work places; and*
 - (p) *Choose and maintain healthcare providers, personal care providers, services, and supports to the extent not otherwise required by order of a court of competent jurisdiction or otherwise by law.*
- (3) *The general purposes of this section are to:*
- (a) *Safeguard all individuals within the state from discrimination because of the person's status as an individual with an intellectual or developmental disability;*
 - (b) *Protect the individual's interest in personal dignity and freedom from humiliation;*
 - (c) *Make available to the state the individual's full productive capacities; and*
 - (d) *Further the interest, rights, and privileges of individuals with intellectual disabilities and developmental disabilities within the state.*
- (4) *Nothing in this section shall be deemed to repeal any other law of this state relating to discrimination because of the person's status as a qualified individual with a disability as defined in KRS 344.030.*

➔Section 2. This Act may be cited as the Frank Huffman Act.

Signed by Governor April 18, 2024.

AN ACT relating to digital precinct boundary requirements.

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

➔Section 1. KRS 117.055 is amended to read as follows:

Subject to KRS 117.0551 to 117.0555:

- (1) Each county shall be divided into election precincts by the county board of elections. Each election precinct shall be composed of contiguous and, as nearly as practicable, compact areas having clearly definable boundaries and wholly contained within any larger district. The county board of elections shall establish precincts so that no boundary of a precinct crosses the boundary of:
 - (a) The Commonwealth;
 - (b) A county or urban-county;
 - (c) A congressional district;
 - (d) A state senatorial district;
 - (e) A state representative district;
 - (f) A justice of the peace or county commissioner's district established under KRS Chapter 67; or
 - (g) An aldermanic ward established under KRS 83.440.
- (2) The county board of elections shall have the authority to draw precinct lines so as to enable more than one (1) precinct to vote at one (1) location. The county board of elections shall review election precinct boundaries as often as necessary. Without exception, they shall review the boundaries of all election precincts exceeding seven hundred (700) votes cast in the last regular election prior to each primary election, and the State Board of Elections may require a written report at least sixty (60) days prior to the candidate filing deadline set forth in KRS 118.165(1) and (2) on each election precinct exceeding seven hundred (700) votes cast in the last regular election. Consideration to the division of said election precincts should be based on the anticipated growth factor within the specified boundaries; however, the county board of elections shall not be prohibited from dividing election precincts in excess of seven hundred (700) votes cast in the last regular election or less than seven hundred (700) votes cast in the last regular election if they elect to do so. However, the State Board of Elections may, in its discretion, withhold from a county the expenses of an election under KRS 117.345 for any precinct containing more than one thousand five hundred (1,500) registered voters, excluding those precincts utilizing optical scan voting equipment and those periods of time in which the precinct boundaries have been frozen under KRS 117.056.
- (3) No election precinct shall be created, divided, abolished, or consolidated or the boundaries therein changed prior to any primary to comply with the provisions of KRS 117.055 to 117.0555 and KRS 117.0557 later than the last date prescribed by election law generally for filing notification and declaration forms with the county clerk or Secretary of State. No election precinct shall be created, divided, abolished, or consolidated or the boundaries therein changed prior to any regular election to comply with the provisions of KRS 117.055 to 117.0555 and KRS 117.0557 later than the last date prescribed by election law generally for filing certificates or petitions of nomination with the county clerk or Secretary of State.
- (4) The county board of elections shall designate the name or number and the boundaries of the election precincts. Each precinct shall contain, as nearly as practicable, an equal number of voters, based on the number of registered voters in the county.
- (5) ***A digital precinct boundary file in an ESRI ArcGIS Shapefile or file geodatabase format, georeferenced to a Kentucky State Plane Coordinate System in accordance with KRS 1.020, ~~map~~ and a detailed description ~~(listing)~~ of the exact election precinct boundaries shall be filed by the county board of elections with the State Board of Elections. ~~and~~ Any changes in boundaries thereafter made shall also be filed with the State Board of Elections. A copy of ~~a~~ ~~this~~ map created from the digital precinct boundary file depicting ~~(indicating)~~ all precinct boundaries within the county in relation to key geographically identifiable visible features as described in subsection (3) of Section 2 of this Act shall be included in the election supplies of each precinct.***
- (6) ***The Commonwealth's digital precinct boundary data shall be stored and maintained in the central statewide geographic information clearinghouse as in accordance with KRS 42.655(1).***

- (7) If the county board of elections fails to perform any of the duties required by KRS 117.055 to 117.0555 and KRS 117.0557:
- (a) The State Board of Elections or any citizen and voter of the county may apply to the Circuit Court of the county for a summary mandatory order requiring the board to perform the duty. Appeals may be taken to the Court of Appeals by either party; and
 - (b) The State Board of Elections shall not submit claims for payments to the county under KRS 117.343 and 117.345 until the State Board of Elections determines in writing that the duty has been performed.
- ~~(8)(7)~~ The county board of elections shall coordinate all precinct boundary changes with the affected school board, magisterial, and municipal boundaries.

➔Section 2. KRS 117.0551 is amended to read as follows:

- (1) A county board of elections shall establish election precincts so that each boundary of each precinct follows:
- (a) A boundary described in KRS 117.055(1);
 - (b) The boundary of an incorporated city;
 - (c) A boundary of an urban-county legislative district established under KRS Chapter 67A;
 - (d) A boundary of a school district or school district division established under KRS Chapter 160; or
 - (e) A boundary of a census tract or census block established by the United States Bureau of the Census for the most recent decennial census of population and appearing on census block boundary maps.
- (2) If a county board of elections cannot establish a precinct that complies with KRS 117.055 by using the boundaries permitted under subsection (1) of this section, the county board of elections may either:
- (a) Establish the precinct boundary by using a boundary following a visible feature, including but not limited to a highway, railroad, or stream *centerline*, and an extension of that visible feature to, but not across, another visible feature, nor across an extension of another feature that is used as a precinct boundary; or
 - (b) Request an exemption under KRS 117.0553 and 117.0554.
- (3) For purposes of this section, a "visible feature" is a physical feature shown on official maps *or in geographic information system (GIS) layers that are solely or both prepared and maintained* by:
- (a) The Kentucky Transportation Cabinet;
 - (b) The United States Geological Survey; ~~for~~
 - (c) The United States Bureau of the Census;
 - (d) The Kentucky Department of Revenue; or**
 - (e) The Commonwealth Office of Technology.**

➔Section 3. KRS 117.0552 is amended to read as follows:

- (1) As used in KRS 117.055 to 117.0555 and KRS 117.0557, "establish a precinct" shall include the following:
- (a) Creating a new precinct;
 - (b) Dividing one (1) precinct into two (2) or more precincts;
 - (c) Combining two (2) or more precincts into one (1) precinct; and
 - (d) Altering a boundary line between two (2) or more precincts.
- (2) Each county board of elections shall establish precincts by issuing a proposed precinct establishment order. Each proposed precinct establishment order shall be submitted to the executive director of the State Board of Elections for approval.
- (3) The order prescribed in subsection (2) of this section shall include:
- (a) A written description of the boundaries of each precinct to be established;

- (b) A *digital precinct boundary file*, submitted in an *ESRI ArcGIS Shapefile or file geodatabase format*, that has been georeferenced to the Kentucky State Plane Coordinate System in accordance with *KRS 1.020* ~~[map or maps]~~ clearly showing the boundaries of each precinct to be established;
 - (c) The estimated number of registered voters in each precinct to be established; and
 - (d) Any additional information which may be required by an administrative regulation adopted by the State Board of Elections under KRS Chapter 13A for the purposes of assuring compliance with KRS 117.055 to 117.0555 and KRS 117.0557.
- (4) If a proposed precinct establishment order includes a description of a precinct with a boundary that follows the boundary of an entity referred to in KRS 117.0551(1), the order shall include the following:
- (a) A description that precisely identifies the boundary line; and
 - (b) A *digital precinct boundary file* ~~[notation on the map]~~ of the precinct indicating that the boundary is that of an entity referred to in KRS 117.0551(1) and naming the specific entity.
- (5) If a proposed precinct establishment order includes a description of a precinct boundary that follows one or more visible features *as described in subsection (2)(a) of Section 2 of this Act*, the order shall include:
- (a) A *reference map that corresponds to a detailed* description that precisely identifies each feature that forms the precinct boundary; *and*
 - (b) A *digital precinct boundary file that includes the visible features*.

➔Section 4. KRS 117.0557 is amended to read as follows:

~~[Not later than January 1, 1995,]~~The boundaries of all election precincts in the Commonwealth shall comply with KRS 117.055 and 117.0551, and all county boards of elections shall have filed with the State Board of Elections *digital precinct boundary files* ~~[maps]~~ and *detailed* descriptions of precinct boundaries that provide the information required by KRS 117.055 and 117.0552. For the purpose of implementing this section:

- (1) ~~[By July 15, 1993,]~~The State Board of Elections, in consultation with the Legislative Research Commission, shall review the boundaries of all precincts in effect ~~[on July 14, 1992,]~~ to determine whether or not the boundaries comply with KRS 117.055 and 117.0551. If the State Board of Elections finds that a precinct boundary does not comply with KRS 117.055 and 117.0551, it shall so notify the county board of elections in writing.
- (2) ~~[By July 15, 1993,]~~The State Board of Elections, in consultation with the Legislative Research Commission, shall review the *digital precinct boundary files* ~~[maps]~~ and *detailed* descriptions of precinct boundaries on file with the State Board of Elections to determine if the boundaries of all precincts in effect ~~[on July 14, 1992,]~~ are described and mapped in a manner that provides the information required by KRS 117.055 and 117.0552. If the State Board of Elections finds that the information on file does not provide the information required by KRS 117.055 and 117.0552, it shall so notify the county board of elections in writing.
- (3) If a county board of elections receives notice under subsection (1) or (2) of this section, it shall prepare a proposed precinct establishment order to establish a precinct boundary in compliance with KRS 117.055 and 117.0551, or provide a *digital precinct boundary files* ~~[map]~~ and *detailed* description of the precinct boundary in compliance with KRS 117.055 and 117.0552, or both ~~[, not later than July 15, 1994]~~. The proposed precinct establishment order shall be processed in the manner prescribed by KRS 117.0552 to 117.0555.

Signed by Governor April 18, 2024.

CHAPTER 213

(HB 190)

AN ACT relating to pharmacy benefits.

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

➔Section 1. 2024 Ky. Acts ch. 104, sec. 3 (2024 RS SB 188/GA, sec. 3) is amended to read as follows:

- (1) As used in this section:
- (a) "Actual overpayment" means the portion of any amount paid for pharmacy or pharmacist services that:
 1. Is duplicative because the pharmacy or pharmacist has already been paid for the services; or
 2. Was erroneously paid because the services were not rendered in accordance with the prescriber's order, in which case only the amount paid for that portion of the prescription that was filled incorrectly or in excess of the prescriber's order may be deemed an actual overpayment. The amount denied, refunded, or recouped shall not include the dispensing fee paid to the pharmacy if the correct medication was dispensed to the patient;
 - (b) "Ambulatory pharmacy" means a pharmacy that:
 1. Is open to the general public; and
 2. Dispenses outpatient prescription drugs;
 - (c) "***National average drug acquisition cost***" means the national average drug acquisition cost, or NADAC, for a prescription drug or other service that is:
 1. ***Determined by a survey of retail pharmacies; and***
 2. ***Published by the federal Centers for Medicare and Medicaid Services;***
 - (d) "National drug code number" means the unique national drug code number that identifies a specific approved drug, its manufacturer, and its package presentation;
 - ~~(e)~~ "Net amount" means the amount paid to the pharmacy or pharmacist by the insurer, pharmacy benefit manager, or other administrator less any fees, price concessions, and all other revenue passing from the pharmacy or pharmacist to the insurer, pharmacy benefit manager, or other administrator; and
 - ~~(f)~~ "Wholesale acquisition cost" means the manufacturer's list price for the drug to wholesalers or direct purchasers in the United States, not including prompt pay or other discounts, rebates, or reductions in price, for the most recent month for which the information is available, as reported in wholesale price guides or other publications of drug pricing data.
- (2) To the extent permitted under federal law, every contract between a pharmacy or pharmacist and an insurer, a pharmacy benefit manager, or any other administrator of pharmacy benefits for the provision of pharmacy or pharmacist services under a health plan, either directly or through a pharmacy services administration organization or group purchasing organization, shall:
- (a) Outline the terms and conditions for the provision of pharmacy or pharmacist services;
 - (b) Prohibit the insurer, pharmacy benefit manager, or other administrator from:
 1. Reducing payment for pharmacy or pharmacist services, directly or indirectly, under a reconciliation process to an effective rate of reimbursement. This prohibition shall include, without limitation, creating, imposing, or establishing direct or indirect remuneration fees, generic effective rates, dispensing effective rates, brand effective rates, any other effective rates, in-network fees, performance fees, point-of-sale fees, retroactive fees, pre-adjudication fees, post-adjudication fees, and any other mechanism that reduces, or aggregately reduces, payment for pharmacy or pharmacist services;
 2. Retroactively denying, reducing reimbursement for, or seeking any refunds or recoups for a claim for pharmacy or pharmacist services, in whole or in part, from the pharmacy or pharmacist after returning a paid claim response as part of the adjudication of the claim, including claims for the cost of a medication or dispensed product and claims for pharmacy or pharmacist services that are deemed ineligible for coverage, unless one (1) or more of the following occurred:
 - a. The original claim was submitted fraudulently; or
 - b. The pharmacy or pharmacist received an actual overpayment;
 3. Reimbursing the pharmacy or pharmacist for a prescription drug or other service at a net amount that is lower than the amount the insurer, pharmacy benefit manager, or other administrator reimburses itself or a pharmacy affiliate for the same:
 - a. Prescription drug by national drug code number; or

- b. Service;
- 4. Collecting cost sharing from a pharmacy or pharmacist that was provided to the pharmacy or pharmacist by an insured for the provision of pharmacy or pharmacist services under the health plan; and
- 5. Designating a prescription drug as a specialty drug unless the drug is a limited distribution drug that:
 - a. Requires special handling; and
 - b. Is not commonly carried at retail pharmacies or oncology clinics or practices; and
- (c) Notwithstanding any other law, provide the following minimum reimbursements to the pharmacy or pharmacist for each prescription drug or other service provided by the pharmacy or pharmacist:
 - 1. a. ***Except as provided in subdivision b. of this subparagraph***, reimbursement for the cost of the drug or other service at an amount that is not less than:
 - i. The national average drug acquisition cost for the drug or service at the time the drug or service is administered, dispensed, or provided; or
 - ii. If the national average drug acquisition cost is not available at the time a drug is administered or dispensed, the wholesale acquisition cost for the drug at the time the drug is administered or dispensed.
 - b. ***The minimum reimbursement for the cost of a drug or other service required under this subparagraph shall not apply to a pharmacy permitted under KRS Chapter 315 with a designated pharmacy type of "retail chain" on file with the Kentucky Board of Pharmacy, or a pharmacist practicing at such a pharmacy, until a determination by the commissioner under subparagraph 2.a. of this paragraph has taken effect.***
 - c. For purposes of complying with this subparagraph, the insurer, pharmacy benefit manager, or other administrator shall utilize the most recently published monthly national average drug acquisition cost as a point of reference for the ingredient drug product component of a pharmacy's or pharmacist's reimbursement for drugs appearing on the national average drug acquisition cost list; and
- 2. a. Except as provided in subdivision b. of this subparagraph, for health plan years beginning on or after January 1, 2027, reimbursement for a professional dispensing fee that is not less than the average cost to dispense a prescription drug in an ambulatory pharmacy located in Kentucky, as determined by the commissioner in an administrative regulation promulgated in accordance with KRS Chapter 13A.
 - b. i. The minimum dispensing fee required under subdivision a. of this subparagraph shall not apply to a mail-order pharmaceutical distributor, including a mail-order pharmacy.
 - ii. For health plan years beginning prior to January 1, 2027, and for any future health plan years for which a determination ***by the commissioner*** under subdivision a. of this subparagraph has not taken effect, the minimum dispensing fee for a pharmacy permitted under KRS Chapter 315 with a designated pharmacy type of "retail independent" on file with the Kentucky Board of Pharmacy, or a pharmacist practicing at such a pharmacy, shall be not less than ten dollars and sixty-four cents (\$10.64).
- c. In acquiring data for, and making, the determination required under subdivision a. of this subparagraph, the commissioner shall:
 - i. Promulgate an administrative regulation in accordance with KRS Chapter 13A that establishes the data elements to be collected by the Kentucky Board of Pharmacy under Section 16 of this Act;
 - ii. Conduct a study of the dispensing data submitted to the commissioner by the Kentucky Board of Pharmacy in accordance with Section 16 of this Act;
 - iii. Repeat the study every two (2) years to obtain updated information;

- iv. Adjust the determination every two (2) years as appropriate based upon the results of each study; and
- v. Comply with all requirements of Section 16 of this Act.
- d. In carrying out his or her duties under this subparagraph, the commissioner shall cooperate and consult with the Kentucky Board of Pharmacy.

➔Section 2. Section 1 of this Act applies to contracts issued, delivered, entered, renewed, extended, or amended on or after January 1, 2025.

➔Section 3. This Act takes effect on January 1, 2025.

Signed by Governor April 18, 2024.

CHAPTER 214

(HB 354)

AN ACT relating to retiree health insurance reimbursements for school district employees.

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

➔Section 1. KRS 61.637 is amended to read as follows:

- (1) A retired member who is receiving monthly retirement payments under any of the provisions of KRS 61.510 to 61.705 and 78.510 to 78.852 and who is reemployed as an employee by a participating agency prior to August 1, 1998, shall have his or her retirement payments suspended for the duration of reemployment. Monthly payments shall not be suspended for a retired member who is reemployed if he or she anticipates that he or she will receive less than the maximum permissible earnings as provided by the Federal Social Security Act in compensation as a result of reemployment during the calendar year. The payments shall be suspended at the beginning of the month in which the reemployment occurs.
- (2) Employer and employee contributions shall be made as provided in KRS 61.510 to 61.705 and 78.510 to 78.852 on the compensation paid during reemployment, except where monthly payments were not suspended as provided in subsection (1) of this section or would not increase the retired member's last monthly retirement allowance by at least one dollar (\$1), and the member shall be credited with additional service credit.
- (3) In the month following the termination of reemployment, retirement allowance payments shall be reinstated under the plan under which the member was receiving payments prior to reemployment.
- (4) (a) Notwithstanding the provisions of this section, the payments suspended in accordance with subsection (1) of this section shall be paid retroactively to the retired member, or his or her estate, if he or she does not receive more than the maximum permissible earnings as provided by the Federal Social Security Act in compensation from participating agencies during any calendar year of reemployment.
- (b) If the retired member is paid suspended payments retroactively in accordance with this section, employee contributions deducted during his or her period of reemployment, if any, shall be refunded to the retired employee, and no service credit shall be earned for the period of reemployment.
- (c) If the retired member is not eligible to be paid suspended payments for his or her period of reemployment as an employee, his or her retirement allowance shall be recomputed under the plan under which the member was receiving payments prior to reemployment as follows:
 - 1. The retired member's final compensation shall be recomputed using creditable compensation for his or her period of reemployment; however, the final compensation resulting from the recalculation shall not be less than that of the member when his or her retirement allowance was last determined;
 - 2. If the retired member initially retired on or subsequent to his or her normal retirement date, his or her retirement allowance shall be recomputed by using the formula in KRS 61.595(1);
 - 3. If the retired member initially retired prior to his or her normal retirement date, his or her retirement allowance shall be recomputed using the formula in KRS 61.595(2), except that the

member's age used in computing benefits shall be his or her age at the time of his or her initial retirement increased by the number of months of service credit earned for service performed during reemployment;

4. The retirement allowance payments resulting from the recomputation under this subsection shall be payable in the month following the termination of reemployment in lieu of payments under subparagraph 3. of this paragraph. The member shall not receive less in benefits as a result of the recomputation than he or she was receiving prior to reemployment or would receive as determined under KRS 61.691; and
 5. Any retired member who was reemployed prior to March 26, 1974, shall begin making contributions to the system in accordance with the provisions of this section on the first day of the month following March 26, 1974.
- (5) A retired member, or his or her estate, shall pay to the retirement fund the total amount of payments which are not suspended in accordance with subsection (1) of this section if the member received more than the maximum permissible earnings as provided by the Federal Social Security Act in compensation from participating agencies during any calendar year of reemployment, except the retired member or his or her estate may repay the lesser of the total amount of payments which were not suspended or fifty cents (\$0.50) of each dollar earned over the maximum permissible earnings during reemployment if under age sixty-five (65), or one dollar (\$1) for every three dollars (\$3) earned if over age sixty-five (65).
 - (6) (a) "Reemployment" or "reinstatement" as used in this section shall not include a retired member who has been ordered reinstated by the Personnel Board under authority of KRS 18A.095.
(b) A retired member who has been ordered reinstated by the Personnel Board under authority of KRS 18A.095 or by court order or by order of the Human Rights Commission and accepts employment by an agency participating in the Kentucky Employees Retirement System or County Employees Retirement System shall void his or her retirement by reimbursing the system in the full amount of his or her retirement allowance payments received.
 - (7) (a) Effective August 1, 1998, the provisions of subsections (1) to (4) of this section shall no longer apply to a retired member who is reemployed in a position covered by the same retirement system from which the member retired. Reemployed retired members shall be treated as new members upon reemployment. Any retired member whose reemployment date preceded August 1, 1998, who does not elect, within sixty (60) days of notification by the retirement systems, to remain under the provisions of subsections (1) to (4) of this section shall be deemed to have elected to participate under this subsection.
(b) A retired member whose disability retirement was discontinued pursuant to KRS 61.615 and who is reemployed in one (1) of the systems administered by the Kentucky Retirement Systems or County Employees Retirement System prior to his or her normal retirement date shall have his or her accounts combined upon termination for determining eligibility for benefits. If the member is eligible for retirement, the member's service and creditable compensation earned as a result of his or her reemployment shall be used in the calculation of benefits, except that the member's final compensation shall not be less than the final compensation last used in determining his or her retirement allowance. The member shall not change beneficiary or payment option designations. This provision shall apply to members reemployed on or after August 1, 1998.
 - (8) If a retired member accepts employment or begins serving as a volunteer with an employer participating in the systems administered by Kentucky Retirement Systems or County Employees Retirement System within twelve (12) months of his or her retirement date, the retired member shall notify the Authority and the participating employer shall submit the information required or requested by the Authority to confirm the individual's employment or volunteer status. The retired member shall not be required to notify the Authority regarding any employment or volunteer service with a participating agency that is accepted after twelve (12) months following his or her retirement date.
 - (9) If the retired member is under a contract to provide services as an independent contractor or leased employee to an employer participating in the systems administered by Kentucky Retirement Systems or County Employees Retirement System within twelve (12) months of his or her retirement date, the member shall submit a copy of that contract to the Authority, and the Authority shall determine if the member is an independent contractor or leased employee for purposes of retirement benefits. The retired member and the participating employer shall submit the information required or requested by the Authority to confirm the individual's status as an independent contractor or leased employee. The retired member shall not be required

to notify the Authority regarding any services entered into as an independent contractor or leased employee with a participating agency that the employee enters into after twelve (12) months following his or her retirement date.

- (10) If a member is receiving a retirement allowance, or has filed the forms required for a retirement allowance, and is employed within one (1) month of the member's initial retirement date in a position that is required to participate in the same retirement system from which the member retired, the member's retirement shall be voided and the member shall repay to the retirement system all benefits received. The member shall contribute to the member account established for him or her prior to his or her voided retirement. The retirement allowance for which the member shall be eligible upon retirement shall be determined by total service and creditable compensation.
- (11)
 - (a) If a member of the Kentucky Employees Retirement System retires from a department which participates in more than one (1) retirement system and is reemployed within one (1) month of his or her initial retirement date by the same department in a position participating in another retirement system, the retired member's retirement allowance shall be suspended for the first month of his or her retirement, and the member shall repay to the retirement system all benefits received for the month.
 - (b) A retired member of the County Employees Retirement System who after initial retirement is hired by the county from which the member retired shall be considered to have been hired by the same employer.
- (12)
 - (a) If a hazardous member who retired prior to age fifty-five (55), or a nonhazardous member who retired prior to age sixty-five (65), is reemployed within six (6) months of the member's termination by the same employer, the member shall obtain from his or her previous and current employers a copy of the job description established by the employers for the position and a statement of the duties performed by the member for the position from which he or she retired and for the position in which he or she has been reemployed.
 - (b) The job descriptions and statements of duties shall be filed with the retirement office.
- (13) If the retirement system determines that the retired member has been employed in a position with the same principal duties as the position from which the member retired:
 - (a) The member's retirement allowance shall be suspended during the period that begins on the month in which the member is reemployed and ends six (6) months after the member's termination;
 - (b) The retired member shall repay to the retirement system all benefits paid from systems administered by Kentucky Retirement Systems or County Employees Retirement System under reciprocity, including medical insurance benefits, that the member received after reemployment began;
 - (c) Upon termination, or subsequent to expiration of the six (6) month period from the date of termination, the retired member's retirement allowance based on his or her initial retirement account shall no longer be suspended, and the member shall receive the amount to which he or she is entitled, including an increase as provided by KRS 61.691;
 - (d) Except as provided in subsection (7) of this section, if the position in which a retired member is employed after initial retirement is a regular full-time position, the retired member shall contribute to a second member account established for him or her in the retirement system. Service credit gained after the member's date of reemployment shall be credited to the second member account; and
 - (e) Upon termination, the retired member shall be entitled to benefits payable from his or her second retirement account.
- (14)
 - (a) If the retirement system determines that the retired member has not been reemployed in a position with the same principal duties as the position from which he or she retired, the retired member shall continue to receive his or her retirement allowance.
 - (b) If the position is a regular full-time position, the member shall contribute to a second member account in the retirement system.
- (15)
 - (a) If a retired member is reemployed at least one (1) month after initial retirement in a different position, or at least six (6) months after initial retirement in the same position, and prior to normal retirement age, the retired member shall contribute to a second member account in the retirement system and continue to receive a retirement allowance from the first member account.

- (b) Service credit gained after reemployment shall be credited to the second member account. Upon termination, the retired member shall be entitled to benefits payable from the second member account.
- (16) A retired member who is reemployed and contributing to a second member account shall not be eligible to purchase service credit under any of the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852 which he or she was eligible to purchase prior to his or her initial retirement.
- (17) Notwithstanding any provision of subsections (1) to (7)(a) and (10) to (15) of this section, the following shall apply to retired members who are reemployed by an agency participating in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System on or after September 1, 2008:
- (a) If a member is receiving a retirement allowance from one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System, or has filed the forms required to receive a retirement allowance from one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System, and is employed in a regular full-time position required to participate in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System or is employed in a position that is not considered regular full-time with an agency participating in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System within one (1) month following the member's initial retirement date, the member's retirement shall be voided, and the member shall repay to the retirement system all benefits received, including any health insurance benefits. If the member is returning to work in a regular full-time position required to participate in one (1) of the systems administered by Kentucky Retirement Systems:
1. The member shall contribute to a member account established for him or her in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System, and employer contributions shall be paid on behalf of the member by the participating employer; and
 2. Upon subsequent retirement, the member shall be eligible for a retirement allowance based upon total service and creditable compensation, including any additional service or creditable compensation earned after his or her initial retirement was voided;
- (b) If a member is receiving a retirement allowance from one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System and is employed in a regular full-time position required to participate in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System after a one (1) month period following the member's initial retirement date, the member may continue to receive his or her retirement allowance during the period of reemployment subject to the following provisions:
1. If a member is reemployed by a participating agency within twelve (12) months of the member's retirement date, the participating agency shall certify in writing on a form prescribed by the Authority that no prearranged agreement existed between the employee and agency prior to the employee's retirement for the employee to return to work with the participating agency. If an elected official is reelected to a new term of office in the same position as the elected official held prior to retirement and takes office within twelve (12) months of his or her retirement date, he or she shall be deemed by the Authority as having a prearranged agreement under the provisions of this subparagraph and shall have his or her retirement voided. If the participating agency fails to complete the certification, the member's retirement shall be voided and the provisions of paragraph (a) of this subsection shall apply to the member and the employer. Employment that is accepted by the retired member after twelve (12) months following the member's retirement date shall not constitute a prearranged agreement under this paragraph;
 2. Notwithstanding any other provision of KRS Chapter 16, 61, or 78 to the contrary, the member shall not contribute to the systems and shall not earn any additional benefits for any work performed during the period of reemployment;
 3. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, the employer shall pay employer contributions as specified by KRS 61.565, 61.702, and 78.635, as applicable, on all creditable compensation earned by the employee during the period of reemployment. The

additional contributions paid shall be used to reduce the unfunded actuarial liability of the systems; and

4. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, the employer shall be required to reimburse the systems for the cost of the health insurance premium paid by the systems to provide coverage for the retiree, not to exceed the cost of the single premium. Effective July 1, 2015, local school boards shall not be required to pay the reimbursement required by this subparagraph for retirees employed by the board for eighty (80) days or less during the fiscal year. ***Effective August 1, 2024, the Department of Education shall pay for the health reimbursements required by this subparagraph for a retiree who participated in a hazardous position prior to July 1, 2003, in one (1) of the systems administered by the Kentucky Retirement Systems or the County Employees Retirement System, and who is reemployed by a local school board;***
- (c) Notwithstanding paragraphs (a) and (b) of this subsection, a retired member who qualifies as a volunteer for an employer participating in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System and who is receiving reimbursement of actual expenses, a nominal fee for his or her volunteer services, or both, shall not be considered an employee of the participating employer and shall not be subject to paragraphs (a) and (b) of this subsection if:
1. Prior to the retired member's most recent retirement date, he or she did not receive creditable compensation from the participating employer in which the retired member is performing volunteer services;
 2. Any reimbursement or nominal fee received prior to the retired member's most recent retirement date has not been credited as creditable compensation to the member's account or utilized in the calculation of the retired member's benefits;
 3. The retired member has not purchased or received service credit under any of the provisions of KRS 61.510 to 61.705 or 78.510 to 78.852 for service with the participating employer for which the retired member is performing volunteer services; and
 4. Other than the status of volunteer, the retired member does not become an employee, leased employee, or independent contractor of the employer for which he or she is performing volunteer services for a period of at least twelve (12) months following the retired member's most recent retirement date.

If a retired member, who provided volunteer services with a participating employer under this paragraph violates any provision of this paragraph, then he or she shall be deemed an employee of the participating employer as of the date he or she began providing volunteer services and both the retired member and the participating employer shall be subject to paragraphs (a) and (b) of this subsection for the period of volunteer service;

- (d) Notwithstanding any provision of this section, any mayor or member of a city legislative body shall not be required to resign from his or her position as mayor or as a member of the city legislative body in order to begin drawing benefits from the systems administered by Kentucky Retirement Systems or subject to any provision of this section as it relates solely to his or her service as a mayor or member of the city legislative body if the mayor or member of a city legislative body:
1. Has not participated in the County Employees Retirement System prior to retirement, but is otherwise eligible to retire from the Kentucky Employees Retirement System or the State Police Retirement System; or
 2. Has been or is participating in the County Employees Retirement System and is at least sixty-two (62) years of age. If a mayor or member of a city legislative body who is at least sixty-two (62) years of age retires from the systems administered by Kentucky Retirement Systems but remains in office after his or her effective retirement date, the mayor or member of the city legislative body shall not accrue any further service credit or benefits in the systems administered by Kentucky Retirement Systems for any employment occurring on or after the effective retirement date;
- (e) Notwithstanding any provision of this section, any current or future part-time adjunct instructor for the Kentucky Fire Commission who has not participated in the Kentucky Employees Retirement System

prior to retirement, but who is otherwise eligible to retire from the County Employees Retirement System, shall not be:

1. Required to resign from his or her position as a part-time adjunct instructor for the Kentucky Fire Commission in order to begin drawing benefits from the County Employees Retirement System; or
 2. Subject to any provision of this section as it relates solely to his or her service as a part-time adjunct instructor for the Kentucky Fire Commission;
- (f) If a member is receiving a retirement allowance from any of the retirement systems administered by the Kentucky Retirement Systems or County Employees Retirement System and enters into a contract or becomes a leased employee of an employer under contract with an employer participating in one (1) of the systems administered by the Kentucky Retirement Systems or County Employees Retirement System:
1. At any time following retirement, if the Authority determines the employment arrangement does qualify as an independent contractor or leased employee, the member may continue to receive his or her retirement allowance during the period of the contract;
 2. Within one (1) month following the member's initial retirement date, if the Authority determines the employment arrangement does not qualify as an independent contractor or leased employee, the member's retirement shall be voided in accordance with paragraph (a) of this subsection;
 3. After one (1) month but within twelve (12) months following the member's initial retirement, if the Authority determines the employment arrangement does not qualify as an independent contractor or leased employee and that a prearranged agreement existed between the member and the agency for the member to return to work with the agency, the member's retirement shall be voided in accordance with paragraph (a) of this subsection; and
 4. After a twelve (12) month period following the member's initial retirement, the member may continue to receive his or her retirement allowance during the period of the contract and the member shall not be required to notify the system or submit any documentation for purposes of this section to the system.

The initiation of a contract or the initial date of the leased employment of a retired member by a participating agency that occurs after twelve (12) months or more following the retired member's retirement date shall not constitute a prearranged agreement under this subsection; and

- (g) The Authority shall issue a final determination regarding a certification of the absence of a prearranged agreement or the retired member's qualification as an independent contractor or leased employee as required under this section no later than thirty (30) days after the retired member and participating employer provide all required forms and additional information required by the Authority.
- (18) The Authority shall promulgate administrative regulations to implement the requirements of this section, including incorporating by reference board-prescribed forms that a retired member and participating agency shall provide the systems under subsections (8), (9), and (17) of this section.

➔Section 2. KRS 78.5540 is amended to read as follows:

- (1) A retired member whose disability retirement was discontinued pursuant to KRS 78.5528 and who is reemployed by an employer participating in the system or the Kentucky Retirement Systems prior to his or her normal retirement date shall have his or her accounts combined upon termination for determining eligibility for benefits. If the member is eligible for retirement, the member's service and creditable compensation earned as a result of his or her reemployment shall be used in the calculation of benefits, except that the member's final compensation shall not be less than the final compensation last used in determining his or her retirement allowance. The member shall not change beneficiary or payment option designations.
- (2) (a) If a retired member accepts employment or begins serving as a volunteer with an employer participating in the systems administered by Kentucky Retirement Systems or the County Employees Retirement System within twelve (12) months of his or her retirement date, the retired member shall notify the Authority and the participating employer shall submit the information required or requested by the Authority to confirm the individual's employment or volunteer status. The retired member shall not be required to notify the Authority regarding any employment or volunteer service with a participating agency that is accepted after twelve (12) months following his or her retirement date.

- (b) If the retired member is under a contract to provide services as an independent contractor or leased employee to an employer participating in the systems administered by Kentucky Retirement Systems or the County Employees Retirement System within twelve (12) months of his or her retirement date, the member shall submit a copy of that contract to the Authority, and the Authority shall determine if the member is an independent contractor or leased employee for purposes of retirement benefits. The retired member and the participating employer shall submit the information required or requested by the Authority to confirm the individual's status as an independent contractor or leased employee. The retired member shall not be required to notify the Authority regarding any services entered into as an independent contractor or leased employee with a participating agency that the employee enters into after twelve (12) months following his or her retirement date.
- (3) Retired members of the County Employees Retirement System who returned to work with an employer that participates in the County Employees Retirement System or Kentucky Retirement Systems prior to September 1, 2008, shall be governed by the provisions of KRS 61.637(1) to (16).
 - (4) The following shall apply to retired members of the County Employees Retirement System who are reemployed on or after September 1, 2008, by an agency participating in the systems administered by the County Employees Retirement System or the Kentucky Retirement Systems:
 - (a) If a retired member is receiving a retirement allowance from the County Employees Retirement System, or has filed the forms required to receive a retirement allowance from the County Employees Retirement System, and is employed in a regular full-time position required to participate in the County Employees Retirement System or one (1) of the systems administered by the Kentucky Retirement Systems or is employed in a position that is not considered regular full-time with an employer participating in the County Employees Retirement System or in one (1) of the systems administered by the Kentucky Retirement Systems within one (1) month following the member's initial retirement date, the member's retirement shall be voided, and the member shall repay to the system all benefits received, including any health insurance benefits. If the retired member is returning to work in a regular full-time position required to participate in the County Employees Retirement System:
 - 1. The member shall contribute to a member account established for him or her in the County Employees Retirement System or in one (1) of the systems administered by the Kentucky Retirement Systems, and employer contributions shall be paid on behalf of the member by the participating employer to the system; and
 - 2. Upon subsequent retirement, the member shall be eligible for a retirement allowance based upon total service and creditable compensation, including any additional service or creditable compensation earned after his or her initial retirement was voided;
 - (b) If a retired member is receiving a retirement allowance from the County Employees Retirement System and is employed in a regular full-time position required to participate in the County Employees Retirement System or in one (1) of the systems administered by the Kentucky Retirement Systems after a one (1) month period following the member's initial retirement date, the member may continue to receive his or her retirement allowance during the period of reemployment subject to the following provisions:
 - 1. If a member is reemployed by a participating employer within twelve (12) months of the member's retirement date, the participating employer shall certify in writing on a form prescribed by the Authority that no prearranged agreement existed between the employee and employer prior to the employee's retirement for the employee to return to work with the participating employer. If the participating employer fails to complete the certification or the Authority determines a prearranged agreement exists, the member's retirement shall be voided and the provisions of paragraph (a) of this subsection shall apply to the member and the employer. For purposes of this paragraph:
 - a. If an elected official is reelected to a new term of office in the same position as the elected official held prior to retirement and takes office within twelve (12) months of his or her retirement date, he or she shall be deemed by the Authority as having a prearranged agreement; and
 - b. Employment that is accepted by the retired member after twelve (12) months following the member's retirement date shall not constitute a prearranged agreement under this paragraph;

2. Notwithstanding any other provision of KRS Chapter 78 to the contrary, the member shall not contribute to the system and shall not earn any additional benefits for any work performed during the period of reemployment;
 3. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, the employer shall pay employer contributions as specified by KRS 78.5536 and 78.635 on all creditable compensation earned by the employee during the period of reemployment. The additional contributions paid shall be used to reduce the unfunded actuarial liability of the system; and
 4. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, the employer shall be required to reimburse the system for the cost of the health insurance premium paid by the system to provide coverage for the retiree, not to exceed the cost of the single premium. Effective July 1, 2015, local school boards shall not be required to pay the reimbursement required by this subparagraph for retirees employed by the board for eighty (80) days or less during the fiscal year. ***Effective August 1, 2024, the Department of Education shall pay for the health reimbursements required by this subparagraph for a retiree who participated in a hazardous position prior to July 1, 2003, in the County Employees Retirement System or in one (1) of the systems administered by the Kentucky Retirement Systems, and who is reemployed by a local school board;***
- (c) Notwithstanding paragraphs (a) and (b) of this subsection, a retired member who qualifies as a volunteer for an employer participating in the County Employees Retirement System or the Kentucky Retirement Systems and who is receiving reimbursement of actual expenses, a nominal fee for his or her volunteer services, or both, shall not be considered an employee of the participating employer and shall not be subject to paragraphs (a) and (b) of this subsection if:
1. Prior to the retired member's most recent retirement date, he or she did not receive creditable compensation from the participating employer in which the retired member is performing volunteer services;
 2. Any reimbursement or nominal fee received prior to the retired member's most recent retirement date has not been credited as creditable compensation to the member's account or utilized in the calculation of the retired member's benefits;
 3. The retired member has not purchased or received service credit under any of the provisions of KRS 78.510 to 78.852 for service with the participating employer for which the retired member is performing volunteer services; and
 4. Other than the status of volunteer, the retired member does not become an employee, leased employee, or independent contractor of the employer for which he or she is performing volunteer services for a period of at least twelve (12) months following the retired member's most recent retirement date.
- If a retired member, who provided volunteer services with a participating employer under this paragraph violates any provision of this paragraph, then he or she shall be deemed an employee of the participating employer as of the date he or she began providing volunteer services and both the retired member and the participating employer shall be subject to paragraphs (a) and (b) of this subsection for the period of volunteer service;
- (d) Notwithstanding any provision of this section, any mayor or member of a city legislative body shall not be required to resign from his or her position as mayor or as a member of the city legislative body in order to begin drawing benefits from the systems administered by the Kentucky Retirement Systems or the County Employees Retirement System or subject to any provision of this section as it relates solely to his or her service as a mayor or member of the city legislative body, if the mayor or member of a city legislative body:
1. Has not participated in the County Employees Retirement System prior to retirement, but is otherwise eligible to retire from the Kentucky Employees Retirement System or the State Police Retirement System; or
 2. Has been or is participating in the County Employees Retirement System and is at least sixty-two (62) years of age. If a mayor or member of a city legislative body who is at least sixty-two (62)

years of age retires from the systems administered by Kentucky Retirement Systems or the County Employees Retirement System but remains in office after his or her effective retirement date, the mayor or member of the city legislative body shall not accrue any further service credit or benefits in the systems administered by Kentucky Retirement Systems or the County Employees Retirement System for any employment occurring on or after the effective retirement date;

- (e) Notwithstanding any provision of this section, any current or future part-time adjunct instructor for the Kentucky Fire Commission who has not participated in the Kentucky Employees Retirement System prior to retirement, but who is otherwise eligible to retire from the County Employees Retirement System, shall not be:
 - 1. Required to resign from his or her position as a part-time adjunct instructor for the Kentucky Fire Commission in order to begin drawing benefits from the County Employees Retirement System; or
 - 2. Subject to any provision of this section as it relates solely to his or her service as a part-time adjunct instructor for the Kentucky Fire Commission;
 - (f) If a member is receiving a retirement allowance from the County Employees Retirement System and enters into a contract or becomes a leased employee of an employer under contract with an employer participating in the County Employees Retirement System or one (1) of the systems administered by the Kentucky Retirement Systems:
 - 1. At any time following retirement, if the Authority determines the employment arrangement does qualify as an independent contractor or leased employee, the member may continue to receive his or her retirement allowance during the period of the contract;
 - 2. Within one (1) month following the member's initial retirement date, if the Authority determines the employment arrangement does not qualify as an independent contractor or leased employee, the member's retirement shall be voided in accordance with paragraph (a) of this subsection;
 - 3. After one (1) month but within twelve (12) months following the member's initial retirement, if the Authority determines the employment arrangement does not qualify as an independent contractor or leased employee and that a prearranged agreement existed between the member and the agency for the member to return to work with the agency, the member's retirement shall be voided in accordance with paragraph (a) of this subsection; and
 - 4. After a twelve (12) month period following the member's initial retirement, the member may continue to receive his or her retirement allowance during the period of the contract and the member shall not be required to notify the Authority or submit any documentation for purposes of this section to the Authority. The initiation of a contract or the initial date of the leased employment of a retired member by a participating agency that occurs after twelve (12) months or more following the retired member's retirement date shall not constitute a prearranged agreement under this subsection;
 - (g) The Authority shall issue a final determination regarding a certification of the absence of a prearranged agreement or the retired member's qualification as an independent contractor or leased employee as required under this section no later than thirty (30) days after the retired member and participating employer provide all required forms and additional information required by the Authority; and
 - (h) Retired members of one (1) of the systems administered by Kentucky Retirement Systems who are reemployed by an employer in the County Employees Retirement System on or after September 1, 2008, shall not be eligible to earn a second retirement account in the County Employees Retirement System for his or her service to the employer.
- (5) The Authority shall promulgate administrative regulations to implement the requirements of this section, including incorporating by reference Authority-prescribed forms that a retired member and participating agency shall provide the systems under subsections (1) and (4) of this section.
- (6) "Reemployment" or "reinstatement" as used in this section shall not include a retired member who has been ordered reinstated by the Personnel Board under authority of KRS 18A.095. A retired member who has been ordered reinstated by the Personnel Board under authority of KRS 18A.095 or by court order or by order of the Human Rights Commission and accepts employment by an agency participating in the Kentucky Employees

Retirement System or County Employees Retirement System shall void his or her retirement by reimbursing the system in the full amount of his or her retirement allowance payments received.

➔Section 3. KRS 161.158 is amended to read as follows:

- (1)
 - (a) Each district board of education may form its employees into a group or groups or recognize existing groups for the purpose of obtaining the advantages of group life, disability, medical, and dental insurance, or any group insurance plans to aid its employees including the state employee health insurance group as described in KRS 18A.225 to 18A.2287, as long as the employees continue to be employed by the board of education. Medical and dental group insurance plans obtained under authority of this section may include insurance benefits for the families of the insured group or groups of employees. Any district board of education may pay all or part of the premium on the policies, and may deduct from the salaries of the employees that part of the premium which is to be paid by them and may contract with the insurer to provide the above benefits. As permitted in KRS 160.280(4), board members shall be eligible to participate in any group medical or dental insurance provided by the district for employees.
 - (b) If a district board of education participates in the state employee health insurance program, as described in KRS 18A.225 to 18A.2287, for its active employees and terminates participation and there is a state appropriation approved by the General Assembly for the employer's contribution for active employees' health insurance coverage, neither the board of education nor the employees shall receive the state-funded contribution after termination from the state employee health insurance program.
 - (c) If a district board of education participates in the state employee health insurance program as described in KRS 18A.225 to 18A.2287 for its active employees, all district employees who are required to be offered health insurance coverage for purposes of, and in accordance with, the federal Patient Protection and Affordable Care Act of 2010, Pub. L. No. 111-148, shall be eligible for the state-funded contribution appropriated by the General Assembly for the employer's contribution for active employees' health insurance coverage, ***including reimbursements for the cost of retiree health insurance as required by subsection (17)(b)4. of Section 1 of this Act and subsection (4)(b)4. of Section 2 of this Act.***
- (2)
 - (a) Each district board of education shall adopt policies or regulations which will provide for:
 1.
 - a. Deductions from salaries of its employees or groups of employees whenever a request is presented to the board by said employees or groups thereof.
 - b. The deductions shall be made from salaries earned in at least eight (8) different pay periods.
 - c. The deductions may be made for, but are not limited to, membership dues, tax-sheltered annuities, and group insurance premiums.
 - d. The district board is prohibited from deducting membership dues of an employee organization, membership organization, or labor organization. This provision shall apply to contracts entered into, opted in, extended or renewed on or after January 9, 2017.
 - e. With the exception of membership dues, the board shall not be required to make more than one (1) remittance of amounts deducted during a pay period for a separate type of deduction; and
 2. Deductions from payments for the per diem and actual expenses provided under KRS 160.280(1) to members of the district board of education whenever a request is presented by a board member to the board. The deductions may be made for but not be limited to membership dues, health insurance purchases, scholarship funds, and contributions to a political action committee.
 - (b) The deductions under paragraph (a)1. and 2. of this subsection shall be remitted to the appropriate organization or association as specified by the employees within thirty (30) days following the deduction, provided the district has received appropriate invoices or necessary documentation.
 - (c) Health insurance, life insurance, and tax-sheltered annuities shall be interpreted as separate types of deductions. When amounts have been correctly deducted and remitted by the board, the board shall bear no further responsibility or liability for subsequent transaction.
- (3) Payments and deductions made by the board of education under the authority of this section are presumed to be for services rendered and for the benefit of the common schools, and the payments and deductions shall not

affect the eligibility of any school system to participate in the public school funding program as established in KRS Chapter 157.

Signed by Governor April 18, 2024.

CHAPTER 215

(HB 449)

AN ACT relating to local boards of education.

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

➔Section 1. KRS 160.180 is amended to read as follows:

- (1) As used in this section, "relative" means father, mother, brother, sister, husband, wife, son, and daughter.
- (2) ~~A~~~~No~~ person shall **only** be eligible for membership on a board of education **if the person**:
 - (a) ~~Unless he~~ Has attained the age of twenty-four (24) years; ~~and~~
 - (b) ~~Unless he~~ Has been a citizen of Kentucky for at least three (3) years preceding **the**~~his~~ election and is a voter of the district for which he **or she** is elected; ~~and~~
 - (c) ~~Unless he~~ Has completed at least the twelfth grade or has been issued a High School Equivalency Diploma, **as evidenced by**: ~~and~~
 1. ~~(d) Unless~~ An affidavit signed under penalty of perjury certifying completion of the twelfth grade or the equivalent **that**~~as determined by passage of the twelfth grade equivalency examination held under regulations adopted by the Kentucky Board of Education~~ has been filed with the nominating petition required by KRS 118.315; ~~or~~~~and~~
 2. ~~(e) For a candidate who files a nominating petition as required by KRS 118.315 on or after April 4, 2018, unless~~ A transcript evidencing completion of the twelfth grade or **the** results of a twelfth grade equivalency examination **that** has been filed with the nominating petition **required by KRS 118.315**; ~~or~~
 - (d)~~(f)~~ **Does not hold**~~Who holds~~ any elective federal, state, county, or city office; ~~or~~
 - (e)~~(g)~~ ~~Who, at the time of his election,~~ **Is not, at the time of his or her election**, directly or indirectly interested in the sale to the board of books, stationery, or any other property, materials, supplies, equipment, or services for which school funds are expended; ~~or~~
 - (f)~~(h)~~ ~~Who~~ Has **not** been removed from membership on a board of education for cause; ~~and~~~~or~~
 - (g)~~(i)~~ **Does not have**~~Who has~~ a relative ~~as defined in subsection (1) of this section~~ employed by the school district, **in the case of a person** ~~and is~~ elected after July 13, 1990. ~~However,~~ This shall not apply to a board member holding office on July 13, 1990, whose relative was not initially hired by the district during the tenure of the board member.
- (3) (a) **A member of a board of education shall be subject to removal from office pursuant to KRS 415.050 and 415.060** if, after the election **the**~~of any~~ member: ~~of the board, he~~
 1. Becomes interested in any contract with or claims against the board, of the kind mentioned in ~~paragraph (g) of~~ subsection (2)(e) of this section; ~~or if he~~
 2. Moves his **or her** residence from the **division**~~district~~ for which he **or she** was chosen; ~~or if he~~
 3. Attempts to influence the **employment**~~hiring~~ of any school employee, except the superintendent ~~of schools~~ or school board attorney; ~~or if he~~
 4. **Is convicted of a felony;**
 5. **Performs acts of malfeasance in performance of duties prescribed by law;**
 6. **Willfully misuses, converts, or misappropriates public property or funds; or**

7. Does anything that would render *the member* ~~[him]~~ ineligible for reelection ~~[, he shall be subject to removal from office pursuant to KRS 415.050 and 415.060].~~

(b) In accordance with KRS 7.410, the Office of Education Accountability shall have the duty and responsibility to investigate current local board of education members for allegations of conduct prohibited by paragraph (a) of this subsection. After review and investigation, the Office of Education Accountability shall refer appropriate matters to the Attorney General.

(4) A ~~[board]~~ member *of a board of education* shall be eligible for reelection unless he *or she* becomes disqualified.

(5) The annual in-service training requirements for all ~~[school board]~~ members *of boards of education* in office as of December 31, 2014, shall be as follows:

- (a) Twelve (12) hours for ~~[school board]~~ members with zero to three (3) years of experience;
- (b) Eight (8) hours for ~~[school board]~~ members with four (4) to seven (7) years of experience; and
- (c) Four (4) hours for ~~[school board]~~ members with eight (8) or more years of experience.

The Kentucky Board of Education shall identify the criteria for fulfilling this requirement.

(6) (a) For all ~~[board]~~ members *of boards of education* who begin their initial service on or after January 1, 2015, the ~~[annual]~~ in-service training requirements shall be:

1. Twelve (12) hours for ~~[school board]~~ members with zero to eight (8) years of experience *each year, which shall include a minimum of:*

- a. *One (1) hour of ethics training each year; and*
- b. *One (1) hour of open meetings and open records training within the first twelve (12) months of initial service and at least once every four (4) years thereafter; and*

2. Eight (8) hours for ~~[school board]~~ members with more than eight (8) years of experience *each year, which shall include a minimum of:*

- a. *One (1) hour of ethics training each year; and*
- b. *One (1) hour of open meetings and open records training at least once every four (4) years.*

(b) Training topics for ~~[school board]~~ members *under this subsection with less than two (2) years of consecutive service* shall include ~~[-~~

1. ~~three (3) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation within the first two (2) years of service [annually for members with zero to three (3) years' experience;~~
2. ~~Two (2) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation annually for members with four (4) to seven (7) years' experience; and~~
3. ~~One (1) hour of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation biennially for members with eight (8) or more years' experience].~~

The Kentucky Board of Education shall identify criteria for fulfilling this requirement.

➔Section 2. KRS 160.170 is amended to read as follows:

Every person elected to a board of education shall, before assuming the duties of *the* ~~[his]~~ office, take the following oath, in addition to the constitutional oath:

"State of Kentucky,

"County of _____

"_____, being duly sworn, says that he *or she* is eligible under the law to serve as a member of the board of education, and that he *or she* will ~~[not]~~, while serving as a member of such board, *carry out all duties prescribed by law and remain eligible for membership on the board of education* ~~[become interested, directly or indirectly, in any contract with or claim against the board, and that he will not in any way influence the hiring or appointment of district employees, except the hiring of the superintendent of schools or school board attorney].~~

" _____

"Subscribed and sworn to before me this _____ day of _____

" _____ "

The oath shall be kept on record by the board.

➔ Section 3. KRS 160.570 is amended to read as follows:

- (1) Each board of education shall appoint a bank, trust company, or savings and loan association to serve as its depository, and if its annual receipts from all sources exceed one hundred thousand dollars (\$100,000), it may designate ~~additional~~~~three (3)~~ depositories~~, except boards of education of school districts in counties containing cities of the first class may designate up to six (6) depositories~~. The depository may be designated for a period not to exceed two (2) years, and before entering upon its duties shall agree with the board as to the rate of interest to be paid on average daily or monthly balances.
- (2) The depository selected shall, before entering upon its duties, provide collateral in accordance with KRS 41.240, to be approved by the local board of education in accordance with Kentucky Board of Education administrative regulations, and to be approved by the commissioner of education. A board of education may enter into an agreement with its depository whereby the premium on collateral guaranteed by a surety company may be paid either by the board or by the depository. If the board pays the premium, the depository shall allow the board not less than two percent (2%) interest on its average daily or average monthly balances.
- (3) The depository shall hold for the board all funds deposited by the treasurer of the board or its tax collector or duly authorized agent, subject to withdrawal by the board at any time, and shall pay all funds so deposited to such person and in such manner as the board directs. The depository shall keep full and complete accounts of all of the board's funds, and make reports to the board or its authorized agents upon request. The depository shall keep all records relating to the transactions and duties of the office and turn them over to the successor of its office along with all school funds in hand. The board of education may at any time require a due and proper audit of the depository's records of the funds of the board by a competent outside agent.

Signed by Governor April 18, 2024.

CHAPTER 216

(SJR 179)

A JOINT RESOLUTION directing the Kentucky Community and Technical College System to determine and report findings and actions to improve and advance the existing system.

WHEREAS, the Kentucky Community and Technical College system (KCTCS), created by House Bill 1 of the First 1997 Special Session, is the state's largest postsecondary education institution, educating more than 100,000 students annually; and

WHEREAS, the KCTCS mission is to enhance the quality of life and economic vitality of the Commonwealth by serving as the primary provider of college and career readiness, transfer education, workforce education, and employment training; and

WHEREAS, KCTCS is composed of 16 colleges, a system office, and more than 70 campuses; and

WHEREAS, the Council on Postsecondary Education (CPE) conducted a comprehensive higher education study in 2023 as directed by Senate Joint Resolution 98 of the 2023 Regular Session; and

WHEREAS, KCTCS is in the process of concluding a comprehensive system review with the Huron Group with more than 40 findings to be considered for implementation by the KCTCS Board of Regents and system leadership; and

WHEREAS, an audit of KCTCS by the Auditor of Public Accounts, concluded in December 2023, made multiple findings concerning financial transparency and accuracy; and

WHEREAS, the Auditor recommended that a forensic audit was needed, which is set to occur during 2024; and

WHEREAS, as of January 1, 2024, Dr. Ryan F. Quarles became KCTCS President;

NOW, THEREFORE,

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

➔Section 1. KCTCS, in collaboration with CPE, shall analyze the findings of the study that resulted from SJR 98 and the Huron Group recommendations, and shall present specific action steps on the following topics:

- (1) Academic programming and training offerings, including the quality of credentials and program relevancy;
- (2) A comprehensive statewide KCTCS workforce plan which may include financial and academic supports, comprehensive career counseling, and experiential learning elements;
- (3) The KCTCS geographic footprint, including but not limited to the need for mergers and consolidations;
- (4) Single system accreditation versus individual college accreditation;
- (5) Governance reform, including the KCTCS Board of Regents and the 16 college boards of directors;
- (6) The KCTCS funding model and its adequacy, including state appropriations, existing performance funding, the funding of the system office, and modern outcome-based funding structures;
- (7) Tuition rates, with a commitment to ensuring affordability and return on investment;
- (8) The personnel system for KCTCS employees;
- (9) Effectiveness and affordability of dual credit course offerings;
- (10) Transferability of associate's degrees to four-year institutions; and
- (11) Outdated or conflicting statutory language.

➔Section 2. The results or the analysis under Section 1 of this Joint Resolution shall be submitted to the Legislative Research Commission by December 10, 2024, for referral to the House and Senate Committees on Education and Appropriations and Revenue, for consideration during the 2025 Regular Session.

Signed by Governor April 19, 2024.

CHAPTER 217

(HB 484)

AN ACT relating to emergency medical services.

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

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

- (1) *There is hereby established an emergency medical services education grant program overseen by the board to increase the number of persons seeking paramedic initial certification, provide more facilities for certification, and encourage persons to be employed by Class I ground ambulance providers located in Kentucky. The program shall consist of three (3) components:*
 - (a) *Student tuition support;*
 - (b) *Agency support; and*
 - (c) *Emergency medical services training or educational institution support.*
- (2) *The student tuition support component shall be used for the training and education of individuals seeking initial paramedic certification under this chapter who are employed by a Class I ground ambulance provider. The tuition support shall be paid periodically to the emergency medical services training or education institution in which the person is enrolled seeking paramedic certification. The board shall, at a minimum, promulgate administrative regulations on the following aspects of this component:*
 - (a) *Time limits for the individual seeking initial paramedic certification to complete certification and begin or continue service with a Class I ground ambulance provider;*

- (b) *Minimum service length requirements that may be imposed by the board, by contract, or both, on the individual seeking initial paramedic certification;*
 - (c) *Uses of the funds, including but not limited to a prohibition against spending funds on prerequisite courses not included in the core course content of the paramedic certification program;*
 - (d) *Providing priority consideration for geographic areas that are underserved in terms of paramedic coverage, including those with lower populations and higher emergency medical response times, and for agencies that do not meet national standards of minimum staffing levels or response times for the dispatch of emergency medical care; and*
 - (e) *Any other aspect necessary to implement the student tuition support component.*
- (3) *The agency support component shall be used to reimburse Class I ground ambulance providers the wages paid to an employee while the employee seeks initial paramedic certification. The board shall, at a minimum, promulgate administrative regulations on the following aspects of this component:*
- (a) *Maximum reimbursement for each employee of a Class I ground ambulance provider seeking initial paramedic certification;*
 - (b) *Maximum number of employees eligible for wage reimbursement within each Class I ground ambulance provider; and*
 - (c) *Any other aspect necessary to implement the agency support component.*
- (4) *The emergency medical services training or educational institution support component shall be used to provide funding to existing and start-up emergency medical service training and educational institutes that are certified or seeking certification by the board and that offer or will offer initial education courses for emergency medical technician, advanced emergency medical technician, and paramedic programs. The board shall, at a minimum, promulgate administrative regulations on the following aspects of this component:*
- (a) *Grant ceilings per applicant;*
 - (b) *Applicant qualification priorities, including but not limited to those that are nonprofit entities operating under KRS Chapter 273 and those that are serving or plan to serve areas in need of improved emergency medical service coverage;*
 - (c) *Time limits for commencing the classes or programs for which the grant was sought;*
 - (d) *1. Eligible costs, which shall include but not be limited to:*
 - a. *Computer and computer-related equipment and software;*
 - b. *Medical and training equipment, such as cardiac monitors, defibrillators, mannequins, and other medical equipment, personal protective gear, and durable emergency medical and trauma education simulation equipment;*
 - c. *Personnel costs used in directly delivering the education program; and*
 - d. *Services used in operating the program; and*
 - 2. Ineligible costs, which shall include but not be limited to:*
 - a. *Real property purchases or improvements;*
 - b. *Building construction, renovation, or maintenance;*
 - c. *Personnel costs not directly related to delivering the education program, such as that related to educator training, including travel and meals, and perquisites that are part of a compensation package;*
 - d. *Lobbying; and*
 - e. *Uniforms and clothing; and*
 - (e) *Any other aspect necessary to implement the emergency medical services training or educational institution support component.*
- (5) (a) *There is established in the State Treasury a trust and agency account to be known as the emergency medical services education grant fund.*

- (b) *The fund shall be administered by the Kentucky Board of Emergency Medical Services.*
 - (c) *The fund shall consist of state appropriations, contributions, donations, and gifts.*
 - (d) *Amounts deposited in the fund shall be used for the purposes outlined under this section.*
 - (e) *Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal year shall not lapse but shall remain in the fund.*
 - (f) *Moneys deposited in the fund are hereby appropriated for the purposes set forth in this section.*
- (6) *The board shall administer the emergency medical services education grant program. The board may cease any or all components of the program once the desired goals have been achieved in the judgement of the board. The board shall provide staffing for the program and may use moneys in the emergency medical services education grant fund to do so. Staffing and administrative costs shall not exceed five percent (5%) of the fund amount. The board may promulgate any administrative regulations necessary, in addition to those listed in subsections (2) to (4) of this section for its implementation and operation.*

Signed by Governor April 19, 2024.

CHAPTER 218

(HB 459)

AN ACT relating to health care workers.

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

➔Section 1. KRS 314.042 is amended to read as follows:

- (1) An applicant for licensure to practice as an advanced practice registered nurse shall file with the board a written application for licensure and submit evidence, verified by oath, that the applicant:
 - (a) Has completed an education program that prepares the registered nurse for one (1) of four (4) APRN roles that has been accredited by a national nursing accrediting body recognized by the United States Department of Education;
 - (b) Is certified by a nationally established organization or agency recognized by the board to certify registered nurses for advanced practice registered nursing;
 - (c) Is able to understandably speak and write the English language and to read the English language with comprehension; and
 - (d) Has passed the jurisprudence examination approved by the board as provided in subsection (5)~~+(13)}~~ of this section.
- (2) *Upon request, an applicant who meets the requirements of subsection (1)(a), (c), and (d) of this section, but has not yet taken the national certification exam, may be issued a provisional license that shall expire no later than six (6) months from the date of issuance.*
- (3) *An individual who holds a provisional license shall have the right to use the title "advanced practice registered nurse applicant" and the abbreviation "APRNA" An APRNA may function as an APRN, except for prescribing medications and shall only practice under a mentorship with an advanced practice registered nurse or a physician.*
- (4)
 - (a) *An APRNA shall take and pass the national certification exam recognized by the board to the certify registered nurses for advanced practice registered nursing within the six (6) month term of the provisional license to become a fully licensed APRN.*
 - (b) *If the APRNA fails to take and pass the national certification exam on the first attempt, the APRNA shall be given one (1) more opportunity to take and pass the exam.*
 - (c) *If the APRNA does not pass the national certification exam on the second attempt, the provisional license shall immediately be terminated.*

- (5) *The jurisprudence examination shall be prescribed by the board and be conducted on the licensing requirements under this chapter and administrative regulations applicable to advance practice registered nursing promulgated in accordance with KRS Chapter 13A.*
- ~~(6)(2)~~ The board may issue a license to practice advanced practice registered nursing to an applicant who holds a current active registered nurse license issued by the board or holds the privilege to practice as a registered nurse in this state and meets the qualifications of subsection (1) of this section. An advanced practice registered nurse shall be:
- (a) Designated by the board as a certified registered nurse anesthetist, certified nurse midwife, certified nurse practitioner, or clinical nurse specialist; and
 - (b) Certified in at least one (1) population focus.
- ~~(7)(3)~~ The applicant for licensure or renewal thereof to practice as an advanced practice registered nurse shall pay a fee to the board as set forth in regulation by the board.
- ~~(8)(4)~~ An advanced practice registered nurse shall maintain a current active registered nurse license issued by the board or hold the privilege to practice as a registered nurse in this state and maintain current certification by the appropriate national organization or agency recognized by the board.
- ~~(9)(5)~~ Any person who holds a license to practice as an advanced practice registered nurse in this state shall have the right to use the title "advanced practice registered nurse" and the abbreviation "APRN." No other person shall assume the title or use the abbreviation or any other words, letters, signs, or figures to indicate that the person using the same is an advanced practice registered nurse. No person shall practice as an advanced practice registered nurse unless licensed under this section.
- ~~(10)(6)~~ Any person heretofore licensed as an advanced practice registered nurse under the provisions of this chapter who has allowed the license to lapse may be reinstated on payment of the current fee and by meeting the provisions of this chapter and regulations promulgated by the board pursuant to the provisions of KRS Chapter 13A.
- ~~(11)(7)~~ The board may authorize a person to practice as an advanced practice registered nurse temporarily and pursuant to applicable regulations promulgated by the board pursuant to the provisions of KRS Chapter 13A if the person is awaiting licensure by endorsement.
- ~~(12)(8)~~
- (a) Except as authorized by subsection ~~(13)(9)~~ of this section, before an advanced practice registered nurse engages in the prescribing or dispensing of nonscheduled legend drugs as authorized by KRS 314.011(8), the advanced practice registered nurse shall enter into a written "Collaborative Agreement for the Advanced Practice Registered Nurse's Prescriptive Authority for Nonscheduled Legend Drugs" (CAPA-NS) with a physician licensed in Kentucky that defines the scope of the prescriptive authority for nonscheduled legend drugs.
 - (b) The advanced practice registered nurse shall notify the Kentucky Board of Nursing of the existence of the CAPA-NS and the name of the collaborating physician and shall, upon request, furnish to the board or its staff a copy of the completed CAPA-NS. The Kentucky Board of Nursing shall notify the Kentucky Board of Medical Licensure that a CAPA-NS exists and furnish the collaborating physician's name.
 - (c) The CAPA-NS shall be in writing and signed by both the advanced practice registered nurse and the collaborating physician. A copy of the completed collaborative agreement shall be available at each site where the advanced practice registered nurse is providing patient care.
 - (d) The CAPA-NS shall describe the arrangement for collaboration and communication between the advanced practice registered nurse and the collaborating physician regarding the prescribing of nonscheduled legend drugs by the advanced practice registered nurse.
 - (e) The advanced practice registered nurse who is prescribing nonscheduled legend drugs and the collaborating physician shall be qualified in the same or a similar specialty.
 - (f) The CAPA-NS is not intended to be a substitute for the exercise of professional judgment by the advanced practice registered nurse or by the collaborating physician.
 - (g) The CAPA-NS shall be reviewed and signed by both the advanced practice registered nurse and the collaborating physician and may be rescinded by either party upon written notice to the other party and the Kentucky Board of Nursing.

- ~~(13)~~~~(9)~~ (a) Before an advanced practice registered nurse may discontinue or be exempt from a CAPA-NS required under subsection ~~(12)~~~~(8)~~ of this section, the advanced practice registered nurse shall have completed four (4) years of prescribing as a certified nurse practitioner, clinical nurse specialist, certified nurse midwife, or as a certified registered nurse anesthetist. For nurse practitioners and clinical nurse specialists, the four (4) years of prescribing shall be in a population focus as defined in KRS 314.011.
- (b) After four (4) years of prescribing with a CAPA-NS in collaboration with a physician:
1. An advanced practice registered nurse whose license is in good standing at that time with the Kentucky Board of Nursing and who will be prescribing nonscheduled legend drugs without a CAPA-NS shall notify that board that the four (4) year requirement has been met and that he or she will be prescribing nonscheduled legend drugs without a CAPA-NS;
 2. The advanced practice registered nurse will no longer be required to maintain a CAPA-NS and shall not be compelled to maintain a CAPA-NS as a condition to prescribe after the four (4) years have expired, but an advanced practice registered nurse may choose to maintain a CAPA-NS indefinitely after the four (4) years have expired; and
 3. If the advanced practice registered nurse's license is not in good standing, the CAPA-NS requirement shall not be removed until the license is restored to good standing.
- (c) An advanced practice registered nurse wishing to practice in Kentucky through licensure by endorsement is exempt from the CAPA-NS requirement if the advanced practice registered nurse:
1. Has met the prescribing requirements in a state that grants independent prescribing to advanced practice registered nurses; and
 2. Has been prescribing for at least four (4) years.
- (d) An advanced practice registered nurse wishing to practice in Kentucky through licensure by endorsement who had a collaborative prescribing agreement with a physician in another state for at least four (4) years is exempt from the CAPA-NS requirement.
- ~~(14)~~~~(10)~~ (a) There is hereby established the "Collaborative Agreement for the Advanced Practice Registered Nurse's Prescriptive Authority for Controlled Substances" (CAPA-CS) Committee. The committee shall be composed of four (4) members selected as follows:
1. Two (2) members shall be advanced practice registered nurses who currently prescribe or have prescribed scheduled drugs, each appointed by the Kentucky Board of Nursing from a list of names submitted for each position by the Kentucky Association of Nurse Practitioners and Nurse-Midwives; and
 2. Two (2) members shall be physicians who have currently or had previously a signed CAPA-CS with an advanced practice registered nurse who prescribes scheduled drugs, each appointed by the Kentucky Board of Medical Licensure from a list of names submitted for each position by the Kentucky Medical Association.
- (b) Within sixty (60) days of June 29, 2023, the committee shall develop a standardized CAPA-CS form to be used in accordance with the provisions of subsection ~~(15)~~~~(11)~~ of this section. The standardized CAPA-CS form shall be used by all advanced practice registered nurses and all physicians in Kentucky who enter into a CAPA-CS.
- (c) The committee may be reconvened at the request of the Kentucky Board of Nursing or the Kentucky Board of Medical Licensure if it becomes necessary to update the standardized CAPA-CS form.
- (d) The Kentucky Board of Nursing and the Kentucky Board of Medical Licensure shall each be responsible for and have exclusive authority over their respective members appointed to the committee.
- (e) The committee shall be attached to the Kentucky Board of Nursing for administrative purposes. The Kentucky Board of Nursing shall be responsible for the expenses of its members. The Kentucky Board of Medical Licensure shall be responsible for the expenses of its members.
- (f) The Kentucky Board of Nursing shall promulgate an administrative regulation pursuant to KRS Chapter 13A within ninety (90) days of June 29, 2023, to establish and implement the standardized CAPA-CS form developed by the committee.

- ~~(15)(14)~~ (a) Except as provided in subsections ~~(17)(14)~~ and ~~(18)(15)~~ of this section, before an advanced practice registered nurse engages in the prescribing of Schedules II through V controlled substances as authorized by KRS 314.011(8), the advanced practice registered nurse shall enter into a written "Collaborative Agreement for the Advanced Practice Registered Nurse's Prescriptive Authority for Controlled Substances" (CAPA-CS) on a standardized CAPA-CS form with a physician licensed in Kentucky that defines the scope of the prescriptive authority for controlled substances.
- (b) The advanced practice registered nurse shall notify the Kentucky Board of Nursing of the existence of the CAPA-CS and the name of the collaborating physician and shall, upon request, furnish to the board or its staff a copy of the completed standardized CAPA-CS form. The Kentucky Board of Nursing shall notify the Kentucky Board of Medical Licensure that a CAPA-CS exists and furnish an executed copy of the Kentucky Board of Nursing notification of a CAPA-CS completed by the advanced practice registered nurse to the Kentucky Board of Medical Licensure.
- (c) The CAPA-CS shall be in writing and signed by both the advanced practice registered nurse and the collaborating physician. A copy of the completed standardized CAPA-CS form shall be available at each site where the advanced practice registered nurse is providing patient care.
- (d) The CAPA-CS shall describe the arrangement for collaboration and communication between the advanced practice registered nurse and the collaborating physician regarding the prescribing of controlled substances by the advanced practice registered nurse.
- (e) The advanced practice registered nurse who is prescribing controlled substances and the collaborating physician shall be qualified in the same or a similar specialty.
- (f) The CAPA-CS is not intended to be a substitute for the appropriate exercise of professional judgment by the advanced practice registered nurse or by the collaborating physician.
- (g) The relevant statutes and regulations pertaining to the prescribing authority of advanced practice registered nurses for controlled substances shall be reviewed by the advanced practice registered nurse and the collaborating physician at the outset of the CAPA-CS.
- (h) Prior to prescribing controlled substances, the advanced practice registered nurse shall obtain a Controlled Substance Registration Certificate through the United States Drug Enforcement Administration.
- (i) The CAPA-CS shall be reviewed and signed by both the advanced practice registered nurse and the collaborating physician and may be rescinded by either party upon thirty (30) days written notice to the other party. The advanced practice registered nurse shall notify the Kentucky Board of Nursing that the CAPA-CS has been rescinded. The Kentucky Board of Nursing shall notify the Kentucky Board of Medical Licensure that the CAPA-CS has been rescinded and shall furnish an executed copy of the Kentucky Board of Nursing rescission of a CAPA-CS completed by the advanced practice registered nurse or by the collaborating physician to the Kentucky Board of Medical Licensure.
- (j) The CAPA-CS shall state any limits on controlled substances which may be prescribed by the advanced practice registered nurse, as agreed to by the advanced practice registered nurse and the collaborating physician. The limits so imposed may be more stringent than either the schedule limits on controlled substances established in KRS 314.011(8) or the limits imposed in regulations promulgated by the Kentucky Board of Nursing thereunder. The CAPA-CS shall also include any requirements, as agreed to by both the advanced practice registered nurse and the collaborating physician, for communication between the advanced practice registered nurse and the collaborating physician.
- (k) Within thirty (30) days of obtaining a Controlled Substance Registration Certificate from the United States Drug Enforcement Administration, and prior to prescribing controlled substances, the advanced practice registered nurse shall register with the electronic system for monitoring controlled substances established by KRS 218A.202 and shall provide a copy of the registration certificate to the board.
- (l) After June 29, 2023, for advanced practice registered nurses who have not had a CAPA-CS:
1. An advanced practice registered nurse wishing to have a CAPA-CS in his or her first year of licensure must be employed by a health care entity or provider. If the employing provider is an advanced practice registered nurse, he or she must have completed four (4) years of prescribing with a CAPA-CS and no longer be required to maintain a CAPA-CS;

2. In the first year of the CAPA-CS, the advanced practice registered nurse and the physician shall meet at least quarterly, either in person or via video conferencing, to review the advanced practice registered nurse's reverse KASPER report or that of the prescription drug monitoring program (PDMP) currently in use in Kentucky pursuant to KRS 218A.202. The advanced practice registered nurse and the collaborating physician may meet via telephonic communication when an in-person meeting or videoconferencing session is not logistically or technologically feasible. The review of specific prescriptions identified in the reverse KASPER report or that of the PDMP currently in use in Kentucky pursuant to KRS 218A.202 by the advanced practice registered nurse and the collaborating physician may include information from the patient's medical record that relates to the condition or conditions being treated with controlled substances by the advanced practice registered nurse to facilitate meaningful discussion. A record of the meeting date, summary of discussions, and any recommendations made shall be made in writing and a copy retained by both parties to the agreement for a period of one (1) year past the expiration of the CAPA-CS. The meeting records shall be subject to audit by the Kentucky Board of Nursing for the advanced practice registered nurse and by the Kentucky Board of Medical Licensure for the physician. The sole purpose of the audit shall be to document that the collaboration meetings have taken place as required by this section and that other provisions of this section have been met; and
3. In the ensuing three (3) years of the CAPA-CS, the advanced practice registered nurse and the physician shall meet at least biannually in person or via video conferencing to review the advanced practice registered nurse's reverse KASPER report or that of the PDMP currently in use in Kentucky pursuant to KRS 218A.202. The advanced practice registered nurse and the collaborating physician may meet via telephonic communication when an in-person meeting or videoconferencing session is not logistically or technologically feasible. The review of specific prescriptions identified in the reverse KASPER report or that of the PDMP currently in use in Kentucky pursuant to KRS 218A.202 by the advanced practice registered nurse and the collaborating physician may include information from the patient's medical record that relates to the condition or conditions being treated with controlled substances by the advanced practice registered nurse to facilitate meaningful discussion. A record of the meeting date, summary of discussions, and any recommendations made shall be noted in writing and a copy retained by both parties to the agreement for a period of one (1) year past the expiration of the CAPA-CS. The meeting records shall be subject to audit by the Kentucky Board of Nursing for the advanced practice registered nurse and by the Kentucky Board of Medical Licensure for the physician. The sole purpose of the audit shall be to document that the collaboration meetings have taken place as required by this section and that other provisions of this section have been met.

~~(16)~~~~(12)~~ Nothing in this chapter shall be construed as requiring an advanced practice registered nurse designated by the board as a certified registered nurse anesthetist to enter into a collaborative agreement with a physician, pursuant to this chapter or any other provision of law, in order to deliver anesthesia care;

~~(13)~~ ~~The jurisprudence examination shall be prescribed by the board and be conducted on the licensing requirements under this chapter and board regulations and requirements applicable to advanced practice registered nursing in this Commonwealth. The board shall promulgate administrative regulations in accordance with KRS Chapter 13A, establishing the provisions to meet this requirement.~~

~~(17)~~~~(14)~~ (a) Except as provided in subsection ~~(18)~~~~(15)~~ of this section, an advanced practice registered nurse who wishes to continue to prescribe controlled substances may be exempt from a CAPA-CS required under subsection ~~(15)~~~~(11)~~ of this section if the advanced practice registered nurse has:

1. Completed four (4) years of prescribing authority for controlled substances with a CAPA-CS;
2. Maintained a United States Drug Enforcement Administration registration; and
3. Maintained a master account with KASPER or the PDMP currently in use in Kentucky pursuant to KRS 218A.202.

(b) On or after June 29, 2023:

1. An advanced practice registered nurse who has had four (4) years of prescribing authority with a CAPA-CS and who wishes to prescribe controlled substances without a CAPA-CS shall submit, via the APRN update portal, a request for review from the Kentucky Board of Nursing that the advanced practice registered nurse's license is in good standing;

2. An advanced practice registered nurse who has fewer than four (4) years of prescribing authority with a CAPA-CS and who wishes to prescribe controlled substances without a CAPA-CS shall complete the required number of years under the then-current CAPA-CS to reach four (4) years and shall submit, via the APRN update portal, a request for review from the Kentucky Board of Nursing that the advanced practice registered nurse's license is in good standing. However, if the then-current CAPA-CS expires or is rescinded prior to the end of the four (4) year term, a new CAPA-CS shall be required and subject to the provisions of this section;
 3. The advanced practice registered nurse shall not prescribe controlled substances without a CAPA-CS until the board has completed its review and has notified the advanced practice registered nurse in writing that the advanced practice registered nurse is exempt from the CAPA-CS requirement; and
 4. The review request shall include the payment of a fee set by the board through the promulgation of an administrative regulation.
- (c) Upon receipt of a request pursuant to this subsection, the Kentucky Board of Nursing shall perform a review to determine whether the license of the advanced practice registered nurse is in good standing based upon an evaluation of the criteria specified in this subsection and in the administrative regulation promulgated by the board pursuant to this subsection, including but not limited to verification:
1. That a current United States Drug Enforcement Administration registration certificate for the advanced practice registered nurse is on file with the board;
 2. That a current CAPA-CS notification for the advanced practice registered nurse is on file with the board;
 3. That the advanced practice registered nurse has an active master account with the electronic system for monitoring controlled substances pursuant to KRS 218A.202;
 4. Through a criminal background check of the absence of any unreported misdemeanor or felony convictions in Kentucky; and
 5. Through a check of the coordinated licensure information system specified in KRS 314.475 of the absence of any unreported disciplinary actions in another state.
- (d) Based on the findings of these actions, the Kentucky Board of Nursing shall determine if the advanced practice registered nurse's license is in good standing for the purpose of removing the requirement for the advanced practice registered nurse to have a CAPA-CS in order to prescribe controlled substances.
- (e) If the advanced practice registered nurse's license is found to be in good standing, the advanced practice registered nurse shall be notified by the board in writing that a CAPA-CS is no longer required. The advanced practice registered nurse shall not be required to maintain a CAPA-CS as a condition to prescribe controlled substances unless the board later imposes such a requirement as part of an action instituted under KRS 314.091(1). An advanced practice registered nurse may choose to maintain a CAPA-CS indefinitely after the determination of good standing has been made. An advanced practice registered nurse who chooses to prescribe without a CAPA-CS shall be held to the same standard of care as all other providers with prescriptive authority.
- (f) If the advanced practice registered nurse's license is found not to be in good standing, the CAPA-CS requirement shall not be removed until the license is restored to good standing, as directed by the board.
- (g) The Kentucky Board of Nursing shall conduct random audits of the prescribing practices of advanced practice registered nurses, including those who are no longer required to have a CAPA-CS in order to prescribe, through a review of data obtained from the KASPER report or that of the PDMP currently in use in Kentucky pursuant to KRS 218A.202 and shall take disciplinary action under KRS 314.091(1) if a violation has occurred.
- ~~(18)~~~~(15)~~ (a) An advanced practice registered nurse wishing to practice in Kentucky through licensure by endorsement is exempt from the CAPA-CS requirement if the advanced practice registered nurse:
1. Has met the prescribing requirements for controlled substances in a state that grants such prescribing authority to advanced practice registered nurses;
 2. Has had authority to prescribe controlled substances for at least four (4) years; and

3. Has a license in good standing as described in subsection ~~(17)~~~~(14)~~ of this section and in the administrative regulation promulgated by the board pursuant to subsection ~~(17)~~~~(14)~~ of this section.
- (b) An advanced practice registered nurse wishing to practice in Kentucky through licensure by endorsement who has had the authority to prescribe controlled substances for less than four (4) years and wishes to continue to prescribe controlled substances shall enter into a CAPA-CS with a physician licensed in Kentucky and comply with the provisions of this section until the cumulative four (4) year requirement is met, after which the advanced practice registered nurse who wishes to prescribe controlled substances without a CAPA-CS shall follow the process identified in subsection ~~(17)~~~~(14)~~ of this section and in the administrative regulation promulgated by the board pursuant to subsection ~~(17)~~~~(14)~~ of this section.
- ~~(19)~~~~(16)~~ An advanced practice registered nurse shall not prescribe controlled substances without a CAPA-CS until the board has completed its review and has notified the advanced practice registered nurse in writing that the advanced practice registered nurse is exempt from the CAPA-CS requirement.

➔Section 2. KRS 314.121 is amended to read as follows:

- (1) The Governor shall appoint a Board of Nursing consisting of seventeen (17) members:
- (a) ~~Three (3)~~~~Ten (10)~~ members shall be registered nurses *actively engaged in clinical practice and licensed to practice in the Commonwealth, selected from a list of names submitted by the Kentucky Nurses Association*, with the Governor ensuring that the appointees represent different specialties from a broad cross section of the nursing profession after soliciting and receiving nominations from recognized specialty state component societies;
- (b) *Three (3) members shall be advanced practice registered nurses actively engaged in clinical practice and licensed to practice in the Commonwealth, two (2) of whom shall be selected from a list of names submitted by the Kentucky Association of Nurse Practitioners and Nurse Midwives, and one (1) of whom shall be a certified nurse anesthetist selected from a list of names submitted by the Kentucky Association of Nurse Anesthetists;*
- (c) ~~Two (2)~~~~Three (3)~~ members shall be practical nurses *actively engaged in clinical practice and licensed to practice in the Commonwealth, selected from a list of names submitted by the Kentucky Association of Licensed Practical Nurses;*
- ~~(d)~~~~(e)~~ One (1) member shall be a nurse service administrator *actively engaged in practice* who is a registered nurse licensed to practice in the Commonwealth, *selected from a list of names submitted by the Kentucky Organization of Nurse Leaders;*
- (e) ~~Four (4)~~~~One (1)~~ ~~members~~~~member~~ shall be *actively engaged in nursing*~~[practical nurse]~~ education, *each of whom*~~who~~ is a registered nurse licensed to practice in the Commonwealth, *three (3) of whom shall be selected from a list of names submitted by the Kentucky League for Nursing and one (1) of whom shall be selected from a list of names submitted by the Kentucky Nurses Association;*~~[and]~~
- (f) *Two (2) members shall be registered nurses experienced in long-term care, one (1) of whom shall be selected from a list of names submitted by LeadingAge Kentucky, and one (1) of whom shall be selected from a list of names submitted by the Kentucky Association of Health Care Facilities; and*
- ~~(g)~~~~(e)~~ Two (2) members shall be citizens at large, who are not associated with or financially interested in the practice or business regulated.
- (2) Each appointment shall be subject to confirmation by the Senate and shall be for a term of four (4) years expiring on June 30 of the fourth year, *except in 2024, when new appointments shall be made by the Governor after the effective date of this Act.* ~~A~~~~No~~ board member shall *not* serve for more than three (3) consecutive terms~~. Any board member who is serving at least a third consecutive term on April 7, 2022~~, and shall be ineligible for reappointment until the passage of one (1) full four (4) year appointment cycle.~~The cycle for appointments and expiration of terms shall be as follows:~~
- (a) ~~The first year of the four (4) year cycle, the terms for three (3) registered nurses and one (1) licensed practical nurse shall expire;~~
- (b) ~~The second year of the four (4) year cycle, the terms for three (3) registered nurses and one (1) citizen at large shall expire;~~

- (e) ~~The third year of the four (4) year cycle, the terms for two (2) registered nurses, one (1) licensed practical nurse, and the one (1) member engaged in practical nurse education who is a registered nurse shall expire; and~~
- (d) ~~Before January 1, 2024, in the fourth year of the four (4) year cycle, the terms for two (2) registered nurses, one (1) licensed practical nurse, and one (1) citizen at large shall expire. Beginning on January 1, 2024, in the fourth year of the four (4) year cycle, the terms for two (2) registered nurses, one (1) certified registered nurse anesthetist, one (1) licensed practical nurse, and one (1) citizen at large shall expire.~~
- (3) (a) **By August 1, 2024, the Kentucky Nurses Association shall submit to the Governor two (2) names of qualified individuals for appointment as a registered nurse (R.N.) who are actively engaged in clinical nursing practice, from which the Governor shall make an appointment as necessary by October 1, 2024. Thereafter, by March 1 of the year in which the term of an R.N. actively engaged in clinical practice expires, the Kentucky Nurses Association shall submit to the Governor two (2) names of qualified individuals**~~[a list of members qualified]~~ **for appointment as an R.N. who are actively engaged in clinical nursing practice**~~[members, in number not less than twice the number of appointments to be made]~~, from which ~~[list]~~ the Governor shall make **an**~~[each]~~ appointment **as**~~[or appointments]~~ necessary by July 1~~[. By March 1 of the year in which the certified registered nurse anesthetist term expires, the Kentucky Nurses Association shall submit to the Governor two (2) names of qualified individuals for the appointment, and from this list the Governor shall make the appointment by July 1].~~
- (b) **By March 1**~~[,]~~ **of the year in which the term of an L.P.N. expires, the Kentucky Licensed Practical Nurses Organization Incorporated shall submit to the Governor two (2) names of qualified individuals**~~[a list of names qualified]~~ **for appointment as an L.P.N. who are actively engaged in clinical nursing practice**~~[members, in number not less than twice the number of appointments to be made]~~, from which ~~[list]~~ the Governor shall make **an**~~[each]~~ appointment ~~[or appointments]~~ as necessary by July 1.
- (c) **By March 1 of the year in which the nurse service administrator's term expires**~~[shall expire]~~, the Kentucky Organization of Nurse Leaders, an affiliate of the Kentucky Hospital Association, shall submit to the Governor two (2) names of qualified individuals for appointment as the nurse service administrator, from which list the Governor shall make an appointment as necessary by July 1.
- (d) **By March 1 of the year in which the term of the R.N. recommended by LeadingAge Kentucky expires, LeadingAge Kentucky shall submit to the Governor two (2) names of qualified individuals for appointment**~~[appointments]~~ **as an R.N. experienced in long-term care**~~[its R.N. representative to the board]~~, from which the Governor shall make an appointment **as necessary** by July 1.
- (e) **By March 1 of the year in which the term of the R.N. recommended by Kentucky Association of Health Care Facilities expires**~~[representative's term shall expire]~~, the Kentucky Association of Health Care Facilities shall submit to the Governor two (2) names of qualified individuals for appointment as **an R.N. experienced in long-term care**~~[its R.N. representative to the board]~~, from which ~~[list]~~ the Governor shall make an appointment as necessary by July 1.
- (f) **By March 1 of the year in which the practical nurse educator's term expires, the Kentucky League for Nursing**~~[Kentucky Licensed Practical Nurses Organization Incorporated]~~ shall submit to the Governor two (2) names of qualified individuals for the appointment **as a licensed practical nurse educator**, from which ~~[list]~~ the Governor shall make the appointment **as necessary** by July 1.
- (g) **By August 1, 2024, the Kentucky League for Nursing shall submit to the Governor two (2) names of qualified individuals for appointment as a graduate degree nurse educator, from which the Governor shall make an appointment as necessary by October 1, 2024. Thereafter, by March 1 of the year in which the term of the graduate degree nurse educator expires, the Kentucky League for Nursing shall submit to the Governor two (2) names of qualified individuals for the appointment as a graduate degree nurse educator, from which the Governor shall make an appointment as necessary by July 1.**
- (h) **By March 1, 2025, and thereafter on March 1 of the year in which the term of the undergraduate nurse educator expires, the Kentucky Nurses Association shall submit to the Governor two (2) names of qualified individuals for the appointment as an undergraduate nurse educator, from which the Governor shall make the appointment as necessary by July 1.**

- (i) *By March 1, 2026, and thereafter on March 1 of the year in which the term of the undergraduate nurse educator expires, the Kentucky League for Nursing shall submit to the Governor two (2) names of qualified individuals for appointment as an undergraduate nurse educator, from which the Governor shall make the appointment as necessary by July 1.*
- (j) *By March 1 of the year in which the certified registered nurse anesthetist term expires, the Kentucky Association of Nurse Anesthetists shall submit to the Governor two (2) names of qualified individuals who are actively engaged in clinical nursing practice for the appointment, from which the Governor shall make the appointment as necessary by July 1.*
- (k) *By August 1, 2024, the Kentucky Association of Nurse Practitioners and Nurse-Midwives shall submit to the Governor the names of qualified individuals for appointments of two (2) advanced practice registered nurses. The appointed individuals shall be certified in different population foci and shall be actively engaged in advanced nursing clinical practice. Two (2) names of qualified individuals shall be submitted to the Governor for each position. The Governor shall appoint one (1) advanced practice registered nurse from the two (2) names submitted in one (1) population focus for an initial term of four (4) years and shall also appoint one (1) advanced practice registered nurse from the two (2) names submitted in another population focus for an initial term of two (2) years. The Governor shall make each appointment as necessary by October 1, 2024. Successive terms for each advanced registered nurse practitioner shall be four (4) years. The two (2) advanced practice registered nurses shall be certified in a different population focus. Thereafter, on March 1 of the year in which the term of an advanced practice registered nurse expires, the Kentucky Association of Nurse Practitioners and Nurse-Midwives shall submit to the Governor the names of two (2) qualified individuals, from which the Governor shall make the appointment as necessary by July 1.*
- (l) The Governor shall appoint two (2) members who shall be citizens at large, who are not associated with or financially interested in the practice or business regulated. The Governor shall make the appointments by July 1 of the year in which the citizen members' terms expire.
- (4) Among the seventeen (17) members of the board, at all times, at least two (2) members shall be appointed from each of the six (6) congressional districts of the Commonwealth.
- (5) Among the nurse board members appointed under subsection (1)~~[(a), (b), (c), and (d)]~~ of this section, no less than three (3) and no more than six (6) nurse board members shall be nurse educators. All other nurse members of the board shall be practicing nurses.
- (6) A vacancy on the board shall be filled by the Governor as provided for under subsection (1) of this section.
- (7) The Governor may remove any member from the board for neglect of duty, incompetence, or unprofessional or dishonorable conduct.
- (8) Each R.N. member of the board shall be a citizen of the United States, a resident of Kentucky, a graduate of an approved school of nursing, and a registered nurse in this state. All shall have had at least five (5) years of experience in nursing, three (3) of which shall immediately precede such appointment. **Three (3)**~~Five (5)]~~ members shall be engaged in *clinical* nursing practice; **four (4)**~~three (3)]~~ shall be engaged in nursing education; **three (3)**~~one (1)]~~ shall be engaged in advanced practice registered nursing, **one (1) of whom shall be a certified registered nurse anesthetist; two (2) shall be experienced in long-term care**~~one (1) shall be a certified registered nurse anesthetist];~~ and one (1) shall be in nursing administration.
- (9) Each L.P.N. member of the board shall be a citizen of the United States, a resident of Kentucky, a graduate of an approved school of practical nursing or its equivalent, licensed as a licensed practical nurse in this state, have at least five (5) years of experience in nursing, three (3) of which shall immediately precede this appointment, and be currently engaged in nursing practice. **Two (2) members shall be engaged in clinical nurse practice.**

➔Section 3. KRS 314.131 is amended to read as follows:

- (1) The board shall meet at least annually and shall elect from its members a president and any other officers that it deems necessary. Nine members of the board including one (1) officer shall constitute a quorum at any meeting. The board is authorized to promulgate administrative regulations not inconsistent with the law and subject to the provisions of KRS Chapter 13A, as may be necessary to enable it to carry into effect the provisions of this chapter. The board may require, by administrative regulation, that licensees and applicants utilize a specific method of submission of documents or information that is required to be provided to the board under this chapter and the administrative regulations of the board, including electronic submission.

- (2) The board shall approve programs of nursing and shall monitor compliance with standards for nurse competency under this chapter. It shall examine, license, and renew the license of duly-qualified applicants; determine notice of place and time of licensure examinations; approve providers of continuing education; administer continuing education requirements; issue advisory opinions or declaratory rulings dealing with the practice of nursing; register and designate those persons qualified to engage in advanced nursing practice; and it shall conduct administrative hearings in accordance with KRS Chapter 13B upon charges calling for discipline of a licensee and cause the prosecution of all persons violating any provisions of this chapter. It shall keep a record of all its proceedings and make an annual report to the Governor.
- (3) The board shall develop specific guidelines to follow upon receipt of an allegation of sexual misconduct by a nurse licensed by the board. The guidelines shall include investigation, inquiry, and hearing procedures which ensure that the process does not revictimize the alleged victim or cause harm if a nurse is falsely accused.
- (4) The board and investigators hired by the board shall receive training on the dynamics of sexual misconduct of professionals, including the nature of this abuse of authority, characteristics of the offender, the impact on the victim, the possibility and the impact of false accusations, investigative procedure in sex offense cases, and effective intervention with victims and offenders.
- (5) The board shall employ a qualified person to serve as executive director to the board, and shall fix the compensation and define the duties of the executive director. It may employ other persons as may be necessary to carry on the work of the board.
- (6) The executive director shall have at least the qualifications for board members, and a master's degree in nursing or equivalent and shall have had at least two (2) years of experience in nursing administration immediately preceding the time of appointment.
- (7) ***With the approval of the board, the executive director may hire additional officers and other personnel necessary for the proper functioning of the board, fix their salaries, and prescribe their duties. Any person employed under this section shall not be subject to the provisions of KRS Chapter 18A.***
- ~~(8)~~~~(7)~~ Each member of the board shall receive, in addition to traveling, hotel, and other necessary expenses, one hundred fifty dollars (\$150) for each day the member is actually engaged in the discharge of official duties.
- ~~(9)~~~~(8)~~ The board may, in its discretion, purchase liability insurance for board and staff members against acts performed in good faith discharge of duties.
- ~~(10)~~~~(9)~~ The board may, by administrative regulation issued pursuant to the provisions of KRS Chapter 13A, determine which disciplinary action records may be expunged. Any records which are expunged shall be exempt from disclosure under the Kentucky Open Records Law, KRS 61.870 to 61.884. The board shall not report its disciplinary actions for any purpose other than statistical.
- ~~(11)~~~~(10)~~ The board may reimburse any person appointed by direction of the board to any committee, subcommittee, or task force created by the board for his or her travel and subsistence expenses as established through the promulgation of administrative regulations in accordance with KRS Chapter 13A.

➔Section 4. KRS 314.073 is amended to read as follows:

- (1) As a prerequisite for license renewal, all individuals licensed under provisions of this chapter shall be required to document continuing competency during the immediate past licensure period as prescribed in regulations promulgated by the board.
- (2) The continuing competency requirement shall be documented and reported as set forth by the board in administrative regulations promulgated in accordance with KRS Chapter 13A.
- (3) The board shall approve providers of continuing education. The approval may include recognition of providers approved by national organizations and state boards of nursing with comparable standards. Standards for these approvals shall be set by the board in administrative regulations promulgated in accordance with the provisions of KRS Chapter 13A.
- (4) The board shall work cooperatively with professional nursing organizations, approved nursing schools, and other potential sources of continuing education programs to ensure that adequate continuing education offerings are available statewide. The board may enter into contractual agreements to implement the provisions of this section.

- (5) The board shall be responsible for notifying applicants for licensure and licensees applying for license renewal, of continuing competency requirements.
- (6) As a part of the continuing education requirements that the board adopts to ensure continuing competency of present and future licensees, the board shall ensure practitioners licensed under KRS Chapter 314 complete a one-time training course of at least one and one-half (1.5) hours covering the recognition and prevention of pediatric abusive head trauma, as defined in KRS 620.020. The one and one-half (1.5) hours required under this section shall be included in the current number of required continuing education hours.
- (7) *As a part of the continuing education requirements that the board adopts to ensure continuing competency of present and future licensees and the evolving needs of the growing senior population, the board shall ensure practitioners licensed under KRS Chapter 314 complete a one (1) time course of one (1) hour of continuing education approved by the board. The course shall be completed one (1) time and count towards the current number of required continuing education hours, except that graduating student practitioners may submit Alzheimer's and other forms of dementia course curriculum taught in their programs of study towards the required one (1) hour for approval. The course topics shall include but not be limited to:*
- (a) *The warning signs and symptoms of Alzheimer's disease and other forms of dementia;*
 - (b) *The importance of early detection, diagnosis, and appropriate communication techniques for discussion of memory concerns with the patient and his or her caregiver;*
 - (c) *Cognitive assessment and care planning billing codes;*
 - (d) *The variety of tools used to assess a patient's cognition; and*
 - (e) *Current treatments that may be available to the patient.*
- (8) In order to offset administrative costs incurred in the implementation of the mandatory continuing competency requirements, the board may charge reasonable fees as established by regulation in accordance with the provisions of KRS Chapter 13A.
- ~~(9)~~(8) The continuing competency requirements shall include at least five (5) contact hours in pharmacology continuing education for any person licensed as an advanced practice registered nurse.

➔Section 5. KRS 311.844 is amended to read as follows:

- (1) To be licensed by the board as a physician assistant, an applicant shall:
- (a) Submit a completed application form with the required fee;
 - (b) Be of good character and reputation;
 - (c) Be a graduate of an approved program; and
 - (d) Have passed an examination approved by the board within three (3) attempts.
- (2) A physician assistant who is authorized to practice in another state and who is in good standing may apply for licensure by endorsement from the state of his or her credentialing if that state has standards substantially equivalent to those of this Commonwealth.
- (3) A physician assistant's license shall be valid for two (2) years and shall be renewed by the board upon fulfillment of the following requirements:
- (a) The holder shall be of good character and reputation;
 - (b) The holder shall provide evidence of completion, during the previous two (2) years, of a minimum of one hundred (100) hours of continuing education approved by the American Medical Association, the American Osteopathic Association, the American Academy of Family Physicians, the American Academy of Physician Assistants, or by another entity approved by the board. The one hundred (100) hours of continuing education required by this paragraph shall include:
 1. During the first two (2) years of licensure or prior to the first licensure renewal:
 - a. One (1) continuing education course on the human immunodeficiency virus and acquired immunodeficiency syndrome;~~and~~
 - b. One and one-half (1.5) hours of continuing education in the prevention and recognition of pediatric abusive head trauma, as defined in KRS 620.020; and

- c. *As a part of the continuing education requirements that the board adopts to ensure continuing competency of present and future licensees and the evolving needs of the growing senior population, the board shall ensure physician assistants licensed under KRS Chapter 311 complete a one (1) time course of one (1) hour of continuing education approved by the board. The course shall be completed one (1) time and count towards the current number of required continuing education hours, except that graduating student physician assistants may submit Alzheimer's and other forms of dementia course curriculum taught in their programs of study towards the required one (1) hour for approval. The course topics shall include but not be limited to:*
- i. *The warning signs and symptoms of Alzheimer's disease and other forms of dementia;*
 - ii. *The importance of early detection, diagnosis, and appropriate communication techniques for discussion of memory concerns with the patient and his or her caregiver;*
 - iii. *Cognitive assessment and care planning billing codes;*
 - iv. *The variety of tools used to assess a patient's cognition; and*
 - v. *Current treatments that may be available to the patient; and*
2. If the license holder is authorized, pursuant to KRS 311.858(5), to prescribe and administer Schedule III, IV, or V controlled substances, a minimum of seven and one-half (7.5) hours of approved continuing education relating to controlled substance diversion, pain management, addiction disorders, use of the electronic system for monitoring controlled substances established in KRS 218A.202, or any combination of two (2) or more of these subjects; and
- (c) The holder shall provide proof of current certification with the National Commission on Certification of Physician Assistants.

➔Section 6. The following KRS section is repealed:

314.193 Advanced Practice Registered Nurse Council -- Members -- Meetings -- Duties -- Terms.

Signed by Governor April 19, 2024.

CHAPTER 219

(HB 244)

AN ACT relating to children.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 403 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *As used in this section, "day" means more than twelve (12) consecutive hours in a twenty-four (24) hour period under the care, control, or direct supervision of one (1) parent or caretaker, or as the court determines based on findings of substantially equivalent care or expense. Unless the context requires otherwise, "day" shall include housing, entertaining, feeding, transporting the child, attending to school work, athletic events, extracurricular activities, or other activities that transfer with the child as the child moves from one (1) parent to the other.*
- (b) *The parenting time for either parent shall begin at the time of exchange of the child or children from one (1) parent to the other.*
- (c) *Unless otherwise ordered, if the exchange occurs at school or with a care provider, the receiving parent's time shall begin and the other parent's time shall end at the time the child is picked up from school or from the care provider.*

- (2) (a) *In order to receive a shared parenting time credit, a parent shall maintain care, custody, and control over the child for a minimum of eighty-eight (88) days per year, as defined by this section, regardless of the age of the child.*
- (b) *The shared parenting time credit shall only be applicable for parenting time that is court-ordered or parenting time that is exercised by consent of the parties.*
- (3) *Except as provided in subsection (6) of this section or otherwise provided in this chapter, the child support obligation determined under KRS 403.212 shall be subject to further adjustment upon motion of the parent seeking credit as follows:*
- (a) *For parents who share parenting time under an order that is court-ordered or exercised by consent of the parties, the court shall:*
1. a. *Calculate the child support obligation set forth in the child support guidelines table in accordance with KRS 403.212(5)(a) using the combined gross adjusted income of the parties.*
 - b. *If both parents exercise their equal shared parenting time, the parent with the higher gross monthly income shall be deemed the obligor;*
 2. *Determine the number of days for both parents on an annual basis based upon an order that is court-ordered or approved and exercised;*
 3. *Using the days a child spends with the obligated parent, determine the adjustment percentage using the shared parenting time credit chart in subsection (4) of this section;*
 4. *Determine the shared parenting time credit adjustment by multiplying the obligated parent's adjustment percentage by the total support obligation found on the child support obligation worksheet to establish the shared parenting expense adjustment for the obligated parent, as determined in subparagraph 1. of this paragraph; and*
 5. *Subtract the amount calculated in subparagraph 4. of this paragraph from the obligated parent's monthly obligation, found on the child support obligation worksheet, as determined in subparagraph 1. of this paragraph;*
- (b) *The court may use its discretion in adjusting each parent's child support obligation under this subsection after consideration of the following:*
1. *The obligated parent's income and ability to maintain the basic necessities of the home for the child;*
 2. *Whether either parent has consistently exercised, or is likely to consistently exercise, the court-ordered time-sharing schedule or time-sharing agreement between the parents;*
 3. *Whether all of the children are subject to the same time-sharing schedule;*
 4. *Whether the time-sharing plan results in fewer overnights due to a significant geographical distance between the parties that may affect the child support obligation;*
 5. *The military deployment or extended service obligations of the parties; and*
 6. *The health insurance or medical care provided by either parent; and*
- (c) *The self-support reserve, as calculated under KRS 403.212(5)(b), and the shared parenting time credit, as calculated under this subsection, shall not be applied together. The obligor shall be responsible for the lesser support amount as determined under KRS 403.212(5)(c).*
- (4) *The shared parenting time credit chart is as follows:*

<i>Parenting Time Days</i>	<i>Adjustment Percentage</i>
<i>88-115</i>	<i>15%</i>
<i>116-129</i>	<i>20.5%</i>
<i>130-142</i>	<i>25%</i>
<i>143-152</i>	<i>30.5%</i>
<i>153-162</i>	<i>36%</i>

163-172	42%
173-181	48.5%
182-182.5	50%

- (5) (a) *Failure by one (1) party to consistently exercise the court-ordered time-sharing schedule or time-sharing agreement between the parents shall be grounds for the other party to seek modification from the court.*
- (b) *A party may seek modification following a fifteen percent (15%) change in the number of timesharing days and shall have the burden of proving a material change in timesharing circumstances.*
- (c) *Nothing in this section shall affect or prevent the application of KRS 403.213(2).*
- (6) *The court shall have discretion in awarding a shared parenting time credit if the obligee receives:*
- (a) *Kentucky Children's Health Insurance Program (KCHIP);*
- (b) *Kentucky Transitional Assistance Program (KTAP);*
- (c) *Supplemental Nutrition Assistance Program (SNAP); or*
- (d) *Medicaid.*

➔Section 2. KRS 403.211 is amended to read as follows:

- (1) An action to establish or enforce child support may be initiated by the parent, custodian, or agency substantially contributing to the support of the child. The action may be brought in the county in which the child resides or where the defendant resides.
- (2) At the time of initial establishment of a child support order, whether temporary or permanent, or in any proceeding to modify a support order, the child support guidelines in KRS 403.212 or *Section 1 of this Act*~~[403.212]~~ shall serve as a rebuttable presumption for the establishment or modification of the amount of child support. Courts may deviate from the guidelines where their application would be unjust or inappropriate. Any deviation shall be accompanied by a written finding or specific finding on the record by the court, specifying the reason for the deviation.
- (3) A written finding or specific finding on the record that the application of the guidelines would be unjust or inappropriate in a particular case shall be sufficient to rebut the presumption and allow for an appropriate adjustment of the guideline award if based upon one (1) or more of the following criteria:
- (a) A child's extraordinary medical or dental needs;
- (b) A child's extraordinary educational, job training, or special needs;
- (c) Either parent's own extraordinary needs, such as medical expenses;
- (d) The independent financial resources, if any, of the child or children;
- (e) Combined monthly adjusted parental gross income in excess of the Kentucky child support guidelines;
- (f) The parents of the child, having demonstrated knowledge of the amount of child support established by the Kentucky child support guidelines, have agreed to child support different from the guideline amount. However, no such agreement shall be the basis of any deviation if public assistance is being paid on behalf of a child under the provisions of Part D of Title IV of the Federal Social Security Act;~~and~~
- (g) *Failure by one (1) party to consistently exercise the court-ordered time-sharing schedule or time-sharing agreement between the parents; and*
- ~~(h)~~~~(g)~~ Any similar factor of an extraordinary nature specifically identified by the court which would make application of the guidelines inappropriate.
- (4) "Extraordinary" as used in this section shall be determined by the court in its discretion.
- (5) When a party has defaulted or the court is otherwise presented with insufficient evidence to determine gross income, the court shall order child support based upon the needs of the child or the previous standard of living of the child, whichever is greater. An order entered by default or due to insufficient evidence to determine gross income may be modified upward and arrearages awarded from the date of the original order if evidence

of gross income is presented within two (2) years which would have established a higher amount of child support pursuant to the child support guidelines set forth in KRS 403.212 or *Section 1 of this Act*~~[403.2121]~~.

- (6) The court shall allocate between the parents, in proportion to their combined monthly adjusted parental gross income, reasonable and necessary child care costs incurred due to employment, job search, or education leading to employment, in addition to the amount ordered under the child support guidelines.
- (7) (a) Pursuant to 45 C.F.R. sec. 303.31(a)(2), for the purposes of this section, "health care coverage" includes fee for service, health maintenance organization, preferred provider organization, and other types of private health insurance and public health care coverage under which medical services could be provided to a dependent child. If health care coverage is reasonable in cost and accessible to either parent at the time the request for coverage is made, the court shall order the parent to obtain or maintain coverage, and the court shall allocate between the parents, in proportion to their combined monthly adjusted parental gross income, the cost of health care coverage for the child, in addition to the support ordered under the child support guidelines.
- (b) A parent, who has one hundred percent (100%) of the combined monthly adjusted parental gross income, shall be entitled to a reduction in gross income of the entire amount of premiums incurred and paid.
- (c) The court shall order the cost of health care coverage of the child to be paid by either or both parents of the child regardless of who has physical custody. The court order shall include:
1. A judicial directive designating which parent shall have financial responsibility for providing health care coverage for the dependent child, which shall include but not be limited to health care coverage, payments of necessary health care deductibles or copayments;
 2. If appropriate, cash medical support. "Cash medical support" means an amount to be paid toward the cost of health care coverage, fixed payments for ongoing medical costs, extraordinary medical expenses, or any combination thereof; and
 3. A statement providing that if the designated parent's health care coverage provides for covered services for dependent children beyond the age of majority, then any unmarried children up to twenty-five (25) years of age who are full-time students enrolled in and attending an accredited educational institution and who are primarily dependent on the insured parent for maintenance and support shall be covered.
- (d) If health care coverage is not reasonable in cost and accessible at the time the request for the coverage is made, the court order shall provide for cash medical support until health care coverage becomes reasonable in cost and accessible.
- (8) (a) For purposes of this section, "reasonable in cost" means that the cost of coverage to the responsible parent does not exceed five percent (5%) of his or her gross income. The five percent (5%) standard shall apply to the cost of adding the child to an existing policy, the difference in the cost between a single and a family policy, or the cost of acquiring a separate policy to cover the child. If the parties agree or the court finds good cause exists, the court may order health care coverage in excess of five percent (5%) of the parent's gross income.
- (b) For purposes of this section, "accessible" means that there are providers who meet the health care needs of the child and who are located no more than sixty (60) minutes or sixty (60) miles from the child's primary residence, except that nothing shall prohibit use of a provider located more than sixty (60) minutes or sixty (60) miles from the child's primary residence.
- (9) ***The initial two hundred fifty dollars (\$250) of medical expenses shall be covered by the parent who maintains health insurance for the child or children subject to the order per calendar year, unless the parties have agreed otherwise.***
- (10) (a) The cost of extraordinary medical expenses shall be allocated between the parties in proportion to their combined monthly adjusted parental gross incomes.
- (b) 1. "Extraordinary medical expenses" means uninsured expenses in excess of two hundred fifty dollars (\$250) ~~for the~~ ***for the*** child ***or children subject to the order*** per calendar year.
2. "Extraordinary medical expenses" includes but is not limited to the costs that are reasonably necessary for medical, surgical, dental, orthodontal, optometric, nursing, and hospital services;

for professional counseling or psychiatric therapy for diagnosed medical disorders; and for drugs and medical supplies, appliances, laboratory, diagnostic, and therapeutic services.

- ~~(11)~~~~(10)~~ The court order shall include the Social Security numbers, provided in accordance with KRS 403.135, of all parties subject to a support order.
- ~~(12)~~~~(11)~~ In any case administered by the Cabinet for Health and Family Services, if the parent ordered to provide health care coverage is enrolled through an insurer but fails to enroll the child under family coverage, the other parent or the Cabinet for Health and Family Services may, upon application, enroll the child.
- ~~(13)~~~~(12)~~ In any case administered by the cabinet, information received or transmitted shall not be published or be open for public inspection, including reasonable evidence of domestic violence or child abuse if the disclosure of the information could be harmful to the custodial parent or the child of the parent. Necessary information and records may be furnished as specified by KRS 205.175.
- ~~(14)~~~~(13)~~ In the case in which a parent is obligated to provide health care coverage, and changes employment, and the new employer provides health care coverage, the Cabinet for Health and Family Services shall transfer notice of the provision for coverage for the child to the employer, which shall operate to enroll this child in the obligated parent's health plan, unless the obligated parent contests the notice as specified by KRS Chapter 13B.
- ~~(15)~~~~(14)~~ Notwithstanding any other provision of this section, any wage or income shall not be exempt from attachment or assignment for the payment of current child support or owed or to-be-owed child support.
- ~~(16)~~~~(15)~~ A payment of money received by a child as a result of a parental disability shall be credited against the child support obligation of the parent. A payment shall not be counted as income to either parent when calculating a child support obligation. An amount received in excess of the child support obligation shall be credited against a child support arrearage owed by the parent that accrued subsequent to the date of the parental disability, but shall not be applied to an arrearage that accrued prior to the date of disability. The date of disability shall be as determined by the paying agency.

➔Section 3. KRS 403.090 (Effective until July 1, 2025) is amended to read as follows:

- (1) The fiscal court of any county may, by resolution, authorize the appointment of a "friend of the court." If the Circuit Court of the county has but one (1) judge, the appointment shall be made by the judge. If the court has two (2) or more judges, the appointment shall be made by joint action of the judges, at the general term. The person appointed to the office of friend of the court shall serve at the pleasure of, and subject to removal by, the appointing authority. The person appointed shall be a licensed practicing attorney. The appointed person shall take the constitutional oath of office and shall give bond in such sum as may be fixed by the appointing judge or judges.
- (2) Except for those cases administered pursuant to 42 U.S.C. secs. 651 et seq., it shall be the duty of the friend of the court to supervise and enforce the payment of sums ordered or adjudged by the Circuit Court in divorce actions to be paid for the care and maintenance of minor children. All persons who have been ordered or adjudged by the court, in connection with divorce actions, to make payments for the care and maintenance of children, shall, if so ordered by the court, make such payments to the friend of the court. The friend of the court shall see that the payments, except for those cases administered pursuant to 42 U.S.C. secs. 651 et seq., are properly applied in accordance with the order or judgment. However, if the court so directs, the payments may be made through the juvenile session of District Court of the county; in such case the friend of the court shall render such assistance as may be required in keeping records concerning such payments and in the enforcement of delinquent payments, and the Circuit Court may direct that a designated amount or portion of the funds appropriated by the fiscal court for expenses of the friend of the court be paid to the juvenile session of District Court as reimbursement for the expenses incurred by the juvenile session of District Court in connection with the handling of such payments. The friend of the court shall promptly investigate all cases where payments have become delinquent, and when necessary shall cause the delinquent person to be brought before the court for the purpose of compelling payment. The friend of the court shall ascertain the facts concerning the care, custody, and maintenance of children for whom payments are being made, and shall report to the court all cases in which the children are not receiving proper care or maintenance, or in which the person having custody is failing to furnish proper custody. He shall make such other reports to the court as the court may require.
- (3) In the event that a waiver is granted under 42 U.S.C. secs. 651 et seq., allowing payment of wage withholding collections to be directed to the friend of the court, an obligor shall be given the option of payment either to the friend of the court or the centralized collection agency.

- (4) In any action for divorce where the parties have minor children, the friend of the court, if requested by the trial judge, shall make such investigation as will enable the friend of the court to ascertain all facts and circumstances that will affect the rights and interests of the children and will enable the court to enter just and proper orders and judgment concerning the care, custody, and maintenance of the children. The friend of the court shall make a report to the trial judge, at a time fixed by the judge, setting forth recommendations as to the care, custody, and maintenance of the children. The friend of the court may request the court to postpone the final submission of any case to give the friend of the court a reasonable time in which to complete the investigation.
- (5) The friend of the court shall have authority to secure the issuance by the court of any order, rule, or citation necessary for the proper enforcement of orders and judgments in divorce actions concerning the custody, care, and maintenance of children. In performing duties under subsection (4) of this section the friend of the court shall attend the taking of depositions within the county, and shall have authority to cross-examine the witnesses. In the case of depositions taken on interrogatories, the friend of the court may file cross-interrogatories. The friend of the court shall be duly notified of the time and place of the taking of depositions in all divorce actions where the parties have minor children, and shall attend the taking of all such depositions when the friend of the court deems it necessary for the protection of the minor children, or when the friend of the court may be directed by the court to attend.
- (6) The friend of the court shall not directly or indirectly represent any party to a divorce action except as herein authorized to represent the minor children of parties to a divorce action, but if an allowance is made for the support of a spouse and an infant child or children, may proceed to enforce the payment of the allowance made to the spouse also.
- (7) Where a friend of the court is acting as a designee of the cabinet pursuant to KRS 205.712 and an applicant for Title IV-D services pursuant to KRS 205.721 has requested a modification of an existing child support order pursuant to a divorce or other judicial order, the friend of the court shall seek the modification, providing all jurisdictional requirements are met. The friend of the court's representation shall extend only for the limited purpose of seeking a modification of an existing child support order consistent with the provisions of KRS 403.212 or *Section 1 of this Act* ~~[403.2121]~~.
- (8) The fiscal court of any county which has authorized the appointment of a friend of the court under this section shall, by resolution, fix a reasonable compensation for the friend of the court and make a reasonable allowance for necessary expenses, equipment, and supplies, payable out of the general fund of the county, upon approval of the appointing judge or judges.

➔Section 4. KRS 403.090 (Effective July 1, 2025) is amended to read as follows:

- (1) The fiscal court of any county may, by resolution, authorize the appointment of a "friend of the court." If the Circuit Court of the county has but one (1) judge, the appointment shall be made by the judge. If the court has two (2) or more judges, the appointment shall be made by joint action of the judges, at the general term. The person appointed to the office of friend of the court shall serve at the pleasure of, and subject to removal by, the appointing authority. The person appointed shall be a licensed practicing attorney. The appointed person shall take the constitutional oath of office and shall give bond in such sum as may be fixed by the appointing judge or judges.
- (2) Except for those cases administered pursuant to 42 U.S.C. sec. 651 et seq., it shall be the duty of the friend of the court to supervise and enforce the payment of sums ordered or adjudged by the Circuit Court in divorce actions to be paid for the care and maintenance of minor children. All persons who have been ordered or adjudged by the court, in connection with divorce actions, to make payments for the care and maintenance of children, shall, if so ordered by the court, make such payments to the friend of the court. The friend of the court shall see that the payments, except for those cases administered pursuant to 42 U.S.C. sec. 651 et seq., are properly applied in accordance with the order or judgment. However, if the court so directs, the payments may be made through the juvenile session of District Court of the county; in such case the friend of the court shall render such assistance as may be required in keeping records concerning such payments and in the enforcement of delinquent payments, and the Circuit Court may direct that a designated amount or portion of the funds appropriated by the fiscal court for expenses of the friend of the court be paid to the juvenile session of District Court as reimbursement for the expenses incurred by the juvenile session of District Court in connection with the handling of such payments. The friend of the court shall promptly investigate all cases where payments have become delinquent, and when necessary shall cause the delinquent person to be brought before the court for the purpose of compelling payment. The friend of the court shall ascertain the facts concerning the care, custody, and maintenance of children for whom payments are being made, and shall report to the court all cases in which the children are not receiving proper care or maintenance, or in which the

person having custody is failing to furnish proper custody. He shall make such other reports to the court as the court may require.

- (3) In the event that a waiver is granted under 42 U.S.C. sec. 651 et seq., allowing payment of wage withholding collections to be directed to the friend of the court, an obligor shall be given the option of payment either to the friend of the court or the centralized collection agency.
- (4) In any action for divorce where the parties have minor children, the friend of the court, if requested by the trial judge, shall make such investigation as will enable the friend of the court to ascertain all facts and circumstances that will affect the rights and interests of the children and will enable the court to enter just and proper orders and judgment concerning the care, custody, and maintenance of the children. The friend of the court shall make a report to the trial judge, at a time fixed by the judge, setting forth recommendations as to the care, custody, and maintenance of the children. The friend of the court may request the court to postpone the final submission of any case to give the friend of the court a reasonable time in which to complete the investigation.
- (5) The friend of the court shall have authority to secure the issuance by the court of any order, rule, or citation necessary for the proper enforcement of orders and judgments in divorce actions concerning the custody, care, and maintenance of children. In performing duties under subsection (4) of this section the friend of the court shall attend the taking of depositions within the county, and shall have authority to cross-examine the witnesses. In the case of depositions taken on interrogatories, the friend of the court may file cross-interrogatories. The friend of the court shall be duly notified of the time and place of the taking of depositions in all divorce actions where the parties have minor children, and shall attend the taking of all such depositions when the friend of the court deems it necessary for the protection of the minor children, or when the friend of the court may be directed by the court to attend.
- (6) The friend of the court shall not directly or indirectly represent any party to a divorce action except as herein authorized to represent the minor children of parties to a divorce action, but if an allowance is made for the support of a spouse and an infant child or children, may proceed to enforce the payment of the allowance made to the spouse also.
- (7) Where a friend of the court is acting as a designee of the Office of the Attorney General pursuant to KRS 15.802 and an applicant for Title IV-D services pursuant to KRS 15.810 has requested a modification of an existing child support order pursuant to a divorce or other judicial order, the friend of the court shall seek the modification, providing all jurisdictional requirements are met. The friend of the court's representation shall extend only for the limited purpose of seeking a modification of an existing child support order consistent with the provisions of KRS 403.212 or *Section 1 of this Act*~~[403.212]~~.
- (8) The fiscal court of any county which has authorized the appointment of a friend of the court under this section shall, by resolution, fix a reasonable compensation for the friend of the court and make a reasonable allowance for necessary expenses, equipment, and supplies, payable out of the general fund of the county, upon approval of the appointing judge or judges.

➔Section 5. KRS 403.212 (Effective until July 1, 2025) is amended to read as follows:

- (1) The following provisions and child support table shall be the child support guidelines established for the Commonwealth of Kentucky.
- (2) The Cabinet for Health and Family Services shall:
 - (a) Promulgate an administrative regulation in accordance with KRS Chapter 13A establishing a child support obligation worksheet; and
 - (b) Make accessible on its ~~website~~~~[Web site]~~ a manual providing examples or illustrations of the application of the child support guidelines and the child support obligation worksheet.
- (3) For the purposes of the child support guidelines:
 - (a) "Income" means actual gross income of the parent if employed to full capacity or potential income if unemployed or underemployed;
 - (b) "Gross income" includes income from any source, except as excluded in this subsection, and includes but is not limited to income from salaries, wages, retirement and pension funds, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, Supplemental Security Income (SSI), gifts, prizes, and alimony or maintenance received.

Specifically excluded are benefits received from means-tested public assistance programs, including but not limited to public assistance as defined under Title IV-A of the Federal Social Security Act, and food stamps;

- (c) For income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, "gross income" means gross receipts minus ordinary and necessary expenses required for self-employment or business operation. Straight-line depreciation, using Internal Revenue Service (IRS) guidelines, shall be the only allowable method of calculating depreciation expense in determining gross income. Specifically excluded from ordinary and necessary expenses for purposes of this guideline shall be investment tax credits or any other business expenses inappropriate for determining gross income for purposes of calculating child support. Income and expenses from self-employment or operation of a business shall be carefully reviewed to determine an appropriate level of gross income available to the parent to satisfy a child support obligation. In most cases, this amount will differ from a determination of business income for tax purposes. Expense reimbursement or in-kind payments received by a parent in the course of employment, self-employment, or operation of a business or personal use of business property or payments of expenses by a business, shall be counted as income if they are significant and reduce personal living expenses such as a company or business car, free housing, reimbursed meals, or club dues;
- (d) "Self-support reserve" means a low-income adjustment amount to the obligated parent of nine hundred fifteen dollars (\$915) per month that considers the subsistence needs of the obligor with a limited ability to pay in accordance with 45 C.F.R. sec. 302.56(c)(1)(ii), and as applied under subsection (5) of this section;
- (e)
 - 1. If there is a finding that a parent is voluntarily unemployed or underemployed, child support shall be calculated based on a determination of potential income, except that a finding of voluntary unemployment or underemployment and a determination of potential income shall not be made for a parent who is incarcerated, physically or mentally incapacitated, or is caring for a very young child, age three (3) or younger, for whom the parents owe a joint legal responsibility;
 - 2. A court may find a parent is voluntarily unemployed or underemployed without finding that the parent intended to avoid or reduce the child support obligation; and
 - 3. Imputation of potential income, when applicable, shall include consideration of the following circumstances of the parents, to the extent known:
 - a. Assets and residence;
 - b. Employment, earning history, and job skills;
 - c. Educational level, literacy, age, health, and criminal record that could impair the ability to gain or continue employment;
 - d. Record of seeking work;
 - e. Local labor market, including availability of employment for which the parent may be qualified and employable;
 - f. Prevailing earnings in the local labor market; and
 - g. Other relevant background factors, including employment barriers;
- (f) "Obligor" has the same meaning as in KRS 205.710;
- (g) "Imputed child support obligation" means the amount of child support the parent would be required to pay from application of the child support guidelines;
- (h) Income statements of the parents shall be verified by documentation of both current and past income. Suitable documentation shall include, but shall not be limited to, income tax returns, paystubs, employer statements, or receipts and expenses if self-employed;
- (i) "Combined monthly adjusted parental gross income" means the combined monthly gross incomes of both parents, less any of the following payments made by the parent:
 - 1. The amount of pre-existing orders for current maintenance for prior spouses to the extent payment is actually made and the amount of current maintenance, if any, ordered paid in the proceeding before the court;

2. The amount of pre-existing orders of current child support for prior-born children to the extent payment is actually made under those orders; and
 3. A deduction for the support to the extent payment is made, if a parent is legally responsible for and is actually providing support for other prior-born children who are not the subject of a particular proceeding. If the prior-born children reside with that parent, an "imputed child support obligation" shall be allowed in the amount which would result from application of the guidelines for the support of the prior-born children; and
- (j) "Split custody arrangement" means a situation where each parent has sole custody and decision-making authority while the child or children is in his or her residence. Visitation only occurs when the child is in residence with the other parent.
- (4) Any child support obligation shall be calculated by using the number of children for whom the parents share a joint legal responsibility.
 - (5) (a) Except as provided in paragraph (b) of this subsection, the child support obligation set forth in the child support guidelines table shall be divided between the parents in proportion to their combined monthly adjusted parental gross income.
 - (b) The child support obligation of an obligated parent whose monthly adjusted gross income is equal to or less than the amounts in subparagraphs 1. to 5. of this paragraph shall be calculated using the monthly adjusted gross income of the obligated parent alone to provide for the self-support reserve. The following monthly adjusted gross income amounts shall qualify an individual for the self-support reserve:
 1. One thousand one hundred dollars (\$1,100) with one (1) child;
 2. One thousand three hundred dollars (\$1,300) with two (2) children;
 3. One thousand four hundred dollars (\$1,400) with three (3) children;
 4. One thousand five hundred dollars (\$1,500) with four (4) or five (5) children; or
 5. One thousand six hundred dollars (\$1,600) with six (6) or more children.
 - (c) The obligated parent shall pay the lesser support amount calculated in accordance with:
 1. Paragraph (a) of this subsection;
 2. Paragraph (b) of this subsection; and
 3. As determined under *Section 1 of this Act* ~~[KRS 403.2121]~~ if the shared parenting time credit is applicable.
 - (6) The minimum amount of child support shall be sixty dollars (\$60) per month, except as provided in *subsection (3) of Section 1 of this Act* ~~[KRS 403.2121(3)]~~.
 - (7) The court may use its judicial discretion in determining child support in circumstances where combined adjusted parental gross income exceeds the uppermost levels of the guideline table.
 - (8) The child support obligation in a split custody arrangement shall be calculated in the following manner:
 - (a) Two (2) separate child support obligation worksheets shall be prepared, one (1) for each household, using the number of children born of the relationship in each separate household, rather than the total number of children born of the relationship.
 - (b) The parent with the greater monthly obligation amount shall pay the difference between the obligation amounts, as determined by the worksheets, to the other parent.
 - (9) The child support guidelines table is as follows:

COMBINED
MONTHLY
ADJUSTED
PARENTAL
GROSS

INCOME	ONE CHILD	TWO CHILDREN	THREE	FOUR	FIVE	OR MORE
\$ 0	\$60	\$60	\$60	\$60	\$60	\$60
100	60	60	60	60	60	60
200	60	60	60	60	60	60
300	60	60	60	60	60	60
400	60	60	60	60	60	60
500	60	60	60	60	60	60
600	60	60	60	60	60	60
700	60	60	60	60	60	60
800	60	60	60	60	60	60
900	60	60	60	60	60	60
1,000	85	85	85	85	85	85
1,100	148	150	152	154	155	157
1,200	200	231	234	237	239	242
1,300	216	312	316	320	323	327
1,400	231	339	398	403	407	412
1,500	247	362	437	486	491	497
1,600	262	384	464	518	570	582
1,700	277	406	491	548	603	655
1,800	292	428	517	578	635	691
1,900	307	450	544	607	668	726
2,000	322	472	570	637	701	762
2,100	337	494	597	667	734	797
2,200	352	516	624	697	766	833
2,300	367	538	650	726	799	869
2,400	382	560	677	756	832	904
2,500	397	582	704	786	865	940
2,600	412	604	730	816	897	975
2,700	427	626	757	845	930	1,011
2,800	442	648	783	875	963	1,046
2,900	457	670	810	905	995	1,082
3,000	472	692	837	935	1,028	1,118
3,100	487	714	863	964	1,061	1,153
3,200	502	737	890	994	1,094	1,189
3,300	517	759	917	1,024	1,126	1,224
3,400	532	781	943	1,054	1,159	1,260
3,500	547	803	970	1,083	1,192	1,295
3,600	562	825	997	1,113	1,224	1,331

ACTS OF THE GENERAL ASSEMBLY

3,700	577	847	1,023	1,143	1,257	1,367
3,800	592	869	1,050	1,173	1,290	1,402
3,900	607	891	1,076	1,202	1,323	1,438
4,000	621	912	1,102	1,230	1,353	1,471
4,100	634	931	1,125	1,256	1,382	1,502
4,200	647	950	1,148	1,282	1,410	1,533
4,300	660	969	1,171	1,308	1,439	1,564
4,400	673	988	1,194	1,334	1,467	1,595
4,500	686	1,007	1,217	1,359	1,495	1,625
4,600	699	1,026	1,240	1,385	1,524	1,656
4,700	712	1,045	1,263	1,411	1,552	1,687
4,800	725	1,064	1,286	1,437	1,580	1,718
4,900	738	1,084	1,309	1,463	1,609	1,749
5,000	751	1,103	1,332	1,488	1,637	1,780
5,100	764	1,122	1,356	1,514	1,666	1,810
5,200	777	1,141	1,379	1,540	1,694	1,841
5,300	790	1,160	1,402	1,566	1,722	1,872
5,400	799	1,172	1,415	1,581	1,739	1,890
5,500	805	1,177	1,419	1,585	1,744	1,896
5,600	810	1,181	1,423	1,590	1,749	1,901
5,700	815	1,186	1,427	1,594	1,753	1,906
5,800	820	1,191	1,431	1,598	1,758	1,911
5,900	825	1,195	1,435	1,603	1,763	1,916
6,000	831	1,200	1,439	1,607	1,768	1,922
6,100	837	1,208	1,449	1,618	1,780	1,935
6,200	844	1,217	1,459	1,629	1,792	1,948
6,300	851	1,226	1,469	1,641	1,805	1,962
6,400	858	1,234	1,479	1,652	1,817	1,975
6,500	865	1,243	1,489	1,663	1,829	1,988
6,600	871	1,251	1,499	1,674	1,841	2,002
6,700	881	1,263	1,513	1,690	1,859	2,021
6,800	892	1,278	1,530	1,709	1,880	2,044
6,900	903	1,292	1,548	1,729	1,902	2,067
7,000	914	1,306	1,565	1,748	1,923	2,090
7,100	925	1,320	1,582	1,767	1,944	2,113
7,200	935	1,335	1,600	1,787	1,965	2,136
7,300	946	1,348	1,616	1,805	1,986	2,159
7,400	954	1,360	1,630	1,820	2,003	2,177
7,500	962	1,372	1,643	1,836	2,019	2,195

7,600	969	1,384	1,657	1,851	2,036	2,213
7,700	977	1,396	1,670	1,866	2,052	2,231
7,800	984	1,407	1,683	1,880	2,068	2,248
7,900	991	1,419	1,696	1,895	2,084	2,266
8,000	996	1,426	1,704	1,903	2,094	2,276
8,100	1,000	1,429	1,709	1,908	2,099	2,282
8,200	1,004	1,433	1,713	1,914	2,105	2,288
8,300	1,008	1,437	1,718	1,919	2,110	2,294
8,400	1,012	1,441	1,722	1,924	2,116	2,300
8,500	1,016	1,444	1,727	1,929	2,122	2,306
8,600	1,020	1,448	1,731	1,934	2,127	2,312
8,700	1,026	1,456	1,740	1,944	2,138	2,324
8,800	1,033	1,464	1,749	1,953	2,149	2,336
8,900	1,039	1,472	1,758	1,963	2,160	2,347
9,000	1,046	1,480	1,766	1,973	2,170	2,359
9,100	1,052	1,488	1,775	1,983	2,181	2,371
9,200	1,059	1,496	1,784	1,993	2,192	2,382
9,300	1,065	1,502	1,792	2,002	2,202	2,393
9,400	1,070	1,507	1,799	2,010	2,211	2,403
9,500	1,075	1,511	1,807	2,018	2,220	2,413
9,600	1,080	1,516	1,814	2,026	2,229	2,423
9,700	1,085	1,520	1,822	2,035	2,238	2,433
9,800	1,090	1,524	1,829	2,043	2,247	2,443
9,900	1,094	1,529	1,836	2,051	2,256	2,453
10,000	1,099	1,533	1,844	2,059	2,265	2,463
10,100	1,104	1,538	1,851	2,068	2,275	2,472
10,200	1,109	1,542	1,859	2,076	2,284	2,482
10,300	1,115	1,549	1,867	2,086	2,294	2,494
10,400	1,123	1,560	1,878	2,098	2,308	2,509
10,500	1,130	1,571	1,889	2,110	2,321	2,523
10,600	1,137	1,582	1,900	2,123	2,335	2,538
10,700	1,145	1,593	1,911	2,135	2,349	2,553
10,800	1,152	1,604	1,922	2,147	2,362	2,568
10,900	1,159	1,615	1,933	2,160	2,376	2,582
11,000	1,167	1,626	1,944	2,172	2,389	2,597
11,100	1,174	1,637	1,956	2,185	2,403	2,612
11,200	1,182	1,649	1,968	2,198	2,418	2,628
11,300	1,191	1,661	1,980	2,212	2,433	2,644
11,400	1,199	1,673	1,992	2,225	2,448	2,660

ACTS OF THE GENERAL ASSEMBLY

11,500	1,207	1,685	2,004	2,239	2,462	2,677
11,600	1,215	1,695	2,016	2,252	2,477	2,693
11,700	1,222	1,705	2,029	2,266	2,493	2,710
11,800	1,229	1,714	2,041	2,280	2,508	2,726
11,900	1,237	1,723	2,054	2,294	2,523	2,743
12,000	1,244	1,732	2,066	2,308	2,539	2,759
12,100	1,252	1,742	2,078	2,322	2,554	2,776
12,200	1,259	1,751	2,091	2,336	2,569	2,793
12,300	1,267	1,760	2,103	2,349	2,584	2,809
12,400	1,274	1,769	2,116	2,363	2,600	2,826
12,500	1,282	1,778	2,128	2,377	2,615	2,842
12,600	1,289	1,788	2,141	2,391	2,630	2,859
12,700	1,296	1,797	2,153	2,405	2,645	2,876
12,800	1,304	1,806	2,165	2,419	2,661	2,892
12,900	1,311	1,815	2,178	2,433	2,676	2,909
13,000	1,319	1,825	2,190	2,447	2,691	2,925
13,100	1,326	1,834	2,203	2,461	2,707	2,942
13,200	1,334	1,843	2,215	2,474	2,722	2,959
13,300	1,341	1,852	2,228	2,488	2,737	2,975
13,400	1,348	1,861	2,238	2,500	2,750	2,990
13,500	1,353	1,868	2,247	2,510	2,761	3,001
13,600	1,359	1,875	2,255	2,519	2,771	3,012
13,700	1,364	1,882	2,264	2,529	2,781	3,023
13,800	1,370	1,889	2,272	2,538	2,792	3,035
13,900	1,375	1,896	2,281	2,547	2,802	3,046
14,000	1,381	1,903	2,289	2,557	2,812	3,057
14,100	1,386	1,910	2,297	2,566	2,822	3,068
14,200	1,391	1,916	2,304	2,574	2,831	3,078
14,300	1,396	1,922	2,312	2,582	2,841	3,088
14,400	1,401	1,929	2,319	2,591	2,850	3,098
14,500	1,406	1,935	2,327	2,599	2,859	3,108
14,600	1,410	1,941	2,334	2,607	2,868	3,118
14,700	1,415	1,947	2,342	2,616	2,877	3,128
14,800	1,420	1,954	2,349	2,624	2,886	3,138
14,900	1,425	1,960	2,357	2,632	2,896	3,147
15,000	1,430	1,966	2,364	2,641	2,905	3,157
15,100	1,435	1,972	2,371	2,649	2,914	3,167
15,200	1,440	1,978	2,379	2,657	2,923	3,177
15,300	1,444	1,985	2,386	2,666	2,932	3,187

15,400	1,449	1,991	2,394	2,674	2,941	3,197
15,500	1,454	1,997	2,401	2,682	2,950	3,207
15,600	1,459	2,003	2,409	2,691	2,960	3,217
15,700	1,464	2,010	2,416	2,699	2,969	3,227
15,800	1,469	2,016	2,424	2,707	2,978	3,237
15,900	1,474	2,022	2,431	2,715	2,987	3,247
16,000	1,478	2,028	2,439	2,724	2,996	3,257
16,100	1,484	2,035	2,445	2,732	3,005	3,266
16,200	1,490	2,041	2,452	2,739	3,013	3,275
16,300	1,495	2,047	2,459	2,747	3,022	3,285
16,400	1,501	2,053	2,466	2,755	3,030	3,294
16,500	1,506	2,059	2,473	2,763	3,039	3,303
16,600	1,512	2,065	2,480	2,770	3,047	3,313
16,700	1,518	2,071	2,487	2,778	3,056	3,322
16,800	1,523	2,077	2,494	2,786	3,065	3,331
16,900	1,529	2,083	2,501	2,794	3,073	3,340
17,000	1,534	2,089	2,508	2,801	3,082	3,350
17,100	1,540	2,095	2,515	2,809	3,090	3,359
17,200	1,545	2,102	2,522	2,817	3,099	3,368
17,300	1,551	2,108	2,529	2,825	3,107	3,378
17,400	1,557	2,114	2,536	2,832	3,116	3,387
17,500	1,562	2,120	2,543	2,840	3,124	3,396
17,600	1,568	2,126	2,550	2,848	3,133	3,405
17,700	1,573	2,132	2,557	2,856	3,141	3,415
17,800	1,579	2,138	2,563	2,863	3,149	3,423
17,900	1,584	2,144	2,570	2,870	3,157	3,432
18,000	1,589	2,149	2,576	2,878	3,166	3,441
18,100	1,595	2,155	2,583	2,885	3,174	3,450
18,200	1,600	2,161	2,590	2,893	3,182	3,459
18,300	1,605	2,167	2,596	2,900	3,190	3,467
18,400	1,611	2,173	2,603	2,907	3,198	3,476
18,500	1,616	2,178	2,609	2,915	3,206	3,485
18,600	1,621	2,184	2,616	2,922	3,214	3,494
18,700	1,627	2,190	2,623	2,929	3,222	3,503
18,800	1,632	2,196	2,629	2,937	3,231	3,512
18,900	1,637	2,202	2,636	2,944	3,239	3,520
19,000	1,642	2,207	2,642	2,952	3,247	3,529
19,100	1,648	2,213	2,649	2,959	3,255	3,538
19,200	1,653	2,219	2,656	2,966	3,263	3,547

ACTS OF THE GENERAL ASSEMBLY

19,300	1,658	2,225	2,662	2,974	3,271	3,556
19,400	1,664	2,231	2,669	2,981	3,279	3,565
19,500	1,669	2,236	2,675	2,989	3,287	3,573
19,600	1,674	2,242	2,682	2,996	3,295	3,582
19,700	1,680	2,248	2,689	3,003	3,304	3,591
19,800	1,685	2,254	2,695	3,011	3,312	3,600
19,900	1,690	2,260	2,702	3,018	3,320	3,609
20,000	1,696	2,265	2,709	3,025	3,328	3,617
20,100	1,701	2,271	2,715	3,033	3,336	3,626
20,200	1,706	2,277	2,722	3,040	3,344	3,635
20,300	1,710	2,282	2,728	3,047	3,352	3,643
20,400	1,713	2,287	2,733	3,053	3,358	3,651
20,500	1,717	2,292	2,739	3,059	3,365	3,658
20,600	1,720	2,297	2,745	3,066	3,372	3,666
20,700	1,723	2,302	2,750	3,072	3,379	3,673
20,800	1,726	2,307	2,756	3,078	3,386	3,681
20,900	1,730	2,313	2,761	3,084	3,393	3,688
21,000	1,733	2,318	2,767	3,091	3,400	3,695
21,100	1,736	2,323	2,773	3,097	3,407	3,703
21,200	1,739	2,328	2,778	3,103	3,413	3,710
21,300	1,743	2,333	2,784	3,109	3,420	3,718
21,400	1,746	2,338	2,789	3,116	3,427	3,725
21,500	1,749	2,343	2,795	3,122	3,434	3,733
21,600	1,752	2,348	2,801	3,128	3,441	3,740
21,700	1,756	2,353	2,806	3,134	3,448	3,748
21,800	1,759	2,358	2,812	3,141	3,455	3,755
21,900	1,762	2,363	2,817	3,147	3,462	3,763
22,000	1,765	2,368	2,823	3,153	3,469	3,770
22,100	1,769	2,373	2,829	3,160	3,475	3,778
22,200	1,772	2,378	2,834	3,166	3,482	3,785
22,300	1,775	2,383	2,840	3,172	3,489	3,793
22,400	1,778	2,388	2,845	3,178	3,496	3,800
22,500	1,782	2,393	2,851	3,185	3,503	3,808
22,600	1,785	2,398	2,857	3,191	3,510	3,815
22,700	1,788	2,403	2,862	3,197	3,517	3,823
22,800	1,791	2,408	2,868	3,203	3,524	3,830
22,900	1,795	2,413	2,873	3,210	3,531	3,838
23,000	1,798	2,418	2,879	3,216	3,537	3,845
23,100	1,801	2,423	2,885	3,222	3,544	3,853

23,200	1,804	2,429	2,890	3,228	3,551	3,860
23,300	1,808	2,434	2,896	3,235	3,558	3,868
23,400	1,811	2,439	2,901	3,241	3,565	3,875
23,500	1,814	2,444	2,907	3,247	3,572	3,883
23,600	1,817	2,449	2,913	3,253	3,579	3,890
23,700	1,821	2,454	2,918	3,260	3,586	3,898
23,800	1,824	2,459	2,924	3,266	3,593	3,905
23,900	1,827	2,464	2,929	3,272	3,599	3,913
24,000	1,830	2,469	2,935	3,278	3,606	3,920
24,100	1,834	2,474	2,941	3,285	3,613	3,928
24,200	1,837	2,479	2,946	3,291	3,620	3,935
24,300	1,840	2,484	2,952	3,297	3,627	3,943
24,400	1,843	2,489	2,957	3,304	3,634	3,950
24,500	1,847	2,494	2,963	3,310	3,641	3,957
24,600	1,850	2,499	2,969	3,316	3,648	3,965
24,700	1,853	2,504	2,974	3,322	3,655	3,972
24,800	1,856	2,509	2,980	3,329	3,661	3,980
24,900	1,860	2,514	2,986	3,335	3,668	3,987
25,000	1,863	2,519	2,991	3,341	3,675	3,995
25,100	1,866	2,524	2,997	3,347	3,682	4,002
25,200	1,869	2,529	3,002	3,354	3,689	4,010
25,300	1,873	2,534	3,008	3,360	3,696	4,017
25,400	1,876	2,540	3,014	3,366	3,703	4,025
25,500	1,879	2,545	3,019	3,372	3,710	4,032
25,600	1,882	2,550	3,025	3,379	3,716	4,040
25,700	1,886	2,555	3,030	3,385	3,723	4,047
25,800	1,889	2,560	3,036	3,391	3,730	4,055
25,900	1,892	2,565	3,042	3,397	3,737	4,062
26,000	1,895	2,570	3,047	3,404	3,744	4,070
26,100	1,899	2,575	3,053	3,410	3,751	4,077
26,200	1,902	2,580	3,058	3,416	3,758	4,085
26,300	1,905	2,585	3,064	3,422	3,765	4,092
26,400	1,908	2,590	3,070	3,429	3,772	4,100
26,500	1,912	2,595	3,075	3,435	3,778	4,107
26,600	1,915	2,600	3,081	3,441	3,785	4,115
26,700	1,918	2,605	3,086	3,447	3,792	4,122
26,800	1,921	2,610	3,092	3,454	3,799	4,130
26,900	1,925	2,615	3,098	3,460	3,806	4,137
27,000	1,928	2,620	3,103	3,466	3,813	4,145

ACTS OF THE GENERAL ASSEMBLY

27,100	1,931	2,625	3,109	3,473	3,820	4,152
27,200	1,934	2,630	3,114	3,479	3,827	4,160
27,300	1,938	2,635	3,120	3,485	3,834	4,167
27,400	1,941	2,640	3,126	3,491	3,840	4,175
27,500	1,944	2,645	3,131	3,498	3,847	4,182
27,600	1,948	2,650	3,137	3,504	3,854	4,190
27,700	1,951	2,656	3,142	3,510	3,861	4,197
27,800	1,954	2,661	3,148	3,516	3,868	4,205
27,900	1,957	2,666	3,154	3,523	3,875	4,212
28,000	1,961	2,671	3,159	3,529	3,882	4,219
28,100	1,964	2,676	3,165	3,535	3,889	4,227
28,200	1,967	2,681	3,170	3,541	3,896	4,234
28,300	1,970	2,686	3,176	3,548	3,902	4,242
28,400	1,972	2,689	3,179	3,551	3,907	4,247
28,500	1,974	2,691	3,182	3,555	3,911	4,251
28,600	1,976	2,694	3,185	3,558	3,914	4,255
28,700	1,978	2,696	3,188	3,561	3,918	4,259
28,800	1,980	2,699	3,191	3,565	3,922	4,263
28,900	1,982	2,701	3,194	3,568	3,926	4,268
29,000	1,984	2,704	3,197	3,571	3,930	4,272
29,100	1,986	2,707	3,200	3,575	3,934	4,276
29,200	1,988	2,709	3,203	3,578	3,938	4,280
29,300	1,990	2,712	3,206	3,581	3,941	4,284
29,400	1,992	2,714	3,209	3,584	3,945	4,289
29,500	1,993	2,717	3,212	3,588	3,949	4,293
29,600	1,995	2,719	3,215	3,591	3,953	4,297
29,700	1,997	2,722	3,218	3,594	3,957	4,301
29,800	1,999	2,724	3,221	3,598	3,961	4,305
29,900	2,001	2,727	3,224	3,601	3,965	4,310
30,000	2,003	2,730	3,227	3,604	3,968	4,314

➔Section 6. KRS 403.212 (Effective July 1, 2025) is amended to read as follows:

- (1) The following provisions and child support table shall be the child support guidelines established for the Commonwealth of Kentucky.
- (2) The Office of the Attorney General shall:
 - (a) Promulgate an administrative regulation in accordance with KRS Chapter 13A establishing a child support obligation worksheet; and
 - (b) Make accessible on its website a manual providing examples or illustrations of the application of the child support guidelines and the child support obligation worksheet.
- (3) For the purposes of the child support guidelines:

- (a) "Income" means actual gross income of the parent if employed to full capacity or potential income if unemployed or underemployed;
- (b) "Gross income" includes income from any source, except as excluded in this subsection, and includes but is not limited to income from salaries, wages, retirement and pension funds, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, Supplemental Security Income (SSI), gifts, prizes, and alimony or maintenance received. Specifically excluded are benefits received from means-tested public assistance programs, including but not limited to public assistance as defined under Title IV-A of the Federal Social Security Act, and food stamps;
- (c) For income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, "gross income" means gross receipts minus ordinary and necessary expenses required for self-employment or business operation. Straight-line depreciation, using Internal Revenue Service (IRS) guidelines, shall be the only allowable method of calculating depreciation expense in determining gross income. Specifically excluded from ordinary and necessary expenses for purposes of this guideline shall be investment tax credits or any other business expenses inappropriate for determining gross income for purposes of calculating child support. Income and expenses from self-employment or operation of a business shall be carefully reviewed to determine an appropriate level of gross income available to the parent to satisfy a child support obligation. In most cases, this amount will differ from a determination of business income for tax purposes. Expense reimbursement or in-kind payments received by a parent in the course of employment, self-employment, or operation of a business or personal use of business property or payments of expenses by a business, shall be counted as income if they are significant and reduce personal living expenses such as a company or business car, free housing, reimbursed meals, or club dues;
- (d) "Self-support reserve" means a low-income adjustment amount to the obligated parent of nine hundred fifteen dollars (\$915) per month that considers the subsistence needs of the obligor with a limited ability to pay in accordance with 45 C.F.R. sec. 302.56(c)(1)(ii), and as applied under subsection (5) of this section;
- (e)
 - 1. If there is a finding that a parent is voluntarily unemployed or underemployed, child support shall be calculated based on a determination of potential income, except that a finding of voluntary unemployment or underemployment and a determination of potential income shall not be made for a parent who is incarcerated, physically or mentally incapacitated, or is caring for a very young child, age three (3) or younger, for whom the parents owe a joint legal responsibility;
 - 2. A court may find a parent is voluntarily unemployed or underemployed without finding that the parent intended to avoid or reduce the child support obligation; and
 - 3. Imputation of potential income, when applicable, shall include consideration of the following circumstances of the parents, to the extent known:
 - a. Assets and residence;
 - b. Employment, earning history, and job skills;
 - c. Educational level, literacy, age, health, and criminal record that could impair the ability to gain or continue employment;
 - d. Record of seeking work;
 - e. Local labor market, including availability of employment for which the parent may be qualified and employable;
 - f. Prevailing earnings in the local labor market; and
 - g. Other relevant background factors, including employment barriers;
- (f) "Obligor" has the same meaning as in KRS 15.800;
- (g) "Imputed child support obligation" means the amount of child support the parent would be required to pay from application of the child support guidelines;

- (h) Income statements of the parents shall be verified by documentation of both current and past income. Suitable documentation shall include, but shall not be limited to, income tax returns, paystubs, employer statements, or receipts and expenses if self-employed;
 - (i) "Combined monthly adjusted parental gross income" means the combined monthly gross incomes of both parents, less any of the following payments made by the parent:
 1. The amount of pre-existing orders for current maintenance for prior spouses to the extent payment is actually made and the amount of current maintenance, if any, ordered paid in the proceeding before the court;
 2. The amount of pre-existing orders of current child support for prior-born children to the extent payment is actually made under those orders; and
 3. A deduction for the support to the extent payment is made, if a parent is legally responsible for and is actually providing support for other prior-born children who are not the subject of a particular proceeding. If the prior-born children reside with that parent, an "imputed child support obligation" shall be allowed in the amount which would result from application of the guidelines for the support of the prior-born children; and
 - (j) "Split custody arrangement" means a situation where each parent has sole custody and decision-making authority while the child or children is in his or her residence. Visitation only occurs when the child is in residence with the other parent.
- (4) Any child support obligation shall be calculated by using the number of children for whom the parents share a joint legal responsibility.
- (5) (a) Except as provided in paragraph (b) of this subsection, the child support obligation set forth in the child support guidelines table shall be divided between the parents in proportion to their combined monthly adjusted parental gross income.
- (b) The child support obligation of an obligated parent whose monthly adjusted gross income is equal to or less than the amounts in subparagraphs 1. to 5. of this paragraph shall be calculated using the monthly adjusted gross income of the obligated parent alone to provide for the self-support reserve. The following monthly adjusted gross income amounts shall qualify an individual for the self-support reserve:
1. One thousand one hundred dollars (\$1,100) with one (1) child;
 2. One thousand three hundred dollars (\$1,300) with two (2) children;
 3. One thousand four hundred dollars (\$1,400) with three (3) children;
 4. One thousand five hundred dollars (\$1,500) with four (4) or five (5) children; or
 5. One thousand six hundred dollars (\$1,600) with six (6) or more children.
- (c) The obligated parent shall pay the lesser support amount calculated in accordance with:
1. Paragraph (a) of this subsection;
 2. Paragraph (b) of this subsection; and
 3. As determined under *Section 1 of this Act* ~~[KRS 403.2121]~~ if the shared parenting time credit is applicable.
- (6) The minimum amount of child support shall be sixty dollars (\$60) per month, except as provided in *subsection (3) of Section 1 of this Act* ~~[KRS 403.2121(3)]~~.
- (7) The court may use its judicial discretion in determining child support in circumstances where combined adjusted parental gross income exceeds the uppermost levels of the guideline table.
- (8) The child support obligation in a split custody arrangement shall be calculated in the following manner:
- (a) Two (2) separate child support obligation worksheets shall be prepared, one (1) for each household, using the number of children born of the relationship in each separate household, rather than the total number of children born of the relationship.
 - (b) The parent with the greater monthly obligation amount shall pay the difference between the obligation amounts, as determined by the worksheets, to the other parent.

(9) The child support guidelines table is as follows:

COMBINED MONTHLY ADJUSTED PARENTAL GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE	FOUR	FIVE	SIX OR MORE
\$ 0	\$60	\$60	\$60	\$60	\$60	\$60
100	60	60	60	60	60	60
200	60	60	60	60	60	60
300	60	60	60	60	60	60
400	60	60	60	60	60	60
500	60	60	60	60	60	60
600	60	60	60	60	60	60
700	60	60	60	60	60	60
800	60	60	60	60	60	60
900	60	60	60	60	60	60
1,000	85	85	85	85	85	85
1,100	148	150	152	154	155	157
1,200	200	231	234	237	239	242
1,300	216	312	316	320	323	327
1,400	231	339	398	403	407	412
1,500	247	362	437	486	491	497
1,600	262	384	464	518	570	582
1,700	277	406	491	548	603	655
1,800	292	428	517	578	635	691
1,900	307	450	544	607	668	726
2,000	322	472	570	637	701	762
2,100	337	494	597	667	734	797
2,200	352	516	624	697	766	833
2,300	367	538	650	726	799	869
2,400	382	560	677	756	832	904
2,500	397	582	704	786	865	940
2,600	412	604	730	816	897	975
2,700	427	626	757	845	930	1,011
2,800	442	648	783	875	963	1,046
2,900	457	670	810	905	995	1,082
3,000	472	692	837	935	1,028	1,118

ACTS OF THE GENERAL ASSEMBLY

3,100	487	714	863	964	1,061	1,153
3,200	502	737	890	994	1,094	1,189
3,300	517	759	917	1,024	1,126	1,224
3,400	532	781	943	1,054	1,159	1,260
3,500	547	803	970	1,083	1,192	1,295
3,600	562	825	997	1,113	1,224	1,331
3,700	577	847	1,023	1,143	1,257	1,367
3,800	592	869	1,050	1,173	1,290	1,402
3,900	607	891	1,076	1,202	1,323	1,438
4,000	621	912	1,102	1,230	1,353	1,471
4,100	634	931	1,125	1,256	1,382	1,502
4,200	647	950	1,148	1,282	1,410	1,533
4,300	660	969	1,171	1,308	1,439	1,564
4,400	673	988	1,194	1,334	1,467	1,595
4,500	686	1,007	1,217	1,359	1,495	1,625
4,600	699	1,026	1,240	1,385	1,524	1,656
4,700	712	1,045	1,263	1,411	1,552	1,687
4,800	725	1,064	1,286	1,437	1,580	1,718
4,900	738	1,084	1,309	1,463	1,609	1,749
5,000	751	1,103	1,332	1,488	1,637	1,780
5,100	764	1,122	1,356	1,514	1,666	1,810
5,200	777	1,141	1,379	1,540	1,694	1,841
5,300	790	1,160	1,402	1,566	1,722	1,872
5,400	799	1,172	1,415	1,581	1,739	1,890
5,500	805	1,177	1,419	1,585	1,744	1,896
5,600	810	1,181	1,423	1,590	1,749	1,901
5,700	815	1,186	1,427	1,594	1,753	1,906
5,800	820	1,191	1,431	1,598	1,758	1,911
5,900	825	1,195	1,435	1,603	1,763	1,916
6,000	831	1,200	1,439	1,607	1,768	1,922
6,100	837	1,208	1,449	1,618	1,780	1,935
6,200	844	1,217	1,459	1,629	1,792	1,948
6,300	851	1,226	1,469	1,641	1,805	1,962
6,400	858	1,234	1,479	1,652	1,817	1,975
6,500	865	1,243	1,489	1,663	1,829	1,988
6,600	871	1,251	1,499	1,674	1,841	2,002
6,700	881	1,263	1,513	1,690	1,859	2,021
6,800	892	1,278	1,530	1,709	1,880	2,044
6,900	903	1,292	1,548	1,729	1,902	2,067

7,000	914	1,306	1,565	1,748	1,923	2,090
7,100	925	1,320	1,582	1,767	1,944	2,113
7,200	935	1,335	1,600	1,787	1,965	2,136
7,300	946	1,348	1,616	1,805	1,986	2,159
7,400	954	1,360	1,630	1,820	2,003	2,177
7,500	962	1,372	1,643	1,836	2,019	2,195
7,600	969	1,384	1,657	1,851	2,036	2,213
7,700	977	1,396	1,670	1,866	2,052	2,231
7,800	984	1,407	1,683	1,880	2,068	2,248
7,900	991	1,419	1,696	1,895	2,084	2,266
8,000	996	1,426	1,704	1,903	2,094	2,276
8,100	1,000	1,429	1,709	1,908	2,099	2,282
8,200	1,004	1,433	1,713	1,914	2,105	2,288
8,300	1,008	1,437	1,718	1,919	2,110	2,294
8,400	1,012	1,441	1,722	1,924	2,116	2,300
8,500	1,016	1,444	1,727	1,929	2,122	2,306
8,600	1,020	1,448	1,731	1,934	2,127	2,312
8,700	1,026	1,456	1,740	1,944	2,138	2,324
8,800	1,033	1,464	1,749	1,953	2,149	2,336
8,900	1,039	1,472	1,758	1,963	2,160	2,347
9,000	1,046	1,480	1,766	1,973	2,170	2,359
9,100	1,052	1,488	1,775	1,983	2,181	2,371
9,200	1,059	1,496	1,784	1,993	2,192	2,382
9,300	1,065	1,502	1,792	2,002	2,202	2,393
9,400	1,070	1,507	1,799	2,010	2,211	2,403
9,500	1,075	1,511	1,807	2,018	2,220	2,413
9,600	1,080	1,516	1,814	2,026	2,229	2,423
9,700	1,085	1,520	1,822	2,035	2,238	2,433
9,800	1,090	1,524	1,829	2,043	2,247	2,443
9,900	1,094	1,529	1,836	2,051	2,256	2,453
10,000	1,099	1,533	1,844	2,059	2,265	2,463
10,100	1,104	1,538	1,851	2,068	2,275	2,472
10,200	1,109	1,542	1,859	2,076	2,284	2,482
10,300	1,115	1,549	1,867	2,086	2,294	2,494
10,400	1,123	1,560	1,878	2,098	2,308	2,509
10,500	1,130	1,571	1,889	2,110	2,321	2,523
10,600	1,137	1,582	1,900	2,123	2,335	2,538
10,700	1,145	1,593	1,911	2,135	2,349	2,553
10,800	1,152	1,604	1,922	2,147	2,362	2,568

ACTS OF THE GENERAL ASSEMBLY

10,900	1,159	1,615	1,933	2,160	2,376	2,582
11,000	1,167	1,626	1,944	2,172	2,389	2,597
11,100	1,174	1,637	1,956	2,185	2,403	2,612
11,200	1,182	1,649	1,968	2,198	2,418	2,628
11,300	1,191	1,661	1,980	2,212	2,433	2,644
11,400	1,199	1,673	1,992	2,225	2,448	2,660
11,500	1,207	1,685	2,004	2,239	2,462	2,677
11,600	1,215	1,695	2,016	2,252	2,477	2,693
11,700	1,222	1,705	2,029	2,266	2,493	2,710
11,800	1,229	1,714	2,041	2,280	2,508	2,726
11,900	1,237	1,723	2,054	2,294	2,523	2,743
12,000	1,244	1,732	2,066	2,308	2,539	2,759
12,100	1,252	1,742	2,078	2,322	2,554	2,776
12,200	1,259	1,751	2,091	2,336	2,569	2,793
12,300	1,267	1,760	2,103	2,349	2,584	2,809
12,400	1,274	1,769	2,116	2,363	2,600	2,826
12,500	1,282	1,778	2,128	2,377	2,615	2,842
12,600	1,289	1,788	2,141	2,391	2,630	2,859
12,700	1,296	1,797	2,153	2,405	2,645	2,876
12,800	1,304	1,806	2,165	2,419	2,661	2,892
12,900	1,311	1,815	2,178	2,433	2,676	2,909
13,000	1,319	1,825	2,190	2,447	2,691	2,925
13,100	1,326	1,834	2,203	2,461	2,707	2,942
13,200	1,334	1,843	2,215	2,474	2,722	2,959
13,300	1,341	1,852	2,228	2,488	2,737	2,975
13,400	1,348	1,861	2,238	2,500	2,750	2,990
13,500	1,353	1,868	2,247	2,510	2,761	3,001
13,600	1,359	1,875	2,255	2,519	2,771	3,012
13,700	1,364	1,882	2,264	2,529	2,781	3,023
13,800	1,370	1,889	2,272	2,538	2,792	3,035
13,900	1,375	1,896	2,281	2,547	2,802	3,046
14,000	1,381	1,903	2,289	2,557	2,812	3,057
14,100	1,386	1,910	2,297	2,566	2,822	3,068
14,200	1,391	1,916	2,304	2,574	2,831	3,078
14,300	1,396	1,922	2,312	2,582	2,841	3,088
14,400	1,401	1,929	2,319	2,591	2,850	3,098
14,500	1,406	1,935	2,327	2,599	2,859	3,108
14,600	1,410	1,941	2,334	2,607	2,868	3,118
14,700	1,415	1,947	2,342	2,616	2,877	3,128

14,800	1,420	1,954	2,349	2,624	2,886	3,138
14,900	1,425	1,960	2,357	2,632	2,896	3,147
15,000	1,430	1,966	2,364	2,641	2,905	3,157
15,100	1,435	1,972	2,371	2,649	2,914	3,167
15,200	1,440	1,978	2,379	2,657	2,923	3,177
15,300	1,444	1,985	2,386	2,666	2,932	3,187
15,400	1,449	1,991	2,394	2,674	2,941	3,197
15,500	1,454	1,997	2,401	2,682	2,950	3,207
15,600	1,459	2,003	2,409	2,691	2,960	3,217
15,700	1,464	2,010	2,416	2,699	2,969	3,227
15,800	1,469	2,016	2,424	2,707	2,978	3,237
15,900	1,474	2,022	2,431	2,715	2,987	3,247
16,000	1,478	2,028	2,439	2,724	2,996	3,257
16,100	1,484	2,035	2,445	2,732	3,005	3,266
16,200	1,490	2,041	2,452	2,739	3,013	3,275
16,300	1,495	2,047	2,459	2,747	3,022	3,285
16,400	1,501	2,053	2,466	2,755	3,030	3,294
16,500	1,506	2,059	2,473	2,763	3,039	3,303
16,600	1,512	2,065	2,480	2,770	3,047	3,313
16,700	1,518	2,071	2,487	2,778	3,056	3,322
16,800	1,523	2,077	2,494	2,786	3,065	3,331
16,900	1,529	2,083	2,501	2,794	3,073	3,340
17,000	1,534	2,089	2,508	2,801	3,082	3,350
17,100	1,540	2,095	2,515	2,809	3,090	3,359
17,200	1,545	2,102	2,522	2,817	3,099	3,368
17,300	1,551	2,108	2,529	2,825	3,107	3,378
17,400	1,557	2,114	2,536	2,832	3,116	3,387
17,500	1,562	2,120	2,543	2,840	3,124	3,396
17,600	1,568	2,126	2,550	2,848	3,133	3,405
17,700	1,573	2,132	2,557	2,856	3,141	3,415
17,800	1,579	2,138	2,563	2,863	3,149	3,423
17,900	1,584	2,144	2,570	2,870	3,157	3,432
18,000	1,589	2,149	2,576	2,878	3,166	3,441
18,100	1,595	2,155	2,583	2,885	3,174	3,450
18,200	1,600	2,161	2,590	2,893	3,182	3,459
18,300	1,605	2,167	2,596	2,900	3,190	3,467
18,400	1,611	2,173	2,603	2,907	3,198	3,476
18,500	1,616	2,178	2,609	2,915	3,206	3,485
18,600	1,621	2,184	2,616	2,922	3,214	3,494

ACTS OF THE GENERAL ASSEMBLY

18,700	1,627	2,190	2,623	2,929	3,222	3,503
18,800	1,632	2,196	2,629	2,937	3,231	3,512
18,900	1,637	2,202	2,636	2,944	3,239	3,520
19,000	1,642	2,207	2,642	2,952	3,247	3,529
19,100	1,648	2,213	2,649	2,959	3,255	3,538
19,200	1,653	2,219	2,656	2,966	3,263	3,547
19,300	1,658	2,225	2,662	2,974	3,271	3,556
19,400	1,664	2,231	2,669	2,981	3,279	3,565
19,500	1,669	2,236	2,675	2,989	3,287	3,573
19,600	1,674	2,242	2,682	2,996	3,295	3,582
19,700	1,680	2,248	2,689	3,003	3,304	3,591
19,800	1,685	2,254	2,695	3,011	3,312	3,600
19,900	1,690	2,260	2,702	3,018	3,320	3,609
20,000	1,696	2,265	2,709	3,025	3,328	3,617
20,100	1,701	2,271	2,715	3,033	3,336	3,626
20,200	1,706	2,277	2,722	3,040	3,344	3,635
20,300	1,710	2,282	2,728	3,047	3,352	3,643
20,400	1,713	2,287	2,733	3,053	3,358	3,651
20,500	1,717	2,292	2,739	3,059	3,365	3,658
20,600	1,720	2,297	2,745	3,066	3,372	3,666
20,700	1,723	2,302	2,750	3,072	3,379	3,673
20,800	1,726	2,307	2,756	3,078	3,386	3,681
20,900	1,730	2,313	2,761	3,084	3,393	3,688
21,000	1,733	2,318	2,767	3,091	3,400	3,695
21,100	1,736	2,323	2,773	3,097	3,407	3,703
21,200	1,739	2,328	2,778	3,103	3,413	3,710
21,300	1,743	2,333	2,784	3,109	3,420	3,718
21,400	1,746	2,338	2,789	3,116	3,427	3,725
21,500	1,749	2,343	2,795	3,122	3,434	3,733
21,600	1,752	2,348	2,801	3,128	3,441	3,740
21,700	1,756	2,353	2,806	3,134	3,448	3,748
21,800	1,759	2,358	2,812	3,141	3,455	3,755
21,900	1,762	2,363	2,817	3,147	3,462	3,763
22,000	1,765	2,368	2,823	3,153	3,469	3,770
22,100	1,769	2,373	2,829	3,160	3,475	3,778
22,200	1,772	2,378	2,834	3,166	3,482	3,785
22,300	1,775	2,383	2,840	3,172	3,489	3,793
22,400	1,778	2,388	2,845	3,178	3,496	3,800
22,500	1,782	2,393	2,851	3,185	3,503	3,808

22,600	1,785	2,398	2,857	3,191	3,510	3,815
22,700	1,788	2,403	2,862	3,197	3,517	3,823
22,800	1,791	2,408	2,868	3,203	3,524	3,830
22,900	1,795	2,413	2,873	3,210	3,531	3,838
23,000	1,798	2,418	2,879	3,216	3,537	3,845
23,100	1,801	2,423	2,885	3,222	3,544	3,853
23,200	1,804	2,429	2,890	3,228	3,551	3,860
23,300	1,808	2,434	2,896	3,235	3,558	3,868
23,400	1,811	2,439	2,901	3,241	3,565	3,875
23,500	1,814	2,444	2,907	3,247	3,572	3,883
23,600	1,817	2,449	2,913	3,253	3,579	3,890
23,700	1,821	2,454	2,918	3,260	3,586	3,898
23,800	1,824	2,459	2,924	3,266	3,593	3,905
23,900	1,827	2,464	2,929	3,272	3,599	3,913
24,000	1,830	2,469	2,935	3,278	3,606	3,920
24,100	1,834	2,474	2,941	3,285	3,613	3,928
24,200	1,837	2,479	2,946	3,291	3,620	3,935
24,300	1,840	2,484	2,952	3,297	3,627	3,943
24,400	1,843	2,489	2,957	3,304	3,634	3,950
24,500	1,847	2,494	2,963	3,310	3,641	3,957
24,600	1,850	2,499	2,969	3,316	3,648	3,965
24,700	1,853	2,504	2,974	3,322	3,655	3,972
24,800	1,856	2,509	2,980	3,329	3,661	3,980
24,900	1,860	2,514	2,986	3,335	3,668	3,987
25,000	1,863	2,519	2,991	3,341	3,675	3,995
25,100	1,866	2,524	2,997	3,347	3,682	4,002
25,200	1,869	2,529	3,002	3,354	3,689	4,010
25,300	1,873	2,534	3,008	3,360	3,696	4,017
25,400	1,876	2,540	3,014	3,366	3,703	4,025
25,500	1,879	2,545	3,019	3,372	3,710	4,032
25,600	1,882	2,550	3,025	3,379	3,716	4,040
25,700	1,886	2,555	3,030	3,385	3,723	4,047
25,800	1,889	2,560	3,036	3,391	3,730	4,055
25,900	1,892	2,565	3,042	3,397	3,737	4,062
26,000	1,895	2,570	3,047	3,404	3,744	4,070
26,100	1,899	2,575	3,053	3,410	3,751	4,077
26,200	1,902	2,580	3,058	3,416	3,758	4,085
26,300	1,905	2,585	3,064	3,422	3,765	4,092
26,400	1,908	2,590	3,070	3,429	3,772	4,100

ACTS OF THE GENERAL ASSEMBLY

26,500	1,912	2,595	3,075	3,435	3,778	4,107
26,600	1,915	2,600	3,081	3,441	3,785	4,115
26,700	1,918	2,605	3,086	3,447	3,792	4,122
26,800	1,921	2,610	3,092	3,454	3,799	4,130
26,900	1,925	2,615	3,098	3,460	3,806	4,137
27,000	1,928	2,620	3,103	3,466	3,813	4,145
27,100	1,931	2,625	3,109	3,473	3,820	4,152
27,200	1,934	2,630	3,114	3,479	3,827	4,160
27,300	1,938	2,635	3,120	3,485	3,834	4,167
27,400	1,941	2,640	3,126	3,491	3,840	4,175
27,500	1,944	2,645	3,131	3,498	3,847	4,182
27,600	1,948	2,650	3,137	3,504	3,854	4,190
27,700	1,951	2,656	3,142	3,510	3,861	4,197
27,800	1,954	2,661	3,148	3,516	3,868	4,205
27,900	1,957	2,666	3,154	3,523	3,875	4,212
28,000	1,961	2,671	3,159	3,529	3,882	4,219
28,100	1,964	2,676	3,165	3,535	3,889	4,227
28,200	1,967	2,681	3,170	3,541	3,896	4,234
28,300	1,970	2,686	3,176	3,548	3,902	4,242
28,400	1,972	2,689	3,179	3,551	3,907	4,247
28,500	1,974	2,691	3,182	3,555	3,911	4,251
28,600	1,976	2,694	3,185	3,558	3,914	4,255
28,700	1,978	2,696	3,188	3,561	3,918	4,259
28,800	1,980	2,699	3,191	3,565	3,922	4,263
28,900	1,982	2,701	3,194	3,568	3,926	4,268
29,000	1,984	2,704	3,197	3,571	3,930	4,272
29,100	1,986	2,707	3,200	3,575	3,934	4,276
29,200	1,988	2,709	3,203	3,578	3,938	4,280
29,300	1,990	2,712	3,206	3,581	3,941	4,284
29,400	1,992	2,714	3,209	3,584	3,945	4,289
29,500	1,993	2,717	3,212	3,588	3,949	4,293
29,600	1,995	2,719	3,215	3,591	3,953	4,297
29,700	1,997	2,722	3,218	3,594	3,957	4,301
29,800	1,999	2,724	3,221	3,598	3,961	4,305
29,900	2,001	2,727	3,224	3,601	3,965	4,310
30,000	2,003	2,730	3,227	3,604	3,968	4,314

➔Section 7. KRS 403.740 is amended to read as follows:

- (1) Following a hearing ordered under KRS 403.730, if a court finds by a preponderance of the evidence that domestic violence and abuse has occurred and may again occur, the court may issue a domestic violence order:

- (a) Restraining the adverse party from:
 1. Committing further acts of domestic violence and abuse;
 2. Any unauthorized contact or communication with the petitioner or other person specified by the court;
 3. Approaching the petitioner or other person specified by the court within a distance specified in the order, not to exceed five hundred (500) feet;
 4. Going to or within a specified distance of a specifically described residence, school, or place of employment or area where such a place is located; and
 5. Disposing of or damaging any of the property of the parties;
- (b) Authorizing, at the request of the petitioner:
 1. Limited contact or communication between the parties that the court finds necessary; or
 2. The parties to remain in a common area, which may necessitate them being closer than five hundred (500) feet under limited circumstances with specific parameters set forth by the court.

Nothing in this paragraph shall be interpreted to place any restriction or restraint on the petitioner;
- (c) Directing or prohibiting any other actions that the court believes will be of assistance in eliminating future acts of domestic violence and abuse, except that the court shall not order the petitioner to take any affirmative action;
- (d) Directing that either or both of the parties receive counseling services available in the community in domestic violence and abuse cases; and
- (e) Additionally, if applicable:
 1. Directing the adverse party to vacate a residence shared by the parties to the action;
 2. Utilizing the criteria set forth in KRS 403.270, 403.320, and 403.822, grant temporary custody, subject to KRS 403.315;
 3. Utilizing the criteria set forth in *Section 1 of this Act* and KRS 403.211, 403.212, ~~403.2121,~~ and 403.213, award temporary child support; and
 4. Awarding possession of any shared domestic animal to the petitioner.

(2) In imposing a location restriction described in subsection (1)(a)4. of this section, the court shall:

- (a) Afford the petitioner and respondent, if present, an opportunity to testify on the issue of the locations and areas from which the respondent should or should not be excluded;
- (b) Only impose a location restriction where there is a specific, demonstrable danger to the petitioner or other person protected by the order;
- (c) Specifically describe in the order the locations or areas prohibited to the respondent; and
- (d) Consider structuring a restriction so as to allow the respondent transit through an area if the respondent does not interrupt his or her travel to harass, harm, or attempt to harass or harm the petitioner.

(3) When temporary child support is granted under this section, the court shall enter an order detailing how the child support is to be paid and collected. Child support ordered under this section may be enforced utilizing the same procedures as any other child support order.

(4) A domestic violence order shall be effective for a period of time fixed by the court, not to exceed three (3) years, and may be reissued upon expiration for subsequent periods of up to three (3) years each. The fact that an order has not been violated since its issuance may be considered by a court in hearing a request for a reissuance of the order.

➔Section 8. KRS 405.430 (Effective until July 1, 2025) is amended to read as follows:

(1) When a parent presents himself to the cabinet for the voluntary establishment of paternity and clear evidence of parentage is not present, the cabinet shall pay when administratively ordered the cost of genetic testing to establish paternity, subject to recoupment from the alleged father when paternity is established.

- (2) The cabinet shall obtain additional testing in any case if an original test is contested, upon request and advance payment by the contestant.
- (3) In a contested paternity case, the child, the mother, and the putative father shall submit to genetic testing upon a request of any of the parties, unless the person or guardian of the person who is requested to submit to genetic testing shows good cause, taking into account the best interests of the child, why the genetic tests cannot be performed. The request shall be supported by a sworn statement of the party, requesting that the test be performed, which shall include the information required by 42 U.S.C. sec. 666(a)(5)(B)(i) or (ii).
- (4) When a parent who fails to support a child is not obligated to provide child support by court order, the cabinet may administratively establish a child support obligation based upon a voluntary acknowledgment of paternity as set forth in KRS Chapter 406, the parent's minimum monthly child support obligation and proportionate share of child care costs incurred due to employment or job search of either parent, or incurred while receiving elementary or secondary education, or higher education or vocational training which will lead to employment. The monthly child support obligation shall be determined pursuant to the Kentucky child support guidelines set forth in KRS 403.212 or *Section 1 of this Act*~~{403.212}~~. The actual cost of child care shall be reasonable and shall be allocated between the parents in the same proportion as each parent's gross income, as determined under the guidelines, bears to the total family gross income.
- (5) The cabinet shall recognize a voluntary acknowledgment of paternity as a basis for seeking a support order, irrespective of the alleged father's willingness to consent to a support order.
- (6) When in the best interest of the child, the cabinet may review and adjust a parent's child support obligation or child care obligation as established by the cabinet, upon a request of the cabinet when an assignment has been made, or upon either parent's petition if the amount of the child support awarded under the order differs from the amount that would be awarded in accordance with KRS 403.212 or *Section 1 of this Act*~~{403.212}~~. The cabinet shall notify parents at least once every three (3) years of the right to a review.
- (7) In establishing or modifying a parent's monthly child support obligation, the cabinet may use automated methods to identify orders eligible for review, conduct the review, identify orders eligible for adjustment, and apply the adjustment to eligible orders in accordance with KRS 403.212 or *Section 1 of this Act*~~{403.212}~~. The cabinet shall utilize information, including financial records, about the parent and child which it has good reason to believe is reliable and may require the parents to provide income verification.
- (8) In cases in which past-due support is owed for a child receiving public assistance under Title IV-A of the Federal Social Security Act, the cabinet shall issue an administrative order, or seek a judicial order, requiring the obligated parent to participate in work activities, or educational or vocational training activities for at least twenty (20) hours per week, unless the parent is incapacitated as defined by 42 U.S.C. sec. 607.
- (9) The cabinet may disclose financial records only for the purpose of establishing, modifying, or enforcing a child support obligation of an individual. A financial institution shall not be liable to any individual for disclosing any financial record of the individual to the cabinet attempting to establish, modify, or enforce a child support obligation.
- (10) The cabinet may issue both intrastate and interstate administrative subpoenas to any individual or entity for financial or other information or documents which are needed to establish, modify, or enforce a child support obligation pursuant to Title IV-D of the Social Security Act, 42 U.S.C. secs. 651 et seq. An administrative subpoena lawfully issued in another state to an individual or entity residing in this state shall be honored and enforced in the Circuit Court of the county in which the individual or entity resides.
- (11) In any case where a person or entity fails to respond to a subpoena within the specified time frame, the cabinet shall impose a penalty.
- (12) No person shall knowingly make, present, or cause to be made or presented to an employee or officer of the cabinet any false, fictitious, or fraudulent statement, representation, or entry in any application, report, document, or financial record used in determining child support or child care obligations.
- (13) If a person knowingly or by reason of negligence discloses a financial record of an individual, that individual may pursue civil action for damages in a federal District Court or appropriate state court. No liability shall arise with respect to any disclosure which results from a good faith, but erroneous, interpretation. In any civil action brought for reason of negligence of disclosure of financial records, upon finding of liability on the part of the defendant, the defendant shall be liable to the plaintiff in an amount equal to:
 - (a) The sum of the greater of one thousand dollars (\$1,000) for each act of unauthorized disclosure of financial records; or

- (b) The sum of the actual damages sustained by the plaintiff resulting from the unauthorized disclosure; plus
 - (c) If willful disclosure or disclosure was a result of gross negligence, punitive damages, plus the costs, including attorney fees, of the action.
- (14) The cabinet shall issue an administrative order or seek a judicial order requiring a parent with a delinquent child support obligation, as defined by administrative regulation promulgated under KRS 15.055, to participate in the program described in KRS 205.732 to help low-income, noncustodial parents find and keep employment unless the parent is incapacitated as defined by 42 U.S.C. sec. 607.

➔Section 9. KRS 405.430 (Effective July 1, 2025) is amended to read as follows:

- (1) When a parent presents himself to the Office of the Attorney General for the voluntary establishment of paternity and clear evidence of parentage is not present, the office shall pay when administratively ordered the cost of genetic testing to establish paternity, subject to recoupment from the alleged father when paternity is established.
- (2) The Office of the Attorney General shall obtain additional testing in any case if an original test is contested, upon request and advance payment by the contestant.
- (3) In a contested paternity case, the child, the mother, and the putative father shall submit to genetic testing upon a request of any of the parties, unless the person or guardian of the person who is requested to submit to genetic testing shows good cause, taking into account the best interests of the child, why the genetic tests cannot be performed. The request shall be supported by a sworn statement of the party, requesting that the test be performed, which shall include the information required by 42 U.S.C. sec. 666(a)(5)(B)(i) or (ii).
- (4) When a parent who fails to support a child is not obligated to provide child support by court order, the Office of the Attorney General may administratively establish a child support obligation based upon a voluntary acknowledgment of paternity as set forth in KRS Chapter 406, the parent's minimum monthly child support obligation and proportionate share of child care costs incurred due to employment or job search of either parent, or incurred while receiving elementary or secondary education, or higher education or vocational training which will lead to employment. The monthly child support obligation shall be determined pursuant to the Kentucky child support guidelines set forth in KRS 403.212 or *Section 1 of this Act*~~[403.212]~~. The actual cost of child care shall be reasonable and shall be allocated between the parents in the same proportion as each parent's gross income, as determined under the guidelines, bears to the total family gross income.
- (5) The Office of the Attorney General shall recognize a voluntary acknowledgment of paternity as a basis for seeking a support order, irrespective of the alleged father's willingness to consent to a support order.
- (6) When in the best interest of the child, the Office of the Attorney General may review and adjust a parent's child support obligation or child care obligation as established by the office, upon a request of the office when an assignment has been made, or upon either parent's petition if the amount of the child support awarded under the order differs from the amount that would be awarded in accordance with KRS 403.212 or *Section 1 of this Act*~~[403.212]~~. The Office of the Attorney General shall notify parents at least once every three (3) years of the right to a review.
- (7) In establishing or modifying a parent's monthly child support obligation, the Office of the Attorney General may use automated methods to identify orders eligible for review, conduct the review, identify orders eligible for adjustment, and apply the adjustment to eligible orders in accordance with KRS 403.212 or *Section 1 of this Act*~~[403.212]~~. The office shall utilize information, including financial records, about the parent and child which it has good reason to believe is reliable and may require the parents to provide income verification.
- (8) In cases in which past-due support is owed for a child receiving public assistance under Title IV-A of the Federal Social Security Act, the Office of the Attorney General shall issue an administrative order, or seek a judicial order, requiring the obligated parent to participate in work activities, or educational or vocational training activities for at least twenty (20) hours per week, unless the parent is incapacitated as defined by 42 U.S.C. sec. 607.
- (9) The Office of the Attorney General may disclose financial records only for the purpose of establishing, modifying, or enforcing a child support obligation of an individual. A financial institution shall not be liable to any individual for disclosing any financial record of the individual to the office attempting to establish, modify, or enforce a child support obligation.

- (10) The Office of the Attorney General may issue both intrastate and interstate administrative subpoenas to any individual or entity for financial or other information or documents which are needed to establish, modify, or enforce a child support obligation pursuant to Title IV-D of the Social Security Act, 42 U.S.C. sec. 651 et seq. An administrative subpoena lawfully issued in another state to an individual or entity residing in this state shall be honored and enforced in the Circuit Court of the county in which the individual or entity resides.
- (11) In any case where a person or entity fails to respond to a subpoena within the specified time frame, the cabinet shall impose a penalty.
- (12) No person shall knowingly make, present, or cause to be made or presented to an employee or officer of the cabinet any false, fictitious, or fraudulent statement, representation, or entry in any application, report, document, or financial record used in determining child support or child care obligations.
- (13) If a person knowingly or by reason of negligence discloses a financial record of an individual, that individual may pursue civil action for damages in a federal District Court or appropriate state court. No liability shall arise with respect to any disclosure which results from a good faith, but erroneous, interpretation. In any civil action brought for reason of negligence of disclosure of financial records, upon finding of liability on the part of the defendant, the defendant shall be liable to the plaintiff in an amount equal to:
 - (a) The sum of the greater of one thousand dollars (\$1,000) for each act of unauthorized disclosure of financial records; or
 - (b) The sum of the actual damages sustained by the plaintiff resulting from the unauthorized disclosure; plus
 - (c) If willful disclosure or disclosure was a result of gross negligence, punitive damages, plus the costs, including attorney fees, of the action.
- (14) The Office of the Attorney General shall issue an administrative order or seek a judicial order requiring a parent with a delinquent child support obligation, as defined by administrative regulation promulgated under KRS 15.055, to participate in the program described in KRS 15.816 to help low-income, noncustodial parents find and keep employment unless the parent is incapacitated as defined by 42 U.S.C. sec. 607.

➔Section 10. KRS 406.025 is amended to read as follows:

- (1) Upon completion of a signed, notarized, voluntary acknowledgment-of-paternity affidavit by the mother and alleged father, obtained through the hospital-based paternity program, and submitted to the state registrar of vital statistics, paternity shall be rebuttably presumed for the earlier of sixty (60) days or the date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a child support order.
- (2) Upon completion of a signed, notarized, voluntary acknowledgment-of-paternity affidavit by the mother and alleged father obtained outside of the hospital and submitted to the state registrar of vital statistics, paternity shall be rebuttably presumed for the earlier of sixty (60) days or the date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a child support order following the date of signatures on the notarized affidavit.
- (3) Pending an administrative or judicial determination of parentage, or upon a signed, notarized, voluntary acknowledgment-of-paternity form having been transmitted by the local registrar and received by the Vital Statistics Branch, a temporary support order shall be issued upon motion of any party if paternity is indicated by genetic testing or other clear and convincing evidence.
- (4) The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.
- (5) The court shall, within fourteen (14) days from the filing of the motion, order an amount of temporary child support based upon the child support guidelines as provided by KRS 403.212 or **Section 1 of this Act**~~[403.212]~~. The ordered child support shall be retroactive to the date of the filing of the motion to move the court to enter an order for temporary child support without written or oral notice to the adverse party. The order shall provide that the order becomes effective seven (7) days following service of the order and movant's affidavit upon the adverse party unless the adverse party, within the seven (7) day period, files a motion for a hearing before the court. The motion for hearing shall be accompanied by the affidavit required by KRS 403.160(2)(a). Pending the hearing, the adverse party shall pay child support in an amount based upon the guidelines and the adverse party's affidavit. The child support order entered following the hearing shall be retroactive to the date of the filing of the motion for temporary support unless otherwise ordered by the court.

- (6) Unless good cause is shown, court or administratively ordered child support shall continue until final judicial or administrative determination of paternity.

➔Section 11. KRS 401.020 is amended to read as follows:

- (1) Both parents, provided both are living, or one (1) parent if one (1) is deceased, or if no parent is living, the guardian, may have the name of a child under the age of eighteen (18) changed by the District Court, or if the Family Court or Circuit Court has a case before it involving the family, the Family Court of a county with a Family Court, or the Circuit Court of a county without a Family Court of the county in which the child resides.
- (2) ~~However,~~ If one (1) parent refuses or is unavailable to execute the petition *for a name change*, proper notice of filing the petition shall be served in accordance with the Rules of Civil Procedure. ***The court shall conduct a hearing on the petition no later than sixty (60) days from the date of service and make findings of fact and conclusions of law based on the best interests of the child. The court shall consider all relevant factors, including:***
- (a) ***The wishes of the child's parent or parents;***
- (b) ***The wishes of the child as to the name change, with due consideration given to the influence a parent may have over the child's wishes;***
- (c) ***The interaction and interrelationship of the child with his or her parent or parents, his or her siblings, and any other person who may significantly affect the child's best interests;***
- (d) ***The motivation of the adults participating in the proceeding; and***
- (e) ***The mental and physical health of all individuals involved.***
- (3) If the child resides on a United States Army post, military reservation, or fort, his or her name may be changed by the District Court, or the Family Court of a county with a Family Court, or the Circuit Court of a county without a Family Court of any county adjacent thereto.

➔Section 12. The following KRS section is repealed:

- 403.2121 "Day" defined – Minimum requirement for shared parenting time credit -- Establishment of adjustment to child support obligations based upon parenting time -- Modification of child support -- Children receiving public assistance.

Signed by Governor April 19, 2024.

CHAPTER 220

(SJR 58)

A JOINT RESOLUTION designating honorary names for various roads and bridges.

WHEREAS, from time to time, the General Assembly has seen fit to honor various Kentuckians by naming portions of state highways and erecting commemorative roadway signs in their honor; and

WHEREAS, these Kentuckians have come from all walks of life, held a multitude of jobs, and had a variety of accomplishments that made them deserving of the honor; and

WHEREAS, these individuals have included former Governors, former members of the General Assembly, decorated veterans, slain law enforcement officers, local elected officials, astronauts, doctors, educators, distinguished athletes, and civic leaders; and

WHEREAS, every citizen of the Commonwealth owes a great debt of gratitude to the patriotic men and women killed and wounded in service to their country in times of great need; and

WHEREAS, the General Assembly has often honored the veterans of this state by naming portions of several roads, from interstates to small two-lane country roads, in their honor; and

WHEREAS, the General Assembly again sees fit to honor a group of individuals who have made the lives of their fellow Kentuckians better and brought honor and respect to the Commonwealth;

NOW, THEREFORE,

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

➔Section 1. The Transportation Cabinet shall designate the portion of Kentucky Route 293, within the city limits of Princeton, as the "Chief Deputy Jody Wayne Cash Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 2. The Transportation Cabinet shall designate the bridges on United States Route 23, at mile point 11.272 (Bridge ID# 58B00050L and Bridge ID# 58B00050R) in Johnson County, as the "Representative Hubert and Bea Collins Memorial Bridges" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 3. The Transportation Cabinet shall designate Kentucky Route 371 in Kenton County, from its intersection with Anderson Road to its intersection with Western Reserve Road, as the "Michael Scott 'Bubba' Wilson Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 4. The Transportation Cabinet shall designate the portion of Kentucky Route 49 in Marion County, from West Marion Elementary School (mile point 25.531) north to Hughes Lane (mile point 26.253), as the "Tom Brahm Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 5. The Transportation Cabinet shall designate the bridge on Kentucky Route 3091 crossing the Louie B. Nunn Cumberland Parkway in Pulaski County (Bridge ID# 100B00121N) as the "Reverend C.E. Jacobs Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 6. The Transportation Cabinet shall designate the bridge on United States Route 27 in Pulaski County, crossing Pitman Creek (Bridge ID# 100B00107L and Bridge ID# 100B00032R), as the "Jim and Mary Jo Sharpe Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 7. The Transportation Cabinet shall honor the accomplishments of Richie Weems and the Continental Five by inclusion on the Country Music Highway on United States Highway 23 in Pike County and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 8. The Transportation Cabinet shall designate the portion of Kentucky Route 292 in Martin County, from the intersection with Kentucky Route 3213 (approximately mile point 26.1) to the intersection with Kentucky Route 3 (mile point 28.9), as the "PFC Larry Gene Ratliff Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 9. The Transportation Cabinet shall designate the portion of Kentucky Route 2049 in Jefferson County, from its intersection with Kentucky Route 1934 to mile point 1.7, as the "Cozy and Linnes Chester Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 10. The Transportation Cabinet shall designate the bridge on Kentucky Route 122 in Floyd County at mile point 23.334 (Bridge ID# 036B00006N) as the "L.G. Frazier Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 11. The Transportation Cabinet shall designate the bridge on Kentucky Route 192 in Laurel County crossing the CSX Railroad at mile point 21.030 (Bridge ID# 063B00098N) as the "Christopher Hubbard Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 12. The Transportation Cabinet shall designate the Mine Fork bridge on Kentucky Route 1081 in Magoffin County at mile point 14.95 as the "Berry Caudill Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 13. The Transportation Cabinet shall designate the Salyersville bridge on Kentucky Route 7 in Magoffin County at mile point 25.055 as the "Julian Patrick Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 14. The Transportation Cabinet shall designate the portion of Kentucky Route 7 in Magoffin County, from mile point 1.08 to mile point 2.50, as the "Claude Howard Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 15. The Transportation Cabinet shall designate the portion of Kentucky Route 2020 in Magoffin County, from mile point 0.00 to mile point 0.07, as the "Robert Cheek Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 16. The Transportation Cabinet shall designate the portion of Kentucky Route 1593 in Magoffin County, from mile point 3.22 to mile point 3.63, as the "Oliver Lykins Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 17. The Transportation Cabinet shall designate the portion of Kentucky Route 867 in Magoffin County, from mile point 3.28 to mile point 3.74, as the "Winford Arnett Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 18. The Transportation Cabinet shall designate the portion of Kentucky Route 1471 in Magoffin County, from mile point 3.27 to mile point 4.16, as the "Henry Bailey Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 19. The Transportation Cabinet shall designate the portion of Kentucky Route 1593 in Magoffin County, from mile point 2.157 to mile point 2.569, as the "Oval Gray Amyx Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 20. The Transportation Cabinet shall designate the bridge located at Midway on Bull Creek, crossing the Hal Rogers Parkway between the Hyden Spur and the big bridge at Dryhill, in Leslie County as the "Amos and Twila Osborne Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 21. The Transportation Cabinet shall honor the accomplishments of Julie Reeves Davis by inclusion on the Country Music Highway on United States Highway 23 in Boyd County near Ashland and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 22. The Transportation Cabinet shall designate the portion of Kentucky Route 1 in Carter County, from United States Route 60 at mile point 10.646 to the Interstate 64 overpass at mile point 11.546, as the "Assistant Fire Chief Duane Suttles Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 23. The Transportation Cabinet shall designate the bridge on Kentucky Route 227, on the Owen-Carroll County line over Eagle Creek (Bridge ID# 094B00029N), as the "Staff Sergeant Christopher Stout Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 24. The Transportation Cabinet shall designate the bridge on Kentucky Route 82 crossing the Red River in Powell County (Bridge ID# 099B00050N), as the "Marion Brewer Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 25. The Transportation Cabinet shall designate the bridge on Kentucky Route 213, crossing the Red River in Powell County (Bridge ID# 099B00103N), as the "John Cox Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 26. The Transportation Cabinet shall designate Kentucky Route 192 in Laurel County, from mile point 7.313 to mile point 12.59, as the "Dan Hale Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 27. The Transportation Cabinet shall designate the bridge on Kentucky Route 52 crossing the Dix River at the Boyle-Garrard County line (Bridge ID# 011B00048N) as the "James 'Jim' Herring Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 28. The Transportation Cabinet shall designate Kentucky Route 117 in Christian County, from United States Route 41A to its intersection with Kentucky Route 107, as the "Valor Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 29. The Transportation Cabinet shall designate the bridge on Kentucky Route 194 crossing over Brushy Fork at the Floyd-Pike County line (Bridge ID# 036B00155N) as the "Pete McCoy Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

→Section 30. The Transportation Cabinet shall designate the bridge on Kentucky Route 40 crossing Mudlick Creek in Johnson County (Bridge ID# 058B00064N) as the "Bud and John Blanton Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

→Section 31. The Transportation Cabinet shall designate the bridge on Kentucky Route 52 crossing Pottinger Creek in Nelson County (Bridge ID# 090B00097N) as the "New Hope Veterans Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

→Section 32. The Transportation Cabinet shall designate the bridge on Kentucky Route 358 crossing Hanley Creek in Ballard County (Bridge ID# 004B00025N) as the "Morris Crain Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

→Section 33. The Transportation Cabinet shall designate the bridge on Kentucky Route 15 crossing Lost Creek in Breathitt County (Bridge ID# 013B00032N) as the "Floyd Watts Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect signs denoting this designation.

→Section 34. The Transportation Cabinet shall designate the entirety of United States Route 62 in Scott County as the "Deputy Sheriff Caleb Conley Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation. This designation shall supersede any previous honorary designation made for this section of highway.

→Section 35. The Transportation Cabinet shall designate Kentucky Route 67 in Greenup County as the "Don Gullett Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

→Section 36. The Transportation Cabinet shall designate Kentucky Route 503 in Greenup County, from the intersection with Kentucky Route 207 (mile point 5.481) to the intersection with Kentucky Route 3105 (mile point 9.287) as the "PFC Ernie West Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation. Signs erected under this section shall indicate that PFC Ernie West was a Medal of Honor recipient. This designation shall supersede any previous honorary designation made for this section of highway.

→Section 37. The Transportation Cabinet shall designate the portion of United States Route 62 in Anderson County, from mile point 18.276 to mile point 18.825, as "The Healing Field Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

→Section 38. The Transportation Cabinet shall designate Kentucky Route 140 in Daviess County, from the intersection with Red Hill-Maxwell Road (mile point 7.325) to the intersection with United States Route 231 (mile point 10.038), as the "Captain Alan Kurre Elliott Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

→Section 39. The Transportation Cabinet shall designate Kentucky Route 1088 in Perry County, from its intersection with Kentucky Route 476 to mile point 5, as the "Donald Loren 'Doc' Holliday Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

→Section 40. The Transportation Cabinet shall designate the roundabout at the intersection of Kentucky Route 686 and Kentucky Route 713 in Montgomery County as the "Emilee Grace Collins Memorial Roundabout" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation in advance of the roundabout in each direction.

→Section 41. The Transportation Cabinet shall honor the accomplishments of "JoJo Hall and Teddi Leigh Cyrus as JoLeigh" by inclusion on the Country Music Highway on United States Route 23 in Floyd County and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

→Section 42. The Transportation Cabinet shall designate the bridge on United States Route 421 crossing Poor Fork Cumberland River in Harlan County (Bridge ID# 048B00129N) as the "Clark 'Sparky' Middleton Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

→Section 43. The Transportation Cabinet shall designate the portion of Kentucky Route 2054 in Jefferson County, from its intersection with Kentucky Route 1934 to its intersection with Winkler Avenue, as the "Anne and Carl Braden Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

→Section 44. The Transportation Cabinet shall designate the portion of Kentucky Route 1934 in Jefferson County, from its intersection with Kentucky Route 1727 to its end at Wilson Avenue (mile point 11.5), as the

"Andrew and Charlotte Wade Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 45. The Transportation Cabinet shall designate the portion of Kentucky Route 52 in Garrard County, from the eastern city limits of the city of Lancaster to the Garrard-Madison County line, as the "Representative Lonnie Napier Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 46. The Transportation Cabinet shall designate the bridge on Kentucky Route 1214 crossing the Western Kentucky Parkway in Grayson County (Bridge ID# 043B00060N) as the "James 'Spike' Johnston Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 47. The Transportation Cabinet shall designate the bridge on Kentucky Route 107 crossing the Pond River in Todd County (Bridge ID# 110B00029N) as the "Sgt. Major Robert 'Bob' Murphy Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 48. The Transportation Cabinet shall honor the accomplishments of Yvonne Jordan by inclusion on the Country Music Highway on United States Route 23 in Lawrence County and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 49. The Transportation Cabinet shall designate the portion of Kentucky Route 8 in Lewis County, within the city limits of Vanceburg, as the "Lewis County Veterans Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

Signed by Governor April 19, 2024.

CHAPTER 221

(HB 387)

AN ACT relating to education.

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

➔Section 1. KRS 161.102 is amended to read as follows:

- (1) *Notwithstanding KRS 161.1211, the Education Professional Standards Board shall issue a one (1) year emergency certificate for substitute teaching to any applicant who possesses a minimum of a high school diploma or High School Equivalency Diploma and has met the requirements to receive the certificate as set forth in administrative regulation promulgated by the Education Professional Standards Board, subject to the provisions of KRS 161.120(1).*
- (2) *The Education Professional Standards Board shall issue a five (5) year certificate for substitute teaching to any applicant who possesses a bachelor's degree in any subject area from a regionally or nationally accredited postsecondary education institution.*
- (3) *The Education Professional Standards Board shall issue a ten (10) year certificate for substitute teaching to any applicant who:*
 - (a) *Holds a valid statement of eligibility for a Kentucky teaching certificate;*
 - (b) *Previously held a Kentucky teaching certificate which required the completion of a four (4) year teacher preparation program and a bachelor's degree; or*
 - (c) *Currently holds or previously held a valid out-of-state teaching certificate which required the completion of a four (4) year teacher preparation program and a bachelor's degree.*
- (4) *The issuance of a substitute teaching certificate shall be subject to the provisions of KRS 161.120(1).*
- (5) *The one (1) year emergency certificate for substitute teaching authorized in subsection (1) of this section shall not be valid for:*
 - (a) *Full-time employment with a school district as a substitute teacher; or*

- (b) *The replacement of the teacher of record for more than twenty (20) consecutive instructional days*~~[Any applicant for emergency substitute teaching who possesses a bachelor's degree in any subject area from a regionally or nationally accredited institution of postsecondary education shall be granted a certificate for substitute teaching from the Education Professional Standards Board subject to the provisions of KRS 161.120(1). This certificate shall enable the applicant to apply for substitute teaching in any subject area for any grade level in any local school district].~~

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

- (1) *The Kentucky Department of Education may enter into an agreement with any building and construction trade organization to develop a training program for school counselors providing services to students in the Commonwealth. The purpose of the training program shall be to promote building and construction trades and training facilities available to students by making school counselors aware of what is available to students participating in the building and construction trade. The training program shall include information relating to:*
- (a) *The pay and benefits available to people who work in the building and construction trades; and*
- (b) *Job opportunities, pre-apprenticeships, apprenticeships, and pathways within the building and construction trade industry.*
- (2) *The participating trade organization shall ensure ample opportunities for school counselors that serve grades seven (7) through twelve (12) to complete the training created under subsection (1) of this section annually and shall bear all costs associated with the training. The participating trade organization may choose to offer professional development opportunities to teachers who serve students in grades seven (7) through twelve (12), if resources are available for this purpose.*
- (3) *The department shall include the training program created in this section on the electronic consumer bulletin board created pursuant to KRS 156.095(9) if requested by the training program.*
- (4) *A school counselor serving students in grades seven (7) through twelve (12) may complete four (4) hours of training developed under this section which shall count towards the twenty-one (21) hours required annually pursuant to KRS 156.101(4)(b)2.*
- (5) *Local boards of education or school-based decision making councils may incorporate this training as part of the four (4) days of professional development required pursuant to KRS 158.070(3)(a) for teachers who serve students in grades seven (7) through twelve (12) if offered by the participating trade organization.*

Signed by Governor April 19, 2024.

CHAPTER 222

(HB 162)

AN ACT relating to mathematics education and making an appropriation therefor.

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

➔Section 1. KRS 158.791 is amended to read as follows:

- (1) The General Assembly hereby finds that:
- (a) Reading proficiency is a gateway skill necessary for all of Kentucky students to achieve the academic goals established in KRS 158.6451. It is Kentucky's goal that all children learn to read well before exiting grade three (3) and that all middle and high school students have the skills necessary to read complex materials in specific core subjects and comprehend and constructively apply the information; *and*
- (b) *Mathematics proficiency is essential for all Kentucky students to achieve the academic goals established in KRS 158.6451. It is Kentucky's goal that all children have the skills necessary to demonstrate procedural skill and fluency, building from conceptual understanding to application, in order to solve real-world problems.*

- (2) It is the intent of the General Assembly that:
- (a) Every elementary school:
 1. Provide comprehensive schoolwide reading *and mathematics* instruction aligned to reading, ~~and~~ ~~writing~~, *and mathematics* standards required by KRS 158.6453 and outlined in administrative regulation promulgated by the Kentucky Board of Education;
 2. Provide a multitiered system of supports, as set forth in and required by KRS 158.305, to support and engage all students in learning to read at the proficient level, meaning a level that reflects developmentally appropriate grade-level performance, by the end of grade three (3);
 3. *Provide a multitiered system of supports, as set forth in Section 4 of this Act, to support and engage all students in learning to apply mathematical content and practices at a proficient level, meaning a level that reflects developmentally appropriate grade-level performance, by the end of grade five (5);*
 4. Ensure quality instruction *for reading and mathematics* by highly trained teachers and intervention by individuals most qualified to provide the intervention; and
 - 5.~~4.~~ Provide high quality library media programs;
 - (b) Every middle and high school:
 1. Provide direct, explicit instruction to students lacking skills in how to read, learn, and analyze information in key subjects, including language, reading, English, mathematics, science, social studies, arts and humanities, practical living skills, and career studies;~~and~~
 2. Ensure that teachers have the skills to help all students develop critical *content knowledge*, strategies, and skills for subject-based reading *and grade-level appropriate mathematics*;
 3. *Provide a multitiered system of supports to support and engage all students in learning to apply mathematical content and practices at a proficient level; and*
 4. *Ensure all students routinely have opportunities to experience high-quality mathematics instruction, learn challenging, grade-level appropriate mathematics content and practices, and receive the necessary support to make progress toward proficiency;*
 - (c) The Kentucky Department of Education *shall* provide technical assistance to local school districts in the identification of *high-quality* professional development~~activities~~, including teaching strategies to help teachers in each subject area to:
 1. Implement evidence-based reading, intervention, and instructional strategies that emphasize phonemic awareness, phonics, fluency, vocabulary, comprehension, and connections between reading and writing acquisition, and motivation to read to address the diverse needs of students;
 2. *Implement evidence-based mathematics instruction, intervention, and instructional strategies that emphasize algebraic reasoning, conceptual understanding, procedural skill and fluency, geometry, data and measurement, statistics and probability, number sense, place value understanding, spatial reasoning, and subitizing for multiplicative reasoning;*
 3. Identify and teach the *grade-level content, practices, and* skills that students need to comprehend the concepts and content of each subject area; and
 - 4.~~3.~~ Use *learning experiences*~~activities~~ and *high-quality instructional* materials that will help the students comprehend, *meet grade-level expectations*, and constructively apply information based on the unique content of each subject area;
 - (d) The Education Professional Standards Board *shall* review and revise when deemed necessary the teacher certification and licensure requirements to ensure that all teachers, regardless of the subject area taught, are prepared to improve students' subject reading *and mathematics* skills; and
 - (e) The department shall collaborate with *relevant groups for the purpose of increasing student outcomes in literacy and mathematics*~~the Department for Libraries and Archives, the Governor's Office of Early Childhood, and Kentucky Educational Television to establish and maintain a partnership to support the use of high quality, evidence-based year-round programming, materials, and activities for elementary-aged children in the areas of reading~~.

➔Section 2. KRS 158.840 (Effective July 1, 2024) is amended to read as follows:

- (1) The General Assembly hereby finds that reading and mathematics proficiency are gateway skills necessary for all Kentucky students to achieve the academic goals established in KRS 158.6451. It is the General Assembly's intent that:
 - (a) All students in kindergarten through grade three (3) having difficulty in reading and mathematics receive early diagnosis and intervention services from highly trained teachers;
 - (b) *All students in kindergarten through grade three (3) needing to make accelerated progress toward proficiency in mathematics based on data from valid and reliable universal screening and diagnostic assessments receive high-quality, evidence-based mathematics instruction and intervention aligned to the Kentucky academic standards for mathematics;*
 - (c) All students demonstrate proficiency in reading and mathematics as they progress through the relevant curricula and complete each assessment level required by the Kentucky Board of Education for the state assessment program established under KRS 158.6453 and in compliance with the requirements of the federal Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor; and
 - ~~(d)(e)~~ Students who are struggling in reading and mathematics or are not at the proficient level on statewide assessments *shall* be provided evidence-based and developmentally appropriate diagnostic and intervention services, and instructional modifications necessary to learn.

The General Assembly, the Kentucky Board of Education, the Kentucky Department of Education, the Council on Postsecondary Education, colleges and universities, local boards of education, school administrators, school councils, teachers, parents *and families*, and other educational entities, such as the Education Professional Standards Board, P-16 councils, the statewide reading research center established under KRS 164.0207, and the Center for Middle School *Academic* Achievement must collaborate if the intentions specified in this subsection are to be met. Intensive focus on student achievement in reading and mathematics does not negate the responsibility of any entity to help students obtain proficiency in other core curriculum content areas.

- (2) The General Assembly's role is to set policies that address the achievement levels of all students and provide resources for the professional growth of teachers and administrators, assessing students' academic achievement, including *valid and reliable universal screening and* diagnostic assessment and instructional interventions, technology innovations, targeted reading and mathematics statewide initiatives, research and the distribution of research findings, services for students beyond the regular school day, and other services needed to help struggling learners.
- (3) The Kentucky Board of Education shall regularly review and modify, when appropriate, its statewide assessment policies and practices to enable local school districts and schools to carry out the provisions of the statewide assessment and accountability system, required under KRS 158.6453 to improve student achievement in mathematics and reading.
- (4) The Kentucky Department of Education shall:
 - (a) Provide assistance to schools and teachers, including publicizing professional development opportunities, methods of measuring effective professional development, the availability of high quality instructional materials, and developmentally appropriate, *valid, and reliable* screening and diagnostic assessments of student competency in mathematics and reading. The department shall provide access to samples of units of study, annotated student work, diagnostic instruments, and research findings, and give guidance on parental engagement;
 - (b) Work with state and national educators and subject-matter experts to identify student reading *and mathematical* skills in each subject area that align with the state content standards adopted under KRS 158.6453 and identify teaching strategies in each subject area that can be used explicitly to develop the identified reading *and mathematical* skills under this paragraph;
 - (c) Encourage the development of comprehensive middle and high school adolescent reading *and mathematics* plans to be incorporated into the curricula of each subject area to improve the reading comprehension *and mathematical skills* of all students;
 - (d) Conduct an annual review of the state grant programs it manages and make recommendations, when needed, to the Interim Joint Committee on Education for changes to statutory requirements that are necessary to gain a greater return on investment;

- (e) Provide administrative support and oversight to programs to train classroom coaches and mentors to help teachers with reading and mathematics instruction; and
 - (f) Require no reporting of instructional plans, formative assessment results, staff effectiveness processes, or interventions implemented in the classroom, except for:
 1. Interventions implemented under KRS 158.305(2) *and Section 4 of this Act*;
 2. Funds provided under KRS 158.792 or 158.844; or
 3. Schools that are identified for comprehensive support and improvement and fail to exit comprehensive support and improvement status after three (3) consecutive years of implementing the turnaround intervention process as described in KRS 160.346.
- (5) The Council on Postsecondary Education, in cooperation with the Education Professional Standards Board, shall exercise its duties and functions under KRS 164.020 to ensure that teacher education programs are fulfilling the needs of Kentucky for highly skilled teachers. The council shall:
- (a) Coordinate the federal and state grant programs it administers with other statewide initiatives relating to improving student achievement in reading and mathematics to avoid duplication of effort and to make efficient use of resources;
 - (b) *No later than November 1 of each year*, submit *an annual*~~+~~ report to *the Legislative Research Commission for referral to the Interim Joint Committee on Education and the Interim Joint Committee on Appropriations and Revenue*, ~~[no later than November 1 of each year]~~ summarizing the compliance of each teacher preparation program for *alignment to*~~[interdisciplinary]~~ early childhood education or elementary regular education *standards and* to the instructional requirements set forth in KRS 164.306(1) *and Section 7 of this Act*; and
 - (c) *Require that*~~[Regularly report program data to]~~ an external evaluator *provide*~~[for]~~ an *annual* analysis of the *ability*~~[progress]~~ of teacher preparation programs *to properly train and equip teacher preparation program students with the literacy and mathematics content knowledge and skills to educate students in kindergarten through grade three (3)*~~[for interdisciplinary early childhood education and elementary regular education to increase the success of new teacher candidates in demonstrating reading instruction knowledge and skills]~~.
- (6) The Education Professional Standards Board shall exercise its duties and responsibilities under KRS 161.030 and 161.048 to ensure highly qualified teachers.
- (7) Colleges and universities shall:
- (a) Utilize institution-wide resources to work with elementary and secondary educators and other entities to align curriculum content to ensure that students who achieve proficiency on standards established at the prekindergarten through secondary levels will require no remediation to successfully enter a postsecondary education program;
 - (b) Provide quality undergraduate teacher preparation programs to ensure that those preparing to teach reading or mathematics at all grade levels have the necessary content knowledge, assessment and diagnostic skills, and teaching methodologies and that teachers in all subject areas have the requisite skills for helping students at all grade levels develop critical strategies and skills for reading and comprehending subject matter;
 - (c) Deliver *evidence-based*~~[appropriate]~~ continuing education for teachers in reading and mathematics through institutes, graduate level courses, and other professional development activities that support a statewide agenda for improving student achievement in reading and mathematics;
 - (d) Conduct or assist with research on best practices in assessment, intervention strategies, teaching methodologies, costs and effectiveness of instructional models, and other factors as appropriate to reading and mathematics;
 - (e) Provide staff to consult and provide technical assistance to teachers, staff, and administrators at elementary, middle, and secondary school sites;
 - (f) Assume active roles in the statewide initiatives referenced in KRS 156.553 and 158.842; and
 - (g) Develop written procedures for measuring the effectiveness of activities outlined in paragraphs (a) to ~~(f)~~~~(e)~~ of this subsection.

- (8) School councils at all school levels are encouraged to identify and allocate resources to qualified teachers to become coaches or mentors in mathematics or coaches or mentors in reading with a focus on improving student achievement in their respective schools.
- (9) Local school boards and superintendents shall provide local resources~~[, whenever possible,]~~ to supplement or match state and federal resources to support teachers, school administrators, and school councils in helping students achieve proficiency in reading and mathematics.
- (10) Local school superintendents shall provide leadership and resources to the principals of all schools to facilitate curriculum alignment, communications, and technical support among schools to ensure that students are academically prepared to move to the next level of schooling.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO BE NUMBERED AS KRS 158.8401 AND TO READ AS FOLLOWS:

As used in KRS 158.840 to 158.844:

- (1) *"Conceptual understanding" means connecting prior knowledge to new ideas and concepts, and making sense of why a mathematical idea is important and the kinds of contexts in which it is useful;*
- (2) *"Diagnostic assessment" means a testing instrument that assesses a student's current knowledge base of academic content;*
- (3) *"Dyscalculia" has the same meaning as in KRS 158.305;*
- (4) *"Enrichment program" means accelerated intervention within the school day or outside of the school day or school calendar, led by individuals most qualified to provide the intervention and specifically determined to address the individual learning needs of students based on universal screening and diagnostics assessments in mathematics;*
- (5) *"Evidence-based" has the same meaning as in 20 U.S.C. sec. 7801(21);*
- (6) *"Mathematics" means the curriculum of numbers and computations, geometry and measurements, probability and statistics, and algebraic ideas;*
- (7) *"Mathematics coach" means a mathematics leader whose primary responsibility is to provide ongoing support for one (1) or more mathematics teachers. The role of the coach is to improve mathematics teaching practices by working with teachers in their classrooms, observing and providing feedback to them, modeling appropriate teaching practices, conducting workshops or institutes, establishing learning communities, and gathering appropriate and useful resources;*
- (8) *"Mathematics diagnostic assessment" means an assessment that identifies a student at risk of failure in mathematics or a student with major deficits in numeracy and other mathematical concepts and skills;*
- (9) *"Mathematics improvement plan" means an accelerated intervention plan for a student in grade kindergarten through grade three (3) that is developed to increase a student's rate of progress toward proficient performance in mathematics that is identified as necessary based on the student's results on an approved mathematics diagnostic assessment;*
- (10) *"Mathematics improvement team" means a team that develops and oversees the progress of a mathematics improvement plan and includes:*
 - (a) *The parents or guardians of the student that is the subject of the mathematics improvement plan;*
 - (b) *No less than one (1) regular education teacher of the student, to provide information about the general curriculum for same-aged peers;*
 - (c) *A representative of the local education agency who is knowledgeable about the mathematics curriculum and the availability of the evidence-based mathematics resources of the local education agency; and*
 - (d) *Any specialized certified school employees, including but not limited to mathematics teachers, specialists, or coaches, for students receiving mathematics instruction educational programming or special education services;*
- (11) *"Mathematics intervention program" means an intensive instructional program that is based on valid research and is provided by a highly trained teacher to specifically meet individual students' needs;*

- (12) *"Multitiered system of supports" means a systemic, continuous improvement framework in which evidence-based problem-solving and decision making is practiced across all levels of the educational system for supporting students. The framework of MTSS utilizes high quality evidence-based instruction, intervention, and assessment practices to ensure that every student receives the appropriate level of support to be successful. A multitiered system of supports helps schools and districts to organize resources through alignment of academic standards, implemented with fidelity and sustained over time, in order to accelerate the performance of every student to achieve and exceed proficiency;*
- (13) *"Number sense" means the ability to represent whole and rational numbers in multiple ways, numerical magnitude estimation, selecting and using benchmarks such as tens or hundreds, decomposing and recomposing numbers, understanding the effects of operations on numbers, and performing mental calculation and estimation;*
- (14) *"Numeracy" means the development of the basic concepts which include counting, place value, addition and subtraction strategies, multiplication and division strategies, and the concepts of time, money, and length;*
- (15) *"Place value understanding" means the understanding of representations and concepts necessary to successfully process multi-digit numbers;*
- (16) *"Spatial reasoning" means the capacity to mentally generate, transform, and rotate a visual image and thus understand and recall spatial relationships between objects;*
- (17) *"Subitizing" means quickly recognizing and naming how many objects are in a group without counting; and*
- (18) *"Universal screener" means a process of providing a brief assessment to all students within a grade level to assess the students' performance in mathematical content and practices.*

➔SECTION 4. A NEW SECTION OF KRS 158.840 TO 158.844 IS CREATED TO READ AS FOLLOWS:

- (1) *Notwithstanding any other statute or administrative regulation to the contrary, the Kentucky Board of Education shall promulgate administrative regulations in accordance with KRS Chapter 13A to define and establish a multitiered system of supports that shall include evidence-based mathematics instruction, intervention, and instructional strategies for district-wide use for students in kindergarten through grade three (3).*
- (2) *By November 1, 2027, and each year thereafter, the department shall submit the implementation status of the multitiered system of supports required pursuant to subsection (1) of this section for all school districts to the Legislative Research Commission for referral to the Interim Joint Committee on Education.*
- (3) *The department shall provide technical assistance and training to local districts to assist in the implementation of the district-wide, multitiered system of supports as a means to identify and assist any student experiencing difficulty in mathematics.*
- (4) *The technical assistance and training shall be designed to improve:*
- (a) *The use of specific screening processes and diagnostic assessments to identify student strengths and needs;*
 - (b) *The use of universal screening and diagnostic data for implementing instruction and intervention, as needed;*
 - (c) *The use of valid and reliable evidence-based instructional strategies and interventions for mathematics education;*
 - (d) *Progress monitoring of student performance; and*
 - (e) *Accelerated, intensive, direct instruction that addresses students' individual differences, including advanced learners, and enables students that are experiencing difficulty to catch up with typically performing peers.*
- (5) (a) *By January 1, 2026, each superintendent or public charter school board of directors shall select:*
1. *At least one (1) universal screener for mathematics that is determined by the department to be valid and reliable to be administered to all students in kindergarten through grade three (3); and*

2. *At least one (1) diagnostic assessment for mathematics that is determined by the department to be reliable and valid to be administered as part of a multitiered system of supports for students in kindergarten through grade three (3).*
- (b) *Each superintendent or public charter school board of directors shall adopt an evidence-based curriculum along with high-quality instructional resources for mathematics that is determined by the department to be reliable, valid, and aligned to Kentucky academic standards for mathematics required by KRS 158.6453 for kindergarten through grade three (3).*
- (c) *All teachers of students in kindergarten through grade three (3), including public charter school teachers, shall be trained on any mathematics universal screener and diagnostic assessment selected by the superintendent or public charter school board prior to administration of the assessment. The training shall address:*
 1. *How to properly administer the mathematics universal screener and diagnostic assessment;*
 2. *How to interpret the results of the mathematics universal screener and diagnostic assessment to identify students needing interventions;*
 3. *How to use the assessment results to design instruction and interventions;*
 4. *The use of the assessment to monitor the progress of student performance; and*
 5. *The use of accelerated, intensive, and direct instruction that addresses students' individual differences and enables students to achieve proficiency in mathematics, including but not limited to daily, one-on-one instruction.*
- (6) *Beginning with the 2026-2027 school year, a universal screener determined by the department to be valid and reliable shall be given in the first thirty (30) calendar days of the school year to each student in kindergarten through grade three (3) at a public school or public charter school.*
- (7) *Those students determined to be at risk for not meeting grade-level benchmarks in mathematics for kindergarten through grade three (3) based on the universal screener shall be given a mathematics diagnostic assessment determined by the department to be valid and reliable to identify the individual student deficits in numeracy and other mathematical content and practices as listed in subsection (1) of this section in the first forty-five (45) calendar days of the school year.*
- (8) *A mathematics improvement plan shall be developed and implemented in the first sixty (60) calendar days of the school year by a mathematics improvement team for any student in kindergarten through grade three (3) identified as needing accelerated interventions to progress toward proficient performance in mathematics. The mathematics improvement plan shall require:*
 - (a) *Intensive intervention that includes effective instructional strategies and high-quality instructional resources necessary to help the student make accelerated progress toward proficient performance in mathematics and become ready for the next grade, including but not limited to daily, one-on-one instruction with students the most in need provided by certified teachers specifically trained and most qualified to provide one-on-one instruction in numeracy; and*
 - (b) *Written quarterly progress reports provided by the school to a parent or guardian of any student subject to a mathematics improvement plan. The written quarterly progress report for the mathematics improvement plan may be included in the school's existing quarterly student progress report.*
- (9) *Beginning in the 2026-2027 school year, if a student's rate of progress toward proficient performance in mathematics needs accelerated interventions as demonstrated by the results of an approved universal screener and mathematics diagnostic assessment, the local school district shall provide:*
 - (a) *Enrichment programs using evidence-based mathematics instruction and other strategies;*
 - (b) *Intensive instructional services, progress monitoring measures, and supports; and*
 - (c) *Parents and legal guardians of students identified for accelerated interventions in mathematics with information on how to encourage mathematics success at home.*
- (10) *By September 1, 2025, if funds are available, the department shall establish teacher academies or coaching models for teachers of students in kindergarten through grade eight (8). The teacher academies or coaching*

models shall be related to evidence-based practices in instruction, instructional materials, and assessment in mathematics.

- (11) *The department shall develop and maintain a web-based resource providing teachers access to:*
- (a) *Screening and diagnostic tools, universal screeners, screening processes, and diagnostic assessments;*
 - (b) *Evidence-based curriculum;*
 - (c) *High quality instructional resources; and*
 - (d) *General supports and lesson plans.*
- (12) *The department shall encourage districts to utilize both state and federal funds, as appropriate, to implement a district-wide multitiered system of supports, including high-quality mathematics instruction and instructional resources, evidence-based intervention strategies and materials, aligned curriculum-based professional learning, and ongoing, job-embedded coaching supports.*
- (13) *In compliance with 20 U.S.C. sec. 1414(a)(1)(E), screening of a student to determine appropriate instructional strategies for curriculum implementation shall not be considered an evaluation for eligibility for special education and related services, and nothing in this section shall limit a school district from completing an initial evaluation of a student suspected of having a disability.*

➔Section 5. KRS 158.842 is amended to read as follows:

(1) ~~As used in KRS 158.840 to 158.844, unless the context requires otherwise:~~

- (a) ~~"Concepts" means mathematical ideas that serve as the basis for understanding mathematics;~~
- (b) ~~"Mathematics" means the curriculum of numbers and computations, geometry and measurements, probability and statistics, and algebraic ideas;~~
- (c) ~~"Mathematics coach" means a mathematics leader whose primary responsibility is to provide ongoing support for one (1) or more mathematics teachers. The role of the coach is to improve mathematics teaching practices by working with teachers in their classrooms, observing and providing feedback to them, modeling appropriate teaching practices, conducting workshops or institutes, establishing learning communities, and gathering appropriate and useful resources;~~
- (d) ~~"Mathematics diagnostic assessment" means an assessment that identifies a student at risk of failure in mathematics or a student with major deficits in numeracy and other mathematical concepts and skills;~~
- (e) ~~"Mathematics intervention program" means an intensive instructional program that is based on valid research and is provided by a highly trained teacher to specifically meet individual students' needs;~~
- (f) ~~"Mathematics leader" means any educator with a specialization in mathematics who:~~
 - 1. ~~Serves in a supervisory capacity, such as mathematics department chair, school based mathematics specialist, or district mathematics supervisor or coordinator; or~~
 - 2. ~~Regularly conducts or facilitates teacher professional development, such as higher education faculty or other mathematics teachers;~~
- (g) ~~"Mathematics mentor" means an experienced mathematics coach who typically works with beginning or novice teachers only. The responsibilities and roles of the mentor are the same as those of the coach;~~
- (h) ~~"Numeracy" means the development of the basic concepts which include counting, place value, addition and subtraction strategies, multiplication and division strategies, and the concepts of time, money, and length. To be numerate is to have and be able to use appropriate mathematical knowledge, concepts, skills, intuition, and experience in relationship to every day life;~~
- (i) ~~"Relationships" means connections of mathematical concepts and skills within mathematics; and~~

(j) ~~"Skills" means actions of mathematics.~~

(2) The Committee for Mathematics Achievement is hereby created for the purposes of developing a multifaceted strategic plan to improve student achievement in mathematics at all levels of schooling, prekindergarten through postsecondary and adult. At a minimum the plan shall address:

- (a) **Evidence-based**~~(Challenging)~~ curriculum that is aligned prekindergarten through postsecondary, including consensus among high school teachers and postsecondary education faculty about expectations, curriculum, and assessment;
- (b) Attitudes and beliefs of teachers about mathematics;
- (c) Teachers' knowledge of mathematics;
- (d) Diagnostic assessment, intervention services, **universal screeners**, and instructional strategies;
- (e) Shortages of teachers of mathematics, including incentives to attract strong candidates to mathematics teaching;
- (f) Statewide institutes that prepare cadres of mathematics leaders in local school districts, which may include highly skilled retired mathematics teachers, to serve as coaches and mentors in districts and schools;
- (g) Cohesive continuing education options for experienced mathematics classroom teachers;
- (h) Closing the student achievement gap among various student subpopulations;
- (i) Curriculum expectations and assessments of students among the various school levels, prekindergarten, primary, elementary, middle, and high school;
- (j) **Curriculum expectations and assessments for adult education centers**~~Content standards for adult education centers providing mathematics curricula~~;
- (k) Introductory postsecondary education mathematics courses that are appropriate to the wide array of academic programs and majors;
- (l) Research to analyze further the issues of transition from high school or High School Equivalency Diploma programs to postsecondary education mathematics; and
- (m) The early mathematics testing program under KRS 158.803.

Other factors may be included in the strategic plan as deemed appropriate by the committee to improve mathematics achievement of Kentucky students.

~~(2)(3)~~ ~~In carrying out its responsibility under subsection (2)(f) of this section, the committee shall:~~

- ~~(a) Design a statewide professional development program that includes summer mathematics institutes at colleges and universities, follow up, and school-based support services, beginning no later than June 1, 2006, to prepare teams of teachers as coaches and mentors of mathematics at all school levels to improve student achievement. Teachers shall receive training in diagnostic assessment and intervention. The statewide initiative shall be funded, based on available funds, from the Teachers' Professional Growth Fund described in KRS 156.553. The design shall:

 1. Define the curricula focus;
 2. Build on the expertise of specific colleges and universities;
 3. Place emphasis on mathematics concepts, skills and relationships, diagnostic assessment, intervention services, and instructional strategies;
 4. Identify quality control measures for the delivery of each institute;
 5. Establish evaluation procedures for the summer institutes and the other professional development components;
 6. Provide updates and networking opportunities for coaches and mentors throughout the school year; and
 7. Define other components within the initiative that are necessary to meet the goal of increasing student achievement in mathematics;~~
- ~~(b) Require schools and districts approved to have participants in the mathematics leader institutes to provide assurances that:

 1. The district and schools have, or will develop, local mathematics curricula and assessments that align with state standards for mathematics;~~

2. ~~There is a local commitment to build a cadre of mathematics leaders within the district;~~
 3. ~~The district and participating schools will provide in-school support for coaching and mentoring activities;~~
 4. ~~The mathematics teachers are willing to develop classroom assessments that align with state assessments; and~~
 5. ~~Students who need modified instructional and intervention services will have opportunity for continuing education services beyond the regular school day, week, or year; and~~
- (c) ~~In addition to the conditions specified in paragraph (b) of this subsection, the committee shall make recommendations to the Kentucky Department of Education and the Kentucky Board of Education for criteria to be included in administrative regulations promulgated by the board which define:~~
1. ~~Eligible grant recipients, taking into consideration how this program relates to other funded mathematics initiatives;~~
 2. ~~The application process and review;~~
 3. ~~The responsibilities of schools and districts, including but not limited to matching funds requirements, released or extended time for coaches and mentors during the school year, continuing education requirements for teachers and administrators in participating schools, data to be collected, and local evaluation requirements; and~~
 4. ~~Other recommendations requested by the Kentucky Department of Education.~~
- (4) ~~The committee shall initially be composed of *twenty-three (23)* [twenty-five (25)] members as follows:~~
- (a) The commissioner of education or his or her designee;
 - (b) The president of the Council on Postsecondary Education or his or her designee;
 - (c) The president of the Association of Independent Kentucky Colleges and Universities or his or her designee;
 - (d) ~~The executive director of the Education Professional Standards Board or his or her designee;~~
 - (e) ~~The secretary of the Education and Labor Cabinet or his or her designee;~~
 - (f) ~~(g)~~ **Four (4) representatives** ~~[A representative]~~ with a specialty in mathematics or mathematics education who **have** ~~has~~ expertise and experience in professional development, especially with coaching and mentoring of teachers, from **any of the** ~~each of the nine (9)]~~ public postsecondary education institutions defined in KRS 164.001. The representatives shall be selected by mutual agreement of the president of the Council on Postsecondary Education and the commissioner of education;
 - (g) ~~(h)~~ **One (1)** ~~[Two (2)]~~ adult education **mathematics instructor** ~~[instructors]~~ selected by the secretary of the Education and Labor Cabinet;
 - (h) ~~(i)~~ Two (2) elementary, two (2) middle, and two (2) high school mathematics teachers, appointed by the **commissioner of education**; ~~board of the statewide professional education association having the largest paid membership with approval from their respective local principals and superintendents of schools; and]~~
 - (i) ~~(j)~~ Three (3) school administrators **or building-level mathematics instructional coaches**, with one (1) each representing elementary, middle, and high school, appointed by the **commissioner of education**; ~~board of the statewide administrators' association having the largest paid membership with approval from their respective local superintendents of schools.]~~
 - (j) **Two (2) district administrators or district-level mathematics instructional coaches appointed by the commissioner of education;**
 - (k) **The executive director of** ~~When]~~ the Center for Mathematics created under KRS 164.525 **or his or her designee**; ~~[becomes operational, the executive director of the center shall be added to the committee, which shall then be composed of twenty-six (26) members. Appointments to the committee shall be made no later than thirty (30) days following March 18, 2005, and the first meeting of the committee shall occur no later than thirty (30) days following appointment of the members.]~~

- (k) *The executive director of AdvanceKentucky or his or her designee; and*
- (l) *The executive director of the Partnership Institute for Math and Science Education Reform or his or her designee.*
- (3){(5)} A majority of the ~~full~~ membership **present** shall constitute a quorum.
- (4){(6)} Each member of the committee, other than members who serve by virtue of their positions, shall serve for a term of three (3) years or until a successor is appointed and qualified, ~~except that the initial appointments shall be made in the following manner: six (6) members shall serve a one (1) year term, six (6) members shall serve a two (2) year term, and eight (8) members shall serve a three (3) year term.~~
- (5){(7)} A ~~temporary chair of the committee shall be appointed prior to the first meeting of the committee through consensus of the president of the Council on Postsecondary Education and the commissioner of education, to serve ninety (90) days after his or her appointment. Prior to the end of the ninety (90) days, the committee shall elect a chair by majority vote. The temporary chair may be a nominee for the chair by majority vote. Thereafter, a~~ chair **of the committee** shall be elected each calendar year. An individual may not serve as chair for more than three (3) consecutive years. The chair shall be the presiding officer of the committee, and coordinate the functions and activities of the committee.
- (6){(8)} The committee shall be attached to the Kentucky Department of Education for administrative purposes. The commissioner of education ~~shall~~**may** contract with a mathematics-trained professional to provide part-time staff support to the committee. The commissioner of education and the president of the council shall reach consensus in the selection of a person to fill the position. The person selected shall have a graduate degree, a mathematics **or mathematics education** major, and teaching or administrative experience in elementary and secondary education. The person shall not be a current employee of any entity represented on the committee. The department shall provide office space and other resources necessary to support the staff position and the work of the committee.
- (7){(9)} The committee, under the leadership of the chair, may organize itself into appropriate subcommittees and work structures to accomplish the purposes of the committee.
- (8){(10)} Members of the committee shall serve without compensation but shall be reimbursed for necessary travel and expenses while attending meetings at the same per diem rate promulgated in administrative regulation for state employees under provisions of KRS Chapter 45. Funds shall be provided school districts to cover the cost of substitute teachers for those teachers on the committee at each district's established rate for substitute teachers.
- (9){(11)} If a vacancy occurs within the committee during its duration, the **vacancy shall be filled in the same manner as set forth in the original appointment**~~board of the statewide professional education association having the largest paid membership or the board of the statewide administrators association having the largest paid membership or the president of the Council on Postsecondary Education, as appropriate, shall appoint a person to fill the vacancy.~~
- (10){(12)} The committee shall:
- (a) ~~Present a draft strategic plan addressing the requirements in subsection (1) of this section and other issues that arose during the work of the committee to the Education Assessment and Accountability Review Subcommittee no later than August 2005;~~
 - (b) ~~Present the strategic plan for improving mathematics achievement to the Interim Joint Committee on Education by July 15, 2006, which shall include any recommendations that require legislative action; and~~
 - (c) ~~provide a final written report of committee activities~~ **and progress regarding the strategic plan required under subsection (1) of this section** to the Interim Joint Committee on Education and the Legislative Research Commission by **May 1, 2025**~~December 1, 2006~~.
- (11){(13)} The committee shall have ongoing responsibility for providing advice and guidance to policymakers in the development of statewide policies and in the identification and allocation of resources to improve mathematics achievement. In carrying out this responsibility, the committee shall periodically review the strategic plan and make modifications as deemed appropriate and report those to the Interim Joint Committee on Education.
- (12){(14)} The committee shall collaborate with the Center for Mathematics to ensure that there is ongoing identification of research **and evidence**-based intervention programs for K-12 students who have fallen behind

in mathematics, rigorous mathematics curricula that prepare students for the next level of schooling, research *and evidence*-based professional development models that prepare teachers in mathematics and pedagogy, and strategies for closing the gap between high school or a High School Equivalency Diploma program and postsecondary mathematics preparation.

➔SECTION 6. A NEW SECTION OF KRS 158.840 TO 158.844 IS CREATED TO READ AS FOLLOWS:

- (1) *The Kentucky numeracy counts fund is hereby created for the purpose of training and supporting teachers to improve the mathematics content and practices of students in kindergarten through grade eight (8), as set forth in subsection (2) of this section and subsection (12) of Section 4 of this Act. The fund shall consist of all moneys received from state appropriations, gifts, grants, and federal funds for this purpose. The department shall administer the fund.*
- (2) *The department shall implement teacher professional learning academies related to evidence-based practices in instruction, instructional materials, and assessment in mathematics using moneys appropriated to or otherwise received by the Kentucky numeracy counts fund.*
- (3) *The department shall create a mathematics coaching program using moneys appropriated to or otherwise received by the Kentucky numeracy counts fund. The program shall:*
 - (a) *Use data coaches to improve mathematics instruction and intervention;*
 - (b) *Determine the effectiveness of intensive data-focused professional development; and*
 - (c) *Provide expert support in mathematics instruction and intervention.*
- (4) *The department shall provide grants to local school districts and public charter schools. The grant shall only be used to purchase approved high-quality research and evidence-based curriculum aligned to kindergarten through grade three (3) academic standards in mathematics and expenditures for curriculum-based professional learning to implement new curriculum.*
 - (b) *To be eligible to receive a grant, a local school district or public charter school shall:*
 1. *Submit an application in accordance with paragraph (c) of this subsection; and*
 2. *Agree to adopt a common comprehensive mathematics program that is determined by the department to be reliable, valid, and aligned to mathematics standards required by KRS 158.6453 and outlined in an administrative regulation promulgated by the Kentucky Board of Education.*
 - (c) *Local school districts shall submit applications that include a district-wide plan and public charter schools shall submit applications that include a school plan for implementation of mathematics curriculum that includes:*
 1. *How the district or public charter school will implement the new curriculum by school and by grade level; and*
 2. *The timeline for the rollout of upgraded curriculum materials for core instruction in classrooms.*
 - (d) *Available grant funding shall be distributed to eligible applicants based on a rubric developed by the department. The rubric shall consider the information provided in accordance with paragraphs (b) and (c) of this subsection and prioritize applications from local school districts or public charter schools:*
 1. *In which more than fifty percent (50%) of the enrolled students scored below the statewide average on the statewide assessments in mathematics administered for the preceding school year;*
 2. *With the greatest need for financial assistance; and*
 3. *That propose comprehensive plans most likely to increase student achievement in mathematics.*
 - (e) *The department shall distribute the awarded grant money to a public charter school authorizer, and the authorizer shall distribute one hundred percent (100%) of the grant money to the charter school.*

- (5) *Notwithstanding the provisions of KRS 45.229, unexpended funds in the Kentucky numeracy counts fund shall not lapse but shall carry forward to the next fiscal year and shall be used for the purposes established in this section.*
- (6) *Any interest earned on moneys in the fund shall become part of the fund and shall not lapse.*

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO BE NUMBERED AS KRS 164.3061 AND TO READ AS FOLLOWS:

- (1) *As used in this section, "department" means the Kentucky Department of Education.*
- (2) *Beginning with the 2025-2026 school year, postsecondary institutions offering teacher preparation programs for elementary regular education shall include kindergarten through grade three (3) evidence-based instructional strategies, department-identified valid and reliable high-quality resources for mathematics instruction related to Section 4 of this Act, and:*
- (a) *Evidence-based instructional strategies determined by the department to be effective at improving student learning for the range of students in their classrooms, including students needing to make progress toward proficiency, exceptional students, and students who are multilingual learners;*
 - (b) *High-quality instructional resources as determined by the department to be effective at improving student learning for the range of students in their classrooms, including students needing to make progress toward proficiency, exceptional students, and students who are multilingual learners;*
 - (c) *The use of a range of assessment data for designing instruction and intervention;*
 - (d) *Progress monitoring of student performance; and*
 - (e) *Field experience and student teaching placements with teachers that model, and supervisors with knowledge of, paragraphs (a) to (d) of this subsection.*
- (3) *By January 1, 2025, the Education Professional Standards Board shall:*
- (a) *Develop and maintain a list of approved teacher preparation assessments that are determined by the board to be an effective evaluation of mathematics instruction, content and practice standards, and skills; and*
 - (b) *Develop an evaluation rubric for observing teacher candidates with focus on mathematics content and pedagogical knowledge.*
- (4) *The Education Professional Standards Board shall report program data to an external evaluator for analysis of postsecondary teacher preparation programs with the goal of using the results to help increase the success of new teacher candidates in demonstrating mathematics instruction, content knowledge, and skills.*
- (5) *The Education Professional Standards Board shall report to the Legislative Research Commission for referral to the Interim Joint Committee on Education the results provided by the external evaluator's analysis and data on all assessments required for certification, including the number of students testing, the number of students passing, and the number of times an individual student takes a test prior to passing.*

➔Section 8. This Act may be cited as the Kentucky Numeracy Counts Act.

➔Section 9. There is hereby appropriated General Fund moneys in the amount of \$5,000,000 in fiscal year 2024-2025 and \$5,000,000 in fiscal year 2025-2026 to the Kentucky numeracy counts fund established in Section 6 of this Act.

Signed by Governor April 19, 2024.

*Provisions of this bill that are to be deleted due to vetoes of the Governor that were not overridden by the General Assembly are displayed as bracketed text with intervening strikethrough and enclosed in double asterisks, e.g., ****[text]****.*

AN ACT providing funding and establishing conditions for state government agencies and institutions, making an appropriation therefor, and declaring an emergency.

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

➔Section 1. 2024 Regular Session HB 1/VO, Section 1, subsection (14), at page 2, is amended to read as follows:

(14) \$1,000,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the City of Albany to support reduction ~~of~~~~and~~ water loss;

➔Section 2. 2024 Regular Session HB 1/VO, Section 1, subsection (23), at page 3, is amended to read as follows:

(23) \$1,000,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the **Powell Valley Water District**~~{City of Powell Valley}~~ for water and sewer expansion near the Red River Gorge;

➔Section 3. 2024 Regular Session HB 1/VO, Section 1, subsection (24), at page 3, is amended to read as follows:

(24) \$2,000,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the **Beech Fork Water Commission**~~{City of Beech Fork}~~ for water and sewer expansion near the Red River Gorge;

➔Section 4. 2024 Regular Session HB 1/VO, Section 1, subsection (35), at page 5, is amended to read as follows:

(35) \$8,500,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the Woodford County Fiscal Court to support a wastewater project **in the community of Millville** in conjunction with the **City of Frankfort**~~{Frankfort Plant Board}~~;

➔Section 5. 2024 Regular Session HB 1/VO, Section 1, subsection (44), at page 6, is amended to read as follows:

(44) \$7,000,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to be distributed to the City of Georgetown for various **water and** wastewater infrastructure projects for Georgetown Municipal Water and Sewer Service;

➔Section 6. 2024 Regular Session HB 1/VO, Section 1, subsection (45), at page 6, is amended to read as follows:

(45) \$50,000,000 in each fiscal year to the Department for Local Government budget unit to be distributed to Louisville Metro Government **and allocated at the sole discretion of its Economic Development Department** for the revitalization of downtown Louisville to include these projects:

- (a) The Belvedere;
- (b) Community Care Campus;
- (c) LOUMED Campus;
- (d) Louisville Gardens;
- (e) Downtown Vacant **Buildings**~~{Lot}~~ Revitalization; and
- (f) Butchertown Sports District;

➔Section 7. 2024 Regular Session HB 1/VO, Section 1, subsection (52), at page 7, is amended to read as follows:

(52) ~~\$1,000,000~~~~{ \$2,000,000 }~~ in fiscal year 2024-2025 **and \$500,000 in fiscal year 2025-2026** to the **Attorney General**~~{Department for Local Government}~~ budget unit to ~~{be distributed to the City of Paducah to}~~ **create an electric reliability defense program**~~{support the Build Ready Grant for the City of Paducah Infrastructure project}~~;

➔Section 8. 2024 Regular Session HB 1/VO, Section 1, subsection (53), at page 7, is amended to read as follows:

(53) \$500,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the *City of Kevil*~~[Kevil Rural Fire Department]~~ to support upgrades and enhancements for the Kevil Fire Station;

➔Section 9. 2024 Regular Session HB 1/VO, Section 1, subsection (95), at page 12, is amended to read as follows:

(95) \$850,000 in fiscal year 2024-2025 to the *Department of Parks*~~[Department for Local Government]~~ budget unit ~~[to be distributed to the City of Perryville]~~ for the restoration of the Dye House on the grounds of the Perryville Battlefield *State Historic Site*;

➔Section 10. 2024 Regular Session HB 1/VO, Section 1, subsection (100), at page 12, is amended to read as follows:

(100) \$1,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the *Lincoln High School Historical Foundation in Paducah*~~[Lincoln County Fiscal Court]~~ for a *civic center*~~[the Lincoln Civic Center]~~ project;

➔Section 11. 2024 Regular Session HB 1/VO, Section 1, subsection (101), at page 12, is amended to read as follows:

(101) \$1,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the *City of Elizabethtown*~~[Hardin County Fiscal Court]~~ for the Elizabethtown Parks and Trails Conservancy;

➔Section 12. 2024 Regular Session HB 1/VO, Section 1, subsection (106), at page 13, is amended to read as follows:

(106) \$8,000,000 in fiscal year 2024-2025 and \$500,000 in fiscal year 2025-2026 to the Department for Local Government budget unit to be distributed to the *Center for Rural Development*~~[Lake Cumberland Area Development District]~~ for a regional training center *in collaboration with the Lake Cumberland Area Development District*;

➔Section 13. 2024 Regular Session HB 1/VO, Section 1, subsection (122), at page 14, is amended to read as follows:

(122) \$100,000 in each fiscal year to the Department for Local Government budget unit to be distributed to *The Nest in Lexington*~~[the Fayette County Fiscal Court]~~ to support *operations*~~[The Nest in Lexington]~~;

➔Section 14. 2024 Regular Session HB 1/VO, Section 1, subsection (130), at page 15, is amended to read as follows:

(130) \$1,250,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the City of Booneville for *land acquisition and renovations*~~[city renovations]~~;

➔Section 15. 2024 Regular Session HB 1/VO, Section 1, subsection (131), at page 15, is amended to read as follows:

(131) \$1,250,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Owsley County Fiscal Court for land acquisition, *reclamation, and renovations*;

➔Section 16. 2024 Regular Session HB 1/VO, Section 1, subsection (132), at page 15, is amended to read as follows:

(132) \$500,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the *City of Booneville*~~[Owsley County Fiscal Court]~~ for a *home development*~~[homeless]~~ initiative;

➔Section 17. 2024 Regular Session HB 1/VO, Section 1, subsection (134), at page 16, is amended to read as follows:

(134) \$3,500,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the City of Corbin for *land acquisition, construction, and renovations* for a tourism initiative;

➔Section 18. 2024 Regular Session HB 1/VO, Section 1, subsection (137), at page 16, is amended to read as follows:

(137) \$8,500,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Knox County Fiscal Court for **land acquisition and renovations for a new county administrative office**~~[a new County Administrative Office]~~;

➔Section 19. 2024 Regular Session HB 1/VO, Section 1, subsection (139), at page 16, is amended to read as follows:

(139) \$4,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Clay County Fiscal Court for construction of **multipurpose buildings and renovations**~~[a Multi-Purpose Building]~~;

➔Section 20. 2024 Regular Session HB 1/VO, Section 1, subsection (140), at page 16, is amended to read as follows:

(140) \$10,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to ICC for **land acquisition, construction, and joint projects for** various economic development projects;

➔Section 21. 2024 Regular Session HB 1/VO, Section 1, subsection (146), at page 17, is amended to read as follows:

(146) \$1,500,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to **Shaping**~~[Save]~~ Our Appalachian Region for remote talent attraction;

➔Section 22. 2024 Regular Session HB 1/VO, Section 1, subsection (152), at page 17, is amended to read as follows:

(152) \$11,250,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the City of Frankfort to support construction of the Frankfort Convention Center subject to **a dollar-for-dollar match**~~[funding the project balance of \$22,500,000]~~;

➔Section 23. 2024 Regular Session HB 1/VO, Section 1, subsection (160), at page 18, is amended to read as follows:

(160) \$200,000,000 in fiscal year 2023-2024 to the **Cabinet for Economic Development**~~[Department of Agriculture]~~ budget unit to support matching funds under the Government Resources Accelerating Needed Transformation Program **of 2024. Of this amount, \$4,000,000 shall be distributed to Grant Ready Kentucky.** Notwithstanding KRS 147A.158(3)(b), no more than \$2,000,000 in fiscal year 2023-2024 shall be used for administrative expenses. Notwithstanding KRS 45.229, these funds shall not lapse and shall carry forward;

➔Section 24. 2024 Regular Session HB 1/VO, Section 1, subsection (172), at page 20, is amended to read as follows:

(172) \$50,000,000 in each fiscal year to the Economic Development budget unit to support approved mega-development projects of at least \$10,000,000, with an exception for certain economic development projects as recommended by the Cabinet based on unique conditions of the county where the project may occur, including but not limited to the population, per capita income, or county wages that are lower than the median for the state. **These funds may be used to provide loans with the ability for forgiveness upon approval by the Secretary to support infrastructure and access to power. The Cabinet shall develop the terms and conditions of the loans and shall include requirements related to increased economic development;**

➔Section 25. 2024 Regular Session HB 1/VO, Section 1, subsection (173), at page 20, is amended to read as follows:

(173) \$50,000,000 in fiscal year 2024-2025 to the Economic Development budget unit to support the Kentucky Economic Development Finance Authority Loan Pool. The appropriation contained in this subsection shall be used to provide funding to Hardin and Warren Counties, communities experiencing significant economic development growth due to announced projects with investments exceeding \$2,000,000,000 for supporting critical infrastructure improvements, such as water and sewer requirements, for continued economic development. Assistance may be in the form of a loan with the ability for forgiveness due to meeting negotiated requirements related to increased economic development for the community. **Of this amount, \$20,000,000 shall be allocated to the Intermodal Transportation Authority project at the Kentucky Transpark;**

➔Section 26. 2024 Regular Session HB 1/VO, Section 1, subsection (190), at page 23, is amended to read as follows:

(190) \$1,500,000 in ~~each~~ fiscal year **2024-2025 and \$1,000,000 in fiscal year 2025-2026** to the Department for Behavioral Health, Developmental, and Intellectual Disabilities budget unit to be distributed to **Mountain**

Comprehensive Health Corporation ~~[Letcher County Fiscal Court]~~ for the Transitioning from Recovery to Society program;

➔ Section 27. 2024 Regular Session HB 1/VO, Section 1, subsection (198), at page 24, is amended to read as follows:

(198) ~~\$4,000,000~~ ~~[\$5,000,000]~~ in fiscal year 2024-2025 to the Department for Community Based Services budget unit to support campus completion for the Harbor House of Louisville;

➔ Section 28. 2024 Regular Session HB 1/VO, Section 1, subsection (215), at page 26, is amended to read as follows:

(215) \$18,000,000 in each fiscal year to the Kentucky Horse Park Commission budget unit for facility upgrades to be allocated as follows:

- (a) \$2,500,000 for the renovation of the restaurant;
- (b) \$15,000,000 for the replacement of competition barns and stalls;
- (c) \$7,000,000 for the renovation of entertainment pavilions;
- (d) \$5,000,000 for the replacement of campground sites and bathhouse;
- (e) \$1,500,000 for a maintenance pool; and
- (f) ~~\$5,000,000~~ ~~[\$5,000,000]~~ for the renovation of the International Museum of the Horse;

➔ Section 29. 2024 Regular Session HB 1/VO, Section 1, subsection (218), at page 26, is amended to read as follows:

(218) \$200,000 in fiscal year 2024-2025 to the Secretary budget unit in the Tourism, Arts and Heritage Cabinet to be distributed to the Muhlenberg County Tourism Commission to **support tourism** ~~[provide matching funds to purchase playground equipment at Lake Malone State Park];~~

➔ Section 30. 2024 Regular Session HB 1/VO, Section 1, subsection (224), at page 27, is amended to read as follows:

(224) \$3,500,000 in fiscal year 2023-2024 to the General Administration and Support budget unit in the Kentucky Transportation Cabinet to be distributed to the Paducah-McCracken Riverport Authority to support the Riverport West project. **Notwithstanding KRS 45.229, these funds shall not lapse and shall carry forward to fiscal year 2024-2025;**

➔ Section 31. 2024 Regular Session HB 1/VO, Section 1, subsection (225), at page 27, is amended to read as follows:

(225) \$7,500,000 in each fiscal year to the General Administration and Support budget unit in the Kentucky Transportation Cabinet to improve public riverports within Kentucky. **Of this amount, \$250,000 in each fiscal year shall be distributed to the West Kentucky Regional Riverport Authority to support predevelopment archaeological activities. In addition, each** ~~[Each]~~ existing public riverport shall receive \$750,000 in each fiscal year for construction and maintenance as authorized by KRS 65.520 and for eligible use as described in KRS 174.210(3), and no local match shall be required. Any remaining balance shall be distributed at the Transportation Cabinet Secretary's discretion and may be disbursed to riverport authorities for existing and developing riverports. Notwithstanding KRS 45.229, any portion of these funds that have not been expended by the end of fiscal year 2024-2025 shall not lapse and shall carry forward into fiscal year 2025-2026;

➔ Section 32. 2024 Regular Session HB 1/VO, Section 1, subsection (233), at page 30, is amended to read as follows:

(233) \$5,000,000 in fiscal year 2024-2025 to the Emergency and Targeted Investment Fund established by KRS 157.618. **The School Facilities Construction Commission shall grant priority to schools with structural failures and no bonding capacity;** ~~[and]~~

➔ Section 33. 2024 Regular Session HB 1/VO, Section 1, subsection (234), at page 30, is amended to read as follows:

(234) \$2,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Edmonson County Fiscal Court to provide an emergency infrastructure grant. This grant will require a local match of at least \$1,000,000; ~~[]~~

(235) \$1,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the City of London to support construction of the London City Plaza project; and

(236) \$1,000,000 in fiscal year 2024-2025 to the University of Kentucky budget unit to support immune dysregulation research.

➔Section 34. 2024 Regular Session HB 6/VO in Part, Part I, A., 4., (2) Congressional Medal of Honor Recipients - Travel and Per Diem, at page 4, is amended to read as follows:

(2) ~~{Congressional}~~ **Medal of Honor Recipients - Travel and Per Diem:** The Commissioner of the Department of Veterans' Affairs may approve travel and per diem expenses incurred when Kentucky residents who have been awarded the ~~{Congressional}~~ Medal of Honor attend veterans, military, or memorial events in the Commonwealth of Kentucky.

➔Section 35. 2024 Regular Session HB 6/VO in Part, Part I, A., 6., (1) Kentucky National Guard, at page 8, is amended to read as follows:

(1) **Kentucky National Guard:** Included in the above General Fund appropriation is \$4,500,000 in each fiscal year to be expended, subject to the conditions and procedures provided in this Act, which are required as a result of the Governor's declaration of emergency pursuant to KRS Chapter 39A, and the Governor's call of the Kentucky National Guard to active duty when an emergency or exigent situation has been declared to exist by the Governor. Notwithstanding KRS 45.229, any portion of the \$4,500,000 not expended shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705) at the end of each fiscal year. In the event that costs for Governor-declared emergencies or the Governor's call of the Kentucky National Guard for emergencies or exigent situations exceed \$4,500,000 annually, up to ~~\$50,000,000~~~~[\$25,000,000]~~ shall be deemed necessary government expenses and shall be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

➔Section 36. 2024 Regular Session HB 6/VO in Part, Part I, A., 6., (2) Disaster or Emergency Aid Funds, at pages 8 to 9, is amended to read as follows:

(2) **Disaster or Emergency Aid Funds:** Subject to the conditions and procedures in this Act, in the event of a presidentially declared disaster or emergency, the Department of Military Affairs may request from the Finance and Administration Cabinet, as a necessary government expense, up to \$75,000,000 in fiscal year 2023-2024, ~~\$25,000,000~~~~[\$50,000,000]~~ in fiscal year 2024-2025, and ~~\$25,000,000~~~~[\$50,000,000]~~ in fiscal year 2025-2026 from the General Fund to be used as required to match federal aid for which the state would be eligible. These necessary funds shall be made available from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

➔Section 37. 2024 Regular Session HB 6/VO in Part, Part I, A., 19., a., (7) Employment of Family Members, at page 24, is amended to read as follows:

~~{(7) **Employment of Family Members:** Notwithstanding 65.003(3)(c), no Commonwealth's Attorney shall hire a family member, as defined as a spouse, parent, sibling, child, mother in law, father in law, son in law, daughter in law, grandparent, or grandchild on or after the effective date of this Act.}~~

➔Section 38. 2024 Regular Session HB 6/VO in Part, Part I, A., 19., b., (8) Employment of Family Members, at page 26, is amended to read as follows:

~~{(8) **Employment of Family Members:** Notwithstanding 65.003(3)(c), no County Attorney shall hire a family member, as defined as a spouse, parent, sibling, child, mother in law, father in law, son in law, daughter in law, grandparent, or grandchild on or after the effective date of this Act.}~~

➔Section 39. 2024 Regular Session HB 6/VO in Part, Part I, A., 27., (4) Secondary Area Technology Center Renovation Pool - 2025-2026, at page 41, is amended to read as follows:

(4) **Secondary Area Technology Center Renovation Pool - 2025-2026:** A local school district that owns a secondary area technology center shall be eligible to receive a grant of up to ~~\$10,000,000~~~~[\$7,500,000]~~ to support renovation costs in fiscal year 2025-2026. The School Facilities Construction Commission shall develop criteria for the districts to receive funding, which shall include enrollment in job creation training programs, bonding capacity, and a needs-based local match. The Commission shall show preference to applications from regions projected to experience rapid growth due to economic development. No award shall be made to any local school district which has received an award from the Local Area Vocational Education Center Pool since fiscal year 2020-2021.

Included in the Secondary Area Technology Center Renovation Pool is an allocation of \$600,000 to the Floyd County Area Technology Center to support engineering, design, and rehabilitation costs. Of this amount, \$100,000 shall be used for the design, and \$500,000 shall be used for sewer, water, and electric.

➔Section 40. 2024 Regular Session HB 6/VO in Part, Part I, C., 1., (22) Property Assessment Growth Relief, at page 60, is amended to read as follows:

(22) Property Assessment Growth Relief: (a) *In addition to the support provided by KRS 157.360(17), a district shall qualify for supplemental property assessment growth relief in fiscal year 2024-2025 if sufficient funds exist within the SEEK budget unit and all of the following conditions are met:*

1. *The district qualifies for an assessment adjustment in accordance with KRS 157.360(17) in fiscal year 2023-2024 and fiscal year 2024-2025;*

2. *The district levied a tax rate of four percent or greater in fiscal year 2024-2025; and*

3. *The district experienced a cumulative rate of growth in real estate values from fiscal year 2022-2023 to fiscal year 2024-2025 in excess of 14.4 percent.*

(b) *A district shall qualify for supplemental relief in fiscal year 2025-2026 if sufficient funds exist within the SEEK budget unit and all of the following conditions are met:*

1. *The district qualifies for an assessment adjustment in accordance with KRS 157.360(17) in fiscal year 2024-2025 and fiscal year 2025-2026;*

2. *The district levied a tax rate of four percent or greater in fiscal year 2025-2026; and*

3. *The district experienced a cumulative rate of growth in real estate values from fiscal year 2022-2023 to fiscal year 2025-2026 in excess of 25.8 percent.*

(c) *The Kentucky Department of Education shall use the available funds to adjust the assessment for qualifying districts in each fiscal year to provide real estate growth relief. [Notwithstanding KRS 157.360(17), the Department of Education shall value real estate for the purposes of calculating the state portion of local effort required to participate in the SEEK Program as the lesser of the current year assessment or the prior year assessment increased by four percent, plus the value of current year new property. For purposes of calculating the adjusted prior year assessment, the value of current new year property may not exceed 110 percent of the value of the prior year's valuation of existing property. Authorization to use the prior year assessment, as adjusted, shall be subject to available funds.]*

➔Section 41. 2024 Regular Session HB 6/VO in Part, Part I, C., 3., (5) Center for School Safety, at pages 66 to 67, is amended to read as follows:

(5) Center for School Safety: Included in the above General Fund appropriation is \$15,000,000 in each fiscal year for the Center for School Safety. Notwithstanding KRS 158.446, the Center for School Safety shall allot these moneys for the purposes described in KRS 158.440, 158.441, 158.4415, 158.4416, 158.442, 158.445, and 158.446 at both public and private school buildings, campuses, grounds, recreational areas, or athletic fields, except that no more than ~~\$2,000,000~~~~[\$1,500,000]~~ in each fiscal year may be retained for *operating and* administrative purposes. The Center for School Safety shall research and evaluate commercial software solutions available to improve school safety. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

➔Section 42. 2024 Regular Session HB 6/VO in Part, Part I, G., 8., (16) Foster Home Rate Equity, at page 116, is amended to read as follows:

(16) Foster Home Rate Equity: Included in the above appropriations is \$10,600,000 in Restricted Funds and \$2,400,000 in Federal Funds in each fiscal year to support an increase in the ~~DCBS~~ foster care rate per ~~diem~~ and to align the rates to be more equitable with the Private Child Caring and Private Child Placing agency rate per diem. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

➔Section 43. 2024 Regular Session HB 6/VO in Part, Part I, J., 1., (12) Postbaccalaureate Initiatives, at page 150, is amended to read as follows:

(12) Postbaccalaureate Initiatives: Included in the above General Fund appropriation is \$2,000,000 in fiscal year 2023-2024 to contract with an outside entity to conduct a study on the postbaccalaureate initiatives of each of the comprehensive universities. The study shall be prioritized according to 2024 Regular Session SJR 170. Notwithstanding KRS 45.229, these funds shall not lapse and shall carry forward to fiscal year 2024-2025. *Any*

unexpended funds at the conclusion of the study may be used for administrative expenses. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

➔Section 44. 2024 Regular Session HB 6/VO in Part, Part I, J., 1., (13) Immunity for Postsecondary Institutions, at pages 150 to 151, is amended to read as follows:

(13) Immunity for Postsecondary Institutions: Notwithstanding any statute to the contrary, a public postsecondary institution, including any affiliated corporation, its officers, employees, and agents, shall be immune from all claims, including class action claims for damages, a declaratory judgment, and equitable relief based on an act or omission if:

(a) The claim arises out of or in connection with tuition paid to the public postsecondary institution for an academic term that included the months of March, April, and May 2020;

(b) The claim alleges losses or damages arising from an act or omission by the public postsecondary institution during or in response to the COVID-19 emergency; *and*

(c) The alleged act or omission of the public postsecondary institution was related to protecting public health and safety interests in response to the COVID-19 emergency in compliance with federal, state, or local guidance, including but not limited to:

1. Transition to online or otherwise remote instruction;
2. Pause or modification to instruction available through the institution of higher education;
3. Closure of, or modification to, operation of on-campus facilities of the public postsecondary institution;

or

4. The public postsecondary institution offered online and otherwise remote learning options that allowed students to complete the coursework in the academic term that included the months of March, April, and May 2020 and receive academic credit.

➔Section 45. 2024 Regular Session HB 6/VO in Part, Part I, J., 1., (14) Simmons College, at page 151, is amended to read as follows:

(14) Simmons College: Included in the above Federal Funds appropriation is \$1,280,200 in fiscal year 2023-2024 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 to support *infrastructure planning and facility acquisition for student residential housing, an onsite tutoring/study facility, and development and designs for capital improvements to support academic program expansion*~~[the Teacher Education Initiative and public health initiatives].~~

➔Section 46. 2024 Regular Session HB 6/VO in Part, Part I, K., 10. Claims and Appeals, at pages 173 to 174, is amended to read as follows:

10. CLAIMS AND APPEALS

	2023-24	2024-25	2025-26
General Fund	1,000,000	2,215,700	2,246,800
Restricted Funds	-0-	1,317,200	1,317,300
Federal Funds	-0-	768,100	769,100
TOTAL	1,000,000	4,301,000	4,333,200

(1) Crime Victims' Compensation Fund: Included in the above General Fund appropriation is \$1,000,000 in fiscal years 2023-2024, 2024-2025, and 2025-2026 to support the Crime Victims' Compensation Fund. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(2) Additional Personnel: Included in the above Federal Funds appropriation is \$104,100 in fiscal year 2024-2025 and \$105,100 in fiscal year 2025-2026 to support additional personnel. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

(3) Administrative Expenses and Claims: *Notwithstanding KRS 304.2-400(2), excess Restricted Funds from the Department of Insurance shall be transferred to the Crime Victims' Compensation Fund and made available to support administrative expenses and claims.*

➔Section 47. 2024 Regular Session HB 6/VO in Part, Part I, L., 1., (5) Southern Kentucky Tourism Initiative, at page 175, is amended to read as follows:

(5) **Southern Kentucky Tourism Initiative:** Included in the above Restricted Funds appropriation is \$500,000 in fiscal year 2024-2025 to support the ~~Southern~~~~Southeast~~ Kentucky Chamber of Commerce for the Southern Kentucky Tourism Initiative. Mandated reports shall be submitted pursuant to Part III, 24. of this Act.

➔Section 48. 2024 Regular Session HB 6/VO in Part, Part I, L., 6., (5) State Fair Board Property Improvements, at pages 178 to 179, is amended to read as follows:

(5) **State Fair Board Property Improvements:** Notwithstanding any statute to the contrary, the State Fair Board shall *give preference*~~[offer a right of first refusal]~~ to Kentucky businesses ~~**[with which the Board has existing relationships]**~~ ~~[before offering partnership opportunities to other businesses]~~ to make improvements to *State Fair Board properties for hotel development*~~[redevelopment]~~. The Board shall recommend the participation of Kentucky-based businesses ~~**[with which it has existing relationships]**~~ and shall also recommend the participation of other Kentucky-based businesses offering solutions to accomplish the goal of improving hotel *development*~~[redevelopment]~~. For the purposes of this subsection, "Kentucky-based business" means a business that has employees working in Kentucky and that operates a principle executive office in Kentucky from which those employees, other offices, and affiliated entities are directed and controlled.

➔Section 49. 2024 Regular Session HB 6/VO in Part, Part I, L., 6., (6) Kentucky Exposition Center Redevelopment Plan - Phase II, at page 179, is amended to read as follows:

(6) **Kentucky Exposition Center Redevelopment Plan - Phase II:** The General Assembly recognizes the need to secure the future of Kentucky State Fair Board properties. To address this need, the project authorization set out in Part II, Capital Projects Budget, of this Act is contingent on the State Fair Board's submission and approval by the General Assembly via joint resolution of a comprehensive statewide proposal regarding improvements to the properties. The proposal shall include the following:

(a) Recommendations for private and/or local government partnerships. In developing its proposal regarding private partnerships, the Board shall *give preference*~~[offer a right of first refusal]~~ to Kentucky-based businesses with which it has existing relationships and shall also recommend the participation of other Kentucky-based businesses offering solutions to accomplish the goal of improving Board properties. For the purposes of this paragraph, "Kentucky-based business" means a business that has employees working in Kentucky and that operates a principle executive office in Kentucky from which those employees, other offices, and affiliated entities are directed and controlled;

(b) Detailed financial information regarding return on investment resulting from partnerships; and

(c) A 50 percent match of the state contribution from private and/or local government partners.

The proposal may also include a plan of action regarding disposal of property to local governments. The State Fair Board shall develop the proposal and present it to the Interim Joint Committee on Appropriations and Revenue by December 1, 2024.

➔Section 50. 2024 Regular Session HB 6/VO in Part, Part II, I., (1) Postsecondary Education Asset Preservation Pool, at page 199, is amended to read as follows:

(1) **Postsecondary Education Asset Preservation Pool:** The Postsecondary Education Asset Preservation Pool provides funding for individual asset preservation, renovation, and maintenance projects at Kentucky's public postsecondary institutions in Education, General, and state-owned and operated residential housing facilities, *for fixed asset pedestrian and student parking areas, and for the razing of university-owned buildings*. For fiscal years 2024-2025 and 2025-2026, each project for research institutions shall be matched at 25 percent from funds provided by each research institution. Capital projects as defined in KRS 45.750(1)(f) are hereby authorized from these funds or combination of funds thereof and shall be reported to the Capital Projects and Bond Oversight Committee.

➔Section 51. 2024 Regular Session HB 6/VO in Part, Part II, I., 7., 002. Renew/Renovate Steely Library, at page 205, is amended to read as follows:

002. Renew/Renovate *Landrum Academic Center*~~[Steely Library]~~

Bond Funds	49,000,000	-0-
Other Funds	3,000,000	-0-
TOTAL	52,000,000	-0-

➔Section 52. 2024 Regular Session HB 265/VO, Part I, A., 1., (5) Riverport Improvements, at page 3, is amended to read as follows:

(5) **Riverport Improvements:** Included in the above General Fund appropriation is \$500,000 in each fiscal year to ~~the Riverport Financial Assistance Trust Fund (KRS 174.210) [improve public riverports within Kentucky. The Secretary of the Transportation Cabinet, in conjunction with the Kentucky Water Transportation Advisory Board, shall determine how the funds are distributed].~~ Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Mandated reports shall be submitted pursuant to Part I, A., 1., (4) of this Act.

➔Section 53. 2024 Regular Session HB 265/VO, Part I, A., 8., (6) Vision Testing, at page 14, is amended to read as follows:

(6) **Vision Testing:** Notwithstanding KRS 186.577, *prior to January 1, 2025*, an individual applying for ~~renewal of~~ an operator's license *renewal* or instruction permit *renewal* shall not be required to submit to a test of visual acuity and visual field. The Transportation Cabinet may establish a pilot project to allow for the voluntary vision testing upon renewal at regional driver licensing offices.

➔Section 54. There is hereby appropriated additional Other Funds in the amount of \$16,000,000 in fiscal year 2024-2025 to the Northern Kentucky University budget unit for the Expand/Renovate Soccer Complex capital project.

➔Section 55. Pursuant to KRS 141.020(2)(a)2.d., the appropriation in this section is supported solely by funds from the Budget Reserve Trust Fund Account (KRS 48.705) and shall not be identified as GF appropriations when certifying the reduction conditions pursuant to KRS 141.020(2)(a)5. and (d)2. to 5.

There is hereby appropriated General Fund moneys from the Budget Reserve Trust Fund Account (KRS 48.705) in the amount of \$150,000,000 in fiscal year 2023-2024 to the Department of Highways budget unit to be allocated to the 2024-2026 Biennial Highway Construction Plan project number 2-1088.52, contingent upon award of a federal Multimodal Project Discretionary Grant for this project.

➔Section 56. Pursuant to KRS 141.020(2)(a)2.d., the appropriation in this section is supported solely by funds from the Budget Reserve Trust Fund Account (KRS 48.705) and shall not be identified as GF appropriations when certifying the reduction conditions pursuant to KRS 141.020(2)(a)5. and (d)2. to 5.

There is hereby appropriated General Fund moneys from the Budget Reserve Trust Fund Account (KRS 48.705) in the amount of \$150,000,000 in fiscal year 2023-2024 to the Department of Highways budget unit to be allocated to the 2024-2026 Biennial Highway Construction Plan project number 10-169.10, contingent upon award of a federal Multimodal Project Discretionary Grant for this project.

➔Section 57. Pursuant to KRS 141.020(2)(a)2.d., there is hereby appropriated General Fund moneys from the Budget Reserve Trust Fund Account (KRS 48.705) in the amount of \$2,969,200 in fiscal year 2024-2025 and \$3,956,800 in fiscal year 2025-2026 to the Public Health budget unit to support the costs of workforce and operations for the local health departments.

➔Section 58. Pursuant to KRS 141.020(2)(a)2.d., there is hereby appropriated General Fund moneys from the Budget Reserve Trust Fund Account (KRS 48.705) in the amount of \$500,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Lee County Fiscal Court to support a public safety initiative.

➔Section 59. Pursuant to KRS 141.020(2)(a)2.d., there is hereby appropriated General Fund moneys from the Budget Reserve Trust Fund Account (KRS 48.705) in the amount of \$1,500,000 in fiscal year 2024-2025 to the Attorney General budget unit to create an electric reliability defense program.

➔Section 60. Pursuant to KRS 141.020(2)(a)2.d., there is hereby appropriated General Fund moneys from the Budget Reserve Trust Fund Account (KRS 48.705) in the amount of \$300,000 in fiscal year 2024-2025 to the Council on Postsecondary Education budget unit to support a grant match for the National Stem Cell Foundation.

➔Section 61. Pursuant to KRS 141.020(2)(a)2.d., there is hereby appropriated General Fund moneys from the Budget Reserve Trust Fund Account (KRS 48.705) as a one-time allocation in the amount of \$5,000,000 in each fiscal year to the University of Kentucky budget unit to support cancer research at the Markey Cancer Center, including but not limited to ovarian cancer research.

➔Section 62. Pursuant to KRS 141.020(2)(a)2.d., there is hereby appropriated General Fund moneys from the Budget Reserve Trust Fund Account (KRS 48.705) in the amount of \$5,000,000 in fiscal year 2024-2025 to the

Department for Local Government budget unit to be distributed to the Carlisle County Fiscal Court to support the Carlisle County Water District in providing water treatment and water lines to schools in the county.

➔Section 63. Pursuant to KRS 141.020(2)(a)2.d., there is hereby appropriated General Fund moneys from the Budget Reserve Trust Fund Account (KRS 48.705) in the amount of \$5,000,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Pleasure Ridge Park Fire District to support a capital construction project.

➔Section 64. Pursuant to KRS 141.020(2)(a)2.d., there is hereby appropriated General Fund moneys from the Budget Reserve Trust Fund Account (KRS 48.705) in the amount of \$5,000,000 in fiscal year 2025-2026 to the Department of Agriculture budget unit to support economic development initiatives within the agriculture industry. The funding is contingent on the Commissioner of Agriculture's submission and approval by the General Assembly via joint resolution of a comprehensive proposal regarding agriculture economic development initiatives. The proposal shall be submitted to the Interim Joint Committee on Appropriations and Revenue by December 1, 2024.

➔Section 65. Pursuant to KRS 141.020(2)(a)2.d., there is hereby appropriated General Fund moneys from the Budget Reserve Trust Fund Account (KRS 48.705) as a one-time allocation in the amount of \$905,800 in fiscal year 2024-2025 and \$1,596,800 in fiscal year 2025-2026 to the Justice Administration budget unit to support the loss of federal funds for the Court-Appointed Special Advocate (CASA) funding programs.

➔Section 66. Pursuant to KRS 141.020(2)(a)2.d., there is hereby appropriated General Fund moneys from the Budget Reserve Trust Fund Account (KRS 48.705) in the amount of \$250,000 in fiscal year 2024-2025 to the Department for Local Government budget unit to be distributed to the Daviess County Fiscal Court to support sewer compliance for the City of Whitesville.

➔Section 67. Pursuant to KRS 141.020(2)(a)2.d., there is hereby appropriated General Fund moneys from the Budget Reserve Trust Fund Account (KRS 48.705) in the amount of \$1,200,000 in fiscal year 2023-2024 to the Department for Local Government budget unit to be distributed to the Daviess County Fiscal Court to support water project cost overruns. Notwithstanding KRS 45.229, these funds shall not lapse and shall carry forward.

➔Section 68. Pursuant to KRS 141.020(2)(a)2.d., there is hereby appropriated General Fund moneys from the Budget Reserve Trust Fund Account (KRS 48.705) in the amount of \$250,000 in fiscal year 2025-2026 to the Department for Local Government budget unit to be distributed to the Union County Fiscal Court to support water line installation and repairs for the City of Sturgis.

➔Section 69. Pursuant to KRS 141.020(2)(a)2.d., there is hereby appropriated General Fund moneys from the Budget Reserve Trust Fund Account (KRS 48.705) in the amount of \$800,000 in fiscal year 2024-2025 to the Kentucky Infrastructure Authority budget unit to support a statewide comprehensive plan for water management services provided by the Area Development Districts and maintenance of the Water Resource Information System.

➔Section 70. Pursuant to KRS 141.020(2)(a)2.d., there is hereby appropriated General Fund moneys from the Budget Reserve Trust Fund Account (KRS 48.705) as a one-time allocation in the amount of \$600,000 in each fiscal year to the Behavioral Health, Developmental, and Intellectual Disabilities budget unit to support direct services provided to clients by The Healing Place.

➔Section 71. Pursuant to KRS 141.020(2)(a)2.d., there is hereby appropriated General Fund moneys from the Budget Reserve Trust Fund Account (KRS 48.705) in the amount of \$15,000,000 in each fiscal year to the Economic Development budget unit to support approved mega-development projects of at least \$10,000,000, with an exception for certain economic development projects as recommended by the Cabinet based on unique conditions of the county where the project may occur, including but not limited to the population, per capita income, or county wages that are lower than the median for the state. The funds may be used to provide loans with the ability for forgiveness upon approval by the Secretary to support infrastructure and access to power. The Cabinet shall develop the terms and conditions of the loans and shall include requirements related to increased economic development.

➔Section 72. Notwithstanding KRS 39A.303(6), from the appropriation set out in 2022 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 6, there is hereby appropriated Restricted Funds from the East Kentucky State Aid Funding for Emergencies (EKSAFE) Fund established in KRS 39A.303 in the amount of \$28,725,000 in fiscal year 2024-2025 to the Military Affairs budget unit to be used for the advancement of moneys to city and county governments experiencing strained fiscal liquidity while awaiting reimbursement from federal emergency management assistance or insurance claims related to the impact of the Presidential Declaration of a Major Disaster, designated FEMA-4663-DR.

➔Section 73. If a recipient of moneys from the East Kentucky State Aid Funding for Emergencies (EKSAFE) Fund under Section 72 of this Act subsequently receives moneys from any other source, the recipient

shall reimburse the Commonwealth for the amount of moneys received from the EKSAFE Fund. All moneys reimbursed to the Commonwealth shall be deposited into the Budget Reserve Trust Fund account established in KRS 48.705 within 30 days. The moneys appropriated in Section 72 of this Act shall not lapse and shall carry forward until June 30, 2026. If the moneys are not encumbered by June 30, 2026, the moneys shall be returned to the Commonwealth and shall be deposited into the Budget Reserve Trust Fund account established in KRS 48.705 within 30 days.

~~**[→Section 74. Notwithstanding KRS 45.255(8), there is hereby appropriated Restricted Funds from the Kentucky Contribution Trust Fund established in KRS 45.255 in the amount of \$7,227,500 in fiscal year 2024-2025 to the Military Affairs budget unit to be used for the advancement of moneys to city and county governments experiencing strained fiscal liquidity while awaiting reimbursement from federal emergency management assistance or insurance claims related to the impact of the Presidential Declaration of a Major Disaster, designated FEMA 4663-DR.]**~~

→Section 75. If a recipient of moneys from the Kentucky Contribution Trust Fund under Section 74 of this Act subsequently receives moneys from any other source, the recipient shall reimburse the Commonwealth for the amount of the moneys received from the Kentucky Contribution Trust Fund. All moneys reimbursed to the Commonwealth shall be deposited into the Budget Reserve Trust Fund account established in KRS 48.705 within 30 days. The moneys appropriated in Section 74 of this Act shall not lapse and shall carry forward until June 30, 2026. If the moneys are not encumbered by June 30, 2026, the moneys shall be returned to the Commonwealth and shall be deposited into the Budget Reserve Trust Fund account established in KRS 48.705 within 30 days.

→Section 76. The Council on Postsecondary Education shall submit a report to the Interim Joint Committee on Appropriations and Revenue by December 1, 2024, detailing all programs administered by the Council. The report shall include a description of each program, program expenditures, and statutory references if applicable.

→Section 77. A local governmental agency may request participation in a governmental services program through the Department of Corrections to provide inmates the opportunity to learn job skills. At the discretion of the warden of the facility, the local government shall be responsible for all costs, including but not limited to supervision, transportation, training, and meals but shall not be required to pay labor costs.

→Section 78. KRS 45A.100 is amended to read as follows:

- (1) Procurements may be made in accordance with small purchase administrative regulations promulgated by the secretary of the Finance and Administration Cabinet, pursuant to KRS Chapter 13A, as follows:
 - (a) Up to ten thousand dollars (\$10,000) per project for construction and one thousand dollars (\$1,000) for purchases by any state governmental body, except for those state administrative bodies specified in paragraph (b) of this subsection; and
 - (b) Up to *one hundred*~~forty~~ thousand dollars ~~(\$100,000)~~~~(\$40,000)~~ per project for construction or purchases by the Finance and Administration Cabinet, state institutions of higher education, and the legislative branch of government.
- (2) Procurement requirements shall not be artificially divided so as to constitute a small purchase under this section. Reverse auctions may be used for small purchase procurements. At least every two (2) years, the secretary shall review the prevailing costs of labor and materials and may make recommendations to the next regular session of the General Assembly for the revision of the then current maximum small purchase amount as justified by intervening changes in the cost of labor and materials.
- (3) The secretary of the Finance and Administration Cabinet may grant to any state agency with a justifiable need a delegation of small purchasing authority which exceeds the agency's small purchase limit provided in subsection (1) of this section. Delegations of small purchasing authority shall be granted or revoked by the secretary of the Finance and Administration Cabinet, in accordance with administrative regulations promulgated by the cabinet pursuant to KRS Chapter 13A. These administrative regulations shall establish, at a minimum, the criteria for granting and revoking delegations of small purchasing authority, including the requesting agency's past compliance with purchasing regulations, the level of training of the agency's purchasing staff, and the extent to which the agency utilizes the Kentucky Automated Purchasing System. The administrative regulations may permit the secretary of the Finance and Administration Cabinet to delegate small purchase procurements up to the maximum amount specified in subsection (1)(b) of this section.

→Section 79. KRS 45A.190 is amended to read as follows:

- (1) As used in this section, "agency contract administrator" means the state agency employee responsible for the administration of a contract.

- (2) When a construction contract is awarded in an amount in excess of **one hundred~~forty~~** thousand dollars **(\$100,000)~~(\$40,000)~~**, the following bonds shall be furnished to the Commonwealth, and shall be binding on the parties upon the award of the contract:
- (a) A performance bond satisfactory to the Commonwealth executed by a surety company authorized to do business in this Commonwealth, or otherwise supplied, satisfactory to the Commonwealth, in an amount equal to one hundred percent (100%) of the contract price as it may be increased; and
 - (b) A payment bond satisfactory to the Commonwealth executed by a surety company authorized to do business in the Commonwealth, or otherwise supplied, satisfactory to the Commonwealth, for the protection of all persons supplying labor and material to the contractor or his subcontractors, for the performance of the work provided for in the contract. The bond shall be in an amount equal to one hundred percent (100%) of the original contract price.
- (3) When any contract in an amount in excess of **one hundred~~forty~~** thousand dollars **(\$100,000)~~(\$40,000)~~** for commodities, supplies, equipment, or services of any kind, or when a contract for construction services costing **one hundred~~forty~~** thousand dollars **(\$100,000)~~(\$40,000)~~** or less is proposed for presentation to vendors or contractors, the agency contract administrator shall evaluate whether a performance bond should be required in the procurement document, and make his recommendation to the purchasing agency. The agency contract administrator shall note the reason that a performance bond is or is not recommended and his notation shall be a part of the permanent record relating to the contract. If a performance bond is required, the requirement shall be included in the invitation to bid, request for proposal, or other procurement document. The agency contract administrator shall make audits of the performance of contracts upon completion of one-third (1/3) of the contract and upon completion of two-thirds (2/3) of the contract. For contracts taking longer than one (1) year to complete, audits of performance shall be conducted at least annually. Before a vendor is released from a performance bond, the agency contract administrator shall review the audits of performance, make a final performance review, and promptly determine whether, in his or her opinion, the vendor has fully complied with the terms of the contract. The opinion of the agency contract administrator shall be made in writing or electronically, set forth the reasons for his or her opinion regarding compliance or noncompliance, and be signed by the agency contract administrator. This opinion may have an electronic signature. The using agency head shall, after consideration of the performance audits, the final performance review, and the opinion of the agency contract administrator regarding compliance or noncompliance, determine whether to recommend to the purchasing agency that the performance bond be released or whether a claim should be made against the performance bond. This determination of the using agency head shall be in writing, signed by the using agency head, and forwarded to the purchasing agency. This determination may have an electronic signature and be transmitted electronically. If the recommendation of the using agency is not followed by the purchasing agency, the purchasing agency shall place a statement in the file explaining why it is not followed.
- (4) Nothing in this section shall be construed to limit the authority of the Commonwealth to require a performance bond or other security in addition to those bonds, or in circumstances other than specified in subsection (2) or (3) of this section.

➔Section 80. KRS 56.491 is amended to read as follows:

- (1) No state agency shall have power or authority to make plans and specifications, provide public notice of invitations for bids, let contracts, or incur any financing commitments, either in the way of a charge against public funds or in the way of negotiations for issuance of revenue bonds, for any capital construction projects involving the improvement of lands or the construction, alteration, reconstruction, or major repair of any building or other structure, or sewage disposal or water supply system, requiring the expenditure of more than **five~~two~~** hundred ~~fifty~~ thousand dollars **(\$500,000)~~(\$250,000)~~** without first securing the approval of the Finance and Administration Cabinet.
- (2) The state agency seeking the approval shall submit to the Finance and Administration Cabinet a general description of the proposed project, with the detailed information the cabinet may require. Review of construction plans for conformance with the Uniform State Building Code shall be conducted by the Department of Housing, Buildings and Construction. The Finance and Administration Cabinet shall not approve any project requiring its approval in any instance if it finds that: the project is not needed; the proposed method of financing is not sound; the project will exceed the amount of the funds available therefor; the work contemplated will be insufficient to accomplish the purpose of the project; or after providing for the ordinary recurring expenses of government and debt service and for payments under existing allotments for extraordinary expenses and capital outlay, cash will not be available in the State Treasury to promptly pay for the work during the biennium, or except as provided in subsection (5) of this section, that the work is to be done by employees of the agency.

- (3) The finding of the Finance and Administration Cabinet shall be final, except in cases where the issuance and sale of bonds is proposed, in which cases the cabinet shall submit its findings to the commission for final approval, modification, or disapproval.
- (4) Any capital construction project, the total cost of completion of which the Finance and Administration Cabinet determines will exceed ~~five~~^{two} hundred ~~fifty~~ thousand dollars ~~(\$500,000)~~~~(\$250,000)~~, shall be contracted for on a competitive bid basis, and the execution of the contracts shall be approved and authorized by the cabinet. When a capital construction project has been approved as provided in this section, in whole or in part, the cabinet shall prepare the plans and specifications, provide public notice of invitations for bids, award the contracts, supervise the construction, and handle the financial negotiations on behalf of the requesting state agency; or with prior written approval, the cabinet may authorize a state agency to do so with delegated authority of the cabinet.
- (5) A capital construction project, the total cost of completion of which the Finance and Administration Cabinet determines will not exceed ~~five~~^{two} hundred ~~fifty~~ thousand dollars ~~(\$500,000)~~~~(\$250,000)~~, may be performed by the employees of the requesting agency or by individuals hired specifically for the project who shall be exempt from the requirements of KRS Chapter 18A, if the project is approved and authorized by the cabinet. Necessary materials and supplies shall be procured in accordance with the standard purchasing procedures and policies of the cabinet as defined in KRS Chapter 45A.
- (6) This section shall not apply to capital outlays to the Department of Highways for roads and bridges.
- (7) This section shall not apply to capital outlays by the Justice and Public Safety Cabinet for repair, maintenance, improvement, or expansion of present correctional facilities on which projects inmates are used. Any capital construction project to be performed by the Justice and Public Safety Cabinet shall be approved and authorized by the Finance and Administration Cabinet.
- (8) This section shall not apply to surveys capable of being performed by employees of the Department of Fish and Wildlife Resources. Boundary surveys or surveys involving property lines shall be performed by or under the supervision of an employee possessing a professional land surveyor license.

➔Section 81. Whereas the provisions of this Act provide ongoing support for state government agencies and their functions, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Vetoed in Part and became law without Governor's signature April 27, 2024.

CHAPTER 224

(HB 580)

AN ACT relating to elections and declaring an emergency.

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

➔Section 1. KRS 116.112 is amended to read as follows:

- (1) The State Board of Elections shall establish a voter registration purge program using the change-of-address information supplied by the United States Postal Service through its licensees or other sources to identify voters whose addresses may have changed. ***The State Board of Elections is authorized to enter into agreements with other governmental agencies to further voter list maintenance practices. Intergovernmental agreements for the exchanging of any data shall be permitted if the sole purpose of exchanging data is to remove ineligible voters. The data shall not be subject to any commercial use, directly or indirectly, or third-party access to the voter registration system.***
- (2) (a) If it appears from information provided by the postal service or other sources that a voter has moved to a different address in the same county in which the voter is currently registered, the State Board of Elections shall provide to the county board of elections the information necessary to change the registration records to show the new address and the State Board of Elections shall send to the new address a notice of the change by forwardable mail on a form prescribed by the State Board of Elections

and a postage prepaid, pre-addressed return form by which the voter may verify or correct the address information.

- (b) If the county board of elections requests authorization from the State Board of Elections to send address confirmation notices as provided in this subsection, the State Board of Elections shall grant the request.
- (3) (a) If it appears from information provided by the postal service or other sources that a voter has moved to a different address not in the same county, the State Board of Elections shall send to the address from which the voter was last registered, by forwardable mail, a notice on a form prescribed by the State Board of Elections, with a postage prepaid and pre-addressed return card on which the voter may state his *or her* current address.
- (b) If a county board of elections requests authorization from the state board to send address confirmation notices as provided in this subsection, the state board shall grant the request.
- (4) The state or county boards of elections shall not remove the name of a voter from the registration records on the ground that the voter has changed his *or her* residence unless the voter:
 - (a) Confirms in writing, *or on a form provided by the State Board of Elections on its official website*, that the voter has changed residence to a place outside the county; or
 - (b)
 1. Has failed to respond to the notice described in subsection (3) of this section; and
 2. Has not voted or appeared to vote and, if necessary, correct the registration records of the voter's address in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for federal office that occurs after the date of the notice.

If a county board of elections requests authorization from the state board to conduct purges of voters in its county in accordance with the provisions of this subsection, the state board shall grant the request.

- (5) The State Board of Elections shall establish an inactive list of all voters who fail to respond to the notice described in subsection (3) of this section and do not vote or appear to vote in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for federal office that occurs after the date of the notice. If a county board of elections requests authorization from the state board to establish an inactive list of voters for its county, the state board shall grant the request.
- (6) The State Board of Elections shall complete, not later than ninety (90) days prior to the date of a primary or regular election, any program the purpose of which is to systematically remove the names of ineligible voters from the registration records.
- (7) Voters placed on an inactive list are to be counted only for purposes of voting and not for purposes of establishing or modifying precincts, calculating the amount of reimbursement of county clerks by the State Board of Elections for certain election-related expenses, or reporting official statistics, except as provided by the Election Assistance Commission's regulations promulgated pursuant to the National Voter Registration Act of 1993.
- (8) (a) The State Board of Elections and county boards of elections shall maintain for at least two (2) years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of the registration records, except to the extent that the records relate to the declination to register to vote or the identity of a voter registration agency through which any particular voter is registered.
- (b) The records maintained pursuant to paragraph (a) of this subsection shall include lists of the names and addresses of all persons to whom notices described in subsection (3) are sent, and information concerning whether each person has responded to the notice as of the date that inspection of the records is made.

➔Section 2. KRS 117.035 is amended to read as follows:

- (1) There shall be a county board of elections, which shall, at the direction and under the supervision of the State Board of Elections, administer the election laws and the registration and purgation of voters within the county.
- (2) (a) The board shall consist of the county clerk, the sheriff, and two (2) members appointed by the State Board of Elections under paragraph (d) of this subsection. *Appointed board members shall serve* ~~[Appointments shall occur not later than July 2021, and every four (4) years thereafter]~~ for a term

of four (4) years *that expires on June 30 of the year following a presidential election* and until their successors are appointed. ~~[All appointments under this paragraph shall be made no later than July 1 of the year in which the term expires.]~~

- (b) The sheriff shall not serve on the board during any year in which he or she is a candidate, but shall recommend to the board a temporary replacement to serve in his or her place. If the sheriff cannot serve because he or she is sick, injured, or otherwise incapacitated, he or she may recommend a temporary replacement to serve in his or her place until the sheriff may resume his or her duties or a vacancy in office is declared.
- (c) The county clerk may, at his or her option, continue to serve on the board during a year in which he or she is a candidate. If the clerk elects not to serve, he or she shall recommend a temporary replacement to serve in his or her place. If the county clerk cannot serve because he or she is sick, injured, or otherwise incapacitated, he or she may recommend a temporary replacement to serve in his or her place until the county clerk may resume his or her duties or a vacancy in office is declared.
- (d)
 - 1. Notwithstanding the provisions of KRS 61.080, service on the board of elections shall be compatible with the holding of any other county or city office.
 - 2. The members shall be at least twenty-one (21) years of age, qualified voters in the county from which they are appointed, and shall not have been convicted of any election law offense.
 - 3. One (1) member shall be appointed from a list of five (5) names submitted by the county executive committee of each political party as defined in KRS 118.015. If there are two (2) or more contending executive committees of the same political party in any county, the one recognized by the written certificate of the chair of the state central committee of the political party shall be the one authorized to submit the lists.
 - 4. If the State Board of Elections does not receive the list as required by subparagraph 3. of this paragraph for each political party for each county by the deadline established in paragraph (a) of this subsection or within one (1) month of a vacancy, then the chair of the state central committees for the political parties may submit lists of five (5) names of qualified residents from the remaining counties by August 1 of the year in which the term expires or within two (2) months of a vacancy.
 - 5. If the State Board of Elections does not receive a list from either the county executive committee under subparagraph 3. of this paragraph or the chair of the state executive committee under subparagraph 4. of this paragraph, then the State Board of Elections shall appoint a qualified resident from the county at its next regularly scheduled meeting in September of the year in which the term expires or within three (3) months of a vacancy.
 - 6. A member appointed by the State Board of Elections may be removed by the State Board of Elections for *just* cause.
 - 7. A member appointed by the State Board of Elections may be removed by the State Board of Elections upon a request approved by a two-thirds (2/3) vote of the full membership of the county executive committee that submitted the member's name. The county executive committee shall provide conclusive evidence of the committee's membership and evidence of the committee's two-thirds (2/3) vote before the State Board of Elections removes any member appointed by the State Board of Elections.
 - 8. If an appointee is temporarily unable to act, a temporary appointee shall be named by the State Board of Elections. A temporary appointee shall serve until the original appointee notifies the State Board of Elections that he or she is able to resume his or her term.
 - 9. A member appointed by the State Board of Elections shall not serve on the board if he or she is a candidate for public office, and the member shall resign upon filing papers to become a candidate for public office or shall be removed from office by the State Board of Elections. A member who resigns or is removed because of his or her candidacy shall not resume his or her term following the completion of the candidacy.
 - 10. Vacancies and temporary vacancies shall be filled in the same manner as provided for original appointments, and the person appointed to fill the vacancy or temporary vacancy shall be of the same political party as his or her predecessor.

- (e) Compensation and payment of actual expenses of members shall be set by the fiscal court either as an amount payable on an annual basis, or as an amount payable on a per diem basis of not less than **fifty dollars (\$50)**~~fifteen dollars (\$15) nor more than one hundred dollars (\$100)~~ for each day the board meets.
- (3) A majority of the board shall constitute a quorum. The county clerk shall serve as chair of the meetings and may vote. In case of a tie, the chair may cast an additional vote. Records shall be kept of all proceedings, and the records shall be public and kept at the office of the county clerk.
- (4) The board shall meet as follows:
 - (a) During years in which a primary or regular election is scheduled, the board shall meet at least once every other month and may meet more frequently if necessary upon the call of the chair or upon written agreement of two (2) or more members of the board. The call shall provide notice as prescribed by KRS 61.823;~~;~~
 - (b) During years in which no primary or regular election is scheduled, the board shall meet at the call of the chair or upon written agreement of two (2) or more members of the board. The call shall provide notice as prescribed by KRS 61.823; **and**~~;~~
 - (c) The board shall meet and stay in session on primary, regular election, and special election days to correct clerical errors, to rule on questions regarding voter registration, proof of identification, and the curing of signatures relative to mail-in absentee ballots, and may make to the election officers such certifications as may be necessary. On primary, regular election, and special election days, appeals may be made to a Circuit Judge, but a ruling of the board shall be reversed only upon a finding that it was arbitrary and capricious.
- (5) The board may employ, on a bipartisan basis, a staff sufficient to carry out the duties assigned to the board.

➔Section 3. KRS 117.065 is amended to read as follows:

- (1) The county board of elections shall, not later than **January 15**~~September 20~~ of each year, establish the voting place for each precinct. If a change becomes necessary after that date, notice of change shall be published pursuant to KRS Chapter 424. If a change becomes necessary on election day, notice shall be posted at the former voting place. The expense of renting voting places, for which rent of not less than twenty dollars (\$20) shall be paid, shall be paid in the same manner as other election expenses.
- (2) The county board of elections shall have the authority to designate as voting places, **on election day and all days of excused and no-excuse in-person absentee voting**, without cost to the board, buildings constructed in whole or in part with tax revenues.
- (3) The county board of elections shall designate as voting places only those places which are accessible to all eligible voters, including those with physical limitations and the elderly.
- (4) The county board of elections shall ensure that each precinct polling place in the county has immediate access to a telephone within the polling place on the day of any election.

➔Section 4. KRS 117.066 is amended to read as follows:

- (1) The county board of elections may, pursuant to KRS 117.055 and subsection (3) of this section, designate a single voting location for more than one (1) precinct if the voting location is equipped with voting equipment capable of providing or accepting separate ballots without endangering the integrity of the ballots or without violating any other election law.
- (2) If a single voting location for more than one (1) precinct is approved under subsection (3) of this section, the primary or election shall be conducted as follows:
 - (a) One (1) voting equipment may be used for more than one (1) precinct if ballots are tabulated for each separate precinct, and if separate ballots may be placed upon any voting equipment to be used without endangering the integrity of the ballots or without violating any other election law. Otherwise, separate voting equipment shall be used for each precinct. In the instance of a precinct which has a small number of voters such that the use of separate voting equipment would be cost-prohibitive, the county clerk may make application to the State Board of Elections to use supplemental paper ballots under KRS 118.215 to conduct the voting for the small precinct on any primary or election day. If the use of supplemental paper ballots is approved by the State Board of Elections, at the close of voting on any primary or election day, the locked supplemental paper ballot box shall be transported to the county board of

elections along with the federal provisional ballot receptacle, and ballots shall be counted by the county board of elections as provided by KRS 117.275(10) to (16);

- (b) Separate precinct voter rosters shall be maintained for each precinct, and steps shall be taken to ensure that voters cast their ballot in their duly authorized precinct; and
 - (c) A separate set of election forms and reports required by this chapter and the State Board of Elections shall be maintained for each precinct.
- (3) The county board of elections may petition the State Board of Elections to allow the consolidation of precincts and the consolidation of precinct election officers at any voting location where voters of more than one (1) precinct vote. The petition shall be **submitted at least one hundred twenty (120) days before a primary election** on a form prescribed by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A and shall include:
- (a) A list of all precincts designated to vote at the voting location;
 - (b) The address and type of facility of the voting location;
 - (c) The number and type of voting systems or voting equipment to be used at the voting location;
 - (d) The number of registered voters in each precinct designated to vote at the voting location;
 - (e) An explanation of the reasons why the consolidation is desirable;
 - (f) The plan for additional precinct officers at the voting location, the manner in which they will be assigned, and whether the voting location will be fully staffed with election officials;
 - (g) The plan for how the county clerk will publicize the location for where the voting shall occur, in addition to how each location shall be noted conspicuously to residents of the county as a "Vote Center";
 - (h) The plan for how the voting location will serve as a focal point to meet the needs of a diverse community; and
 - (i) The number of parking spaces available at the location and a determination as to whether the location has sufficient parking spaces.
- (4) **Beginning on January 1, 2025**, if the petition submitted under subsection (3) of this section is approved by the State Board of Elections, **it shall apply for the entire year and** the precinct election officers designated to serve as election officers for more than one (1) precinct shall meet the eligibility requirements of KRS 117.045.
- (5) **At least one hundred twenty (120) days before an election, a county board of elections may petition the State Board of Elections to allow an amendment the county board deems necessary to the petition previously submitted and approved under subsection (3) of this section.**
- ~~(6)~~~~(5)~~ The Secretary of State shall retain veto authority over any petition that is approved by the State Board of Elections. The State Board of Elections, upon reconsideration of the petition, shall have the power to override a veto of the Secretary of State by a three-fourths (3/4) affirmative vote of the membership of the board.

➔Section 5. KRS 117.076 is amended to read as follows:

- (1) Any voter who is qualified to vote on election day in the county of his or her residence may choose to cast a no-excuse in-person absentee ballot on the Thursday, Friday, or Saturday immediately preceding the day of an election. The available hours from which a voter may cast his or her vote during these three (3) days shall be no less than eight (8) hours between 6 a.m. and 8 p.m. prevailing time, as determined by the county board of elections of each county.
- (2) Any voter who is qualified to vote on election day in the county of his or her residence may make application to cast an excused in-person absentee ballot during normal business hours during the six (6) business days immediately preceding the Thursday of no-excuse in-person absentee voting under subsection (1) of this section. The voter who makes application under this subsection shall meet one (1) of the following requirements in order to cast his or her excused in-person absentee ballot:

- (a) Is a resident of Kentucky who is a covered voter as defined in KRS 117A.010, who will be absent from the county of his or her residence on the day of an election and during the days of no-excuse in-person absentee voting;
 - (b) Has surgery, or whose spouse has surgery, scheduled that will require hospitalization on the day of an election and during the days of no-excuse in-person absentee voting;
 - (c) Temporarily resides outside the state, but is still eligible to vote in this state and will be absent from the county of his or her residence on the day of an election and during the days of no-excuse in-person absentee voting;
 - (d) Is a resident of Kentucky who is a uniformed-service voter as defined in KRS 117A.010 confined to a military base on election day and during the days of no-excuse in-person absentee voting;
 - (e) Is in her last trimester of pregnancy ~~and the voter completes the form that is prescribed by the State Board of Elections, which contains a sworn statement that the voter is in her last trimester of pregnancy at the time she wishes to vote~~;
 - (f) Has not been declared mentally disabled by a court of competent jurisdiction and, due to age, disability, or illness, is not able to appear at the polls on election day and during the days of no-excuse in-person absentee voting;
 - (g) Is a student who temporarily resides outside the county of his or her residence and will be absent from the county of his or her residence on the day of an election and during the days of no-excuse in-person absentee voting;
 - (h) Any person employed in an occupation that is scheduled to work during all days and all hours, which shall include commute time, the polls are open on election day and during the days of no-excuse in-person absentee voting; ~~or~~
 - (i) Any election officer tasked with election administration for the current election cycle; *or*
 - (j) ***Any person prevented from voting in person at the polls on election day and from casting a no-excuse in-person absentee ballot on all days no-excuse in-person absentee voting is conducted because he or she will be absent from the county of his or her residence during all days and all hours no-excuse in-person absentee voting is conducted.***
- (3) Any voter who votes an in-person absentee or federal provisional in-person absentee ballot shall provide proof of identification as defined in KRS 117.001 or meet the requirements of KRS 117.228 or 117.229.
 - (4) In-person absentee voting shall be conducted in a location within the county clerk's office where ballots shall be cast secretly. In-person absentee voting may occur in another location within the county if the location is designated by the county board of elections and approved by the State Board of Elections. The county clerk may provide for voting by the voting equipment in general use in the county or any other voting equipment approved by the State Board of Elections for use in Kentucky. Public notice of the locations shall be given pursuant to KRS Chapter 424, and similar notice by mail shall be given to the county chairs of the two (2) political parties whose candidates polled the largest number of votes in the county at the last regular election.
 - (5) Any voter qualifying to vote who receives assistance to vote in-person absentee shall complete the voter assistance form required by KRS 117.255.
 - (6) Any voter qualifying to vote whose qualifications are challenged on grounds other than inability to provide proof of identification by any clerk or deputy shall complete an oath of voter affidavit.
 - (7) Each voter casting his or her vote in-person absentee shall sign an in-person absentee ballot signature roster.
 - (8) The members of the county board of elections, or their designees who provide equal representation of both political parties, may serve as precinct election officers, without compensation, for all in-person absentee voting conducted. If the members of the county board of elections or their designees serve as precinct election officers for in-person absentee voting, they shall perform the same duties and exercise the same authority as precinct election officers who serve on the day of an election. If the members of the county board of elections or their designees do not serve as precinct election officers for in-person absentee voting, the county clerk or deputy county clerks shall supervise the in-person absentee voting.
 - (9) Any individual qualified to appoint challengers for the day of an election may also appoint challengers to observe all in-person absentee voting, and those challengers may exercise the same privileges as challengers appointed for observing voting on the day of an election at a regular polling place.

- (10) During the days of in-person absentee voting, all voting equipment on which in-person absentee ballots are cast shall remain locked and the keys shall be retained by at least two (2) members of the central ballot counting board who are not of the same political affiliation or by two (2) members of the county board of elections who are not of the same political affiliation, and the voting equipment shall remain locked with a tamper-resistant seal until the ballots are counted.
- (11) No person shall transmit or publicize any tallies or counts of in-person absentee ballots, or any partial results, to any person except *when provided to the county board of elections under KRS 117.087*~~{those persons, election officials, or entities authorized by law to receive it}~~, until 6 p.m. prevailing time on the day of a primary or an election.
- (12) (a) Before and after each day of in-person absentee voting, on all voting equipment to be used, the tamper-resistant seal shall be checked to ensure it is unaltered and the number on the public counter shall be read and recorded. The status of the tamper-resistant seal shall be indicated and the number on the public counter of each voting equipment shall be recorded by the county clerk or his or her designated election official, member of the county board of elections, or member of the central ballot counting board. The status of the tamper-resistant seal and the number recorded from the public counter shall be witnessed by an election official who is of a different political affiliation than the person recording.
- (b) The status of the tamper-resistant seal and the number on the public counter shall be recorded on a form prescribed and furnished by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A.
- (c) The witness who is present shall verify, through validity of his or her signature on the form provided, the accuracy of the number recorded from the public counter, the number recorded on the prescribed form, and the status of the tamper-resistant seal.
- (d) Any irregularities observed by the election official who is recording and the election official who is a witness shall be immediately reported to the county attorney or the Office of Attorney General.
- (13) The State Board of Elections shall promulgate administrative regulations under KRS Chapter 13A to provide for the casting of ballots in accordance with this section.

➔Section 6. KRS 117.085 is amended to read as follows:

- (1) (a) All requests for a mail-in absentee ballot shall be requested through a secure online portal established by the State Board of Elections, except for:
1. Voters identified in KRS 117.077;
 2. Disabled voters; and
 3. Covered voters in paragraph (i) of this subsection;
- who have the additional option of requesting a mail-in absentee ballot application through the county clerk.
- (b) Acquiring a mail-in absentee ballot by means of the online portal shall require the voter to input personally identifiable information for verification.
- (c) *1. For those voters who do not have the means of accessing the online portal, the county clerk shall fulfill a request for a mail-in absentee ballot by taking the voter's information over the telephone or in person and directly inputting that information into the secure online portal.*
- 2. If a voter under paragraph (h)3. of this subsection expresses the desire to request a mail-in absentee ballot, the jail staff shall ensure that the voter is allowed, during normal business hours, to use a telephone to receive assistance by the county clerk, as described in subparagraph 1. of this paragraph.*
- (d) The online portal shall have the capacity to ensure the identity of the voter through proof of identification as required under KRS 117.227 or by means of KRS 117.228.
- (e) If a voter qualifies to receive a mail-in absentee ballot, the online portal shall transmit the mail-in absentee ballot request to the county clerk of the county in which the voter is registered to vote.
- (f) The online portal shall not be open or permit any mail-in ballot requests to occur more than forty-five (45) days immediately preceding the day of a primary or an election. The online portal shall close at 11:59 p.m. local time, fourteen (14) days immediately preceding the day of a primary or an election.

- (g) Except as otherwise provided in KRS 117.077, the mail-in absentee ballot may be requested by the voter or the spouse, parents, or children of the voter, but shall be restricted to the use of the voter.
 - (h) Except as otherwise provided in KRS 117.077 and covered voters in paragraph (i) of this subsection, a qualified voter may apply to cast his or her vote by mail-in absentee ballot if the completed application is received fourteen (14) days before the election, and if the voter is:
 - 1. A resident of Kentucky who is a covered voter as defined in KRS 117A.010;
 - 2. A student who temporarily resides outside the county of his or her residence;
 - 3. Incarcerated in jail and charged with a crime, but has not been convicted of the crime;
 - 4. Changing or has changed his or her place of residence to a different state while the registration books are closed in the new state of residence before an election of electors for President and Vice President of the United States, in which case the voter shall be permitted to cast a mail-in absentee ballot for electors for President and Vice President of the United States only;
 - 5. Temporarily residing outside the state but still eligible to vote in this state;
 - 6. Prevented from voting in person at the polls on election day and from casting an excused or no-excuse in-person absentee ballot on all days in-person absentee voting is conducted because he or she will be absent from the county of his or her residence all hours and all days excused or no-excuse in-person absentee voting is conducted;
 - 7. A participant in the Secretary of State's crime victim address confidentiality protection program as authorized by KRS 14.312; or
 - 8. Not able to appear at the polls on election day or the days excused or no-excuse in-person absentee voting is conducted on the account of age, disability, or illness, and who has not been declared mentally disabled by a court of competent jurisdiction.
 - (i) Residents of Kentucky who are covered voters as defined in KRS 117A.010 may apply for a mail-in absentee ballot by means of the federal post-card application, which may be transmitted to the county clerk's office by mail, by facsimile machine, or by means of the electronic transmission system established under KRS 117A.030(4). The federal post-card application may be used to register, reregister, and to apply for a mail-in absentee ballot. If the federal post-card application is received at any time not less than seven (7) days before the election, the county clerk shall affix his or her seal to the application form upon receipt.
 - (j) Any qualified voter who is disabled may use an accessible mail-in absentee ballot portal to request and receive a mail-in absentee ballot by means of an electronic transmission system as established under KRS 117A.030(4). The standards necessary to implement this paragraph shall be set by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A.
- (2) For those voters who are eligible to receive a mail-in absentee ballot by means other than the secure online portal pursuant to subsection (1) of this section, the county clerk shall type the name of the voter permitted to vote by mail-in absentee ballot on the mail-in absentee ballot application for that person's use and no other. The mail-in absentee ballot application shall be in the form prescribed by the State Board of Elections, which shall include the voter affirmation form as prescribed in KRS 117.228(1)(c) and shall contain the following information: name, residential address, precinct, party affiliation, statement of the reason the person cannot vote in person on the day of an election or during the dates and time no-excuse in-person absentee voting is being conducted, statement of where the voter shall be on election day or during the dates and times no-excuse in-person absentee voting is being conducted, statement of compliance with residency requirements for voting in the precinct, an instructional statement prescribing the requirements for providing a copy of the voter's proof of identification or voter affirmation when applicable, and the voter's mailing address for a mail-in absentee ballot. The mail-in absentee ballot application form shall be verified and signed by the voter, and the voter shall provide a copy of his or her proof of identification, as defined in KRS 117.001, or the executed voter affirmation as described in KRS 117.228(1)(c). A notice of the actual penalty provisions in KRS 117.995(2) and (5) shall be printed on the mail-in absentee ballot application form.
- (3) For those voters eligible to receive a mail-in absentee ballot, if the county clerk finds that the voter has completed and submitted an application for a mail-in absentee ballot as provided in this section, is properly registered as stated in his or her mail-in absentee ballot application, and qualifies to receive a mail-in absentee

ballot by mail, the county clerk shall mail to the voter a mail-in absentee ballot, two (2) official envelopes for returning the mail-in absentee ballot, and instructions for voting.

- (4) Mail-in absentee ballots shall be mailed to a voter's residential address located in the county in which the voter is registered, except for:
- (a) A qualified ~~voter~~ ~~voters~~ who *applies* ~~apply~~ pursuant to the requirements of subsection (1)(h)1., **4.**, and ~~to~~ 5. of this section; ~~or~~
 - (b) A qualified ~~voter~~ ~~voters~~ covered under KRS 117.077;
 - (c) *A qualified voter who applies pursuant to the requirements of subsection (1)(h)2. of this section, whose mail-in absentee ballot shall be mailed to the voter's residential address located in the county in which the voter is registered, or the voter's current residential address at the time the application for the absentee ballot is submitted, if different, due to the voter's attendance at an educational institution;*
 - (d) *A qualified voter who applies pursuant to the requirements of subsection (1)(h)3. of this section, whose mail-in absentee ballot shall be mailed to the jail where he or she is in custody at the time the application for the absentee ballot is submitted; or*
 - (e) *A qualified voter who applies pursuant to the requirements of subsection (1)(h)8. of this section, whose mail-in absentee ballot may be mailed to the address of a facility where he or she is receiving inpatient or residential medical treatment.*

If a qualified voter who applies pursuant to paragraph (c), (d), or (e) of this subsection leaves the address where he or she requested an absentee ballot be mailed, the voter may contact the county clerk who shall issue a second ballot pursuant to subsection (9) of this section after canceling the first absentee ballot mailed to the voter.

- (5) The county clerk shall:
- (a) Transmit a mail-in absentee ballot to the voter who is eligible to receive a mail-in absentee ballot within four (4) days of receipt or within four (4) days of the ballots being available;
 - (b) Cause mail-in absentee ballots to be printed fifty (50) days prior to each primary or regular election, and forty-five (45) days prior to a special election; and
 - (c) Complete a postal form for a certificate of mailing for mail-in absentee ballots mailed within the fifty (50) states, and it shall be stamped by the postal service when the mail-in absentee ballots are mailed. Unless a postal form for a certificate of mailing is required, the county clerk may use methods of tracking the mail-in absentee ballots by means of a printed barcode or other label that is unique to the individual voter issued by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A.
- (6) A mail-in absentee ballot may be transmitted by facsimile machine or by the electronic transmission system established under KRS 117A.030(4) to a covered voter as defined in KRS 117A.010. The covered voter shall be notified of the options for transmittal of the mail-in absentee ballot, and the mail-in absentee ballot shall be transmitted by the method chosen for receipt by the resident of Kentucky who is a covered voter.
- (7) The outer envelope of the mail-in absentee ballot shall bear the words "Absentee Ballot", the address and official title of the county clerk, a printed barcode or other label that is unique to the individual voter issued by the State Board of Elections, and adequate space for the voter's signature, voting address, precinct number, and signatures of two (2) witnesses if the voter signs the form with the use of a mark instead of the voter's signature. A detachable flap on the secrecy envelope shall provide space for the voter's signature, voting address, precinct number, signatures of two (2) witnesses if the voter signs the form with the use of a mark instead of the voter's signature and notice of penalty provided in KRS 117.995(5). The county clerk shall type the voter's address and precinct number in the upper left hand corner of the outer envelope and of the detachable flap on the secrecy envelope immediately below the blank space for the voter's signature. The secrecy envelope shall be blank. If applicable, the county clerk shall retain the voter's mail-in ballot application, which shall include the photographed copy of the voter's proof of identification or the voter affirmation as prescribed by KRS 117.228(1)(c), and the postal form required by subsection (5) of this section for twenty-two (22) months after the primary or election.
- (8) Except as otherwise provided in subsection (10) of this section, any person who has received a mail-in absentee ballot but who knows at least seven (7) days before the date of the election that he or she will be in

his or her county of residence on election day or during the days of no-excuse in-person absentee voting and who has not voted by means of his or her mail-in absentee ballot shall cancel his or her mail-in absentee ballot and vote in person. The voter shall return the mail-in absentee ballot to the county clerk's office by mail or hand delivery no later than seven (7) days prior to the date of the election. Upon the return of the mail-in absentee ballot, the county clerk shall mark on the outer envelope of the sealed ballot or the unmarked ballot the words "Canceled because voter appeared to vote in person." Sealed envelopes so marked shall not be opened. The county clerk shall remove the voter's name from the list of persons who were sent mail-in absentee ballots, and the voter may vote in the precinct in which he or she is properly registered.

- (9) Any voter qualified for a mail-in absentee ballot who does not receive a requested mail-in absentee ballot within a reasonable amount of time shall contact the county clerk, who shall reissue a second mail-in absentee ballot. The county clerk shall keep a record of the mail-in absentee ballots issued and returned by mail, hand-delivered, or placed in a secure drop-box or receptacle, and the in-person absentee voting and federal in-person provisional absentee voting that is conducted, to verify that only the first voted ballot is counted. Upon the return of any mail-in absentee ballot after the first mail-in absentee ballot is returned, the county clerk shall mark on the outer envelope of the sealed ballot the words "Canceled because ballot reissued."
- (10) Any covered voter as defined in KRS 117A.010 who has received a mail-in absentee ballot but who knows that he or she will be in the county on election day or during the days of no-excuse in-person absentee voting shall cancel his or her mail-in absentee ballot and vote in person during the days of no-excuse in-person absentee voting or on the day of the election. The voter shall return the mail-in absentee ballot to the county clerk's office on or before election day. Upon the return of the mail-in absentee ballot, the county clerk shall mark on the outer envelope of the sealed mail-in absentee ballot or the unmarked mail-in absentee ballot the words "Canceled because voter appeared to vote in person." Sealed envelopes so marked shall not be opened. The county clerk shall remove the voter's name from the list of persons who were sent mail-in absentee ballots, allow the voter to vote by means of no-excuse in-person absentee ballot, or provide the voter with written authorization to vote at the precinct on election day. If the voter is unable to return the mail-in absentee ballot to the county clerk's office on or before election day, at the time he or she votes in person, he or she shall sign a written oath as to his or her qualifications on a form prescribed by the State Board of Elections pursuant to KRS 117.245.
- (11) The State Board of Elections shall promulgate administrative regulations to:
- (a) Ensure election officials have real-time knowledge of which voters have requested mail-in absentee ballots; and
 - (b) Provide procedures to be followed if a voter attempts to vote more than once at a primary or an election.

~~[(12) Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884, and except for when the identification of the voter is provided to the county board of elections under KRS 117.087, the information contained in an application for a mail in absentee ballot shall not be made public until after the close of business hours on the election day for which the application applies. Except for necessary election officials and for election related duties as prescribed by law, the name of the person who votes by means of a mail in absentee ballot shall not be disclosed. This subsection shall not prohibit at any time the disclosure, upon request, of the total number of applications for mail in absentee ballots that have been filed, or the disclosure to the Secretary of State or the State Board of Elections, if requested or if otherwise required by law, of any information in an application for a mail in absentee ballot.]~~

➔Section 7. KRS 117.086 is amended to read as follows:

- (1) (a) The voter returning his or her absentee ballot to the county clerk by mail, hand delivery, or to a secure drop-box or receptacle, shall mark his or her ballot, seal it in the secrecy envelope, and then seal the outer envelope.
- (b) The voter shall sign the detachable flap and the outer envelope in order to validate the ballot. A person having power of attorney for the voter and who signs the detachable flap and outer envelope for the voter shall complete the voter assistance form as required by KRS 117.255. The signatures of two (2) witnesses are required if the voter signs the form with the use of a mark instead of the voter's signature. A resident of Kentucky who is a covered voter as defined in KRS 117A.010 who has received an absentee ballot transmitted by facsimile machine or by means of the electronic transmission system established under KRS 117A.030(4) shall transmit the voted ballot to the county clerk by mail only, conforming with ballot security requirements that may be promulgated by the State Board of Elections by administrative regulation under KRS Chapter 13A. In order to be counted, all mail-in absentee

ballots shall be received by the county clerk no later than the time established by the election laws generally for the closing of the polls, which time shall not include the extra hour during which those voters may vote who were waiting in line to vote at the scheduled poll closing time.

- (2) (a) The county clerk shall provide a minimum of one (1) secure ballot drop-box to receive voted mail-in absentee ballots for each primary, regular election, or special election. Public notice of all secure ballot drop-box locations shall be given in the same manner as provided under KRS 117.076(4), and posted to the ~~website~~~~[Web site]~~ of the county clerk.
- (b) The county board of elections may seek the State Board of Elections' approval of a ballot receptacle to receive voted mail-in absentee ballots for each primary, regular election, or special election. Public notice of all secure ballot receptacle locations shall be given in the same manner as provided under KRS 117.076(4), and posted to the ~~website~~~~[Web site]~~ of the county clerk. Before any mail-in absentee ballot shall be allowed to be deposited inside a receptacle, the county board of elections shall inform the State Board of Elections of:
1. The number of receptacles to be used;
 2. The type of each receptacle to be used; and
 3. The receptacle location.
- (c) Any drop-box or receptacle located outside of the county clerk's office shall be:
1. Placed in a well-lit and easily accessible location;
 2. Secured to ensure immobility while in use;
 3. Under video surveillance at all times;
 4. Tamper-resistant; and
 5. Conspicuously noted as a mail-in absentee ballot drop-off location.
- (d) A drop-box or receptacle located inside the county clerk's office shall be under direct supervision of the staff of the county clerk at all times and be accessible to the public.
- (e) Each receptacle or drop-box shall be emptied by the county clerk and at least one (1) member of the county board of elections or one (1) member of the central ballot counting board if one is appointed, who is not of the same political affiliation as the county clerk at least once each business day or more frequently, as needed, to reasonably secure and accommodate the volume of the voter-delivered mail-in absentee ballots. The ballots deposited in the drop-box or receptacle shall be removed with a record of the date and time ballots were removed, and the names of the persons removing them. If the drop-box or receptacle is located outside the county clerk's office, the ballots shall be returned to the county clerk in locked transport containers, and the county clerk shall transfer the ballots upon receipt in accordance with subsection (3) of this section.
- (f) Except for those times ballots are being removed and transported from a secure ballot drop box to the county clerk as provided in this subsection, the county clerk and at least one (1) member of the county board of elections who is not of the same political affiliation or one (1) member of the central ballot counting board who is not of the same political affiliation as the county clerk, shall retain the keys to all secure ballot drop-boxes, receptacles, and transport containers in use in the county.
- (g) The State Board of Elections may establish additional security measures and procedures for the use of the ballot drop-box or receptacle through administrative regulations promulgated under KRS Chapter 13A.
- (3) Upon receipt of a mail-in absentee ballot, the county clerk shall scan the barcode or label that is unique to the individual voter to note the receipt of the mail-in absentee ballot, and deposit all of the mail-in absentee ballots in a locked ballot box immediately upon receipt without opening the outer envelope. The ballot box shall be locked with two (2) locks. The keys to the ballot box shall be retained by at least two (2) members of the county board of elections who are not of the same political affiliation or two (2) members of the central ballot counting board if one (1) is appointed, who are not of the same political affiliation, and the box shall remain locked until the ballots are processed, reviewed, or counted under KRS 117.087.
- (4) The county clerk shall keep separate lists for each election of all persons who:
- (a) Return ~~a~~~~their~~ mail-in absentee **ballot accepted under KRS 117.087**~~[ballots]~~;

- (b) **Vote by means of an**~~Cast their~~ excused ~~or~~~~and~~ no-excuse in-person absentee **ballot**~~ballots~~; and
- (c) Cast ~~a~~~~their~~ federal provisional~~in person~~ absentee **ballot counted under 31 KAR 6:020**~~ballots~~.

The county clerk shall send a copy of each list to the State Board of Elections after any primary or election day. Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884, each list of all persons who return their mail-in absentee ballots or who cast their ballots by means of an excused in-person absentee or no-excuse in-person absentee shall not be made public until after the close of business hours on the primary or election day for which the list applies, except when provided to the county board of elections under KRS 117.087. The county clerk and the Secretary of State shall keep a record of the number of votes cast by each method listed in paragraphs (a) to (c) of this subsection, which are cast in any primary or election as a part of the official **certification**~~returns~~ of the primary or election.

- (5) The county board of elections shall report to the State Board of Elections within ten (10) days after any primary or regular election as to the number of rejected absentee ballots, including rejected mail-in absentee ballots and ballots cast under subsection (3) of this section, and the reasons for rejecting the ballots on a form prescribed and furnished by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A.

➔Section 8. KRS 117.0861 is amended to read as follows:

- (1) No person shall knowingly collect, gain possession of, deliver, or exercise control over a mail-in absentee ballot, except for:
 - (a) A voter personally casting his or her ballot by means of mail-in absentee ballot;
 - (b) An election official engaged in official duties as prescribed in KRS Chapters 116 to 120;
 - (c) A United States Postal Service worker or any other person who is allowed by law to transmit United States mail if the worker or other person is engaged in official duties;
 - (d) A family member of the voter:
 - 1. Who shall be related to the voter as set forth in KRS 6.611(16)(a), or as established by marriage, adoption, or legal guardianship; and
 - 2. Who is designated by the voter to assist in the mail-in absentee voting process;
 - (e) A person:
 - 1. Who shares the same residence of the voter; and
 - 2. Is designated by the voter to assist in the mail-in absentee voting process;~~and~~
 - (f) A caregiver **or employee**:
 - 1. Who provides medical or healthcare assistance to the voter in a residence, nursing care institution, hospice facility, assisted living center, assisted living facility, assisted living home, residential care institution, adult day healthcare facility, or adult foster home; and
 - 2. Who is **ordinarily engaged in duties related to the receiving and delivering of mail matter**; ~~and~~~~designated by the voter to assist in the mail in absentee voting process~~
 - (g) **An employee of a jail who is ordinarily engaged in official duties related to the delivery of mail matter.**
- (2) **For subsection (1)(f) and (g) of this section, the person collecting, possessing, delivering, or exercising control over a mail-in absentee ballot shall at all times handle the ballot so that all information contained on the ballot remains private to the voter as required by KRS 118.025(1).**
- (3) For subsection (1)(d) ~~and~~~~(e)~~~~and~~~~(f)~~ of this section, the person designated by the voter shall not have been:
 - (a) Declared mentally disabled by a court of competent jurisdiction, which adjudication has not been set aside; or
 - (b) Convicted of an election law offense whose civil rights have not been restored by the Governor.

➔Section 9. KRS 117.265 is amended to read as follows:

- (1) A voter may, at any regular or special election, cast a write-in vote for any person qualified as provided in subsection (2) or (3) of this section, whose name does not appear upon the ballot for any office, by writing the name of his or her choice upon the appropriate ballot for the office being voted on as required by KRS 117.125. Any candidate who is defeated *or disqualified* in a partisan or nonpartisan primary shall be ineligible as a candidate for the same office in the regular election, unless there is a vacancy pursuant to KRS 118.105(3). Any voter utilizing a federal provisional ballot, a federal provisional in-person absentee ballot, or a mail-in absentee ballot for a regular or special election may write in a vote for any eligible person whose name does not appear upon the ballot, by writing the name of his or her choice under the office.
- (2) Write-in votes shall be counted only for candidates for election to office who have filed a declaration of intent to be a write-in candidate with the Secretary of State or county clerk, depending on the office being sought, on or before the fourth Friday in October preceding the date of the regular election and not later than the second Friday before the date of a special election. In the case of a special election administered under KRS 118.730, a declaration of intent to be a write-in candidate shall be filed at least twenty-eight (28) days before the day of the election. The declaration of intent shall be filed no earlier than the first Wednesday after the first Monday in November of the year preceding the year the office will appear on the ballot, and no later than 4 p.m. local time at the place of filing when filed on the last date on which papers may be filed. The declaration of intent shall be on a form prescribed and furnished by the Secretary of State.
- (3) A person shall not be eligible as a write-in candidate:
 - (a) For more than one (1) office in a regular or special election; or
 - (b) If his or her name appears upon the ballot for any office, except that the candidate may file a notice of withdrawal prior to filing an intent to be a write-in candidate for office when a vacancy in a different office occurs because of:
 1. Death;
 2. Disqualification to hold the office sought;
 3. Severe disabling condition which arose after the nomination; or
 4. The nomination of an unopposed candidate.
- (4) Persons who wish to run for President and Vice-President shall file a declaration of intent to be a write-in candidate, along with a list of presidential electors pledged to those candidates, with the Secretary of State on or before the fourth Friday in October preceding the date of the regular election for those offices. The declaration of intent shall be filed no earlier than the first Wednesday after the first Monday in November of the year preceding the year the office will appear on the ballot, and no later than 4 p.m. local time at the place of filing when filed on the last date on which papers may be filed. Write-in votes cast for the candidates whose names appear on the ballot shall apply to the slate of pledged presidential electors, whose names shall not appear on the ballot.
- (5) The county clerk shall provide to the precinct election officers certified lists of those persons who have filed declarations of intent as provided in subsections (2) and (3) of this section. Only write-in votes cast for qualified candidates shall be counted.
- (6) Two (2) election officers of opposing parties shall upon the request of any voter instruct the voter on how to cast a write-in vote.

➔Section 10. KRS 117.275 is amended to read as follows:
- (1) At the count of the votes in any precinct, any candidate or slate of candidates and any representatives to witness and check the count of the votes therein, who are authorized to be appointed as is provided in subsection (9) of this section, shall be admitted and permitted to be present and witness the count.
- (2) As soon as the polls are closed, and the last voter has voted, the judges at that time shall immediately lock and seal the voting equipment so that the voting and counting mechanisms will be prevented from operating, and they shall sign a certificate stating:
 - (a) That the voting equipment has been locked against voting and sealed;
 - (b) The number of voters, as shown on the public counters;
 - (c) The number registered on the protective or cumulative counter or device; and
 - (d) The number or other designation of the voting equipment.

The certificate, with any additional certificate previously prepared under KRS 117.035, shall be returned by the judges of election to the officials authorized by law to receive it. The judges shall compare the number of voters, as shown by the counter of the voting equipment, with the number of those who have voted as shown by the protective or cumulative counter or device.

- (3) Where voting equipment is used which does not print the candidates' names along with the total votes received on a general return sheet or record for that equipment, the procedure to be followed shall be as follows:
 - (a) The judges, in the presence of the representatives mentioned in subsection (1) of this section, if any, and of all other persons who may be lawfully within the polling place, shall give full view of all the counter numbers;
 - (b) The judges shall enter, in ink, the total votes cast for each candidate, and slate of candidates, and for and against each question on the return sheets; and
 - (c) Each precinct election officer shall sign the return sheets, and a copy of the return sheets shall be posted on the precinct door.
- (4) Where voting equipment is used that prints the candidates' names along with the total votes received on a return sheet or record for that equipment, the precinct election officers shall sign the return sheets or record for the voting equipment, which shall be posted on the door of the precinct.
- (5) If any officer shall decline to sign the return sheets, he or she shall state the reason in writing, and a copy thereof, signed by the officer, shall be enclosed with the return sheets.
- (6) Each of the return sheets, if applicable, and the record of the voting equipment shall be enclosed in an envelope. One (1) copy of the return sheets, if applicable, one (1) copy of the record of the voting equipment, and the write-in roll, if any write-in votes were cast in the precinct, shall be directed to the county board of elections of the county in which the election is being held. One (1) copy of the return sheets or record of the voting equipment shall be given to the county clerk of the county in which the election is being held and to each of the local governing bodies of the two (2) dominant political parties, but a local governing body of a dominant political party may decline a copy of the precinct election return by filing a written declination with the county board of elections prior to the election, and upon this declination, a printed copy shall not be issued to the political party so declining. The declination on file shall be effective for that election and any subsequent elections until revoked by the local governing body of a dominant political party by filing a written revocation with the county board of elections. The envelope shall have endorsed thereon a certificate of the election officers, stating the number or unique designation of the voting equipment, the precinct where it has been used, the number on the seal, and the number on the protective or cumulative counter or device at the close of the polls.
- (7) During the period established by KRS 117.355(3), and following the tabulation of all votes cast in the election, including absentee votes and write-in votes:
 - (a) The county board of elections shall mail, transmit via facsimile machine, hand-deliver, or submit by electronic means a copy of the precinct-by-precinct summary of the tabulation sheets showing the results from each precinct to the State Board of Elections. The copy of the precinct-by-precinct summary of the tabulation sheets showing the results from each precinct shall include the votes cast on the day of an election and during ~~in-person~~ absentee voting; and
 - (b) The county clerk shall mail or deliver the precinct signature rosters from each precinct and the in-person absentee ballot signature roster to the State Board of Elections.
- (8) For each voting location, as soon as possible after the completion of the count, the two (2) election officers who are not of the same political affiliation shall return to the county board of elections the keys to the voting equipment received and received for by them, and the county clerk, in each voting location, shall have the voting equipment properly boxed or securely covered and removed to a proper and secure place of storage.
- (9) In primaries, each candidate or group of candidates may designate to the county board of elections a representative to witness and check the vote count. In regular elections, the governing authority of each political party, each candidate for member of board of education, nonpartisan candidate, political group candidate, political organization candidate, independent candidate, or independent ticket may designate a representative to the county board of elections to witness and check the vote count. The county board of elections shall authorize representatives of the news media to witness the vote count.

- (10) For all federal provisional ballots, if applicable, and supplemental paper ballots if approved as provided in KRS 118.215, after the polls are closed, the two (2) judges shall return to the county clerk's office the locked federal provisional ballot receptacle and the supplemental paper ballot box, all ballot stubs, spoiled ballots, and unvoted ballots at the same time as the tabulation of votes from the voting equipment is delivered. The county clerk shall issue a receipt for the number of ballot stubs, unvoted ballots, spoiled ballots, and the ballot boxes or ballot receptacle.
- (11) The county board of elections, or its designee, shall count and tally the supplemental paper ballots that have not been tabulated by automatic tabulating equipment at the precinct, either manually or with the use of tabulating equipment that has been certified by the State Board of Elections for use for that purpose in the county clerk's office. The results of the vote tally shall be certified by the county board of elections to the county clerk and to the Secretary of State.
- (12) The county board of elections shall tabulate the valid federal provisional ballots. The results of the vote tally shall be certified by the county board of elections to the county clerk and to the Secretary of State. The county board of elections shall mail a copy of the precinct-by-precinct summary of the valid federal provisional ballot tabulation sheets showing the results from each precinct to the State Board of Elections.
- (13) The county board of elections shall authorize the candidates, slates of candidates, or their representatives, and representatives of the news media to be present during the counting of the supplemental and federal provisional paper ballots.
- (14) No person shall transmit or publicize any tallies or counts of ballots, or any partial results, to any person except those persons, election officials, or entities authorized by law to receive it, until 6 p.m. prevailing time on the day of a primary or an election.
- (15)
 - (a) Unofficial election results transmitted online to the county board of elections or the State Board of Elections shall occur by means of a secure online connection after results are tallied on the tally computer that has been certified in accordance with KRS 117.379 as part of a voting system as defined in KRS 117.001.
 - (b) If an external device is used to upload election results for the subsequent transmission, the device shall be used for that primary or election only and be of a type approved by the State Board of Elections as part of a voting system under KRS 117.379. The upload of the election results shall occur in the presence of two (2) members of the county board of elections who are of a different political affiliation.
- (16) Except as otherwise required in this chapter, all records and papers relating to specified elections shall be retained for twenty-two (22) months, and the county clerk shall retain the voted federal provisional ballots, voter affirmations, election official affirmations, and the supplemental paper ballots for twenty-two (22) months and the unvoted federal provisional ballots, the voter affirmations, election official affirmations, and the supplemental paper ballots for sixty (60) days after each election day, after which time they shall be destroyed in a manner to render them unreadable by the county board of elections if no contest or recount action has been filed.

➔Section 11. KRS 117.295 is amended to read as follows:

- (1) For a period of thirty (30) days following any election, the voting equipment shall remain locked against voting, the ballot boxes containing all paper ballots shall remain locked, and the voting equipment and ballot boxes shall be under video surveillance. The system used to conduct the video surveillance shall have enough storage capacity to retain sixty (60) consecutive days of continuous recording data.

A request under the Kentucky Open Records Act, KRS 61.870 to 61.884, for this video after an election shall be made during the sixty (60) consecutive days following the election, and the video may be disposed of after those sixty (60) days, or upon compliance with the Kentucky Open Records Act or the completion of an investigation or pending litigation in a District, Circuit, or federal court, whichever is later.
- (2) The voting equipment and the ballot boxes may be opened and all the data and figures therein examined:
 - (a) Upon the order of any court of competent jurisdiction, or judge thereof;
 - (b) By direction of any legislative committee or board authorized and empowered to investigate and report upon contested elections;
 - (c) By a county board of elections under the direction of the State Board of Elections pursuant to a risk-limiting audit; or

(d) As required to conduct a recount under KRS 120.157.

All the data and figures shall be examined by the court, judge, county board of elections, State Board of Elections, or committee in the presence of the officer having the custody of the voting equipment, ballots, and ballot boxes. In the event of a contest of election, the court in which the contest is pending or the committee before which the contest is being heard may, upon motion of any party to the contest, issue an order requiring that the voting equipment, ballots, and ballot boxes shall remain continuously locked for further time as may be reasonable or necessary, with due regard for the preparation of the voting equipment for a succeeding primary, regular election, or special election, but in no event shall the order compel that the voting equipment remain locked to a time within thirty (30) days next preceding any approaching primary, regular election, or special election.

~~(3)(2)~~ During the period when the voting equipment and the ballot boxes are required to be kept locked, the keys thereto shall remain in the possession of the county board of elections. After that period, it shall be the duty of the county board of elections to return the keys to the custody of the county clerk.

➔Section 12. KRS 117.389 is amended to read as follows:

On any day *after ballots have been certified by the Secretary of State as provided in KRS 118.215, and petitions to allow consolidation of precincts have been approved by the State Board of Elections as provided in Section 4 of this Act, but not more than thirty (30) nor less than five (5) days* prior to the election day, the county clerk shall have the automatic tabulating equipment tested in the manner prescribed by the State Board of Elections.

➔Section 13. KRS 117.900 is amended to read as follows:

- (1) The Secretary of State shall implement an annual statewide essay contest for students in grades nine (9) through twelve (12) and an annual statewide slogan contest, each to be relative to an elections-related topic to be chosen by the Secretary of State each year. The Secretary of State shall publicize the contests, present awards or certificates to the essay winner in each grade level and to the slogan contest winner in a public ceremony, and provide appropriate publicity for the winning entries.
- (2) The Secretary of State shall solicit sponsorship *from within the Commonwealth* for the essay and slogan contests so that, in addition to awards or certificates, winners shall receive a monetary award, as funds are available from sponsors.
- (3) *County boards of election may implement annual prize contests for grade school students and their teachers concerning elections and voting. The county clerks and county boards of election may solicit sponsorship from within their respective counties for such contests to fund prizes and events for contest winners.*

➔Section 14. KRS 117A.070 is amended to read as follows:

An application for a military-overseas ballot is timely if received by the close of business hours seven (7) days before the election. An application for a military-overseas ballot for a primary, whether or not timely, is effective as an application for a military-overseas ballot for the regular election. *If an application is received after seven (7) days before an election, the applicant shall be informed of his or her ability to utilize a federal write-in absentee ballot pursuant to KRS 117A.100.*

➔Section 15. KRS 118.125 is amended to read as follows:

- (1) Except as provided in KRS 118.155, any person who is qualified under the provisions of KRS 116.055 to vote in any primary for the candidates for nomination by the party at whose hands he or she seeks the nomination, shall have his or her name printed on the official ballot of his or her party for an office to which he *or she* is eligible in that primary, upon filing, with the Secretary of State or county clerk, as appropriate, at the proper time, a notification and declaration.
- (2) The notification and declaration shall be in the form prescribed by the State Board of Elections. It shall be signed by the candidate and by not less than two (2) registered voters of the same party from the district or jurisdiction from which the candidate seeks nomination. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot. The notification and declaration for a candidate shall include the following oath:

"For the purpose of having my name placed on the official primary election ballot as a candidate for nomination by the ----- Party, I, ----- (name in full as desired on the ballot as provided in KRS 118.129), do solemnly swear that my residence address is ----- (street, route, highway, city if applicable, county, state, and zip code), that my mailing address, if different, is ----- (post office address), and that I am a registered -----

(party) voter~~[in ——— precinct]~~; that I believe in the principles of the ----- Party, and intend to support its principles and policies; that I meet all the statutory and constitutional qualifications for the office which I am seeking; that if nominated as a candidate of such party at the ensuing election I will accept the nomination and not withdraw for reasons other than those stated in KRS 118.105(3); that I will not knowingly violate any election law or any law relating to corrupt and fraudulent practice in campaigns or elections in this state, and if finally elected I will qualify for the office."

The declaration shall be subscribed and sworn to before an officer authorized to administer an oath by the candidate and by the two (2) voters making the declaration and signing the candidate's petition for office.

- (3) When the notice and declaration has been filed with the Secretary of State or county clerk, as appropriate, and certified according to KRS 118.165, the Secretary of State or county clerk, as appropriate, shall have the candidate's name printed on the ballot according to the provisions of this chapter, except as provided in KRS 118.185.
- (4) Titles, ranks, or spurious phrases shall not be accepted on the filing papers and shall not be printed on the ballots as part of the candidate's name; however, nicknames, initials, and contractions of given names may be acceptable as the candidate's name.

➔Section 16. KRS 118.215 is amended to read as follows:

- (1) After the order of the names has been determined as provided in KRS 118.225, the Secretary of State shall certify, to the county clerks of the respective counties entitled to participate in the nomination or election of the respective candidates, the name, place of residence, and party of each candidate or slate of candidates for each office, as specified in the nomination papers or certificates and petitions of nomination filed with him or her, and shall designate the device with which the candidate groups, slates of candidates, or lists of candidates of each party shall be printed, in the order in which they are to appear on the ballot, with precedence to be given to the party that polled the highest number of votes at the preceding election for presidential electors, followed by the political party which received the second highest number of votes, with the order of any other political parties and independents to be determined by lot. Candidates for county offices and local state offices shall be listed in the following order: Commonwealth's attorney, circuit clerk, property valuation administrator, county judge/executive, county attorney, county clerk, sheriff, jailer, county commissioner, coroner, justice of the peace, and constable. The names of candidates for President and Vice President shall be certified in lieu of certifying the names of the candidates for presidential electors. The names shall be certified as follows:
 - (a) Not later than the ~~third~~^{second} Monday after the filing deadline for the primary as established in KRS 83A.045, 118.165, and 118A.060;
 - (b) Not later than the fourth Monday in August, except as provided in paragraph (c) of this subsection; and
 - (c) Not later than the Monday after the Friday following the first Tuesday in September preceding a regular election, for those years in which there is an election for President and Vice President of the United States.
- (2) Except as otherwise provided in subsection (3) of this section, all independent candidates or slates of candidates whose nominating petitions are filed with the county clerk or the Secretary of State shall be listed under the title and device designated by them as provided in KRS 118.315, or if none is designated, under the word "independent," and shall be placed on the ballot in a separate column or columns or in a separate line or lines according to the office which they seek. The order in which independent candidates or slates of candidates shall appear on the ballot shall be determined by lot by the county clerk. If the same device is selected by two (2) groups of petitioners, it shall be given to the first selecting it and the county clerk shall permit the other group to select a suitable device. This section shall not apply to candidates for municipal offices which come under subsection (3) of this section.
- (3) The ballots used at any election in which city officers are to be elected as provided in subsection (2) of this section shall contain the names of candidates for the city offices grouped according to the offices they seek, and the candidates shall be immediately arranged with and designated by the title of office they seek. The order in which the names of the candidates for each office are to be printed on the ballot shall be determined by lot. Each group of candidates for each separate office for which the candidates are to be elected shall be clearly separated from other groups on the ballot and spaced to avoid confusion on the part of the voter.

- (4) The Secretary of State shall not knowingly certify to the county clerk of any county the name of any candidate or slate of candidates who has not filed the required nomination papers, nor knowingly fail to certify the name of any candidate or slate of candidates who has filed the required nomination papers.
- (5) If the county clerk determines that the number of certified candidates or slates of candidates cannot be placed on a ballot which can be accommodated by the voting equipment currently in use by the county, he or she shall so notify the State Board of Elections not later than the last Tuesday in February preceding the primary or the last Tuesday in August preceding the regular election. The State Board of Elections shall meet within five (5) days of the notice, review the ballot conditions, and determine whether supplemental paper ballots are necessary for the election. Upon approval of the State Board of Elections, supplemental paper ballots may be used for nonpartisan candidates or slates of candidates for an office or offices and public questions submitted for a yes or no vote. All candidates or slates of candidates for any particular office shall be placed either on the ballot or on the supplemental paper ballot. Supplemental paper ballots may also be used to conduct the voting, in the instance of a small precinct as provided in KRS 117.066.
- (6) The ballot position of a candidate or slate of candidates shall not be changed after the ballot position has been designated by the county clerk.

➔Section 17. KRS 118.225 is amended to read as follows:

- (1) ~~For the purpose of determining~~ The order ~~of~~ ~~in which~~ the names of candidates or slates of candidates to be voted for by the electors of the entire state shall be **determined by lot and** certified and printed on the ballots with the designation of the respective offices. ~~The Secretary of State shall prepare lists of the counties of each congressional district of the state and, for each congressional district,~~ the Secretary of State shall **draw from** ~~arrange~~ the **names** ~~surnames~~ of all candidates or slates of candidates for each office **to determine the order in which they shall appear on the ballot** ~~in alphabetical order for the First Congressional District, and the names shall be certified in this order to the county clerks of all the counties comprising that district. For each succeeding congressional district, taken in numerical order, the name appearing first for each office in the last preceding district shall be placed last, and the name appearing second in the last preceding district shall be placed first, and each other name shall be moved up one (1) place.~~ The **order of names of the candidates or slates of candidates for each congressional district** ~~lists~~ shall be certified **to the county clerks of all the counties that comprise the district** ~~accordingly~~.
- (2) For all other offices for which nomination papers and petitions are filed with the Secretary of State, the order of names of candidates for each office shall be determined by lot at a public drawing to be held in the office of the Secretary of State at 2 p.m., standard time, on the Thursday following the filing deadline for the primary as established in KRS 83A.045, 118.165, and 118A.060 or the Thursday following the first Tuesday after the first Monday in June preceding the regular election.
- (3) For all offices for which nomination papers and petitions are filed in the office of the county clerk, the order in which the names of candidates for each office are to be printed on the ballot shall be determined by lot at a public drawing in the office of the county clerk at 2 p.m., standard time, on the Thursday following the filing deadline for the primary as established in KRS 83A.045, 118.165, and 118A.060 or the Thursday following the first Tuesday after the first Monday in June preceding the regular election.
- (4) For all offices for which the deadline for filing nomination papers and petitions is governed by KRS 83A.165(4)(c) or 118.375(2), the order in which the names of candidates for each office are to be printed shall be determined by lot at a public drawing in the office at the place of filing at 2 p.m., standard time, on the Thursday following the second Tuesday in August preceding the regular election.
- (5) If the number of certified candidates or slates of candidates cannot be placed on a ballot which can be accommodated on voting equipment currently in use in the county, the county clerk shall notify the State Board of Elections, as provided in KRS 118.215.

➔Section 18. KRS 118.345 is amended to read as follows:

- (1) No candidate who has been defeated **or disqualified** for the nomination for any office in a primary shall have his or her name placed on ballots in the succeeding regular election as a candidate for the same office for the nomination to which he or she was a candidate in the primary, except that if a vacancy occurs in the party nomination for which he or she was a candidate in the primary his or her name may be placed on the ballots for the regular election as a candidate of that party if he or she has been duly made such party nominee after the vacancy occurs as provided in KRS 118.105.

- (2) No person who was a candidate for nomination for any office in a primary and who, before the succeeding regular election, is declared by the judgment of any court of competent jurisdiction to have violated, in the primary, any provision of KRS Chapter 121, or to be responsible for such violation by others, shall have his or her name placed on ballots for any office to be voted for in the succeeding regular election.

- (3) This section does not apply to presidential preference primary candidates.

➔Section 19. KRS 118.415 is amended to read as follows:

- (1) The General Assembly may state the substance of the amendment proposed to the Constitution of Kentucky in the form of a question in a manner calculated to inform the electorate of the substance of the amendment. When an amendment to the Constitution has been proposed by the General Assembly, the Secretary of State shall cause the question calculated to inform the electorate of the substance of the amendment which is prepared by the General Assembly ~~or the Attorney General~~ to be published at least one (1) time in a newspaper of general circulation published in this state, and shall also cause to be published at the same time and in the same manner the fact that the amendment will be submitted to the voters for their acceptance or rejection at the next regular election at which members of the General Assembly are to be voted for. The publication shall be made not later than the first Tuesday in August preceding the election at which the amendment is to be voted on.
- (2) The ~~Attorney General shall, if the~~ General Assembly *shall* ~~has not already done so,~~ state the *entirety* ~~substance~~ of an amendment to the Constitution of Kentucky which has been proposed by the General Assembly in the form of a question ~~in a manner calculated to inform the electorate of the substance of the amendment,~~ and, not later than *April 15* ~~fourteen (14) days preceding the first Tuesday in August~~ preceding the next regular election at which members of the General Assembly are to be chosen, shall certify the question to the Secretary of State to be placed on the ballots.
- (3) The Secretary of State, not later than the second Monday after the second Tuesday in August preceding the next regular election at which members of the General Assembly are to be chosen in a year in which there is not an election for President and Vice President of the United States, or not later than the Thursday after the first Tuesday in September preceding a regular election in a year in which there is an election for President and Vice President of the United States, shall certify the substance of the amendment, as stated and certified by the General Assembly ~~or by the Attorney General~~, to the county clerk of each county, and the county clerk shall have the substance of the amendment, as so certified, indicated on the ballots.
- (4) The votes cast for and against the amendment shall be counted, canvassed, and certified to the Secretary of State in the same manner as the votes cast for any officer elective by the votes of the whole state. If a majority of the votes cast on the question are for the amendment, it shall become a part of the Constitution.
- (5) The expenses of the publications provided for in this section shall be paid as are the expenses of other publications that the Secretary of State is required to make in connection with elections.

➔Section 20. KRS 118.445 is amended to read as follows:

The electors of President and Vice President of the United States shall convene at the State Capitol, *or other location publicly designated by the Secretary of State on his or her official website*, at 11:45 a.m. on the first *Tuesday*~~Monday~~ after the second Wednesday in December next after their election, give their votes at or after 12 noon, and make return thereof according to law. If any elector fails to attend by 12 noon, on the day of the meeting, those in attendance shall fill his *or her* place by the election of another person, who shall have the same powers as if originally elected by the people.

➔Section 21. KRS 118.740 is amended to read as follows:

- (1) A copy of a proclamation issued under KRS 118.710 or 118.720, or a writ of election issued under KRS 63.200, 67C.103, 118.730, 120.205, or 120.215 shall be forwarded by mail to the sheriff of each county in the district in which the election is to be held, at least *sixty-three (63)* ~~fifty-six (56)~~ days before the election. The sheriff of each county in which an election is to be held shall give notice at least *fifty-six (56)* ~~forty-nine (49)~~ days before the day of election. If, from any cause, the sheriff cannot properly act, he or she shall immediately hand the writ or proclamation to the person authorized to act in his or her place.
- (2) If a special election is administered under KRS 118.730(2), the notice required by subsection (1) of this section shall include the location of the election.

➔Section 22. KRS 118.770 is amended to read as follows:

When a writ of election or proclamation is issued to fill a vacancy as prescribed in KRS 63.200, 118.710, 118.720, or 118.730, independent, or political organization, or political group petitions and certificates of nomination shall be filed at least ~~fifty-six (56)~~~~[forty-nine (49)]~~ days before the day of election, and if filed with the Secretary of State shall be immediately certified by him or her to the proper county clerks, except as may be provided under KRS 63.200.

➔Section 23. KRS 118A.060 is amended to read as follows:

- (1) Except as provided in KRS 118A.100, no person's name shall appear on a ballot, including an absentee ballot, for an office of the Court of Justice without first having been nominated as provided in this section.
- (2) Each candidate for nomination shall file a petition for nomination with the Secretary of State not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the first Friday following the first Monday in January preceding the day fixed by law for holding the primary for the office. The petition shall be sworn to before an officer authorized to administer an oath by the candidate and by not less than two (2) registered voters from the district or circuit from which he or she seeks nomination. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot. The petition shall be filed no later than 4 p.m. local time at the place of filing when filed on the last date on which the papers are permitted to be filed.
- (3)
 - (a) The petition for nomination shall be in the form prescribed by the State Board of Elections. The petition shall include a declaration sworn to by the candidate, that he or she possesses all the constitutional and statutory requirements of the office for which the candidate has filed. Titles, ranks, or spurious phrases shall not be accepted on the petition and shall not be printed on the ballots as part of the candidate's name; however, nicknames, initials, and contractions of given names may be acceptable as the candidate's name.
 - (b) ***The Secretary of State shall certify the exact spelling and form of the name of the candidate to be printed on all ballots in accordance with the requirements listed in KRS 118.129.***
- (4) The Secretary of State shall examine the petition of each candidate to determine whether it is regular on its face. If there is an error, the Secretary of State shall notify the candidate by certified mail within twenty-four (24) hours of filing. The order of names on the ballot for each district or circuit, and numbered division if divisions exist, shall be determined by lot at a public drawing to be held in the office of the Secretary of State at 2 p.m., standard time, on the Thursday following the filing deadline for the primary as established in this section and in KRS 83A.045 and 118.165.
- (5) Not later than the date set forth in KRS 118.215(1)(a) preceding the primary, and after the order of names on the ballot has been determined as required in subsection (4) of this section, the Secretary of State shall:
 - (a) Certify to the county clerks of the respective counties entitled to participate in the election of the various candidates, the name and place of residence of each candidate for each office, by district or circuit, and numbered division if divisions exist, as specified in the petitions for nomination filed with him or her; and
 - (b) Designate for the county clerks the office of the Court of Justice with which the names of candidates shall be printed and the order in which they are to appear on the ballot.
- (6) The ballot position of a candidate shall not be changed after the ballot position has been designated by the Secretary of State.
- (7) The county clerks of each county shall cause to be printed on the ballots for the primary the names of the candidates for offices in the Court of Justice.
- (8) The names of the candidates shall be placed on the ballots in a separate column or columns or in a separate line or lines and identified by the words "Judicial Ballot." The words "Vote for one," or "Vote for one in each division," shall be printed on the ballot in an appropriate location. The office, numbered division if divisions exist, and the candidates shall be clearly labeled. No party designation or emblem of any kind, nor any sign indicating any candidate's political belief or party affiliation, shall be used on the ballots.
- (9) The two (2) candidates receiving the highest number of votes for nomination for justice or judge of a district or circuit, or numbered division if divisions exist, shall be nominated. Certificates of nomination shall be issued as provided in KRS 118A.190.

- (10) If it appears after expiration of the time for filing petitions for nomination that there are not more than two (2) candidates who have filed the necessary petitions for a place on the ballot in the regular election, no drawing for ballot position shall be held and the Secretary of State shall immediately issue and file in the Secretary's office certificates of nomination, and send copies to the candidates.

➔Section 24. KRS 118A.090 is amended to read as follows:

- (1) For the regular election, the order of names on the ballot for each district or circuit, and numbered division if divisions exist, shall be determined by lot at a public drawing to be held in the office of the Secretary of State at 2 p.m., standard time, on the Thursday following the first Tuesday after the first Monday in June preceding the regular election, except as provided in KRS 118A.100(5)~~(6)~~.
- (2) Not later than the date set forth in KRS 118.215(1)(b) after the filing deadline for the regular election in a year in which there is no election for President and Vice President of the United States, or not later than the date set forth in KRS 118.215(1)(c) preceding a regular election in a year in which there is an election for President and Vice President of the United States, and after the order of names on the ballot has been determined as required in subsection (1) of this section, the Secretary of State shall:
 - (a) Certify to the county clerks of the respective counties entitled to participate in the election of the various candidates, the name and place of residence of each candidate for each office, by district or circuit, and numbered division if divisions exist, as certified under KRS 118A.060; and
 - (b) Designate for the county clerks the office of the Court of Justice with which the names of candidates shall be printed and the order in which they are to appear on the ballot.
- (3) The ballot position of a candidate shall not be changed after the ballot position has been designated by the Secretary of State. The county clerks of each county shall cause to be printed on the ballots for the regular elections the names of the candidates for offices of the Court of Justice.
- (4) The names of the candidates shall be placed on the ballots in a separate column or columns or in a separate line or lines and identified by the words "Judicial Ballot," and in such a manner that the casting of a vote for all of the candidates of a political party will not operate to cast a vote for judicial candidates. The words "Vote for one" or "Vote for one in each division," shall be printed on the ballot in an appropriate location. The office, numbered division thereof if divisions exist, and the candidates therefor shall be clearly labeled. No party designation or emblem of any kind, nor any sign indicating any candidate's political belief or party affiliation, shall be used on any ballot.
- (5) The candidate receiving the highest number of votes cast at the regular election for a district or circuit, or for a numbered division thereof if divisions exist, shall be elected.

➔Section 25. KRS 118A.100 is amended to read as follows:

- (1) Candidates for an unexpired term of a judicial office to be filled at a regular election shall be nominated at the primary next preceding the regular election in the manner prescribed in KRS 118A.060 if the vacancy occurs not later than the second Friday in December preceding the primary. If the vacancy occurs on or after that date, the election to fill the unexpired term shall be held in accordance with the procedures described in this section and Section 152 of the Constitution of Kentucky.
- (2) ~~If in a regular election for judicial office no candidates nominated as provided in KRS 118A.060 are available due to death, incapacity, or withdrawal, and the candidates have not been replaced as provided in KRS 118A.060, the election to fill the regular term shall be conducted in the manner prescribed in subsections (3) through (11) of this section.~~
- (3) Each candidate shall file a petition for nomination with the Secretary of State not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the election for the unexpired term will be held and not later than the first Tuesday after the first Monday in June preceding the day fixed by law for holding the regular election for the unexpired term, if the vacancy occurs prior to the first Tuesday following the first Monday in June. If the vacancy occurs after the first Tuesday following the first Monday in June, each candidate shall file a petition for nomination with the Secretary of State not later than the second Tuesday in August preceding the day fixed by law for holding the regular election for the unexpired term. The petition shall be sworn to by the candidate and by not less than two (2) registered voters from the district or circuit from which he or she seeks nomination, before an officer authorized to administer an oath. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot.

The petition shall be filed no later than 4 p.m. local time at the place of filing when filed on the last date on which the papers are permitted to be filed.

- ~~(3)~~~~(4)~~ The petition for nomination shall be in the form prescribed by the State Board of Elections. The petition shall include a declaration sworn to by the candidate, that he or she possesses all the constitutional and statutory requirements of the office for which the candidate has filed. Titles, ranks, or spurious phrases shall not be accepted on the petition and shall not be printed on the ballots as part of the candidate's name; however, nicknames, initials, and contractions of given names may be acceptable as the candidate's name.
- ~~(4)~~~~(5)~~ The Secretary of State shall examine the petition of each candidate to determine whether it is regular on its face. If there is an error, the Secretary of State shall notify the candidate by certified mail within twenty-four (24) hours of filing.
- ~~(5)~~~~(6)~~ The order of names on the ballot for each district or circuit, and numbered division if divisions exist, shall be determined by lot at a public drawing to be held in the office of the Secretary of State at 2 p.m., standard time, on the Thursday following the first Tuesday after the first Monday in June preceding the regular election for those petitions for nomination required to be filed no later than the first Tuesday following the first Monday in June. For those petitions for nomination required to be filed no later than the second Tuesday in August, the order of names on the ballot for each district and circuit, and numbered division if divisions exist, shall be determined by lot at a public drawing to be held in the office of the Secretary of State at 2 p.m., standard time, on the Thursday following the second Tuesday in August preceding the regular election.
- ~~(6)~~~~(7)~~ Not later than the date set forth in KRS 118.215 and after the order of names on the ballot has been determined as required in subsection ~~(5)~~~~(6)~~ of this section, the Secretary of State shall:
- (a) Certify to the county clerks of the respective counties entitled to participate in the election of the various candidates, the name and place of residence of each candidate for each office, by district or circuit, and numbered division if divisions exist, as specified in the petitions for nomination filed with the Secretary of State; and
 - (b) Designate for the county clerks the office of the Court of Justice with which the names of candidates shall be printed and the order in which they are to appear on the ballot.
- ~~(7)~~~~(8)~~ The ballot position of a candidate shall not be changed after the ballot position has been designated by the county clerk.
- ~~(8)~~~~(9)~~ The county clerks of each county shall cause to be printed on the ballots, including absentee ballots, for the regular election the names of the candidates for offices of the Court of Justice.
- ~~(9)~~~~(10)~~ The names of the candidates shall be placed on the ballots in a separate column or columns or in a separate line or lines and identified by the words "Judicial Ballot," and in a manner so that the casting of a vote for all of the candidates of a political party will not operate to cast a vote for judicial candidates. The words "Vote for one" or "Vote for one in each division," shall be printed on the appropriate location. The office, numbered division if divisions exist, and the candidates therefor shall be clearly labeled. No party designation or emblem of any kind, nor any sign indicating any candidate's political belief or party affiliation, shall be used on any ballot.
- ~~(10)~~~~(11)~~ The candidate receiving the highest number of votes cast at the regular election for a district or circuit, or for a numbered division if divisions exist, shall be elected.
- ~~(11)~~~~(12)~~ A judge who elected to retire as a Senior Status Special Judge in accordance with KRS 21.580 shall not become a candidate or a nominee for any elected office during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the number of days served by the judge acting as a Senior Status Special Judge.

➔Section 26. KRS 119.005 is amended to read as follows:

As used in this chapter:

- (1) A "ballot" or "official ballot" means the official presentation of offices and candidates to be voted for, including write-in candidates, and all public questions submitted for determination, and shall include a voting machine ballot, a paper ballot, an absentee ballot, a special ballot, a federal provisional ballot, a federal provisional absentee ballot, or a supplemental paper ballot which has been authorized for the use of the voters in any primary or regular or special election by the Secretary of State or the county clerk;
- (2) "Ballot box" means any box, bag, or other container that can be locked, sealed, or otherwise rendered tamper-resistant, for receiving ballots;

- (3) *"Election administration information system" means any computer-based information technology application used by the Commonwealth in the administration of elections;*
- (4) "Election officer" has the same meaning as in KRS 118.015;
- (5)~~((4))~~ "Voting equipment" means any physical component of a voting system and includes voting machines where voting machines are in operation;
- (6)~~((5))~~ "Voting machine" or "machine" means a part of a voting system that consists of~~[-~~:
- (a) ~~— A direct recording electronic voting machine that:~~
- ~~1. — Records votes by means of a ballot display provided with mechanical or electro-operated components that may be actuated by the voter;~~
 - ~~2. — Processes the data by means of a computer program;~~
 - ~~3. — Records voting data and ballot images in internal and external memory components; and~~
 - ~~4. — Produces a tabulation of the voting data stored in a removable memory component and on a printed copy; or~~
- (b) ~~— } one (1) or more electronic devices that operate independently or as a combination of a ballot-marking device and an electronic or automatic vote-tabulating device; and~~
- (7)~~((6))~~ "Voting system" means:
- (a) The total combination of physical, mechanical, electromechanical, or electronic equipment, including the software, hardware, firmware, and documentation required to program, control, and support that equipment, that is used to:
1. Define ballots;
 2. Cast and count votes;
 3. Report or display election results; and
 4. Maintain and produce any audit trail information; and
- (b) The practices and associated documentation used to:
1. Identify system components and versions of those components;
 2. Test the system during its development and maintenance;
 3. Maintain records of system errors and defects;
 4. Determine specific system changes to be made to a system after the initial qualification of the system; and
 5. Make available any materials to the voter, such as notices, instructions, forms, or paper ballots.

➔Section 27. KRS 119.115 is amended to read as follows:

- (1) Any unauthorized person found in possession of any key to a voting machine, voting equipment, or voting system to be used or being used in any primary, regular election, or special election shall be guilty of a Class A misdemeanor.
- (2) Any person who, during or before any primary, regular election, or special election, willfully tampers with or attempts to tamper with, disarrange, deface,~~[-or]~~ impair in any manner whatsoever, injures, or destroys any ballot, *e-poll book, election administration information system,*~~[-or destroys any]~~ voting machine, voting equipment, or voting system while in use at an election or at any other time, or who shall, after such voting machine, voting equipment, or voting system is locked and sealed in order to preserve the record of the vote, tamper with or attempt to tamper with the record of the vote, or who aids or abets with intent to destroy or change the record of the vote shall be guilty of a Class D felony.
- (3) Any election official, or other person entrusted with the custody or control of any voting machine, voting equipment, or voting system shall be guilty of a Class D felony if he or she knowingly and intentionally:
- (a) Causes or permits any voting machine, voting equipment, or voting system to fail to correctly register or count votes cast, tampers with or disarranges such voting machine, voting equipment, or voting system in any way;

- (b) Unlawfully opens a voting machine, voting equipment, or voting system;
- (c) Prevents or attempts to prevent the correct operation of a voting machine, voting equipment, or voting system;
- (d) Causes a voting machine, voting equipment, or voting system to be used or consents to its being used for any election with knowledge of the fact that the voting machine, voting equipment, or voting system is not in order, or not perfectly set and adjusted to correctly register all votes cast;
- (e) Removes, changes, or mutilates any ballot; or
- (f) Directly connects or attempts to directly connect a voting machine, voting equipment, or voting system that tabulates or aggregates votes to a public network, including the Internet, at any time.

➔Section 28. KRS 160.190 is amended to read as follows:

- (1) Any vacancy in any board of education shall be filled by a majority vote of the remaining members of the local board within sixty (60) days after the vacancy occurs. Within thirty (30) days of the vacancy, the local board shall, for two (2) weeks, have solicited applications by posting a notice announcing the vacancy on the district's ~~website~~~~[Web site]~~ and by placing an advertisement in the newspaper of the largest general circulation in the county. An applicant shall file a letter of intent with the local board affirming that the applicant meets the eligibility requirements as established by KRS 160.180 and shall submit with the application a transcript evidencing completion of the twelfth grade or results of a twelfth grade equivalency examination. After the two (2) weeks of advertisement on the district's ~~website~~~~[Web site]~~ and in the newspaper, the local board shall select from the applicants under this subsection to fill the vacancy.
- (2) If the local board fails to make an appointment under subsection (1) of this section, then the chief state school officer shall fill the vacancy within sixty (60) days of the failure.
- (3) The member chosen under this section shall meet the eligibility requirements as established by KRS 160.180 and shall hold office until his or her successor is elected or appointed, and has qualified.
- (4) Any vacancy having an unexpired term of one (1) year or more on August 1 after the vacancy occurs shall be filled for the unexpired term by an election to be held at the next regular election after the vacancy occurs. The elected member shall succeed the member chosen under subsection (1) or (2) of this section to fill the vacancy. ***Nominating petitions shall be filed with the county clerk not later than the second Tuesday in August preceding the day for holding the regular election for the unexpired term. Declarations of intent to be a write-in candidate shall be filed with the county clerk in accordance with Section 9 of this Act.***
- (5) (a) If no candidate files a petition of nomination ***or declaration of intent to be a write-in candidate*** to fill an unexpired term on a local board of education under subsection (4) of this section, then a new vacancy shall exist on November 1 and the vacancy shall be filled according to subsection (1) of this section.
- (b) If no candidate files a petition of nomination ***or declaration of intent to be a write-in candidate*** for a new term on a local board of education opening pursuant to KRS 118.315 and 118.365, then a vacancy shall exist on January 1 and the vacancy shall be filled according to subsection (1) of this section.

➔Section 29. Notwithstanding subsection (2)(a) of Section 2 of this Act, members appointed by the State Board of Elections to the county board of elections whose terms expire on June 30, 2024, shall be reappointed by the State Board of Elections for a term of one year to expire on June 30, 2025. Thereafter, appointments shall be made every four years in accordance with subsection (2)(a) of Section 2 of this Act.

➔Section 30. Whereas it is critically important to protect the integrity and reliability of the electoral process in order to safeguard the fundamental right to vote, and it is a reasonable legislative task to seek improvement and modernization of election procedures without undue delay in notice to the people of the Commonwealth and its election officials tasked with administering the election laws within this state, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Became law without Governor's signature April 27, 2024.

(HB 147)

AN ACT relating to local property tax rate levies.

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

➔Section 1. KRS 132.017 is amended to read as follows:

(1) As used in this section:

(a) ~~the~~ "Local governmental entity" includes a county fiscal court and legislative body of a city, urban-county government, consolidated local government, charter county government, unified local government, or other taxing district; **and**

(b) *"Next regular election" means the regular election that occurs immediately after all statutory requirements for levying a property tax rate have been met, regardless of whether the election occurs in the same or a subsequent calendar year as the levy of the property tax rate.*

(2) (a) 1. Except as provided in subparagraph 2. of this paragraph, the portion of a tax rate levied by an ordinance, order, resolution, or motion of a local governmental entity or district board of education subject to recall as provided for in KRS 68.245, 132.023, 132.027, and 160.470, shall go into effect forty-five (45) days after its passage.

2. When a tax rate is levied by a district board of education or other taxing district that is primarily located in a county containing an urban-county government or a consolidated local government, the portion of a tax rate levied by an ordinance, order, resolution, or motion of a district board of education or other taxing district subject to recall as provided for in KRS 68.245, 132.023, 132.027, and 160.470, shall go into effect fifty (50) days after its passage.

(b) During the same forty-five (45) day or fifty (50) day time period provided by paragraph (a) of this subsection, any five (5) qualified voters, who reside in the area where the tax levy will be imposed, may commence petition proceedings to protest the passage of the ordinance, order, resolution, or motion by filing an affidavit with the county clerk. The affidavit shall state:

1. The five (5) qualified voters constitute the members of the petition committee;

2. The petition committee will be responsible for circulating the petition;

3. The petition committee will file the petition in the proper form within the same forty-five (45) day or fifty (50) day time period provided by paragraph (a) of this subsection;

4. The names and addresses of the petition committee members;

5. The address to which all notices to the committee are to be sent; and

6. For petition committees filing petitions in response to a tax rate levied by a district board of education or other taxing district that is primarily located in a county containing an urban-county government or a consolidated local government, whether or not the petition committee is willing to incur all of the expenses associated with electronic petition signatures. If the petition committee is not willing to incur all of the expenses, then electronic petition signatures shall not be allowed for the petition.

(c) Upon receipt of the affidavit, the county clerk shall immediately:

1. Notify the petition committee of all statutory requirements for the filing of a valid petition under this section;

2. Notify the petition committee that the clerk will publish a notice identifying the tax levy being challenged and providing the names and addresses of the petition committee in a newspaper of general circulation within the county, if:

a. There is a newspaper within the county in which to publish the notice; and

b. The petition committee remits an amount equal to the cost of publishing the notice determined in accordance with the provisions of KRS 424.160 at the time of the filing of the affidavit.

If the petition committee elects to have the notice published, the clerk shall publish the notice within five (5) days of receipt of the affidavit; and

3. Deliver a copy of the affidavit to the appropriate local governmental entity or district board of education.
- (d) The petition shall be filed with the county clerk within the same forty-five (45) day or fifty (50) day time period provided by paragraph (a) of this subsection and meet the following requirements:
1. All papers of the petition shall be substantially uniform in size and style and shall be assembled in one (1) instrument for filing;
 2. For a district board of education or other taxing district that is primarily located in a county containing an urban-county government or a consolidated local government, each sheet of the petition may contain the names of voters from more than one (1) voting precinct, and for a district board of education or other taxing district that is not primarily located in a county containing an urban-county government or a consolidated local government, each sheet of the petition shall contain the names of voters from one (1) voting precinct;
 3. Each nonelectronic petition signature shall be executed in ink or indelible pencil;
 4. Each electronic petition signature shall comply with the requirements of the Uniform Electronic Transactions Act, KRS 369.101 to 369.120;
 5. Each electronic and nonelectronic petition signature shall be followed by the printed name, street address, Social Security number or birth month, and the name and number of the designated voting precinct of the person signing; and
 6.
 - a. The petition shall be signed by a number of registered and qualified voters residing in the affected jurisdiction equal to at least ten percent (10%) of the total number of votes cast in the last preceding presidential election.
 - b. Electronic petition signatures shall be included in determining whether the required number of petition signatures has been obtained when the expenses associated with the electronic petition signatures have been incurred in accordance with paragraph (b)6. of this subsection, the electronic petition signatures comply with the requirements of this subsection, and the petition was filed in response to a tax rate levied by a district board of education or other taxing district that is primarily located in a county containing an urban-county government or a consolidated local government. The inclusion of an invalid electronic or nonelectronic petition signature on a page shall not invalidate the entire page of the petition, but shall instead result in the invalid petition signature being stricken and not counted.
 - c. Notwithstanding subdivision a. of this subparagraph if a petition is filed in response to a tax rate levied by a district board of education, the petition shall be signed by at least five thousand (5,000) registered and qualified voters residing in the affected jurisdiction, or signed by a number of registered and qualified voters residing in the affected jurisdiction equal to at least ten percent (10%) of the total number of votes cast in the last preceding presidential election, whichever is less.
- (e) Upon the filing of the petition with the county clerk, the ordinance, order, resolution, or motion shall be suspended from going into effect until after the election referred to in subsection (3) of this section is held, or until the petition is finally determined to be insufficient and no further action may be taken pursuant to paragraph (i) of this subsection.
- (f) The county clerk shall immediately notify the presiding officer of the appropriate local governmental entity or district board of education that the petition has been received and shall, within thirty (30) days of the receipt of the petition, make a determination of whether the petition contains enough signatures of qualified voters to place the ordinance, order, resolution, or motion before the voters.
- (g) If the county clerk finds the petition to be sufficient, the clerk shall certify to the petition committee and the local governmental entity or district board of education within the thirty (30) day period provided for in paragraph (f) of this subsection that the petition is properly presented and in compliance with the provisions of this section, and that the ordinance, order, resolution, or motion levying the tax will be placed before the voters for approval.
- (h) If the county clerk finds the petition to be insufficient, the clerk shall, within the thirty (30) day period provided for in paragraph (f) of this subsection, notify, in writing, the petition committee and the local

governmental entity or district board of education of the specific deficiencies found. Notification shall be sent by certified mail and shall be published at least one (1) time in a newspaper of general circulation within the county containing the local governmental entity or district board of education levying the tax. If there is not a newspaper within the county in which to publish the notification, then the notification shall be posted at the courthouse door.

- (i) A final determination of the sufficiency of a petition shall be subject to final review by the Circuit Court of the county in which the local governmental entity or district board of education is located, and shall be limited to the validity of the county clerk's determination. Any petition challenging the county clerk's final determination shall be filed within ten (10) days of the issuance of the clerk's final determination.
 - (j) The local governmental entity or district board of education may cause the cancellation of the election by reconsidering and amending the ordinance, order, resolution, or motion to levy a tax rate which will produce no more revenue from real property, exclusive of revenue from new property as defined in KRS 132.010, than four percent (4%) over the amount of revenue produced by the compensating tax rate defined in KRS 132.010 from real property. The action by the local governmental entity or district board of education shall be valid only if taken within fifteen (15) days following the date the clerk finds the petition to be sufficient.
- (3) (a) If an election is necessary under the provisions of subsection (2) of this section:
- 1. ~~[(c)]~~The local governmental entity shall cause to be submitted to the voters of the district at the next regular election, the question as to whether the property tax rate shall be levied; ~~or~~ ~~[(b)]~~ ~~The question shall be submitted to the county clerk not later than the second Tuesday in August preceding the regular election.~~
 - 2. ~~[(b)]~~ If an election is necessary for a school district under the provisions of subsection (2) of this section, ~~[(b)]~~ The district board of education *shall* ~~[(b)]~~ ~~may~~ cause to be submitted to the voters of the district in a called common school election not less than thirty-five (35) days nor more than forty-five (45) days from the date the signatures on the petition are validated by the county clerk, or at the next regular election, at the option of the district board of education, the question as to whether the property tax rate shall be levied. ~~[(b)]~~ ~~If the election is held in conjunction with a regular election, the question shall be submitted to the county clerk not later than the second Tuesday in August preceding the regular election.~~ The cost of a called common school election shall be borne by the school district holding the election. Any called common school election shall comply with the provisions of KRS 118.025.
- (b) *If an election under paragraph (a) of this subsection is held in conjunction with a regular election, the question as to whether the property tax rate shall be levied shall be submitted to the county clerk no later than the second Tuesday in August preceding the regular election.*
- (c) In an election held under paragraph (a) ~~[(a)]~~ ~~[(b)]~~ of this subsection, the question shall be *framed to ask whether the voter is for the levy of the property tax rate.* ~~[(a)]~~ ~~[(b)]~~ ~~so framed that the voter may by his or her vote answer "for" or "against."~~ If a majority of the votes cast upon the question oppose its passage, the ordinance, order, resolution, or motion shall not go into effect. If a majority of the votes cast upon the question favor its passage, the ordinance, order, resolution, or motion shall become effective.
 - (d) If the ordinance, order, resolution, or motion fails to pass pursuant to an election held under paragraph (a) ~~[(a)]~~ ~~[(b)]~~ of this subsection, the property tax rate which will produce four percent (4%) more revenues from real property, exclusive of revenue from new property as defined in KRS 132.010, than the amount of revenue produced by the compensating tax rate defined in KRS 132.010, shall be levied without further approval by the local governmental entity or district board of education.
 - (e) Local, state, and federal tax dollars shall not be used to advocate, in partial terms, for or against any public question that appears on the ballot in this subsection. For purposes of this section, "local" means and includes any city, county, urban-county government, consolidated local government, unified local government, charter county, or special district.
- (4) Notwithstanding any statutory provision to the contrary, if a local governmental entity or district board of education has not established a final tax rate as of September 15, due to the recall provisions of this section, KRS 68.245, 132.027, or 160.470, regular tax bills shall be prepared as required in KRS 133.220 for all districts having a tax rate established by that date; and a second set of bills shall be prepared and collected in the regular manner, according to the provisions of KRS Chapter 132, upon establishment of final tax rates by the remaining districts.

- (5) If a second billing is necessary, the collection period shall be extended to conform with the second billing date.
- (6) All costs associated with the second billing shall be paid by the taxing district or districts requiring the second billing.

Became law without Governor's signature April 27, 2024.